



Regional development studies

# The EU compendium of spatial planning systems and policies **Belgium**

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# **The EU compendium of spatial planning systems and policies Belgium**

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## Preface

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Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.



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## Compendium's objectives

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The compendium is made up of numerous documents. The main volume is the Comparative review of systems and policies (Regional development studies — Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies — Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the compendium is to provide information in order to improve understanding of the variety of approaches.

### **Form and content**

The principles that have guided the preparation of the compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross-reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

### **Level of detail**

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with

unnecessary detail. The panel of experts have been most helpful in determining where more or less (or clearer) explanation is required. The compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the compendium for Member States will vary.

The compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

### **Regional variations**

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and Commission was to provide an full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

### **Structure**

The compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the compendium covering systems and policies include four main sections.

#### ***A. Overview***

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national, regional and local levels.

#### ***B. Making and reviewing plans and policies***

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

#### ***C. Regulation and permits***

This section provides an explanation of the types of regulation and permit systems predominantly used to control land-use change, and the procedures by which they are sought, granted and enforced.

#### ***D. Agencies and mechanisms for development and conservation***

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulation, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage. Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

## Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italics in the text. When first used these terms should be accompanied by a very brief explanation of the meaning of the term (if this not evident from the text). The explanation is repeated if necessary at the first mention of later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms has been avoided because this gives rise to considerable ambiguity. For example the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK *local plan* is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

## Scope and content

The content of the compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land-use and development issues which have spatial implications'. In the words of the brief the compendium is concerned with:

'spatial planning and development in the widest sense (strategic, regional and physical land-use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land-use) planning system.'

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the spatial planning system in different Member States. One benefit of the compendium is that it helps us to understand these differences.

## Benchmark date

Because of the need for the compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas. The deadline for the information in this publication on the policies and systems for spatial planning in Belgium was the beginning of 1995.

Since then, changes have taken place in the legislation affecting spatial planning.

It must be recalled that spatial planning in Belgium takes place entirely at the regional level, so that the regions of Brussels, Wallonia and Flanders can pass legislation in this field entirely independently of one another.

Modifications to the legislation have taken place in the three regions. In the Walloon Region, the Walloon code for spatial planning, urbanism and heritage was fundamentally modified by decree on 27 November 1997. In the Flemish Region, the decree of 24 July 1996 gave a legal basis to spatial planning on three levels (region, province, commune). In the Brussels Capital Region, modifications were made to the legislation in place, *ordonnance organique de la planification et de l'urbanisme*, on 29 August 1991.

Further modifications are also under way.

If you are interested in receiving and update of this information, please contact the regional administration concerned, the addresses of which are shown below.

#### For the Brussels Capital Region

Name	Ministère de la Région de Bruxelles-Capitale Administration de l'Aménagement du Territoire et du Logement Service Études et Planification
Address	CCN, rue du Progrès 8C, Boîte 1, B-1030 Brussels
Contact persons	Benoît Périlleux, Serge Clermont
Tel.	(32-2) 204 23 85 (32-2) 204 23 29
Fax	(32-3) 204 14 24
E-mail	Bperilleux@mrbe.irisnet.be
Website	

#### For the Flemish Region

Name	Administratie Ruimtelijke Ordening, Huisvesting en Monumenten en Landschappen
Address	Graaf de Ferrarisgebouw, E. Jacqmainlaan 156, Bus 7, B-1000 Brussels
Contact persons	
Tel.	Directorate-General: (32-2) 553 83 11 Spatial Planning Unit: (32-2) 553 83 79 Licences Unit: (32-2) 553 83 34
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Website	

#### For the Walloon Region

Name	Direction Générale de l'Aménagement du Territoire, du Logement et du Patrimoine
Address	Rue des Brigades d'Irlande 1, B-5100 Jambes
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Tel.	Téléphone vert: 0800 11901 Direction générale: (32-81) 33 21 11
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## Authors' note

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Many people have contributed to the preparation of the Belgian chapter of the Compendium. We are grateful to Mrs Danielle Sarlet (DGATLP, Walloon Region), Mr Benoît Périlleux and Mrs Ann Geets (GOC-CDR, Brussels Capital Region) and Mr Jos Lorent (AROHM, Flemish Region) for their comments and for providing us with valuable information about their region. We are also grateful to Mr Eddie Vandevenne and Mr Joris Scheers (ISRO, KU Leuven) for their valuable comments. The art work was done by Mr Raf Suttels (ISRO, KU Leuven).

It is the appropriate time to emphasise that this document has been prepared as part of a comparative exercise and follows a format that has been designed to describe all the different planning systems in the EU. It has also been written with the foreign reader and its comparative purpose in mind. Considerable care has been taken in the use and translation of the various terms.

Since the 1980s, the three Belgian regions have been in a period of transition, which has run parallel with the evolution of Belgium towards a federal State. The fact that Belgium has three independent spatial planning systems, without any federal supervision, made it, in addition to the reality that two languages, Dutch and French, are spoken (even three if the German language spoken in a few eastern municipalities of Wallonia is taken into account), a challenge to produce a text that is accurate, complete and accessible to foreign readers.

In agreement with the lead contractor and the Commission, we have followed the approach that each of the three regions should be dealt with equally; emphasising the differences and focusing on the similarities between the planning systems of the regions. Because of the limitation in length set out from the beginning, it was not possible to explain all three systems in detail which consequently leads to a loss of detail. We believed, however, and the contacts with the different administrations confirmed this assessment, that one of the major values of the study is the description of the factual similarities and differences between the three systems and the identification of the major characteristics of systems that undergo substantial change.

We are aware that this volume is an abstraction of the reality of planning systems in Belgium. The emphasis is on formal procedures and instruments and we do recognise that it does not reflect the complex and ingenious nature of town and spatial planning in practice. The question of the factual operation of the systems is addressed to some extent by the case studies which are published in separate volumes.

As set out by the lead contractor and the Commission, the Compendium is a 'snapshot' comparison of planning systems in Belgium, and in the EU, at 1 January 1994. Since then, legislation and procedures have changed constantly and significantly and we have made an effort to indicate where there has been significant change in the system since that date. It finally should be noted that this text reflects the view of the authors and any omissions or errors remain our responsibility.

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December 1997

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## A. Overview of planning system

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### General summary

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A1. The planning systems of the three Belgian Regions delegate the responsibility for spatial planning to the three regional governments and the 589 municipal authorities and to a lesser extent to the 10 provincial authorities.

A2. The Belgian planning systems are based on the 1962 Spatial Organisation and Town Planning Act (1962 Spatial Planning Act) which covered the whole national territory. Since 1962, this Act was changed and updated several times. The basic principles of the Act, however, remain applicable even though spatial planning has become a regionalised competence as result of the constitutional reforms of 1980 and 1988.

A3. In the 1980s the three Belgian Regions (Flanders, Wallonia and Brussels Capital) inherited the 1962 Spatial Planning Act. Each of them is free to change and amend or even replace the old Belgian planning legislation. There is no federal supervision on how the Regions deal with their spatial planning. Consequently, this means the emergence of different planning systems in each Region, as well as different policies and priorities.

A4. The Brussels Capital Region has reviewed its planning system in 1991. The Walloon Region planning system is continuously evolving since its codification in 1984. In the Flemish Region the (updated) 1962 planning system still exists. In 1996 the planning system partially is reviewed and more planning legislation is being prepared which will differ substantially from the 1962 Spatial Planning Act (see *infra*).

### Principles

A5. The 1962 planning system formally intended to define plans for the nation, planning region, sub-region and municipalities from the economic, social and aesthetic point of view and to safeguard the nation's landscape (Article (1) 1962 Spatial Planning Act). This aim is pursued by designing plans, granting building and parcelling permits, formulating regional and municipal building and parcelling regulations and finally also by imposing civil and penal sanctions for violations. In their respective legislations, the Regions have precised in different ways their goals for spatial planning. In the Walloon Region, for example, prudent management of the land resource and safeguard of the natural and cultural heritage have been added to the initial goals.

A6. Basically the spatial organisation is defined in so-called destination plans (*bestemmingsplannen*) (*plans de destination*). A destination plan is a land-use plan which can cover a Region, a sub-region, a municipality or part of a municipality (see *infra*). Regional and sub-regional land-use plans are formulated by the regional government, while municipal and sub-municipal land-use plans are formulated by the municipal government. All municipal and sub-municipal land-use plans have to be approved by the regional government. By extrapolating from expected activities and the existing land-use, a land-use plan determines the allowed use of its territory by precisely indicating the allowed activities in each type of zone. Apart from the main transport provisions, in general six broad types of zones are used: residential, industrial, services, rural, recreational and special zones (see Section A, Land policy and land quality). These broad zones are

subdivided into sub-zones thus increasing the detail.

A7. A destination plan consists of graphic and written prescriptions both having the same regulating and binding value. A destination plan has legal effects upon both government and citizens. Consequently, the area destinations in a land-use plan are fixed. In the recent past other plan types, such as structure plans and development plans, have been introduced (see *infra*).

A8. Destination plans (land-use plans) have a certain static character because they fix the destination of an area until a new destination is identified in a new plan. They also are passive because they only authorise certain developments initiated by others without taking initiatives themselves in order to guarantee that desirable developments will take place at the right place on the right moment.

A9. Because the Belgian destination plans are legally binding and regulating, they offer legal certainty to a citizen on the destination of his real estate. A citizen can fall back on certain rights and duties that result from the approved plans. The downside of a system which offers legal certainty is that it can lead to a lack of flexibility. The plans rely on choices made in the past which may have become irrelevant or unwanted after some time. Nevertheless these choices retain their legal binding value and are used to assess all development proposals. The review of a plan is no automatic process because there is no fixed period of validity of a destination plan (e.g. 10 years): a plan remains in force until it has been replaced. The adaptation of the non-adjusted elements of a destination plan then depends on whether at a certain moment of time there is a majority in society, as expressed in a majority in a council or government, which wants to initiate a plan-reviewing process. In the Walloon Region, municipal plans may be abrogated under certain conditions designed to ensure continuity of spatial planning.

A10. Throughout the 1980s, several attempts were made to introduce different, more flexible, forms of planning. A *structuurplan/plan de structure* (structure plan) is a document that on a certain area (region, province, municipality, neighbourhood) expresses a spatial vision on a certain moment and for a certain period of time. Structure planning is characterised as an integrated, continuous, cyclic, participation-oriented and action-

oriented planning process. The Brussels Capital Region claims to go even further by adopting an all-sectoral approach to space such as economy, culture, environment, housing developments, transport problems, etc., which explains why the Brussels Capital Region uses the terminology *ontwikkeling/développement* (development plan) rather than structure plan. This structure planning approach has found its way to all planning systems (see *infra*).

A11. Before final adoption a land-use plan has to be submitted for public inspection. This means that public involvement legally is ensured in the planning process at all plan levels. However, citizens can only file objections or suggestions after the first draft has been adopted and do not participate in the initial design of the plans. There is no opportunity for appeal on the contents of an adopted plan (provided the planning procedure was followed correctly). The adoption of a plan is conclusively determined by the regional or municipal authorities. The procedures of the public consultation are regarded as being adequate for the legitimacy of the political decision.

A12. The planning system is based on the principle of framework control, signifying that the plans at lower levels should not contradict planning decisions at higher levels. The lower-level plan must be based on and be complementary with the indications of the higher-level plan. The lower-level plan, the one covering a smaller area, contains more precise specifications and should in principle conform to the higher-level plan (the one covering a broader area). Under certain conditions the lower-level plan can deviate from the higher-level plan (see Section A, Flexibility versus certainty). Some of these 'exceptions', however, became common practice, for example the exception that so-called (economic) 'weak' destinations (such as green zones) could be transformed into 'strong' zones via a particular destination plan. This led to misuse of the exception because no explicit objective conditions for allowing the exception were ever formulated.

### Historical background

A13. In the light of scarce space and the heavy demands on it, the Belgian planning system has always rooted in the governmental tradition of trying to regulate land development. In order to come to a systematic (that is planned) reconstruction of their war-damaged areas, during the First World War (1915) and after the Second

World War (1946) legislation was passed obliging the municipalities most affected by war to draw up destination plans. Both Acts were valid only for a limited number of municipalities, namely those damaged by war, and were not successful. In 1948 a bonus system was introduced stimulating citizens to build houses or buy houses constructed by the government. The amount of the bonus could rise up to 15 % of the total cost, including the building site. In 1949 a National Housing Fund which activated large-scale social housing projects enforcing sub-urbanisation was created. These laws had a strong influence on sub-urbanisation at the fringe of the cities, due to the fact that the prices of building sites were relatively cheap at these places.

A14. Until 1962, most of the municipal dossiers were treated one by one without the possibility of placing them in a broader framework. The different Acts all emerged under pressure of circumstances and became more and more centralist. Like housing, the main road infrastructure, railways and harbours emerged as a purely sectoral venture. The typical vertical structure of the different departments (housing, roads, traffic and transport) strongly influenced the spatial organisation of Belgian society.

A15. In 1962 the first spatial planning act covering the whole Belgian territory was adopted. The 1962 Spatial Planning Act gave the national government the legal instruments for the physical planning of the whole territory.

## Plan levels in Belgium

### Spatial planning in a federal State

A16. As result of the 1980 and 1988 constitutional reforms, the spatial planning has become a competence of the three Belgian Regions (Flanders, Wallonia and Brussels Capital). As mentioned above, the federal level does not hold any competencies on spatial planning. Consequently the regional level is the highest planning level in Belgium implying that there does not exist a 'Belgian planning system' but three independent planning systems (see Table A1). The intermediary political-administrative level in a Region is the provincial level. Flanders and Wallonia both consist of five provinces. Brussels Capital, however, does not have provinces, nor does it form part of a province. The lowest political-administrative level is the municipality. Flanders consists of 308 municipalities, Wallonia of 262 municipalities while Brussels Capital is formed by 19 municipalities (see Section A, Government structure and powers).

### The 1962 Spatial Planning Act

A17. Since the 1980 constitutional reform, the federal level has no competence left concerning spatial planning. The Flemish, Walloon and Brussels Capital Regions are each responsible for their own spatial planning. Historically, the 1962

**Table A1. Belgian political-administrative structure related to spatial planning**

Belgium			
	Flanders	Wallonia	Brussels Capital
Regional level	Flemish Region	Walloon Region	Brussels Capital Region
Provincial level	5 provinces	5 provinces	–
Municipal level	308 municipalities	262 municipalities	19 municipalities



### Legend

HAINAUT	Province
Mons	Provincial Capital

Region	Provinces
<b>Vlaams Gewest</b> (Flemish Region)	Antwerpen, Limburg, Oost-Vlaanderen, Vlaams-Brabant, West-Vlaanderen
<b>Région Wallonne</b> (Walloon Region)	Brabant Wallon, Hainaut, Namur, Liège, Luxembourg
<b>Brussels Hoofdstedelijk Gewest</b> <b>Région de Bruxelles-Capitale</b> (Brussels Capital Region)	does not form of a province

**Figure A1 : Map of Regions and Provinces in Belgium**



**Figure A2 : Map of Municipalities in and around Brussels Capital Region**

Spatial Planning Act intended the drafting of following plan types (see Table A2):

- A national plan: The national plan was never put into operation. Since the 1980s constitutional reforms – implying that the Flemish, Walloon and Brussels Capital Region each are responsible for their own spatial planning – such a national plan will not be prepared (see Table A8). The concept of national planning has been abolished in the planning legislation of the Walloon and Brussels Capital Regions. In the pending new planning legislation of the Flemish Region, the concept national plan will be abolished as well.
- *Streekplannen/plans régionaux*: The 1962 Spatial Planning Act contained provisions for the design of land-use plans for several *streken/régions* (planning regions). Initially 20 planning regions were identified, which did not refer to a political-administrative entity. Later the number of planning regions was reduced to seven: five in Flanders (corresponding with the four Flemish provinces and Flemish Brabant), one for the whole of Wallonia and one for the 19 municipalities of Brussels Capital. For each of the planning regions extensive studies were prepared but no *streekplannen/plans régionaux* as intended by the 1962 Spatial Planning Act have been designed. The concept of *streekplannen/plans régionaux* has been abolished in the Brussels Capital Region. In the Walloon Region, the concept of *plan régional* still exists, but is expected to be reviewed in the near future. In the new Flemish spatial planning legislation which currently is being prepared the *streekplannen* will be abolished as well.
- *Gewestplannen/plans de secteur*: A *gewest/secteur* (sub-region) is a planning entity which does not correspond to a political-administrative entity. A sub-region covers an area larger than a municipality but smaller than a province, with an average surface of approximately 625 km<sup>2</sup> (wide variations). A sub-regional plan (*gewestplan/plan de secteur*) is a land-use plan for

**Table A2. Plan types of 1962 Spatial Planning Act**

Plan level	Planning authority	Plan name	Plan type
Nation	Central government	(never defined)	
Planning region	Central government	plan planning region ( <i>streekplan/plan régional</i> )	Land-use plan
Sub-region	Central government	sub-regional plan ( <i>gewestplan/plan de secteur</i> )	Land-use plan
Municipality	Municipal government	municipal destination plan <sup>(1)</sup> ( <i>algemeen plan van aanleg/ plan général d'aménagement</i> )	Land-use plan
Sub-municipality	Municipal government	particular destination plan <sup>(1)</sup> ( <i>bijzonder plan van aanleg/ plan particulier d'aménagement</i> )	Land-use plan

<sup>(1)</sup> The municipal land-use plans have to be approved at central government level.

**Table A3. Planning system in Flemish Region until 1996**

Plan level	Planning authority	Plan name	Plan type
Sub-region	Regional government	sub-regional plan ( <i>gewestplan</i> )	Land-use plan
Municipality	Municipal government	municipal destination plan <sup>(1)</sup> ( <i>algemeen plan van aanleg</i> )	Land-use plan
Sub-municipality	Municipal government	particular destination plan <sup>(1)</sup> ( <i>bijzonder plan van aanleg</i> )	Land-use plan

Although statutory, the *nationaal plan* and the *streekplannen* still exist; these plan types are not pursued and will be abolished by the pending new Flemish planning legislation.

<sup>(1)</sup> The municipal land-use plans have to be approved by the central government level.

that sub-region and is formulated by the central government (until 1980 national, now regional). Forty-nine sub-regions have been identified: 25 in Flanders, 23 in Wallonia and one in Brussels. For each of the sub-regions a sub-regional plan has been prepared. The *gewestplannen/plans de secteur* are adopted by the central government (initially the national government, since the 1980s the regional government).

- Within the municipalities two levels of plans were provided by the 1962 Spatial Planning Act: the *algemeen plan van aanleg/plan général d'aménagement* (a municipal land-use plan) and the *bijzonder plan van aanleg/plan particulier d'aménagement* (a particular or sub-municipal land-use plan). The former plan type covers the whole municipal territory, the latter covers only a part of a municipal territory. Both plans are land-use plans. They are prepared and adopted by the municipal authorities, and have to be approved by the central government.

A18. Although all sub-regional plans and many municipal plans were drawn up, implementation was weak because of a lack of financial resources, inadequate means of carrying them out, rigid procedures and changing priorities after the legislation was introduced. Once adopted, the sub-regional plans often substituted for the municipal land-use plans, because their status, their coverage and the way they were designed did not leave much room for a lower-level plan.

## Planning instruments in the 1990s

A19. Currently, the planning system is in a period of transition. Having obtained autonomous planning powers, the three Regions have adopted new planning system (Brussels Capital Region), are in a process of doing so (Flemish Region) or have brought substantial changes to the previous system (Walloon Region). Each Region is following a different course of action and has different priorities in formulating their spatial policies.

- Flemish Region: Until 1996, the Flemish Region used the 1962 Spatial Planning Act although the *streekplannen* were not pursued (see Table A3). The highest planning level in Flanders was the *gewestplan* (sub-regional land-use plan). At the municipal level the *algemeen plan van aanleg* and the *bijzonder plan van aanleg* (both land-use plans) were used (see Table A7). While the former covers the whole municipal territory, the latter covers a part of the municipal territory. The Decree of 24 July 1996 (Mon. 27 July 1996) offers a legal basis for the *Ruimtelijk Structuurplan Vlaanderen* (Spatial Structure Plan of Flanders) as well as for the provincial and municipal spatial structure plan. In other words, it introduces new plan types that did not form part of the 1962 legislation. The 1996 Decree introduces a three-tier planning system granting planning competencies to the regional, provincial and municipal level (see Table A4). Each government level uses two kinds of plans: the spatial structure plan

Table A4. Current planning system in the Flemish Region

Plan level	Planning authority	Plan name	Plan type
Regional level	Regional government	Spatial structure plan ( <i>Ruimtelijk Structuurplan Vlaanderen</i> )	Structure plan
	Regional government	Spatial implementation plans ( <i>Ruimtelijke uitvoeringsplannen</i> )	Land-use plan
Provincial level	Provincial government	Provincial structure plan ( <i>Provinciaal structuurplan</i> )	Structure plan
	Provincial government	Provincial implementation plans ( <i>Provinciale uitvoeringsplannen</i> )	Land-use plan
Municipal level	Municipal government	Municipal structure plan ( <i>Gemeentelijk structuurplan</i> )	Structure plan
	Municipal government	Municipal implementation plans ( <i>Gemeentelijke uitvoeringsplannen</i> )	Land-use plan

(*ruimtelijk structuurplan*) and the destination plan (*plan van aanleg*). The *ruimtelijk structuurplan* contains a binding part, an indicative part and an informative part. The binding chapter is binding only for government (administrations, institutions, etc.) and not for the citizen. The government (regional, provincial or municipal) must implement the plans by destination plans, regulations or – if required – changes to legislation. Although the citizen is not directly bound by the spatial structure plan, he can use it against the government if the government would refrain from implementing the plan. Although a *ruimtelijk structuurplan* has a binding part, it is no destination plan. Its principles however can be implemented by destination plans.

The *Ruimtelijk Structuurplan Vlaanderen* (RSV) was prepared from 1992-97 and currently forms a policy guideline for all (regional, provincial and municipal) planning initiatives. The RSV places emphasis on sustainable development with growth to be concentrated mainly in the urban areas (see Section A, Policy). The preservation of open spaces is a key priority.

- Walloon Region: All Acts, decrees and regulations concerning spatial planning applicable to the Walloon Region have been codified and centralised into the 1984 *Code Wallon d'Aménagement du Territoire, de l'Urbanisme et du Patrimoine* (CWATUP). The CWATUP abolished national planning and the *plan général d'aménagement* (municipal land-use plan), and developed a two-tier system which concentrates on the regional and municipal level (see Table A5).

In November 1997 modification of the CWATUP introduced the *Schéma de développement de l'espace régional* (SDER), a regional structure plan which intends to define strategic goals. Before these changes, a draft plan has already been drawn up (*Plan Régional d'Aménagement du Territoire wallon*) (PRATW), although its future has not been determined yet. The project of PRATW has pointed out three important planning aims: to promote the Walloon cities, to re-define a territory and a way of life for the rural areas, and to design development projects for dynamic areas (*aires de dynamique*).

At the intermediate level the *plans de secteurs* have been retained, making them the highest planning level containing land-use regulations. At the municipal level the *plan général d'aménagement* (municipal land-use plan) has been replaced by a *schéma de structure communale* (municipal structure plan). This guiding document covers the whole municipal territory and determines the conditions for municipal development projects. It allows the municipality to understand its potentialities and weaknesses to define development priorities (see also Table A7). Similar to the Flemish Region and Brussels Capital Region, the Walloon Region also works with the *plan particulier d'aménagement* (particular land-use plan). The *schéma-directeur* (guiding structure plan) is a guiding document which amplifies the destination of part of a municipality and which can be considered as a kind of mini *schéma de structure communale*.

- Brussels Capital Region: The Brussels Capital Region has developed a two-tier system

**Table A5. Planning system in the Walloon Region**

Plan level	Planning authority	Plan name	Plan type
Regional level	Regional government	Walloon regional structure plan ( <i>Schéma de Développement de l'Espace Régional</i> )	Structure plan
Sub-regional level	Regional government	Sub-regional plan ( <i>plan de secteur</i> )	Land-use plan
Municipal level	Municipal government	Municipal structure plan ( <i>schéma de structure communale</i> )	Structure plan
Sub-municipal level	Municipal government	Particular destination plan ( <i>plan particulier d'aménagement</i> )	Land-use plan
	Municipal government	Guiding structure plan ( <i>schéma-directeur</i> )	Structure plan



(regional and municipal level). Two types of plans are provided, with no intermediate level: the development plan (*ontwikkelingsplan/plan de développement*) and the land-use plan (*bestemmingsplan/plan d'affectation*). Both tiers are to prepare both plans (see Table A6). At the regional level this results in a *gewestelijk ontwikkelingsplan/plan régional de développement* (regional development plan) and the *gewestelijk bestemmingsplan/plan régional d'affectation du sol* (regional destination plan). Similar plan types exist at the municipal level. The *gewestelijk bestemmingsplan/plan régional d'affectation du sol* is similar to the Flemish and Walloon particular destination plan. The *gemeentelijk ontwikkelingsplan/plan communal de développement* (municipal structure plan) covers the whole municipal territory and is a structure plan containing development objectives, action schemes, priority areas and the general destination of the different areas

(see Table A7). It further contains regulations on aesthetics. The municipal plans have to be approved by the regional authorities.

The development plan acts as a general policy framework while the land-use plan specifies the land uses. Key priorities for spatial planning include housing and social policies for preserving a mixed population and social balance, policies for a mix of economic activities and environmental and transport policies to accommodate social and economic progresses without reducing the quality of life. In 1995 the regional development plan was adopted by the regional authorities. Currently the Brussels sub-regional plan still is being used until its replacement by the pending regional land-use (destination) plan.

A20. A characteristic of the 1962 Spatial Planning Act was the lack of accordance between the

**Table A6. Planning system in the Brussels Capital Region**

Plan level	Planning authority	Plan name	Plan type
Regional level	Regional government	Regional development plan ( <i>Gewestelijk ontwikkelingsplan/plan Régional de développement</i> )	Structure plan
Regional level	Regional government	Regional destination plan ( <i>Gewestelijk bestemmingsplan/plan Régional d'affectation du sol</i> )	Land use plan
Municipal level	Municipal government	Municipal development plan ( <i>Gemeentelijk ontwikkelingsplan/plan communal de développement</i> )	Structure plan
Sub-municipal level	Municipal government	Particular destination plan ( <i>bijzonder bestemmingsplan/plan particulier d'affectation du sol</i> )	Land use plan

**Table A7. Municipal plans in the Flemish Region, Walloon Region and Brussels Capital Region**

Region	Covering the entire municipality	Covering only part of the municipality
Brussels Capital	<i>Gemeentelijk Ontwikkelingsplan/Plan Communal de Développement</i> (Municipal development plan)	<i>Bijzonder Bestemmingsplan/Plan Particulier d'Affectation du Sol</i> (Particular destination plan)
Flanders (1962 legislation) <sup>(1)</sup>	<i>Algemeen Plan van Aanleg</i> <sup>(1)</sup> (Municipal destination plan)	<i>Bijzonder Plan van aanleg</i> <sup>(1)</sup> (Particular destination plan)
Flanders (1996 legislation)	<i>Gemeentelijk structuurplan</i> (Municipal structure plan)	<i>Gemeentelijk uitvoeringsplan</i> (Municipal implementation plan)
Wallonia	<i>Schéma de Structure Communale</i> (Municipal structure plan)	<i>Plan Particulier d'Aménagement</i> (Particular destination plan)  <i>Schéma-directeur</i> (Guiding structure plan)

<sup>(1)</sup> Refers to the old planning system.

**Table A8. Relationship between the political-administrative levels, planning levels and planning instruments**

Political level	Planning level	Instruments	Status
Belgium (federation)	Belgium	None	None
Region	Region (3)	Regional structure plan • Brussels (1) • Flanders (1) * • Wallonia (1) Regional destination plan • Brussels (1) • Flanders (1) *	Adopted (1995) Adopted (1997) In preparation  In preparation N/A
	Planning region • Flanders (5)	Regional plan	None
	Sub-region • Brussels (1)  • Flanders (25)  • Wallonia (23)	Sub-regional plan • Brussels (1)  • Flanders (25)  • Wallonia (23)	Adopted, will be replaced by the Regional destination plan  Adopted, some under revision  Adopted, some under revision
Province	Province • Flanders (5)  • Brussels Capital (0) • Wallonia (5)	Flanders • Provincial structure plan • Provincial destination plans	All in preparation
Municipality	Municipality • Brussels (19) • Flanders (308)  • Wallonia (262)	Brussels • Municipal destination plan  Flanders • Municipal destination plan • Municipal structure plan  Wallonia • Municipal structure plan	In preparation  Some adopted Some in preparation  Some adopted
	Sub-municipality	Brussels • Particular destination plan  Flanders • Particular destination plan • Spatial implementation plans  Wallonia • Particular destination plan	Some adopted  Several adopted N/A  Several adopted

The number between (brackets) refers to the number of regions, sub-regions, etc.

planning levels and the political-administrative levels (that is, local level plans made by local governments, intermediary level plans made by intermediary governments, etc.). Under the 1962 Spatial Planning Act, one government level (i.e., central level) can design plans for different planning levels (planning region, sub-region), while another government level (i.e., provincial level) does not have planning competencies. Traces of this asymmetry still can be found in the Walloon (1984) planning system. This is not the case in the Brussels Capital Region where since 1991 two planning levels exist: the regional planning level and the municipal planning level, corresponding with the two remaining government levels (central and local). Nor is it the case in the Flemish Region where the 1996 Decree states that the three plan levels correspond to the political-administrative structure: the three planning levels – regional, provincial and local – concur with the three political-administrative government levels.

### Planning and development

A21. Regulations established by the planning system are mainly restrictive. Theoretically the land-use plans ensure that undesirable development does not occur, but on the other hand the planning system is not able to ensure that desirable development actually happens at the right place and at the right time, as the planning intentions are mainly realised through private developments. The Brussels structure planning and the Walloon municipal structure planning contain provisions to overcome this problem, for example by defining priorities.

A22. Provided some exceptions, every action that implies construction or demolition works requires some sort of *bouwvergunning/permis de bâtir* (building permit). Upon submission of the permit application, the municipal authorities (or in some circumstances a regional official – see *infra*) check whether the proposed development is in line with the different land-use plans applicable to that area (see Section C). The permit is granted or refused by the municipality (or the Region) by reference to the approved plans and regulations and the so-called rules of good spatial planning (see Section C: Summary). If a project or a development proposal is in line with the adopted plans and regulations, there will be no further delay for implementation. In other words: the control of consistency of the development proposal with adopted planning regulations is exercised through granting building and parcelling permits.

When there is a development proposal which is not in line with the plan, the development proposal is refused; a minor departure may be allowed or, prior to implementation of the development proposal, the plan itself has to be changed.

A23. In the recent past the Belgian system usually was an example of a hybrid system in which there formally is a high degree of regulation, but in practice there is a relatively high degree of discretion in implementation control. In all three Regions this problem is acknowledged.

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## CONTEXT AND PRINCIPLES

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### Constitution, legislation and judicial system

#### Constitution

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A24. Since 1830 Belgium has been a constitutional monarchy. The Parliament and the King have the legislative power, the King (actually the Government) has the executive power and the Courts of Justice have the judicial power.

A25. The Constitution contains rules about civic rights. Article (16), dealing with the inviolability of private properties, states the following in connection with the regulation of land use: 'No person can be deprived from his property, except when required by public interest (...)' The article further states that the procedure can only be used when statutory provisions are respected, and the expropriation (compulsory purchase) is accompanied by a fair and prefatory compensation. The adoption of planning destinations is not regarded as instant expropriation, as the destination plans regulate only future transactions. Article (17) states

that no law which installs confiscation of goods and properties can be passed by parliament.

#### Judicial system

A26. The judicial system consists of three levels: the first level comprises *Rechtbanken van Eerste Aanleg/Tribunaux de Première Instance* (Courts of First Instance), the second level comprises *Hoven van Beroep/Cours d'Appel* (Courts of Appeal), and the third level comprises the *Hof van Cassatie/Cour de Cassation* (Court of Cassation).

A27. There are several administrative bodies in Belgium – of which the highest is the *Raad van State/Conseil d'Etat* (State Council). Finally, the *Arbitragehof/Cour d'Arbitrage* (Court of Arbitration) is the Belgian de facto constitutional court (see Section B, Policy Institutions – National level).

A28. The general competencies of the different courts is summarised in Table A9. The general

competencies of the different courts related to spatial planning is summarised in Table A10. Legal actions against a person who has committed an infringement relating to permit provisions may be pursued through the correctional courts, while civil courts will deal with violated civil rights.

#### Legislation

##### *The 1962 Spatial Act*

A29. The cornerstone of the Belgian spatial planning is the 1962 Spatial Organisation and Town Planning Act (1962 Spatial Planning Act) which divides the responsibility for spatial planning between the central (regional) and local level and to a limited extent to the provincial level. The Act contains a framework of rules outlining among other elements plan-creating procedures; stipulating the required plan-contents; describing the legal effects; outlining the issuing of building and parcelling permits; and amplifying on civil and penal sanctions for violations.

**Table A9. Competencies of the different courts**

Court	Judgment on
Court of Arbitration ( <i>Arbitragehof/Cours d'Arbitrage</i> )	<ul style="list-style-type: none"> <li>The constitutionality of legislation (national Acts, regional and community decrees or Brussels ordinances)</li> <li>Competence disputes between the federal level, regions and communities</li> </ul>
State Council (Department Administration) ( <i>Raad van State/Conseil d'Etat</i> )	<ul style="list-style-type: none"> <li>The constitutionality of acts of government (royal decrees, decisions of the regional or community government, provincial and municipal regulations, etc.)</li> <li>Competence disputes between decentralised governments (provinces and municipalities)</li> </ul>
Courts and Courts of Appeal ( <i>Rechtbanken van Eerste Aanleg/Tribunaux de Première Instance</i> ) ( <i>Hoven van Beroep/Cours d'Appel</i> )	<ul style="list-style-type: none"> <li>The legality of the application of legislation in a specific situation</li> <li>Subjective rights of an individual</li> </ul>

**Table A10. Spatial planning related competencies of the different courts**

Situation	Court responsible
Challenge as to whether a planning Decree is constitutional	Court of Arbitration
Challenge as to whether a decision of a regional government is constitutional	State Council
Legality of a land-use plan	State Council
Regularity of a disputed permit-related decision taken by: <ul style="list-style-type: none"> <li>delegated official</li> <li>permanent deputation</li> <li>responsible minister</li> </ul>	State Council
Violation of a civil right	Judicial Court

A30. Since 1962 the Spatial Planning Act has been changed and updated in detail several times. Neither in the spirit nor in the substance of the act were there fundamental changes. Among other elements these changes covered the legal nature of temporarily approved sub-regional plans (1970), the duration of a town planning certificate (1976), compensation measures for land-owners (1977), obligation for municipalities to hold an inventory of all building parcels (1978) and the obligation of providing fair information to potential land buyers (1978).

#### *The regional spatial systems*

A31. The constitutional reforms of the 1980s implied that the three Belgian Regions (Flanders, Wallonia and Brussels Capital) inherited the 1962 Spatial Planning Act. Since then each Region is free to change and amend or even totally replace the 1962 Belgian planning legislation. There is no federal spatial planning legislation which the regional planning systems have to correspond to.

A32. The principles of the 1962 Act can and are being replaced or modified by the regional planning systems. This means the emergence of three different planning systems, as well as different policies and priorities in Belgium.

- In 1984 the Walloon Region coordinated all legislation in the *Code Wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine* (1984 Code Wallon – CWATUP). Substantial changes have been gradually introduced since then (see Section B, Policy instruments).
- In 1991 the Brussels Capital Region introduced its new legislation, again departing from the 'Belgian' spatial planning: *Ordonnantie houdende Organisatie van de Planning en Stedebouw/Ordonnance Organique de la Planification et de l'Urbanisme* (1991 Brussels Spatial Planning Ordinance) (see Section B, Policy instruments).
- Until 1996, the Flemish Region worked with the framework and principles outlined by the 1962 Spatial Planning Act. The 1996 Decree on Spatial Planning introduced new spatial plans: spatial structure plans and spatial implementation plans. Both types of plans must be made up at the regional, provincial and municipal level (see Section A: Trends and Section B: Policy instruments).

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#### **Development process and market circumstances**

##### Development process

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##### *Principle*

A33. Development in Belgium is plan-regulated. The regulations established by the planning system, however, are mainly restrictive. This implies that the planning system is supposed to ensure that undesirable development does not occur, while the implementation of the plans mainly depends on the activity of the private sector and only partly on government activity (such as provisions of infrastructure).

##### *Private sector and plan design*

A34. Private consultants play(ed) a substantial role in the design of destination plans: the majority of the destination plans were drafted by private consultants on behalf of the administrative instances and under their control.

##### *Compensation*

A35. The Belgian notion of compensation for financial losses due to planning is derived from Article 544 of the Napoleonic Code which was replaced by Article (16) of the Belgian Constitution.

A36. According to Belgian law, land ownership as such does not imply any right of development. However, when a real estate is depreciated because a new destination plan changed its destination (for example building land becomes farmland) the owner must be compensated by the responsible authority. Compensation, therefore, is

only required when a decision implies a building or parcelling prohibition although an earlier decision (e.g. an earlier destination plan) allowed building or parcelling projects. However, the right of compensation comes into existence only when the real estate is transferred or when an application for a building permit is refused or when a negative town planning certificate is issued.

A37. In any case, 20% of the depreciation will not be compensated. The level of the compensation, however, is decreased (or even refused) when the owner of the depreciated parcel also owns real estate that increased in value as a result of the new destination plan. The State, inter-municipale or municipality also can back out of the obligation to compensate the owner by buying the depreciated parcel.

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### **Economic development**

#### **Economic development**

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A38. In the 1980s important economic competencies were transferred to the Regions, such as regional economic expansion and planning and public industrial initiatives. Since 1988 economic policy is mainly a regional competence. The federal government remains competent for monetary, budget and price policy and taxation.

A39. The restructuring of the economy-related administrations in the Regions is expected to lead to a better coordinated and more efficient regional economic policy. However, ambitious and long-term economic planning, as set up in the 1970s, has faded away and moved to the background. This mainly is caused by the economic recession and the derailment of government budgets, ideological shifts, a more pragmatic vision on policy making and the regionalisation. The limited impact of the regional govern-

ment on economic development further is caused by the growing internationalisation of the economy, the single European market (SEM) and the competition with the newly industrialised countries (NICs) (see Section A, Policy trend).

A40. Long-term economic planning is considered to be more problematic today than it was a decade ago. Taking into account the division of competencies between the regional and federal government, economic planning in the near future will remain a bit amputated. Economic planning, however, did not disappear, but altered its character. The subject of planning shifted from the whole economic system to a selection of economic issues and problem areas. Attention is being paid to medium-term, flexible and continuous planning process at the regional level.

A41. The 1962 Spatial Planning Act identifies as one of the spatial planning objectives, to define plans from an economic point of view (Article (1)). This dimension should be pursued in harmony with the other dimensions such as the social and aesthetic point of view and the safeguarding of the nation's scenery. In practice these 'harmony of goals' can turn out to be conflicting interests. Employer interest groups for example demand the creation of new industrial estates (and a modification of a destination plan) while environmental interest groups argue in favour of safeguarding the (targeted) open spaces.

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### **Environmental policy**

#### **Environmental policy**

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A42. The 1962 Spatial Planning Act states that one of the objectives of spatial planning is the 'conservation of the beauty of the environment' (Article (1)). Although the first law on nature conservation was voted in 1973, the importance of environmental conservation and protection in the active planning policies, was only acknowledged in the 1980s.

A43. The bulk of the Belgian legislation on environmental pollution (environment hygiene) was developed in the 1970s. The legislation was not based on a global vision and consequently did not form any unity. Usually legislation was passed for each sector or subsector (soil, waste, water, air and noise) individually. This resulted in a complicated set of regulations. It also led to a situation where for a same installation different permits for different aspects (building, exploitation) needed to be obtained.

A44. The 1980-93 constitutional reforms attributed major environment competencies to the three Regions and others to the federal government (see A: Government structure and powers). More and more the environmental and ecological impact of development initiatives have become a factor in the assessment of the application for a development permit. In order to fight pollution and to conserve the environment each of the three Regions is currently developing some major schemes.

A45. Recently the anti-pollution legislation is moving towards one integrated permit covering different aspects of the environment. There is a tendency towards a rationalisation of environment legislation; a simplification of permit procedures; and a clear definition of pollution standards.

A46. Since 1990 all three Regions started to adopt detailed legislation on environment permits (*milieuvergunning/permis d'environnement*) for enterprises in which the different authorisations required are packaged. One single exploitation permit is issued containing authorisations for voiding of used water, dumping of pollution, elimination of dangerous products and the protection of groundwater. Depending on the type of enterprise different procedures are applicable. Some procedures include an elaborated public consultation phase. Application for exploitation permits must be accompanied by environment impact assessment (EIA) or security assessment. Some enterprises must prove that alternative solutions or locations were studied and that the proposed development offers the optimum solution. Sometimes an EIA must accompany a building permit application. The three Regions have adopted different procedures and standards. The procedures, however, are compatible with the EU directives on the environment impact assessment (EU Directive of 7 June 1990) and the EU Seveso directive.

A47. Environmental legislation in Belgium is divided in two sections: anti-pollution legislation (environmental hygiene) on the one hand and environment conservation and protection legislation on the other. The latter's intention is to conserve the existing environment and nature while the former's intention is to protect man and environment against damage, hindrance or pollution as a result of human activities (such as air pollution, water pollution, garbage, noise pollution, radiation, use of chemicals, etc.).

A48. The anti-pollution legislation contains several procedures to fight against pollution or damage inflicted on the environment. However, a distinction is made between damage done by illegal acts and damage resulting from actions or activities which are not illegal. This distinction has important implications for the judicial procedure involved. The latter situation will lead to a civil procedure, while the former will imply a correctional procedure.

A49. When, for example, a company pollutes its neighbourhood (producing noise and smell) there are two possibilities: the owner acts according to the exploitation requirements or he does not. In the latter case a complaint can be filed with the police or government services. These bodies/organisations can close down the plant, cancel the permit, prosecute the owner, etc. On the other hand if the owner acts according to the permit requirements neither the police nor the administrative services are able to act. The only possibility then is to start a civil procedure to demand compensation (mooting general negligence or abnormal hindrance). Another possibility would be to ask the relevant authorities to tighten the exploitation requirements.

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## European Union

### Impact of the European Union on planning

A50. The question whether Europe has an influence on the spatial planning of the regions cannot be answered with a simple yes or no. There is nevertheless the expectation of the increasing future role of the EU dimension in the Belgian spatial planning systems and policies.

A51. Belgium can be considered as a preconfiguration of a 'Europe of Regions' as some national policy making is ceded up to Europe, while other activities are decentralised down to Brussels Capital, Flanders and Wallonia. The implication is that, while on a restricted number of issues continuing to operate within a national framework, the Belgian Regions face Europe with the potential, even necessity, of designing their own regional development policies in particular and their policy towards the EU in general.

A52. Spatial planning is not, explicitly nor institutionally, a national issue. However, the Regions submit their (economic) development programmes to the EU through the 'mailbox' of the Belgian government (the Belgian government acting as a service hatch).

### *The European dimension in spatial planning*

A53. Perhaps the clearest impact of the EU is found in the growing and continuous attention for the European dimension. The European Structural Funds and the required negotiation with the Commission lead to a changing attitude among policy-makers, government officials and planners who now look beyond the national (regional) borders. Comparing the planning systems in other EU Member States stimulates furthermore the debate on planning methods and planning systems.

### *Impact of the European funds on spatial planning*

A54. European funds have a substantial influence on the development of certain areas (Limburg, Westhoek, Hainaut and Liège). The impact of Eu-

ropean funds on spatial planning has been most outspoken in the framework of Interreg or other cross-border cooperation such as TERRA. More than in the past decades, the Belgian regional governments emphasise the role of the Structural Funds and the necessity of the integration of the different programmes. More and more the Belgian Regions think of regional development in terms of partnership with local authorities and they call for a planned and integrated approach of the specific regional socioeconomic problems. Partnership and integrated approach both are requirements in the policy of the European Structural Funds.

### *Impact of the European Union on environment policy*

A55. More and more regional authorities comply with the European environmental standards and regulations. The direct impact of the European regulations on the spatial planning, however, is not yet clear, but future spatial planning policies will undoubtedly take into account the European dimension.

### *Impact of the European Union on agriculture*

A56. The EU stresses the preservation of the open spaces and of the rural areas. These considerations are shared by the Flemish, Walloon and Brussels Capital Region.

### *Points of particular interest for Belgium*

- Review of the positions of Belgian mainports such as Antwerpen (maritime port) and Zaventem (airport) in the framework of respectively a 'maritime Euregion' and a North-western network of airports.
- More than in the past the Belgian road, railway and waterway networks are part of the European networks
- For the design of rural areas in Belgium, national and local agricultural interests should be taken into account as well as the international agricultural situation striving to conserve the variety of landscapes.
- Stimulation of cross-border cooperation at different levels.
- The tackling of the *logique urbaine* (degradation of urban areas, out-migration of better-off families) by urban regeneration policies.



## Cross-border cooperation

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A57. Up till now the practice of inter-border cooperation is fragmented: some cross-border regions focus on the realisation of one specific well-defined project; other initiatives put emphasis on the institutional aspect; and a third type of cooperative relations focus on the realisation of a common development perspective (see Section A: Policy trends).

A58. Mainly the regional governments are involved in cross-border cooperation. The role of the Belgian Federal Government is limited – which is logical in the light of the constitutional reforms. Despite the fact that spatial planning is the exclusive competence of the Regions, and taking into account that there exists an explicit interest for cross-border cooperation, one possibly could not conclude that there would be a clear 'Flemish', 'Walloon' or 'Brussels' position towards the subject. Some municipal and provincial governments are very active in setting up cross-border cooperations (for examples see Section A: Policy).

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## Flexibility versus certainty

### Contents of spatial plans

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A59. Sub-regional and municipal destination plans must contain some minimum elements. The legislation allows some room for the planner to include specific elements such as for instance aesthetical regulations, regulations concerning size and location of buildings.

### Review of spatial plans

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A60. The existing procedures for the design of destination plans are a quite elaborate and time-consuming process. Recently the Flemish and Walloon Region reduced the procedural period required to review a sub-regional plan. The re-

view procedure of the Brussels regional plans depends on whether the intended revisions imply a change of destination or not. The former implies a more elaborate review procedure than the latter.

A61. The starting point of a review of a (sub-)regional plan is the regional government. It decides whether a land-use plan may or must be reviewed. Municipalities initiate the review procedure of the municipal destination plans. The Regions also can impose that a municipal destination plan will be reviewed.

### Deviation from spatial plans

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A62. Destination plans, once adopted, remain in force until modified, that is until the modification procedure has run its full course. As a consequence, the rules established by destination plans have to be followed even if the plan is clearly outdated. When the decision is made to review a destination plan, deviation from the plan's provisions are possible.

A63. The municipality may grant exemptions from the provisions of a municipal and sub-municipal destination plan if the deviation does not contradict the main principles of an existing plan (such as destination). This deviation, however, must be approved by the delegated official, who is the director of the field services of the regional administration located at the provincial capitals (so-called deconcentrated spatial planning departments) (see Section B: Regional government). More extensive deviations may only be carried out by producing a new municipal destination plan – which in its turn can deviate under certain conditions from a higher destination plan (see Section C: Departure from plan).

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## Government structure and powers

### Government structure

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A64. Until the mid 1970s Belgium was a tightly organised central State with three levels of political and administrative government. The sovereignty was undivided and in the hands of the national central government. The two other government levels, the province and the municipality, were literally 'subordinate authorities'. These decentralised government levels are competent for matters of provincial, respectively municipal, interest – under the attentive supervision of the central government. Between 1970 and 1993, the Belgian unitary State evolved towards a federal State where the sovereignty is divided between the federation (national government), Regions and Communities, each with their own specific responsibilities and powers.

#### *Federal level (national level)*

A65. On the federal level the legislative power belongs to the Parliament, consisting of the Chamber of Representatives and the Senate. The 1993 constitutional reform redefined the role of the two Chambers and reviewed the number of Members of Parliament. Since May 1995 the Chamber comprises 150 members, all directly elected every four years. The Senate comprises 71 members of which 40 are directly elected. In addition, 21 members are elected representing the Flemish Council and French Community Council (each 10) and the Council of the German-speaking Community (1). Finally 10 other members are coopted.

#### *Communities and Regions*

A66. Between 1970 and 1993 the Belgian unitary State evolved towards a federal State where the sovereignty is divided between the federation (national government), Regions and Communities, each with their own specific responsibilities and powers.

A67. In federal States such as the United States of America and the Federal Republic of Germany, some powers are transferred to the constituting elements of the federation (for the USA 'States' and for the FRG 'Länder'). The Belgian government system is a federal system, however, with a twist. Instead of one type of constituting element, there are two types: *Gewesten/Regions* (Regions) and *Gemeenschappen/Communautés* (Communi-

nities). Both types are each responsible for a different set of government domains. Basically, language-related (such as culture) and person-related matters (such as welfare) are transferred to the Communities while economic-related (such as economy, public works) and territory-related matters (such as spatial planning and environmental policy) are attributed to the Regions.

A68. An extra complicating twist is that the territory of a Region does not necessarily concur with the territory of a Community. Regions and Communities cover different territories in Belgium, overlapping each other. The key element in marking out the territories of Regions and Communities is the linguistic area.

#### *Linguistic areas*

A69. In 1963 the borders between the three linguistic areas and Brussels were drawn. Four clearly defined linguistic zones are identified.

- The Dutch linguistic area, consisting of the provinces West Flanders, East Flanders, Antwerpen, Limburg and Flemish Brabant.
- The French linguistic area, consisting of the provinces Namur, Hainaut, Walloon Brabant, Luxembourg and Liège (except the German speaking municipalities).
- The German linguistic area, consisting of nine municipalities in the province Liège (bordering the FRG).
- The bilingual linguistic area (Dutch and French) that is formed by Brussels Capital (consisting of 19 municipalities).

A70. In post-1993 Belgium, sovereignty is spread over three policy levels: the national or federal State, the three Regions (the Flemish Region, the Walloon Region and the Brussels Capital Region) and the three Communities (the Flemish Community, the French Community and the German-speaking Community).

A71. The territory of the three Regions and three Communities is based on the linguistic zones (with a twist for the Communities). For the institutional structure see Figure A3. The *Vlaams Gewest* (Flemish Region) (13 522 km<sup>2</sup>) consists of the Dutch linguistic area. The *Région wallonne* (Walloon Region) (16 844 km<sup>2</sup>) consists of the French linguistic area and the German linguistic area. The *Brussels Hoofdstedelijk Gewest/Région*

*de Bruxelles-Capitale* (Brussels Capital Region) (162 km<sup>2</sup>) consists of the bilingual linguistic area.

A72. The three Communities however do not have such a clear-cut territory. The *Vlaamse Gemeenschap* (Flemish Community) is responsible for the Dutch linguistic area and the Dutch monolingual institutions in Brussels, such as for instance the Flemish schools in Brussels. The *Communauté Française* (French Community) is responsible for the French linguistic area and the monolingual French-speaking institutions in Brussels. Together the Flemish Community and the French Community are responsible for the bilingual institutions in Brussels (e.g., some hospitals), forming the so-called Brussels Common Community Commission. The *Deutsche Gemeinschaft* (German-speaking Community) is responsible for the German linguistic area (854 km<sup>2</sup>).

A73. The structure, however, is not completely symmetric (see Figure A4). In 1980 Flanders decided to merge the Flemish Region and Flemish Community. The resulting Flemish Community (with its Flemish Council and Flemish Government) is responsible for both Community and regional matters. In 1993 the French Community and Walloon Region decided not to do likewise. Parts of the responsibilities of the French Community are transferred to the Walloon Region. Responsibilities of the French Community relating to Brussels are transferred to the French Community Commission in Brussels (the so-called COCOF).

A74. For the convenience of the reader the Compendium will only refer to the basic institutional structure of Belgium (that is one federation, three Regions and three Communities) as described in Figure A3. This self-imposed limitation is justified because spatial planning is a regional matter. However, readers intending to develop projects in Brussels Capital will have to take into account the complex structure of the power division in Brussels Capital (Figure A4).

A75. The double set of federated entities has created a complex institutional framework. Like the State, each Community and Region has its legislative body, called 'council', a government, and an own administration as well. This implies that there are three councils for the Communities: one for the Flemish Community, the French-speaking Community and the German-speaking Community and three councils for the Regions: one for,

respectively, the Flemish Region, the Walloon Region and the Brussels Capital Region. Each of them has a government. Instead of six councils, governments and administrations, there are in fact only five. The reason is that in Flanders the councils and governments of the Flemish Community and Flemish Region, though not legally 'merged', are organised and managed as one entity. Both retain their separate legal personality. While having the same legal force their law-making rules do have a different scope, according to whether they are dealing with Community or regional matters. In 1996 the Flemish Council adopted the name Flemish Parliament.

A76. Since May 1995 the Flemish Council comprises 118 directly elected members. Both the council of the Walloon Region and the Council of the Brussels Capital Region comprise 75 directly elected members. The elections are carried out in terms of political parties.

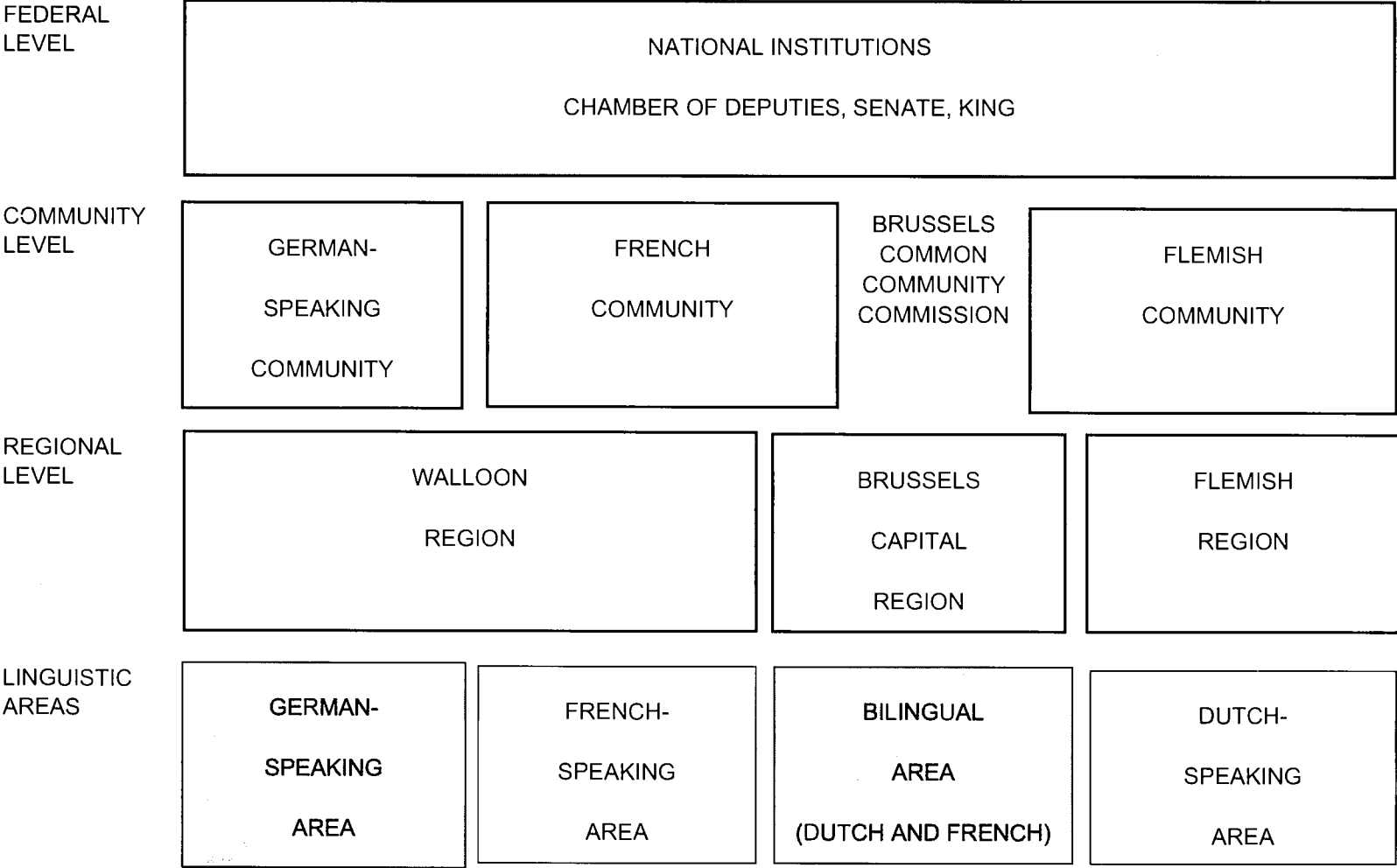
A77. The legislative power of the federal State is exercised by Acts. The legislative power of the Communities and the Regions is exercised by the enacting of Decrees. In the case of the Brussels Capital Region they are called Ordinances (*Ordonnances/Ordonnances*) having a slightly different status (see Table A11). The decrees have force of law throughout the territory for which they are intended. Decrees may repeal, extend, amend or replace prevailing statutory provisions in the allocated areas of responsibility. Conflicts of competence between national laws and decrees are settled by the Court of Arbitration (see Section B: Policy institutions – National level).

#### *Provinces (10 provinces)*

A78. Since 1 January 1995 Belgium has consisted of 10 provinces instead of nine: Antwerpen, East Flanders, Flemish Brabant, Hainaut, Liège, Limburg, Luxembourg, Namur, Walloon Brabant and West Flanders. Flemish Brabant and Walloon Brabant resulted from the division of the province of Brabant. The 19 Brussels municipalities, which in the past also formed part of Brabant, do no longer belong to any province.

A79. A province has a *provincieraad/conseil provincial* (provincial council) of which the members are directly elected every six years. The elections are carried out in terms of political parties. The number of members depends on the size of the province and varies between 47 (Lux-

Figure A3. The institutional structure of federal Belgium (principle)



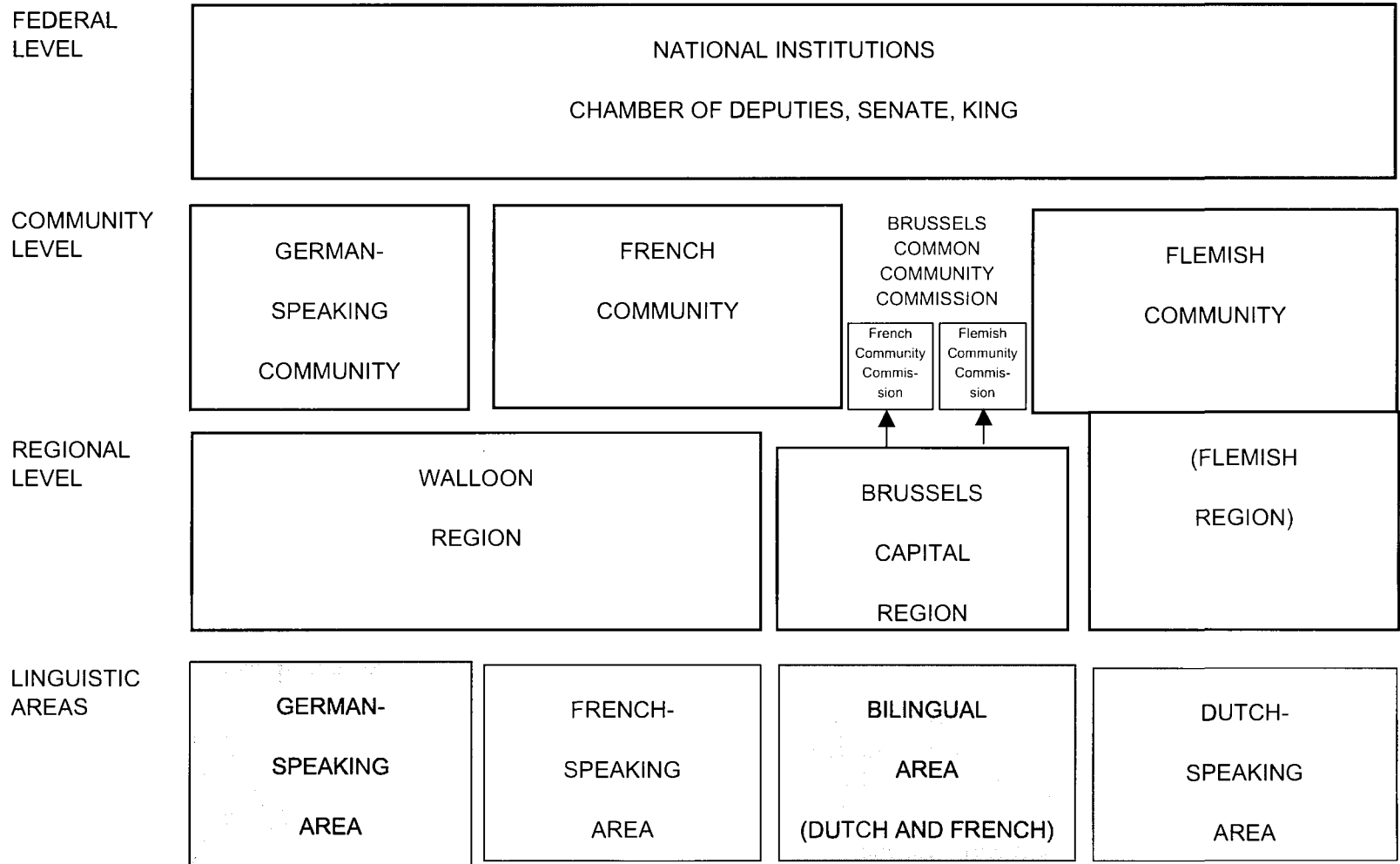


Figure A4. The institutional structure of federal Belgium (practice)

**Table A11. Legal terminology of Acts, Decrees, Ordinances and Decisions in a federal Belgium**

Name	Issued by	Type
Act	Federal Parliament	Legislation
Decree	Flemish Council	Legislation
	Council Walloon Region	Legislation
	Council French Community	Legislation
	Council German-speaking Community	Legislation
Ordinance	Council of the Brussels Capital Region	Legislation
Royal Decree	King and federal ministers	Implementation of an Act
Decision of the regional government	Regional government	Implementation of a Decree or Ordinance
Decision of the community government	Community government	Implementation of a Decree
Ministerial decision	Federal minister	Implementation of a Royal Decree
	Regional minister	Implementation of a Decision of the regional government
	Community minister	Implementation of a Decision of the community government

embourg) and 84 (Antwerpen, West Flanders, East Flanders, Hainaut).

A80. The executive body of the province is the *permanente deputatie/députation permanente* (permanent deputation) (PD), which consists of the *gouverneur/gouverneur* (governor) and six members. The latter are elected from and by the provincial council. The governor is nominated by the King for an undefined period of time and represents the central government. When the permanent deputation for example takes a decision which falls outside its competence or which opposes the general interest, the governor can suspend the decision (Article (27) Provinces Act).

A81. The provinces are competent for all matters of provincial interest. They must, however, reckon with higher rules of law (laws, decrees, royal decrees, decisions). The provinces act under the attentive supervision of the central (regional) governments. The provincial level also is responsible for the implementation of some federal, regional and community standards and regulations (see *infra*).

#### *Municipalities (589)*

A82. Up to 1961 Belgium consisted of 2663 municipalities. Since 1961, and especially since the Municipal Reform Act of 1975, a systematic review of the municipal territory was conducted leading to a fusion of municipalities. Currently Belgium has 589 municipalities of which 308 are

located in Flanders, 262 in Wallonia and 19 in Brussels Capital Region. The size of the municipalities vary in population from about 460 000 in the city of Antwerpen down to 100 inhabitants with an average of around 17 000 inhabitants (see Section A: Population for more statistics).

A83. Each municipality has a *gemeenteraad/conseil communal* (municipal council), consisting of councillors, the mayor and aldermen. The *burgemeester/bourgmestre* (mayor) is nominated by the King out of the municipal council. On advice of the permanent deputation the King can appoint a mayor from outside the municipal council. The size of the municipal councils ranges from minimum 7 to maximum 55 members depending on the population size of the municipality. Its members are directly elected every six years. The elections are carried out in terms of political parties.

A84. The executive body of a municipality is the *college van burgemeester en schepenen/collège des bourgmestre et échevins* (council of mayor and aldermen – CMA). It consists of the mayor and a number of aldermen, varying from 2 to 20, depending on the number of inhabitants. The *schepenen/échevins* (aldermen) are elected by and out of the municipal council for a fixed period of six years.

A85. The municipalities are competent for all matters of municipal interest. Similar to the provinces, they must however reckon with high-

er rules of law (laws, decrees, royal decrees, decisions). The municipalities act under the attentive supervision of the central (regional) governments. The municipal level also is responsible for the implementation of some federal, regional, community and provincial standards and regulations.

## Powers

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### *Federal level (national level)*

A86. The federal level is responsible for those matters which explicitly have been attributed to it. This comprises the organisation of the judicial power, defence policy, monetary union, trade law, social security and nuclear energy. Up to now also the 'residual power' belongs to the federal level. This situation will continue to exist until a national law exhaustively sums up all powers that belong to the federal level. Once this law is passed the residual power will be transferred to the Regions and Communities (Article (35) Constitution).

### *Communities (three)*

A87. The powers of the Communities *ratione materiae* broadly relate to cultural matters (e.g. libraries, media, sports, and education), 'personalised' matters (e.g. welfare, ageing people and disabled people), the use of languages, cooperation between the Communities and international cooperation.

### *Regions (three)*

A88. The three Regions have been attributed broad competencies *ratione materiae* in the economic area, spatial planning, environment, rural redevelopment and nature conservation, housing, water policy, energy policy, lower tier authorities, employment policy, public works and transportation.

### *Provinces (10 provinces)*

A89. The provinces have a double responsibility. Firstly the province is entrusted with tasks of general government. As outlined in among others the 1962 Act, the provincial level takes – in name of the central government – decisions or actions with regard to for instance environment permits, building and parcelling permit appeals, approval of municipal budgets, safety and order, etc. In

some cases the provinces also fulfil an advisory role. These tasks are explicitly mentioned in legal rules.

A90. Secondly the province is responsible for all matters of 'provincial interest'. Practically, this means that they are entitled to regulate all matters provided that no higher legal rules exist and provided the municipalities have not already tackled the problem successfully. The provincial regulations are revoked ex officio as soon as the same issue is regulated by a higher authority.

A91. The concept 'provincial interest', however, is not defined: the province itself defines through its initiatives what is of provincial interest. However, as mentioned before, 'provincial interests' are restricted on the one hand by the federal, Regional and Community level and on the other hand by the municipalities. Sandwiched between these two levels, the provinces traditionally take initiatives which are outside the interest of the central government and which go beyond the financial and management strengths of the municipalities.

A92. In that light the provinces take initiatives concerning education (i.e. technical education); the social sector (e.g. supporting non-profit organisations); the cultural sector (e.g. provincial museums); the environment (i.e. logistical support to municipalities or coordinating municipal initiatives); recreation (e.g. provincial domains); the economic sector (e.g. close cooperation with regional development corporations); agriculture and horticulture (e.g. provincial experimental stations); training of municipal civil servants; infrastructure (e.g. provincial roads and management of unnavigable waterways); public health and safety (i.e. actions concerning prevention and coordination); etc.

A93. Between 1970 and 1994 the Belgian political-administrative system has changed fundamentally. First Belgium evolved towards a federal State with important competencies being transferred to the Regions and Communities. Second the municipalities were reorganised (fusions). The intermediary government level (between the central and municipal level) did not undergo changes. The importance of the provinces gradually declined, to such an extent that their abolition has been taken into consideration by some. Others, on the other hand, want to revitalise the importance of the intermediary level: a level dealing with aspects which go beyond the strengths

of the municipalities and which do not form part of the action domain of the central government.

#### *Municipalities (589)*

A94. The municipality is responsible for all matters of 'municipal interest'. Practically, this means that they are entitled to regulate all matters provided no higher legal rules exist. Municipalities only have competencies in those fields which are not attributed to another political-administrative level. The municipal regulations are revoked ex officio as soon as the same issue is regulated by a higher authority.

A95. Municipalities for example are allowed to lay out a park but not to start working on provincial or regional roads or crossroads on their territory. Some competencies are explicitly attributed to the municipalities. More and more, the higher tier governments use the municipalities for the implementation of their own policies, such as for instance environment regulations.

A96. The municipality also is entrusted with tasks of 'general government'. In name of a higher government, municipalities perform several and different tasks. Two types of tasks are generally distinguished. Firstly, those responsibilities and tasks which leave little or no room to a municipality to introduce its own approach, such as keeping up to date registers of birth, deaths and marriages. Secondly, those tasks which leave the municipality a lot of room and for which only minimal standards are defined. An example of such task is the legislation on libraries: the regional legislation requires that municipalities establish a library and defines some minimum standards concerning quality and management. Within this framework the municipality is free to define the volume of financial means to be used.

A97. In order to control whether the municipalities execute their tasks satisfactorily, the higher tier governments supervise municipal decisions and actions. Municipal decisions opposed to the law or to the general interest can be suspended by provincial authorities. In the past, every municipal decision had to be passed to the provincial supervising authority. In the 1990s this supervision has become more flexible.

A98. As instruments of local democracy the municipalities play a much more important role than the provinces. The police force is, for instance, to a great extent regulated at municipal level. The

public welfare institutions are also organised at this level.

A99. The Constitution allows the municipalities to cooperate or associate themselves with other municipalities to pursue objectives of municipal interest.

A100. To ensure the presence of the smaller linguistic (Flemish) community in the Brussels municipal institutions, some guarantees were built into the rules governing the 19 municipal institutions of the bilingual region of Brussels Capital.

#### Spatial planning powers

##### *Federal level*

A101. The federal level has no competence concerning spatial planning. Even though the 1962 Act mentions national planning, it does not provide procedures to develop a national plan. Since the 1980 constitutional reform the Flemish, Walloon and Brussels Capital Region each are responsible and competent for their own spatial planning.

A102. However, unlike spatial planning where the Regions have the sole power to determine and pursue their planning policies, the Federal Government still has limited responsibilities in environmental policy. The federal powers cover product standards; transit and air transport of dangerous products; exploitation of the sea and the continental shelf; protection against radiation; coordination of environment policy of the different federal and regional administrations and the coordination of the Belgian participation in international environment policy.

##### *Communities (three)*

A103. The Communities do not have power concerning spatial planning.

##### *Regions (three)*

A104. The Regions have the final decision-making competence for spatial planning and environmental policy.

##### *Provinces (10)*

A105. In the Walloon Region, the provinces formally have no plan-making competencies. They



have an advisory role and have some specific competencies related to permits. The Flemish 1996 Spatial Planning Decree gives the provincial level full planning powers for its territory. The Flemish provinces can define provincial structure plans and provincial destination plans and regulations (see Section A: Central power versus local power).

#### *Municipalities (589)*

A106. The municipalities are responsible for the design of (sub-)municipal plans and for granting permits. Their spatial-related decisions and proposals must be submitted for approval or supervision to the regional government. The Walloon Region is currently developing a decentralised approach tending to confer more autonomy to municipalities that fulfill certain planning conditions (see A122).

#### Implications of constitutional reforms on spatial planning and policies

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A107. The 1980-93 constitutional reforms have fundamentally recast the government framework for spatial planning in Belgium. Whereas Belgium entered the 1970s as a unitary State with Brussels as its political and geographical centre, the structure of power and decision-making is now more diffuse. The institutions involved in the planning process have changed. In addition, the scope of perception and considered interests have shifted.

- Since the Regions now have powers over public works and communications, including roads, waterways, ports and regional airports, as well as spatial planning and environmental issues, regional planning is no longer dictated by the Federal Government in Brussels and local planning cannot ignore regional interests. Brussels still has significant authority as the capital of the Federal Government, of the Flemish and Brussels Capital Regions, and of the French Community, but within an altered institutional framework. It shares administrative responsibilities for the Walloon Region with Namur, a city which earlier in the century played only a minor role on the national political stage. This has diffused decision-making and has also altered Namur's position in the urban hierarchy, with clear-cut implications for the spatial development of that city.

- It is argued that in the early 1980s the creation of separate institutions with power over economic matters has also produced considerable disaggregation of the Belgian economy. Economic regionalisation along the regional (linguistic) borders was a disruptive factor in long-term planning because it is inefficient and duplicative. At the end of the 1980s this disruption decreased as the competence of various institutions became more clearly established.
- Finally, the psychological impact of the regionalisation of Belgian spatial and other planning cannot be ignored. The emergence of Flanders, Wallonia, and Brussels Capital Regions as distinct regional entities with substantial political and functional significance has unquestionably affected the ways in which citizens, planners and politicians conceptually compartmentalise Belgium. Planning has not been unaffected by this development. Given the existing structure of political institutions and the only just-emerging relations between the Regions, spatial planning rarely considers inter-regional concerns. Whereas planners in the early part of the 1960s may have focused on the interplay of local and national interests, it is now the regional level that is of primary importance. The increasing importance of the European level in spatial planning requires, however, to tend to a minimum of coordinated vision at the (Belgian) supra-regional level.

A108. In the 1980s the three Regions inherited the existing Belgian planning legislation (1962 Spatial Planning Act). Each of them is free to change and amend or even replace the old Belgian planning legislation. The three Regions have done this at a different pace and in a different way. Eventually, this will result in three different planning systems in one country, as well as different policies and priorities.

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**Table A12. Summary of implications of the 1980-93 Constitutional reforms on spatial planning**

Government level	Before Constitutional reform	After Constitutional reform
National State	Final decision-making competence for planning matters	None
Region (Flemish, Walloon, Brussels Capital Region)	None	Final decision-making competence for planning matters
Province <sup>(1)</sup>	Advisory role to the national government and some specific competence in planning (e.g. appeals)	Advisory role to the regional government and some specific competence in planning (e.g. appeals)
Municipality	Planning decisions and permit granting submitted for approval to the national government	Planning decisions and permit granting submitted for approval to the regional government

(<sup>1</sup>) There is no provincial level in the Brussels Capital Region.

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### Land policy, land quality and building quality

#### Land policy

A109. In land-use plans the territory is divided into different types of zones: residential, industrial, rural, services, recreation and special zones. Rural areas which have potential urban and industrial

use may be purchased beforehand by the municipalities in order to prevent private speculation, thereby establishing an active land policy for development.

#### Land quality

A110. Six general types of areas were identified (to be used in sub-regional plans), each having other characteristics. In order to maintain the zone's function for each of these areas a set of planning restrictions exist.

- Residential areas are intended for living and some activities such as trade, services, craft-work and small companies that are related to the residence activity but which form no burden to it. The areas also are intended for open spaces in built-up areas (such as parks, playing fields, etc.), socio-cultural buildings, tourist services and farms.
- Industrial areas are intended for the location of industrial or (handi-)craft activities. In order to set them apart from other zones they contain a buffer zone. In some circumstances there can be requirements for guarding staff, etc.
- Service areas are intended for the location of companies or institutions, such as major retail (shopping) centres and major distributors, that offer services which reach further than the immediate neighbourhood.
- Rural areas are intended for agriculture in its broad meaning, forests, green zones, parks and buffer zones. Rural areas have strict regulations on the amount of constructions and

on which type of construction may be built. No development is allowed except for agricultural and forestry purposes.

- Recreation areas are intended for recreation or tourist infrastructure (including residences). In order to maintain its recreational function specific regulations are applicable.
- Special purpose areas: This type of area covers military domains, exploitation zones, or areas containing public use facilities.

A111. The specific definition of the different types differs in each Region. A seventh type of land-use mentioned in the planning systems is the transport infrastructure (roads, railways, etc.).

#### Building quality

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A112. In the Regions and some municipalities extra conditions concerning the quality and appearance of the buildings are applicable. These quality regulations can go very far.

- Conditions concerning health, beauty, sturdiness, and safety of buildings: These regulations can stipulate height and depth of the building, plot coverage and location of the building on the plot, surface of the windows, depth of the foundations, use of combustible materials, existence of escape routes, use of particular materials, thickness of the walls, required colours of the facades, etc.
- Conditions concerning the health, beauty, sturdiness, and safety of the roads: These regulations can stipulate the preservation of trees along the roads, parking places to be reserved, etc.
- Conditions concerning public utilities (gas, water and electricity).
- Conditions concerning timing: These regulations can forbid the implementation of construction works on certain days in tourist areas.

Regulations are also used to ensure quality of the general spatial context. In the Walloon Region, specific regional regulations have been designed to ensure the protection of particular urban or rural areas.

A113. Both the regional government and the municipal government can introduce a building regulation. The former is applicable to the whole Region, the latter to the municipality concerned. In the Brussels Capital Region and in the Walloon Region the regional building regulations can apply to part of the Region. It should be noted that the destination of parcels cannot be defined by a building regulation – only a municipal structure plan or a municipal destination plan can do this.

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#### Plan led/development led

##### Plan led versus development led

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A114. The destination plans at regional, sub-regional and municipal level are binding for the authorities concerned and regulating for the citizens. Governments must strive to implement the plans using their administrative powers.

A115. In that sense the Belgian planning system is plan-regulated. Regulations established by the planning system, however, are mainly restrictive. The planning system is supposed to ensure that undesirable development does not occur. Implementation of the plans depends mainly on the activity of the private sector and only partly on government activity (such as construction of infrastructure).

A116. Development projects must be consistent with adopted planning regulations. Deviations from plans can be allowed for minimal adaptations provided the exception does not oppose the plan principles (the destination of the parcel). For larger deviating development projects the planning regulations must be adjusted or modified.

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### Political priorities

A117. In the 1980s in order to efficiently organise the limited space, the need was felt to develop a long-term policy. Furthermore, there was a strong demand to simplify existing procedures, thereby ensuring legal security. Recently the three Regions started to adapt their planning systems, each, however, following a different course of action.

#### Flemish Region

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A118. Formally until 1996 spatial planning in Flanders was controlled by sub-regional plans. These plans provide the legal frame of reference for all spatial initiatives.

A119. The 1996 Flemish Region planning legislation gradually replaces all the plan types. The legislation initiates two kinds of plans: the spatial structure plan (*ruimtelijk structuurplan*) and the spatial implementation plans (*ruimtelijk uitvoeringsplannen*) (see Section A: Policy trends and Figure B4). The legislation outlines three planning levels: the regional, provincial and municipal level. For each level both a spatial structure plan and spatial implementation plans will be designed. The regional plans will be prepared by the regional government, the provincial plans by the provincial governments, and the municipal plans by the municipal governments. The currently existing destination plans (such as the sub-regional plans), however, will only cease to exist when an equivalent level of legal protection is introduced by new plans.

A120. The 1997 *Ruimtelijk Structuurplan Vlaanderen* (RSV) introduced two main priorities: the preservation of open space and the revaluation of urban areas (see Section A: Policy trends and Figure B9). On 23 September 1997, the Flemish Government adopted the RSV and on 19 November 1997 the Flemish Parliament adopted the binding part of the RSV.

#### Walloon Region

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A121. In November 1997 Walloon legislation introduced the *Schéma de Développement de l'Espace Régional* (SDER) (Development Scheme

for the Regional Space) which is a strategic plan covering the whole Region. The plan type replaces the *Plan Régional d'Aménagement du Territoire wallon* (PRATW), which was intended to form the framework for all future social and economic investments and to guide all future decisions with spatial implications. While the PRATW had binding and regulating power concerning the statutory contents (and was indicative – except for the government – concerning its optional contents), the legal implications of the SDER are limited.

The draft of the PRATW aimed at strengthening the function of the cities, defining a territory and a way of life for the rural areas, and designing development projects for dynamic areas (*aires de dynamique*) (see Figure B10). It also defined guidelines for other domains with strong spatial implications (see A: Policy trends).

A122. One of the main priorities in the Walloon Region is the increased role of the local level in the spatial planning system. The 1989 Decree on Decentralisation and Participation (*Décret de décentralisation et de participation*, 27 April 1989) grants important spatial planning autonomy to the municipality, provided the latter adopted a municipal structure plan and a municipal building and planning regulation and established a *Commission Consultatives Communales d'Aménagement du Territoire* (a municipal spatial advisory committee) (CCAT).

#### Brussels Capital Region

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A123. In 1995 the Brussels Capital Region adopted the Brussels regional development plan. The plan aims to accommodate social and economic progress with the quality of life. Key priorities include housing and social policies, a planned development of office buildings, policies for mixed economic activities and environmental policies to accommodate social and economic progress with the quality of life (see Figure B11).

A124. The spatial planning in the Brussels Capital Region is furthermore characterised by the establishment of municipal consultation commissions (MCC). It should be noted that the consultation is far-going and resembles concertation (see *infra*). When a municipal planning problem requires a public inquiry, the citizens can participate in these commissions. This happens, for example, when it is the intention to create a non-

residence function in a residential area, or the intention of road construction.

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### **Political system, administrative system and public participation**

#### Administrative system

A125. The regional, provincial and municipal governments employ officials (civil servants) to carry out administrative duties and responsibilities. The authority of the officials is delegated from the politicians, and is limited by internal rules which imply that certain important decisions must be taken by the minister or the councils themselves. The officials then act on behalf of the minister/councils and are responsible according to their delegated powers. For example, planning policy proposals can be prepared by the officials and must be approved by the regional and municipal councils.

#### *Regional level*

A126. Each of the three Regions has an administration that deals with spatial planning. All Regions have an Administration of Spatial Planning and Housing (ASPH). The tasks of these three ASPHs are similar. They involve mainly policy preparing and policy implementing work on the level of the Region, advice on appeals, plan damage, legal matters, international cooperation, etc. (see also Section B: Policy institutions – Regional level).

A127. The Flemish and Walloon ASPH have field services located in the provincial capitals: so-

called deconcentrated (as opposed to decentralised) spatial planning departments. These provincial-based regional field services are in the first place responsible for the day-to-day policy and contacts with the municipalities. They also accompany the municipalities in their policy-preparing and policy-implementing work.

A128. In the Walloon Region the deconcentrated spatial planning departments are directed by the Provincial Director who also is the delegated official for that province. In Flanders the delegated official and Provincial Director are different persons. The delegated official represents the minister in some matters such as the assessment of building applications. He or she also is entitled to suspend permits issued by the municipal level, to approve departures from municipal plans (under certain conditions), to issue some building/parcelling permits (see C28) or even appeal against a favourable permit-related decision of the permanent deputation. There is one delegated official for the whole Brussels Capital Region.

#### *Provincial level*

A129. Each province has an appropriate spatial planning department. The main function of the provincial spatial planning department is to examine permit-related appeals and to make recommendations to the permanent deputation as to decisions to be taken. The provincial planning services of the Walloon Region do not have planning competences. Since 1996 the Flemish provincial spatial planning services have explicit planning competences.

#### *Municipal level*

A130. For implementation, almost every municipality has a 'technical department' (municipal spatial planning service). Municipal spatial planning services can vary from virtually non-existent to well-staffed and highly qualified civil servants in major cities. In poorly staffed municipalities, the preparation of municipal plans is contracted out to specialised firms or to inter-municipal associations.

#### *Consultants*

A131. Consultants may be used by the public authorities for carrying out identified tasks like design of destination plans, study of certain issues, etc. Consultants do play an important role in the design of the destination plans. The consultant can be a public or private organisation. A great

amount of the existing regional, sub-regional and municipal destination plans were designed by private consultants on behalf of the administrative instances and under their control. The planners of PDPs need a planning qualification. The consultants are appointed by the regional government or by the municipal council, depending on the plan concerned.

#### Political system

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A132. The elected councils and appointed governments at regional and municipal level (and to a lesser extent at provincial level) hold responsibility for carrying out the planning duties. The decisions of the executives are partly prepared by civil servants (officers) employed at the administrative departments of the regional, provincial and municipal government levels.

A133. An important role in the policy preparation of the federal and regional ministers is played by so-called *kabinetten/cabinets* (cabinets). A cabinet is a group of people connected to and selected by a minister with mainly a policy and decision supporting role. Cabinets cannot perform administrative legal actions. However, focused on the immediate ministerial decision-making, they are generally a cross-road of networks which have immediate access to policy development and are an interested party in that policy. Cabinets generally are considered as a shadow administration. Historically, cabinets were developed out of distrust and tensions between a minister and his administration. The situation as it exists today is considered (ab)normal. In the Flemish administration this practice appears to be on the turn partly because of the horizontal structure of the new Flemish administration.

A134. The national political parties usually are predominant in the provincial and local councils. This does not, however, mean that the policy of the national parties automatically dominate the dispositions of the councils. In municipal elections sometimes untraditional local political parties are formed in order to pursue local goals and to deal with local demands.

A135. Elections at federal level must in principle be held every fourth year but actually are held more often. The 1993 constitutional reform changed the timing of elections for the Regional and Community councils. From 1999 on they will be held every five years (together with the Euro-

pean Parliament elections). Until then the councils are elected every four years (together with the Federal Parliament). Elections for provincial councils and municipal councils are held every six years and take place together. The election system is a proportional system.

#### Public participation

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A136. In the adoption procedure for destination plans there is a substantial opportunity for public participation. Representation of interest groups in the municipal advisory committees and regional advisory committees also ensures participation.

A137. This, however, is not true in the handling of building and parcelling permit applications. While the applicant himself has a whole range of appeals and procedural safeguards available, third parties cannot intervene on the decision (except in a few cases), but are allowed to make objections before the decision, in the cases where a legal public inquiry is imposed (e.g. projects which are considered to have an impact on neighbours). The new legislation on access to the environmental information provides also a way for third parties to gain access to some documents relative to the request.

A138. In the three Regions different consultation commissions exist.

- In Flanders, the main interest groups currently are represented in the *regionale commissie van advies* (regional advisory committee) (RAC) and the *gemeentelijke commissie van advies* (municipal advisory committee) (MAC). The pending legislation in the Flemish Region intends to put greater emphasis on public participation.
- Similar to the Flemish Region, the Walloon Region works with a *Commission régionale d'aménagement du territoire* (CRAT) (regional advisory commission) (RAC). In the Walloon Region the 1984 Code Wallon established the *commissions consultatives communales d'aménagement du territoire* (CCAT) (municipal advisory committee) (MAC). Its main role is to organise public participation. It acts as an intermediary between government and the population and as a consultant for the municipal authorities.
- The spatial planning in the Brussels Capital Region is characterised by the establishment

of municipal *overlegcommissies/commissions de concertation* (municipal consultation committee) (MAC). Each time a town planning dossier requires a public inquiry, the citizens can be heard by the committee. This happens, for example, when it is the intention to create a non-residence function in a residential area (departure from plan), or when road construction is intended (major development).

At the regional level there is the *gewestelijke ontwikkelingscommissie/commission régionale de développement* (regional development commission) (RDC). The GOC/CRD does not organise public participation nor takes decisions about permits. It advises the regional government directly on the regional development plan, municipal development plan, sub-regional plan and (when it deviates from higher plans) the municipal destination plan. When a public inquiry has been organised, the GOC/CRD gives advice on the objections.

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### Population and statistics

#### Population characteristics

A139. Belgium is characterised by a high population density and a high degree of industrialisation. It has a population of 10.1 million, and a population density of about 330 people per km<sup>2</sup> (figures at 1 January 1993). The population density for the Flemish Region is about 431 inhabitants per km<sup>2</sup>, for the Walloon Region about 196, and for the Brussels Capital Region more than 5 888 inhabitants on each km<sup>2</sup>.

A140. Large parts of Belgium form part of the North Western European metropolitan area. There are, however, major variations in population density (see Figure A5). The cities of Antwerpen, Gent, Kortrijk, Leuven, Oostende, Hasselt, Genk, Aalst, St. Niklaas, Roeselare, Brugge, Turnhout, Liège, Namur, La Louvière, Charleroi, Mons, Mouscron, Verviers and their suburbs all have a high population density. However, even in the rural areas the population density is substantial.

A141. In the major cities demographic trends show a decline in the population while on the other hand the suburban zones are characterised by a substantial growth of their population. In Figure A6, the population density (inhabitants per km<sup>2</sup>) is taken as a point of reference (index = 100) to assess the amount of increase/decrease of the population density in the period 1983-93. The red coloured areas refer to municipalities where the population density increased by over 10% in one decade while the white coloured areas identify municipalities where the population density has decreased since 1983. Figure A6 clearly shows the decline in population in some urban areas and the population growth in the suburban areas. To a certain degree, Figure A6 can be considered as the mirror-image of Figure A5. For instance, the growth of the Antwerpen suburban zone with offshoots to the whole Flemish Kempen is outspoken. Many new residents have also settled in the area around Brussels, mostly south (Walloon Brabant) and east (area of Leuven), in the coastal area and in the suburban zone around Liège.

A142. The growth of the population outside the major cities implies that more and more is being built in rural areas. Indeed, houses, shops and industrial sites are constructed in areas which in the recent past were occupied by agriculture, forests, heaths and moors.

A143. Figure A7 shows that major parts of Belgium are highly built upon. In the Flemish Region on average 15.71 % of the surface is built upon. For the Walloon Region this figure is 7.14 %. The Brussels Capital Region is highly urbanised with 53.54 % built territory (1990). In the northern part of the country, only the small peripheral areas are not yet built upon (e.g., the Westhoek). There is only a limited amount of open space left (data: Nationaal Instituut voor de Statistiek, 1990). The southern part however still includes large open areas mainly devoted to agriculture and forest, namely the Ardennes.

A144. The increase of the built-up area does not only imply the increase of the number of houses outside the major cities. It also means that other urban activities like shopping, working and recreation have shifted towards the rural areas. The ribbon development spatial pattern (buildings constructed alongside roads) which gives significant parts of the Belgian territory the appearance of a fully urbanised areas is impressive.

#### Statistics

A145. The range of the population and the surface of the Regions is indicated in Table A13.

A146. The range of the population and the surface of the provinces is indicated in Table A14.

A147. The range of the population and the average size of the municipalities and provinces is indicated in Table A15.

**Table A13. Population and Government statistics of the three Belgian Regions**

Region	Population 1 January 1993	Area km <sup>2</sup>	Number of provinces	Number of municipalities
Flemish Region	5 824 628	13 522	5	308
Walloon Region	3 293 352	16 844	5	262
Brussels Capital Region	950 339	161	N/A	19
Kingdom	10 068 319	30 527	10	589

Source: Nationaal Instituut voor de Statistiek, 1993.

**Table A14. Population and Government statistics of the Belgian provinces and municipalities**

Provinces	Population 1 January 1993	Area km <sup>2</sup>	Number of municipal authorities
1. West Flanders	1 116 244	3 144	64
2. East Flanders	1 344 263	2 981	65
3. Antwerpen	1 619 613	2 867	70
4. Limburg	761 565	2 422	44
5. Flemish Brabant	982 943	2 102	65
6. Walloon Brabant	329 614	1 090	27
7. Hainaut	1 285 934	3 785	69
8. Liège	1 011 368	3 862	84
9. Namur	429 586	3 666	38
10. Luxembourg	236 850	4 439	44
Brussels Capital	950 339	161	19
Kingdom	10 068 319	30 527	589

Source: Nationaal Instituut voor de Statistiek, 1993.

**Table A15. Average population statistics of the Belgian provinces and municipalities**

Level	Number	Average size km <sup>2</sup>	Range size km <sup>2</sup>	Average population	Range of population
Provincial	10	2 775	from 161 to 4 450	about 915 000	from 240 000 to 1 620 000
Municipal	589	52	from 1.2 to 215	about 17 000	from 94 to 465 000

Source: Nationaal Instituut voor de Statistiek 1993, own calculations. Remark: Brussels Capital does not form part of a province. The surface area and number of inhabitants have been included in the calculations.



## TRENDS

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### Central power – local power

A148. In spite of the lip service paid to municipal autonomy, planning decisions are made by or under very strict control of the central authorities. Sub-regional and regional destination plans take precedence over municipal destination plans. The latter must be in conformity with the sub-regional destination plans, and are not in any circumstances valid unless approved by the central authority. The issuing of building and parcelling permits by the municipal authorities is subject to favourable advice or approval of the delegated official.

#### *Flemish Region*

A149. One of the elements of the 1996 Flemish legislation is the desire for a more substantial role for the lower tier governments in the field of spatial planning and the environment. Experience indicates that the lack of autonomy tended to make the municipalities less conscious of planning needs. They were inclined to grant permits whenever possible, assuming that the delegated official will appeal them if they are contrary to the planning regulations or the requirements of good spatial planning (see Section C: Overview). The 1996 planning legislation granted new responsibilities to both the provinces and the municipalities. Among other things, they will be responsible for the design of spatial structure plans and spatial implementation plans (see Figure B4).

#### *Walloon Region*

A150. One of the important priorities is the increased decentralisation of the planning system. The legislation supports a two-tier planning system: central (regional) and municipal. The 1989 Decentralisation and Participation Decree granted extended spatial planning competencies to the municipal level, provided the municipalities set up a *commission consultative d'aménagement du territoire* (CCAT) (municipal advisory committee), design a *schéma de structure communale* (municipal structure plan) and adopt a *règlement communal d'urbanisme* (municipal building and planning regulation). The municipalities which choose to fulfill these conditions benefit from what is called *régime de décentralisation* (decentralising system): they are entitled to issue

most building and parcelling permits without previous advice of the delegated official.

#### *Brussels Capital Region*

A151. A central element in the new spatial legislation is a development plan for the whole of the Brussels Capital Region. The legislation supports a two-tier planning system: regional (central) and municipal (local). At each planning level both development plans and destination plans are formulated. Municipal plans are developed by the municipal authorities but must be approved by the central (Brussels regional) government.

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### Flexibility versus certainty

#### Flexibility versus certainty

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A152. Since the procedure for adopting destination plans is quite elaborate and a time-consuming process, it is not easy to modify a plan once it has been adopted. Destination plans, once adopted, remain in force until modified, meaning, until the modification procedure has run its course. In the Walloon Region some destination plans may, however, be abrogated under strict conditions. As a consequence, the rules established by destination plans have to be followed even if the plan is clearly outdated.

A153. It is generally accepted that the well-known land-use zoning system has to evolve towards a system where planning intervenes more directly and coherently in social reality and development. Tools of development cannot be considered without situating the whole issue of policy effectiveness in the context of divergent socio-economic interests. This concern is shared by the three Regions.

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### Government structure

#### Government structure

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A154. During the 1980s Belgium evolved from a tightly organised central State with three levels of political and administrative government – the national, provincial and municipal – towards a federal State. The three Regions inherited the 1962 legislative planning basis. Each of them is free to change and amend or even totally replace this Belgian system. Unlike the German system where the *Länder* can legislate their own planning within the framework established by the *Bundesgesetz*, the 1962 Act can and will be entirely replaced by separate acts passed by the regional councils. In the future this can imply quite different planning systems in each Region, as well as different policies and priorities. The federal level has no direct competence related to spatial planning and policy.

A155. One of the elements of the Flemish 1996 Decree is the greater role for provinces in the field of spatial planning. In the Walloon Region the 1984 *Code Wallon* has retained the principles of the 1962 Act, but gradual changes in the legislation result in a reduced intervention of the provincial level. The expected result will be near to a two-tier system (regional level and municipal level). The same two-tier system was introduced in the Brussels Capital Region.

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### Policy trends

#### Policy trends

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A156. In the 1980s the need was felt to develop a long-term policy that could deal with the broad demands for an efficient organisation of the limited space. Furthermore, there was the strong demand to simplify the existing procedure, thereby ensuring legal security. Recently the three Regions have started to adapt their planning systems (see Section A: Political priorities).

A157. The adopted *Ruimtelijk Structuurplan Vlaanderen (RSV)* (Spatial Structure Plan for Flanders) focuses on four main structural elements: (i) urban areas; (ii) regional employment areas; (iii) open space; and (iv) infrastructure. The *RSV* starts from the concept of sustainable development. Two central priorities have been put forward; (i) the preservation of the open space and (ii) the revaluation of the urban area. Growth will mainly be concentrated in the urban areas, which should decrease the pressure on the open space. These priorities have been translated in the spatial concept of deconcentrated clustering. In Flanders, legislation is being prepared which will replace the 1962 Spatial Planning Act. The 1996 legislation outlines three planning levels: region, province and municipality. Each planning level can design a *ruimtelijk structuurplan* (spatial structure plan) and *ruimtelijke uitvoeringsplannen* (spatial implementation plans) (see Section B: Policy instruments).

A158. The Walloon Region currently prepares a *Plan régional d'aménagement du territoire wallon (PRATW)*. November 1997 changes to the legislation changed its name into a *Schéma de développement de l'Espace Régional* and gave the plan the status of a structure plan. The draft text of the *PRATW* intended to guide future decisions with spatial implications. It points out three important aims for the development of the Walloon territory: (i) to increase the driving function of the Walloon cities; (ii) to redefine a territory and a way of life for the rural areas; (iii) to design devel-

opment projects for dynamic areas (*aires de dynamique*). The text also defined guidelines for domains with strong spatial implications, such as transport and communications, natural and cultural heritage, housing, economic activities, tourism, and social and sanitary facilities.

A159. The Brussels Capital Region aims to accommodate social and economic progress with quality of life and intends to design an integrated approach (plan) in order to realise this. Key priorities of spatial policy include housing and social policies for preserving a mixed population and social balance, policies for mixed economic activities, and environmental policies to accommodate social and economic progress with quality of life. In 1995 the Brussels Capital Region adopted a *Gewestelijk Ontwikkelingsplan/Plan Régional de Développement* (regional structure plan). The regional structure plan combines both spatial planning and socioeconomic planning (housing, transport, economic development), all aspects which define life in a densely populated area such as the Brussels Capital Region.

Issues which will affect the planning system in Belgium

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A160. Several main issues do affect, or are expected to affect, directly or indirectly the spatial planning in Belgium. They are: (i) further internationalisation of the economy and the single European market; (ii) major infrastructure works; and (iii) some specific problems.

#### *The internationalisation of the economy and the European integration*

A161. The abolition of European border controls after 1992 will further internationalise Belgian economic activities. Taking into account the central location of Belgium and the openness of its economic and political system, the single European market (SEM) is expected to have direct and indirect implications on the economic situation in Belgium. This evolution will have substantial implications for the Belgian regions, whether positive or negative, and will subsequently have implications on the use of space.

A162. It is expected that Belgium will benefit from the abolition of costs of border control and border delay (estimated to be between ECU 400 and 800 million in the European Union) and will further benefit from measures like cabotage. In-

creased traffic and more troubled accessibility, however, will be the drawback of it. A potential negative side effect of the SEM is that it might lead to the marginalisation of small businesses and to the increase of regional disparities. Moreover the restructuring of multinationals could urge firms to close their less efficient branches in the weaker regions and to concentrate their production in lucrative regions. On the other hand, firms will be searching for new sites beyond congested regions. These regional effects will further depend on the overall rate of economic growth. Under a slow growth scenario 'winning' regions are likely to grow at the expense of 'losing' regions. Under a strong growth scenario, Europe's strong regions will become saturated and growth will therefore diffuse to other regions. The regions that finally will benefit will depend upon their attractiveness to external capital.

#### *Infrastructure works*

A163. Some major border-crossing infrastructure works will change the western European geo-economic tissue and may re-orientate the traffic flows and subsequently influence the spatial location of activities in Belgium. In this light the realisation in neighbouring States of major infrastructure projects is of great importance. Three main infrastructure works are identified: the Chunnel (Channel Tunnel), the Main-Donau Canal and the high speed train (HST) network.

- The Chunnel: The roads on the continent which link to the Chunnel are mainly situated south of Flanders. Belgian policy-makers are eager to fully integrate Belgium in this new element of European transport networks. It will be of utmost importance to have good connections between the main cities and the Chunnel. For that purpose improved road as well as railway infrastructures are considered to link the main Belgian cities and the new infrastructure with Calais and Lille. It is expected that the ferry service crossing the Channel between Oostende-Ramsgate will suffer from the competition of the Chunnel. Zeebrugge and Antwerpen on the other hand will be hit less in their cross-Channel and roll-on/roll-off traffic respectively.
- The Main-Donau Canal: Due to the expected increasing importance of inland shipping, the Main-Donau Canal will be important because it will connect western European inland waterways with the central and eastern European ones. The canal will allow a 3500 km in-

land-shipping connecting the North Sea with the Black Sea. Due to the still existing economic backwardness in central and eastern Europe, the immediate effect of this canal will be limited for Belgium. Its potentialities, however, will stress the usefulness of inland shipping. For Belgium this implies the upgrading of the waterways and the installation of 'transport service centres' where goods can be transferred from train or truck to inland navigation vessels and vice versa.

- The high speed train (HST) network: With the HST, Belgium will be included in an international pattern of fast railway links. Brussels will play a central role in the PBKAL net (Paris, Brussels, Köln, Amsterdam, London). In Belgium the upgrading of existing lines is planned to improve the accessibility of some main cities.

#### *Specific problems in the Brussels Capital Region*

A164. As in many other cities, Brussels is being confronted with both depopulation and a rather precarious financial situation. This results in a strong ageing of the native inhabitants combined with a noticeable rise in the relative number of foreigners. Both evolutions have resulted in an increased demand for (social) housing.

A165. The main reason for the out-migration of the Belgian population lies in the tertiarisation of the city, mainly office blocks for administration, banks and insurance companies; the degradation of the quality of living and high land prices. The decision to locate the main offices of the EU in Brussels implied a number of multinationals, Brussels has become the number one European headquarters. The growing number of prosperous (foreign) families linked to the EU, NATO, multinationals, etc. has had an influence on rents and real estate prices in Brussels and its outskirts. Consequently this fact has produced an expulsive effect on the local population.

A166. Tertiary development neither was planned nor controlled. Because of its permissive policy towards investors, the institutional apparatus has contributed to the conversion of a number of neighbourhoods into business centres. Some kind of chain migration has ensued from this. The unoccupied offices (over 1 million m<sup>2</sup>) and houses left vacant have partly been taken over by a new class of residents. Since people who are leaving the inner city are relatively more prosperous than those who are staying or arriving, there

is a dual negative impact. On the one hand the yield of local taxes goes down, such as (mainly) income tax, taxes on real property, car tax and taxes on workers employed in the Brussels municipalities. Consequently, and on the other hand, a significant part of local expenditure is required to support the needy inhabitants and to finance transport infrastructure and public transport – which is mainly used by commuters.

A167. The financial problems faced by the Brussels municipal governments are of major importance to understand the logic of the conduct of these governments in the past. The Brussels municipal governments considered connecting their interests to a number of private financial interests to be a direct solution to their financial problems; hence the tendency in the past to welcome building promoters. The prospect of these promoters held out the prospect of higher revenues from taxes on real estate and on economic activity (taxes on the employed personnel and office space). This led to unplanned construction of office infrastructure scattered over Brussels. The problem is one of the concerns and major points of action of the Brussels regional development plan (1995). The *GewOP/PRD* opts for a mixing of urban, social and economic functions but where no function can disturb or suppress the other.

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#### Creation of cross-border regions

A168. Some Belgian regions historically have close links with neighbouring regions. The abolition of most of the remaining barriers between the Member States could have substantial implications for these regions. The opening of the European inner borders can lead to a major shift in the position of border regions. For example in the Belgian perspective south-west Flanders and Limburg are peripheral sub-regions. In a European context, however, the former is centrally located near Lille (France) and taking into account the Chunnel is also near Kent (Britain), while the latter is close to the Ruhr area and to major Dutch urban areas.

A169. Competition between countries is shifting towards competition between regions/urban areas. For former peripheral regions there is the need to cooperate if they want to survive in this competition. There are several cross-border cooperative projects and frameworks. For Bel-

gium attention should be paid to cross-border metropolitan complexes of Lille-Roubaix-Tourcoing-Kortrijk-Tournai-Mouscron, the MHAL region (Maastricht/Heerlen-Hasselt/Genk-Aachen-Liège) and the Euregion Scheldemond (Scheldt Estuary) (see *infra*). Small-scale cross-border cooperations also provide interesting examples, like the European Development Pole (Belgium, France, Grand-Duchy of Luxemburg), operation financially sustained by the European Union.

#### *The Lille-Kortrijk-Tournai area*

A170. There is increasing cooperation between the metropolitan area of Lille (consisting of Lille, Béthune, Lens, Douai, and Valenciennes) and part of the provinces of West Flanders (Kortrijk, Veurne and Ieper) and Hainaut (Tournai and Mouscron). In the past, infrastructure networks often stopped at the border. Infrastructure links however are crucial for border regions (i.e., connections with the HST-Nord and the planned express roads). A programme defining seven main lines of force has been set up, acting as a frame of reference for specific projects.

A171. The planned projects are the result of a mixture of public and private initiatives. In the near future there is, however, the need for a more planned approach. The total cost of the border-crossing programme is about ECU 30 million of which 49% should be funded by the EU (48% ERDF and 1% ESF) and the rest by Belgium (14%), France (35%) and private sources (2%).

#### *The Euregion Scheldemond (Scheldt Estuary)*

A172. In 1989 the Belgian provinces of West Flanders and East Flanders and the Dutch province of Zeeland agreed upon a common development concept for the Maritime Region, containing a portfolio of strategic projects related to the Scheldt Estuary. A three-year programme was approved by the European Commission in 1991 (value: ECU 3.68 million).

#### *The MHAL project*

A173. From a national point of view the Dutch-Belgian-German border area consists of peripheral regions. Located in the north-west European megalopolis, it has a central position. The MHAL project is the result of the efforts of the national,

regional and local authorities of the three nations. It intends to realise a spatial development perspective for the cities Maastricht/Heerlen (the Netherlands) - Hasselt/Genk (Belgium) - Aachen (Germany) - Liège (Belgium), the so-called Euregion Maas-Rhine. The Belgian federal level as such was not involved in the cooperation in the framework of the MHAL project.

#### *Eurregion*

A174. The Eurregion lies in the traditional economic and administrative heartland of Europe and consists of the regional authorities of Flanders, Wallonia, Brussels Capital, Kent and Nord-Pas-de-Calais. The changes brought about by the massive infrastructure development of the Channel Tunnel and HST links, the impact on border regions of the SEM and two decades of industrial restructuring in the region, will have an impact on its future development.

A175. There has been studies on the key issues and problems affecting the Euroregion and indicating areas for further cooperation. The Eurregion is a registered European Economic Interest Group which is run under auspices of a presidents group consisting of the elected leaders of the five regions.

#### *Benelux structure scheme*

A176. The cooperation between the Benelux countries started in 1944 (Custom Union), which was reformed in 1958 into the current existing Benelux Economic Union (BLEU). The Union treaty does not contain provisions related to spatial planning nor a common spatial policy. However, gradually the need emerged to incorporate spatial planning decisions. In 1975 the first Benelux structure scheme was designed (approved 1986) containing among other aspects a desired spatial structure of the Benelux and procedural recommendations. A second structure scheme is currently being prepared which focuses on location policy, infrastructure and rural areas.

#### *Cross-border issues*

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#### *The Belgian-Dutch HST trace*

A177. The realisation of the HST network implies close cooperation among public and private or-

ganisations of the Member States involved. After long negotiating in 1996 the Belgian and Dutch governments agreed upon a route for the planned HST railway north of Antwerpen. The required changes to Flemish sub-regional plans are already implemented.

*Cross-border sectorial cooperation:  
a maritime Euregion*

A178. Up to now the European countries were competing by individually stimulating and promoting their harbours to foreign investors. In a united Europe national States will become less important. This will imply the need for cooperation and for the division of tasks instead of competition. The Le Havre-Hamburg range is regarded such an economic area, with a Maritime Eu-region covering the harbours of Belgium and the Netherlands – from Zeebrugge to Rotterdam. There is the need for a common policy based on the strength and potentialities of each harbour. An important characteristic of these harbours lies in their transit function. This implies that the future role of these harbours will heavily depend on the capacity of the hinterland connections. Cross-border cooperation might become more important.

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## B. Making and reviewing plans and policies

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### Summary

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*B1.* In the three Belgian spatial planning systems, the municipal and regional (central) level predominantly have the planning responsibilities and powers. As opposed to the Flemish Region, the intermediary, provincial, level plays only a limited planning role in the Walloon Region. The provincial level in the Brussels Capital Region, has been removed (see Section A: Government structure). The federal level has no spatial planning competencies. However, at the federal level, some institutions like the State Council and the Court of Arbitration play a judicial and advisory role respectively.

*B2.* The *gemeente/commune* (municipality) is responsible for the design of municipal destination plans or municipal structure plans and for granting building permits and parcelling permits. Municipalities can organise themselves in *intercommunales/intercommunales* (inter-municipal corporations) which deal with specific technical aspects, however, without taking over the final responsibilities from the municipal councils nor from the councils of mayor and aldermen involved.

*B3.* In the Walloon Region the provincial authorities statutory cannot adopt their own destination plans. In the Walloon Region, the provincial authorities are in charge of the public inquiries related to the sub-regional plans; their role is very limited concerning municipal plans. Secondly the province acts as an administrative appeal body against permit-related decisions of the council of mayor and aldermen. The provincial authorities also have some sort of 'technical' department. The main function of these departments is to ex-

amine permit-related appeals and to make recommendations to the permanent deputation. In the Flemish Region, the provincial level also acts as administrative appeal body. Since the 1996 Spatial Planning Act, however, the provincial level became a full planning level, with plan-making and plan-implementing competencies. Currently the Flemish provinces are also responsible for the administrative supervision of the design of the municipal plans, such as for instance on the preparation of municipal public inquiries.

*B4.* The Brussels Capital Region does not form part of a province. Consequently, the provincial level has been removed.

*B5.* In the three planning systems, the regional (central) level has primary importance. Since the 1980 constitutional reforms, the three Regions determine their own spatial planning policy and spatial planning system. The latter implies that the three regional councils and regional governments establish planning legislation and regulations for their region. The regional government further adopts the sub-regional plans (for Brussels Capital, regional plans) and reviews them. Without explicit approval no municipal destination plan can be validated. Finally the regional government keeps the competence to issue some building permits for major infrastructure works, and handles administrative appeals concerning building and parcelling permits.

*B6.* Each of the three Regions has an administration which is responsible for spatial planning, the Administration of Spatial Planning and Housing (ASPH). The tasks of these regional (central) planning administrations mainly involve policy preparation and policy implementation on the level of the Region (regional plans, sub-regional

plans, structure plans, etc.), advice on appeals, plan damage, legal matters, international cooperation, etc.

B7. The Flemish and Walloon ASPHs have field services located in the capitals of their provinces: the deconcentrated spatial planning departments which are similar to the French *Directions Départementale d'Équipement (DDE)*. These field services are in the first place responsible for the day-to-day spatial policy and contacts with the municipalities. They also support the municipalities in policy preparation and policy implementation.

B8. The three spatial planning systems clearly divide the tasks between the different levels. The role of the policy and administrative institutions at the different levels are presented in Figure B1.

B9. The Belgian planning systems have a whole set of instruments available which build upon the formal framework: destination plans and structure plans (see Section B, Policy instruments); a permit system which allows the competent government to control whether a proposed development is desired (see Section C: Main permit and Other permits); the requirement of technical plans (see Section B: Policy instruments); regional and municipal building regulations, environment impact assessment procedures and compulsory purchase (expropriation) procedures (see Section B: Policy instruments); and administrative and judicial enforcement procedures (see Section C: Enforcement procedures).

## Policy institutions

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### National Government

#### Federal government

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B10. Since the constitutional reforms of the 1980s, spatial planning is exclusively the responsibility of the three Regions. Consequently, at the federal level no institution has direct impact on the spatial planning in Belgium. Currently, there is no statutory coordination between the three Regions on spatial planning related matters. However, the federal level still holds some competencies that indirectly impact on the use of space, such as taxation and some environment-related competencies.

B11. Taxation matters have not been regionalised. The Regions receive the revenues from an exhaustively defined list of taxes, determined at the federal level. Under the national Municipal Law (1836), municipalities are entitled to raise any tax which does not discriminate against specific citizens. Municipalities can for example raise taxes on the granting of building permits, the use of office space or the possession of real estate.

B12. Unlike spatial planning where the Regions have the full competence to determine their planning, the federal level still holds some limited competencies in the field of environmental policies such as product standards, protection against radiation and transit of waste. The federal level also is responsible for the coordination of Belgian environment policies in respect of international cooperation.

#### Federal departments

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B13. Eight federal departments have limited competencies in the field of environmental policies:

- Department of Public Health and Environment (product standards, coordination of regional departments).
- Department of Agriculture (coordinating role concerning environment conservation).
- Department of Economy (continental shelf).
- Department of Traffic and Infrastructure (sea pollution).
- Department of Home Affairs (civil protection in case of serious contamination).
- Department of Defence (the participation in the fight against sea pollution and the destination of military real estate).
- Services of the Prime Minister (scientific research on subjects of federal competence).
- Department of Foreign Affairs (Belgian participation in the international multilateral environment policies).

#### Arbitragehof/Cours d'Arbitrage (Court of Arbitration)

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B14. The Court of Arbitration is the Belgian de facto constitutional court. The Court firstly is entitled to judge on questions of competence dis-



putes between the federal government, Regions and Communities. When two Regions dispute which has the competence for an environmental problem (such as, for example, water quality of the Meuse), the Court of arbitration has the responsibility to judge on this question.

*B15.* Secondly, the Court is entitled to check whether Acts, Decrees or Ordinances are in accordance with the constitutional principles of equality, non-discrimination and freedom of education. To that order it also can deal with pre-judgemental questions asked by citizens. When a citizen believes that a spatial planning decree violates a constitutional principle (such as equality), the Court of Arbitration is entitled to judge on that matter.

*B16.* The Court cannot judge on executive government Acts as expressed in royal decrees, decrees of the regional government or decisions (see Table A2). This is the competence of the State Council. The Court can not judge matters regarding alleged illegal implementation of law or infringements on the subjective rights of the individual. This remains the responsibility of the normal courts (see Section A: Judicial system).

#### Raad van State/Conseil d'Etat (State Council)

*B17.* The State Council, created in 1946, has two divisions: the Administration Department and the Legislation Department. The Administration Department is an administrative court with different competencies. It is firstly responsible for decisions on whether an act of government (such as a royal decree or decision) is in accordance with the constitution. Whereas it can decide on all acts of government, it cannot pass judgement on the constitutionality of legislation (such as Acts, decrees or ordinances). These are the responsibility of the Court of Arbitration.

*B18.* The State Council (Administration Department) is also the highest administrative court in Belgium and is entitled to judge on competence disputes between decentralised governments (such as between provinces and municipalities).

*B19.* Apart from some exceptions, the State Council has to be consulted on the constitutional dimension of all pending legislation (such as decrees). This advisory function is the responsibility of the Legislation Department of the State Council (see Table A3 and A4).

## **Regional government (three Regions)**

### Regional council

*B20.* There are three Regions: the Flemish Region, the Walloon Region and the Brussels Capital Region. The legislative body of the Regions is the regional council. The Flemish council comprises 118 directly elected members. Both the council of the Walloon Region and the council of the Brussels Capital Region comprise 75 directly elected members.

*B21.* Since the constitutional reforms, the Regions are solely sovereign to decide on all spatial planning matters. The regional councils are entitled to determine freely the spatial planning in their Region by issuing Decrees (Flemish and Walloon Region) or Ordinances (Brussels Capital Region) (see Section A: Government structure).

### Regional government

*B22.* The executive power of the Regions is the regional government. Unlike the federal ministers who are appointed by the King, the regional ministers are appointed by the regional council. The regional government has explicit powers in spatial planning. The regional government:

- adopts regional and sub-regional plans and reviews them;
- approves municipal plans (see Section B: Municipal level);
- can adopt regional building regulations and regional parcelling regulations (codes);
- issues building permits for major infrastructure works;
- approves municipal building regulation and municipal parcelling regulations;
- decides on administrative appeals relating to building permits and parcelling permits;
- appoints key people in the planning system such as the delegated official, the chairman and members of the regional advisory commissions;
- decides when and to what extent (sub-)regional and municipal destination plans must be adapted (own initiative or on request of the municipality).

## Administration of spatial planning and housing

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B23. All three Regions have an Administration of Spatial Planning and Housing (ASPH). Beside spatial planning and housing, the ASPHs coordinate monuments and landscapes, spatial planning actions of local authorities and urban renewal. Furthermore the ASPHs are responsible for relations with their ministers, other administrations and Members of Parliament. They are also responsible for the implementation of decrees and regulations of policy within their sphere of influence. The Flemish and Walloon ASPHs also are in charge of the general management of the deconcentrated spatial planning departments. Plan preparation involves the participation of other departments (such as transport, environment, economic development, energy) which have to be consulted during the plan preparation procedure. Transport matters are dealt with by the Regional Administration of Transport while environment matters are dealt with by the Regional Environment Administration.

## Deconcentrated spatial planning departments

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B24. The Flemish and Walloon ASPHs have services located in the provincial capitals. These deconcentrated spatial planning services are generally known as 'provincial administration'. The name is misleading because these administrations form part of the central (regional) administrations and not of the administrations of the provinces.

B25. The ASPH of the Flemish Region (*Administratie voor Ruimtelijke Ordening, Huisvesting en Monumenten en Landschappen*) (AROHM) is located in Brussels and has decentralised services in the capitals of the Flemish provinces (Antwerpen, Brugge, Gent, Hasselt and Leuven). The ASPH of the Walloon Region (*Direction Générale de l'Aménagement du Territoire, du Logement et du Patrimoine*) (DGATLP) is located in Namur (Jambes) and has decentralised services in the five provincial capitals (Arlon, Liège, Mons, Namur and Wavre). The ASPH of the Brussels Region (*Bestuur Ruimtelijke Ordening en Huisvesting - BROH/Administration de l'Aménagement du Territoire et du Logement*) (AATL) does not have decentralised services.

B26. The provincial divisions of the Spatial Planning and Housing Administration are headed by

a Provincial Director who in the Walloon Region, for that province also is the *Gemachtigd Ambtenaar/Fonctionnaire Délégué* (delegated official) (DO). In the Flemish Region the two functions are separated. The delegated official plays an important role in the issuing of building and parcelling permits (see Section C, Processing a permit and rights of appeal; and Departure from plans).

## Regional government organisations

### Regional advisory committees

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B27. In Belgium seven regional advisory commissions (RACs) are active: one for each of the five planning regions in the Flemish Region (*regionale commissie van advies*), one in the Walloon Region (*commission régionale de l'aménagement du territoire*) and one in Brussels Capital Region. The Brussels RAC is called the *gewestelijke ontwikkelingscommissie/commission régionale de développement* (regional development commission) (RC). The Flemish, Walloon and Brussels RACs/RC have comparable functions.

B28. The Flemish RACs and Walloon RAC have an advisory role in the review of sub-regional plans and the Brussels regional development commission also plays an advisory role in the formulation of the Brussels regional plans. To that order the RACs and RC must be informed about the progress of the preparation studies and all preliminary plans. Furthermore, the RACs and RC can be consulted by the regional government on all spatial planning and development matters, whilst entitled to comment or advise on spatial matters at their own discretion. The Brussels regional development commission also has an advisory role in the development of regional building regulations and the design of the municipal destination plans.

B29. The RAC and RC members are nominated by the regional governments. The RAC consists of representatives of the different government authorities, representatives of the main interest groups and planning experts. In Flemish and Walloon municipalities with less than 10 000 inhabitants or where no municipal advisory committee exists, the regional advisory committee exercises the function of the municipal advisory committee. The Brussels Capital RC consist of representatives of municipalities; commissions involved with heritage, public transport, environment and socioeconomic aspects; and independent experts (48 members in total).

B30. The Brussels 1991 planning legislation established a *stedebouwkundig college/collège d'urbanisme* (Town Planning Council) which is responsible for all appeals against permit-related decisions of the municipal council of mayor and aldermen or against the delegated official (see Section C: Rights of appeal). In the Flemish and Walloon Region this function (first appeal) is the responsibility of the permanent deputation (provincial level) (see Section B: Provincial level). Because the provincial level has been eliminated in the Brussels Capital Region, a new organisation had to be established. The town planning committee consists of six planning specialists nominated by the Brussels regional government from two lists proposed by the council of the Brussels Capital Region.

### Provincial level (10 provinces)

#### Provincial Council

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B31. The deliberating body of a province is the *provincieraad/conseil provincial* (Provincial Council), of which the members are directly elected every six years. The number of members depends on the size of the province and varies between 47 (Luxembourg) and 84 (Antwerpen, West Flanders, East Flanders, Hainaut).

#### Permanent deputation

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B32. The executive body of the province is the *bestendige deputatie/députation permanente* (permanent deputation), which consists of the governor and six members. The permanent deputation is in charge of all matters concerning the day-to-day administration of the province and is in charge of the implementation of the decisions taken by the Provincial Council. It will also ensure the implementation of its own decisions.

B33. The six permanent deputies are elected from and by the provincial council. The *gouverneur/gouverneur* (governor) is appointed by the King for an undefined period of time and represents the central government. When the permanent deputation for example, takes a decision which falls outside its competence or which opposes the general interest, the governor can suspend the decision (Article (27) Provinces Act).

B34. In the Walloon Region, the provinces do not have statutory spatial planning competencies. Nevertheless, they have some specific task related to planning and permit-granting procedures. The permanent deputation has an advisory competence regarding the design of sub-regional and municipal destination plans (see Section B: Regional level and local level). Finally the permanent deputation acts as an administrative appeal body for the granting of permits. (see Section C: Rights of appeal). The 1996 spatial planning legislation of the Flemish Region implies considerable planning responsibilities for the provincial level: the provincial government will have to formulate its own structure and implementation plans (see Section A: Trends).

#### Provincial spatial planning services

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B35. Each province has a provincial spatial planning service. This department only has a limited role in Wallony since the provincial authorities cannot adopt their own destination plans. Consequently, the main function of these services is to examine the permit appeals and make recommendations as to which decisions should be taken (see Section C: Rights of appeal). In Flanders, provincial spatial planning services are to a greater or lesser extend involved in the provincial structure plan.

### Local government

#### Municipal level (589 municipalities)

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B36. The Belgian system of local government comprises of 589 municipalities, which substantially influence part of the local living conditions. The legislative basis of the municipal level is the 1836 Municipal Act. Up to 1961 Belgium consisted of 2 663 municipalities. Since 1961, and especially since the 1975 Municipal Reform Act, a systematic review of the municipal territory led to the fusion of municipalities. The size of the municipalities vary in population from about 460 000 in the city of Antwerpen to 100 inhabitants with an average of around 17 000 inhabitants (for more statistics see Section A: Population).

#### Municipal Council

B37. Each municipality has a *gemeenteraad/conseil communal* (municipal council), consisting of

councillors, the mayor and aldermen. The mayor is nominated by the King from members of the municipal council. On advice of the permanent deputation, the King can appoint a mayor from outside the municipal council. The size of municipal councils ranges from a minimum of seven to maximum of 55 members depending on the size of the population. Its members are directly elected every six years.

#### *Council of mayor and aldermen*

B38. The executive body of a municipality is the *college van burgemeester en schepenen/colège des bourgmestre et échevins* (council of mayor and aldermen) (CMA). It consists of the mayor and a number of aldermen, from two to 20, depending on the number of inhabitants. The aldermen are elected by and from the municipal council for a fixed period of six years. The CMA is the executive body of the municipality and is in charge of the day-to-day administration of the municipality. The CMA is entrusted with the implementation of the decisions taken by the municipal council, with the exception of police regulations coming exclusively under the executive competence of the mayor.

#### *Spatial planning responsibilities*

B39. The municipalities have specific competencies in the domain of spatial planning. The municipal council adopts the destination plans, the structure plans and their revisions. The council also adopts municipal building and parcelling regulations. All of these actions are subject to the approval of the regional government, except for the municipal structure plans in the Walloon Region, which are not submitted to such approval. The municipal council furthermore decides on all permit applications involving the construction of new roads or the alteration of existing municipal roads. A negative decision by the municipal council is binding not only for the council of mayor and aldermen, but also for the authorities deciding on appeals (permanent deputation and the regional minister).

B40. The CMA also has statutory responsibilities in the field of spatial planning: it decides on all applications for building and parcelling permits, except on the ones made by public authorities. In the Walloon Region, however, when the municipality benefits from the decentralisation system, most applications made by public authorities are treated by the CMA.

#### *Municipal advisory committee*

B41. Each Flemish municipality with more than 10 000 inhabitants is required to have a municipal advisory committee (MAC). In small municipalities or in municipalities which fail to establish a MAC, the tasks of the MAC is done by the regional advisory committee. In the Walloon Region, all municipalities are encouraged to establish a MAC. At the present time, more than half of them have done so. For the other ones, the regional advisory committee is competent.

B42. The Flemish MACs (*gemeentelijke commissie van advies*) and the Walloon MACs (*commissions consultatives communales d'aménagement du territoire*) (CCAT) consist of at least 10 to maximum of 20 members and a chairman. The members represent both the public and the private sector. The representatives of the public sector consist of representatives of the political parties that are represented in the municipal council. The members of the private sector represent socioeconomic, culture, tourism and environment interest groups. In 1962 it was the legislator's intention to especially take into account the economic interests of the municipal private sector. Since the 1970s there has been a shift in the type of organisations represented in the MAC. Since then the whole range of municipal interest groups is represented in the MAC.

B43. The MAC has specific spatial planning competencies. Firstly, it has an advisory role in the formulation of municipal plans. The MAC must be informed about the proceedings of the plan design. Secondly, it also may be consulted by the CMA on all aesthetic problems. The MAC finally is entitled to comment or advise on spatial matters at its own discretion.

#### *Municipal consultation commission (Brussels Capital Region only)*

B44. All Brussels municipalities have a *overlegcommissie/commission de concertation* (municipal consultation committee) (MCC). The Brussels MCC has similar competencies to the Flemish and Walloon MAC. Its members are appointed by the regional government and consist of specialists and representatives of the municipalities, the Brussels regional development corporation, and representatives of the regional administrations.

### *Municipal spatial planning services*

B45. Each municipality has a technical spatial planning service. This department can vary from almost non-existent (one or two limited qualified employees in small municipalities) to well-staffed services with highly qualified employees in large towns. In poorly staffed municipalities, the preparation of municipal plans is contracted out to specialised firms or to associations of municipal cooperation.

### **Other organisations (selected)**

B46. Public involvement is considered important in the planning process. Before the regional government prepares a decree or regulation, and before a regional, sub-regional or municipal plan is adopted, it is considered important that interest groups are given the opportunity to submit ideas, proposals and objections related to the planning work.

	LEGISLATIVE, EXECUTIVE AND JUDICIAL POWER			GENERAL ADMINISTRATION AND ADVISING INSTITUTIONS	
	LEGISLATIVE (ELECTED)	EXECUTIVE (APPOINTED)	JUDICIAL	ADMINISTRATION	ADVISING INSTITUTIONS
FEDERAL LEVEL	King		Court of Arbitration  State Council	Federal departments	
	Parliament	Federal Government			
REGIONAL LEVEL	Flemish Council	Flemish Government	N/A	Administration for spatial planning and housing	Regional advisory committees (1)
	Council of the Walloon Region	Government of the Walloon Region	N/A	Centralised services and deconcentrated service	Walloon Regional Advisory Committee
	Council of the Brussels Capital Region	Government of the Brussels Capital Region	Town Planning Council	Administration for spatial planning and housing	Brussels Regional Development Committee
PROVINCIAL (2) LEVEL	Provincial Council	Permanent Deputation  Governor	N/A	Provincial administration for spatial planning	
MUNICIPAL LEVEL	Municipal Council	Council of Mayor and Aldermen  Mayor	N/A	Municipal administration for spatial planning	Municipal Advisory Committee  Consultation Committee (Brussels Region)

(1) Functioning at provincial level (Flemish planning region = province).

(2) Brussels Capital Region does not form part of a province.

Figure B1. The institutional framework of the Belgian planning system

PLANNING POLICY LEVELS			POLICY INSTRUMENTS		
PLANNING LEVEL	PLANNING AUTHORITY	NUMBER OF INHABITANTS	TYPE OF PLANS	DESCRIPTION	LEGAL EFFECT
1. FEDERAL	N/A	10.1 million	N/A	N/A	N/A
2. REGIONAL (CENTRAL)	Flemish Government	About 5.8 million	<i>Ruimtelijk Structuurplan Vlaanderen</i>	Maps, written statements	No legal effects Policy document <sup>(1)</sup>
3. SUB-REGIONAL	Flemish Government	Average of about 240 000	<i>Gewestplan</i>	Maps and guidelines	Binding and regulating
4. MUNICIPAL	308 municipalities	Average of about 19 000 (wide variations)	<i>Algemeen Plan van Aanleg</i>	Maps and guidelines	Binding and regulating
			<i>Bijzonder Plan van Aanleg</i>	Maps and guidelines	Binding and regulating

<sup>(1)</sup> The RSV had up to 1996 no legal basis (see also Figure B4 – The current planning policy framework in the Flemish Region).

Figure B2. The planning policy framework in the Flemish Region until 1996

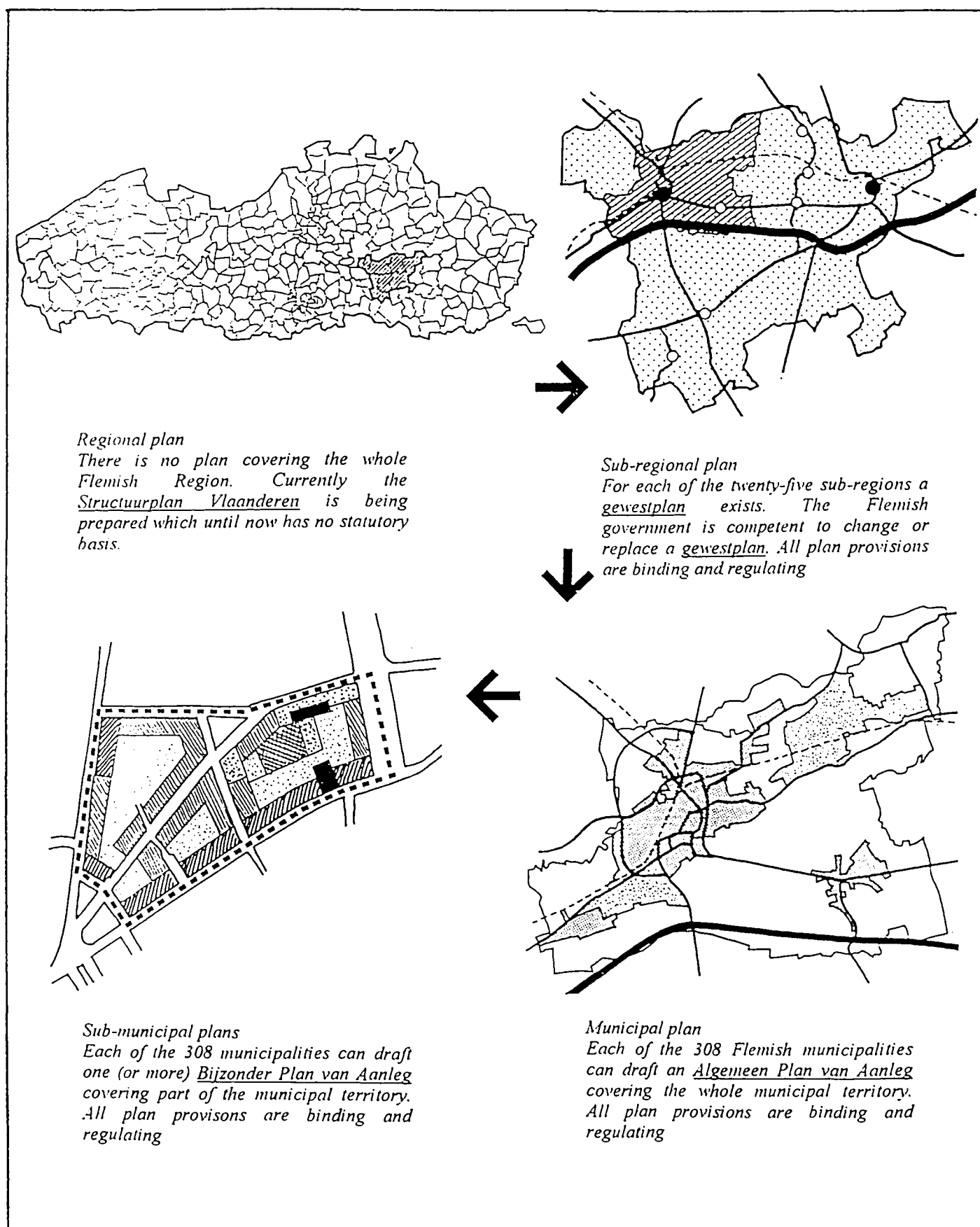


Figure B3 : The Planning System in the Flemish Region

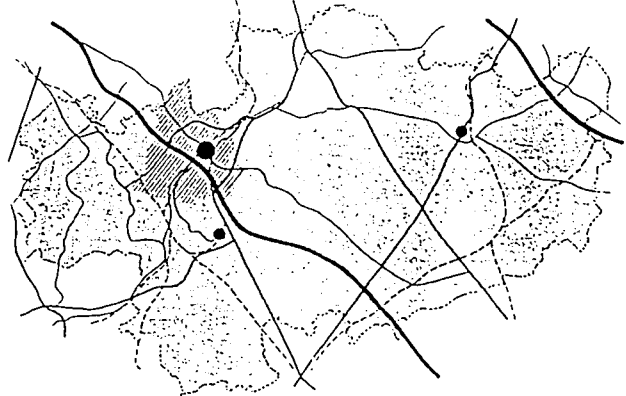


Figure B4. The 1999 planning policy framework in the Flemish Region

PLANNING POLICY LEVELS			POLICY INSTRUMENTS		
PLANNING LEVEL	PLANNING AUTHORITY	NUMBER OF INHABITANTS	TYPE OF PLANS	DESCRIPTION	LEGAL EFFECT
1. FEDERAL	N/A	10.1 million	N/A	N/A	N/A
2. REGIONAL (CENTRAL)	Flemish Government	About 5.8 million	Ruimtelijk Structuurplan Vlaanderen	Desired spatial structure	Indicative
				Spatial core decisions	Binding
			<i>Ruimtelijke Uitvoeringsplannen</i>	Maps, guidelines, written statements	Binding
3. PROVINCIAL	5 provinces	Average of about 915 000	<i>Ruimtelijk Structuurplan</i>	Desired spatial structure	Indicative
				Spatial core decisions	Binding
			<i>Ruimtelijke Uitvoeringsplannen</i>	Maps, guidelines, written statements	Binding and regulating
4. MUNICIPAL	308 municipalities	Average of about 19 000	<i>Ruimtelijk Structuurplan</i>	Desired spatial structure	Indicative
				Spatial core decisions	Binding and regulating
			<i>Ruimtelijke Uitvoeringsplannen</i>	Maps, guidelines, written statements	Binding and regulating

PLANNING POLICY LEVELS			POLICY INSTRUMENTS		
PLANNING LEVEL	PLANNING AUTHORITY	NUMBER OF INHABITANTS	TYPE OF PLANS	DESCRIPTION	LEGAL EFFECT
1. FEDERAL	N/A	10.1 million	N/A	N/A	N/A
2. REGIONAL (CENTRAL)	Government of the Walloon Region	About 3.3 million	<i>Schéma de Développement de l'Espace Régional</i>	Maps, written statements	Structure plan with limited binding elements
3. SUB-REGIONAL	Government of the Walloon Region	Average of about 150 000	<i>Plan de secteur</i>	Maps and regulations	Binding and regulating
4. MUNICIPAL	262 municipalities	Average of about 13 000 (wide variations)	<i>Schéma de structure communale</i>	Maps and written statements	Indicative
			<i>Plan particulier d'aménagement</i>	Maps and regulations on zoning	Binding and regulating
			<i>Schéma-directeur</i>	Maps and written statements	Indicative but binding for government

Figure B5. The planning policy framework in the Walloon Region

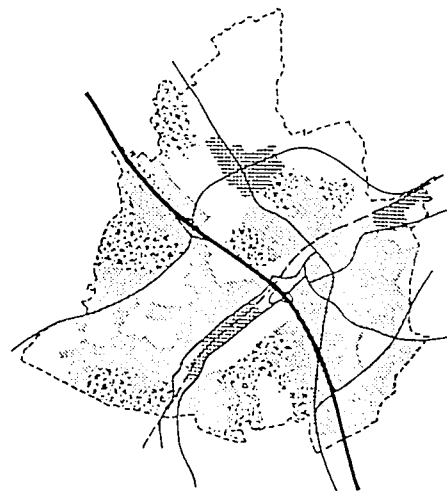
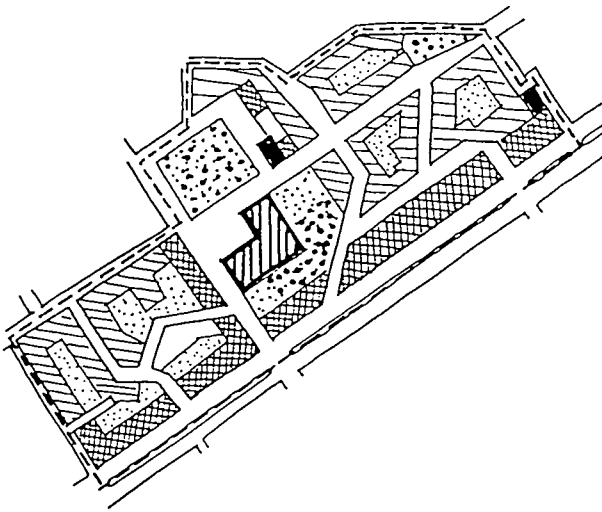


#### Regional plan

The Walloon Region can adopt a plan régional d'aménagement du territoire which covers the whole Region. Currently the PRD is being prepared. All plan provisions are binding

#### Sub-regional plan

For each of the twenty-five sub-regions a plan de secteur exists. The Walloon government is competent to change or replace a plan de secteur. All plan provisions are binding and regulating



#### Sub-municipal plan

Each of the 262 Walloon municipalities can draft one (or more) plan particulier d'aménagement and one (or more) schéma-directeur. Both plans cover part of the municipal territory. The plan provisions of the former are binding and regulating, while the provisions of the latter are indicative

#### Municipal plan

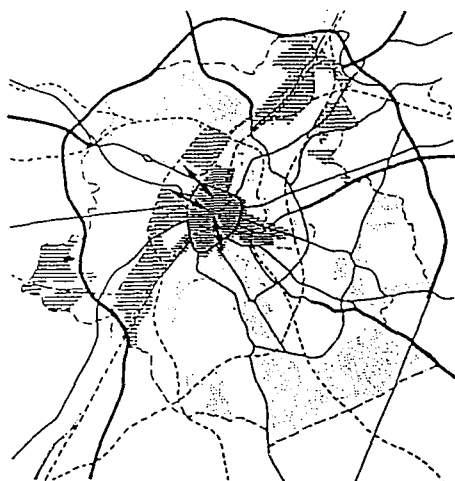
Each of the 262 Walloon municipalities can prepare a schéma de structure communal covering the whole municipal territory. The plan provisions are indicative

Figure B6 : The Planning System in the Walloon Region

PLANNING POLICY LEVELS			POLICY INSTRUMENTS		
PLANNING LEVEL	PLANNING AUTHORITY	NUMBER OF INHABITANTS	TYPE OF PLANS	DESCRIPTION	LEGAL EFFECT
1. FEDERAL	N/A	10.1 million	N/A	N/A	N/A
2. REGIONAL (CENTRAL)	Government of the Brussels Capital Region	About 950 000	Regional development plan	Zoning regulations	Binding and regulating
				Maps, written statements	Indicative for citizens, binding for all authorities
			Regional destination plan	Maps and regulations	Binding and regulating
3. MUNICIPAL	19 municipalities	Average of about 53 000	Municipal development plan	Maps and regulations on zoning <sup>(1)</sup>	Binding and regulating <sup>(1)</sup>
				Guidelines, written statements and maps	Indicative for citizens, binding for all authorities
			Particular destination plan	Maps and regulations, guidelines	Binding and regulating powers

<sup>(1)</sup> Municipalities may but are not obliged to do so.

Figure B7. The planning policy framework in the Brussels Capital Region



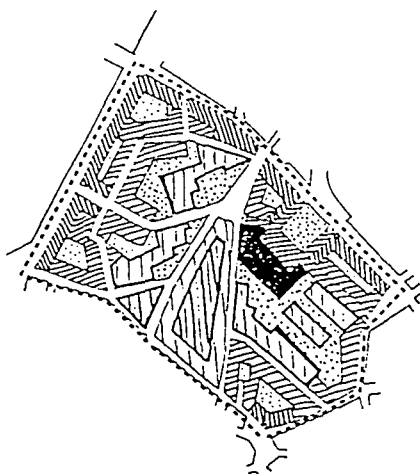
#### Regional plan

The Brussels Capital Region has to adopt a regional development plan (GewOP/PRD) which covers the whole territory of the Brussels Capital Region. The plan provision are indicative, except for the zoning provisions which are binding and regulating



#### Regional plan

Within one year after the adoption of the GewOP/PRD the Brussels Capital Region has to adopt a regional destination plan which covers the whole Capital Region and specifies the GewOP/PRD. All provisions of the plan are binding and regulating



#### Sub-municipal plan

Each of the 19 Brussels Capital municipalities adopts one (or more) particular destination plan which covers part of the municipal territory and specifies the municipal development plan. All plan provisions are binding and regulating



#### Municipal plan

Each of the 19 Brussels Capital municipalities has to adopt a municipal development plan which covers the whole municipal territory. All plan provisions are indicative, except for the zoning provisions which are binding and regulating

**Figure B8 : The Planning System in the Brussels Capital Region**

## Policy instruments

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### National level

B47. Since the 1980-93 constitutional reforms, the federal level no longer has competencies related to spatial planning, so that Belgium does not actually have a national plan. Merging the spatial plans of the three Regions, whose contents and presentation are substantially different, only provides a patchwork.

### Regional level

B48. The 1962 Spatial Planning Act contained provisions for *streekplannen/plans régionaux* (plans planning region). Initially 20 planning regions were established. Later the number was reduced to seven. In Flanders five such planning regions were established, one for each province. In both Wallonia and Brussels there was one planning region. Despite extensive preparation no plans for these planning regions ever were adopted.

B49. In 1991 the Brussels Capital Region introduced two kinds of regional plans in its statutory planning system: the regional development plan (*Gewestelijk Ontwikkelingsplan/Plan Régional de Développement*) and the regional destination plan (*Gewestelijk Bestemmingsplan/Plan Régional d'Affectation du Sol*). Both plans are legally binding. The regional development plan was adopted in 1995.

In 1996 the Flemish planning legislation introduced the regional structure plan (*Ruimtelijk Structuurplan Vlaanderen*) and regional implementation plans (*Ruimtelijke uitvoeringsplannen*). In 1997 the RSV was adopted by the Flemish government and for the binding part by the Flemish Parliament.

In 1997 the Walloon Region introduced in its planning legislation the *Schéma de Développement de l'Espace Régional*, a regional structure plan which will form the framework for future decisions. The SDER currently is under preparation.

Ruimtelijk Structuurplan Vlaanderen (RSV)  
(Structure plan for Flanders)

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#### *Status, geographic coverage and duration*

B50. Since the 1980s initiatives have been taken to develop a structure plan for the whole Flemish

Region. In 1992 the *Ruimtelijk Structuurplan Vlaanderen* (RSV) project started. The RSV is a project with a strong ad hoc character, which since 1996 has a legal basis.

B51. A draft structure plan was devised by a group of experts (*Plangroep*) and almost fully taken over by the minister of planning. Until 1997, the draft plan was used as frame of reference for all immediate changes to sub-regional plans and for all sectoral plans with major spatial implications on the Flemish level. In 1997 the RSV was adopted by the Flemish Government and for the binding part by the Flemish Parliament.

B52. The plan balances and sets priorities for numerous sectoral considerations and interests. It focuses on four main structural elements: (i) urban areas; (ii) regional employment areas; (iii) open space; and (iv) infrastructure. The structure plan starts from the concept of sustainable development. Two central priorities have been put forward: (i) the preservation of the open space and (ii) the revaluation of the urban area. Growth will mainly be concentrated in the urban areas, which should decrease the pressure on the open space. These priorities have been translated in the spatial concept of deconcentrated clustering.

B53. The 1996 legislation partly replaces the 1962 Spatial Planning Act. The new legislation outlines three planning levels: Region, province and municipality. Each planning level has to design a *ruimtelijk structuurplan* (spatial structure plan) and *ruimtelijke uitvoeringsplannen* (spatial implementation plans). The former are indicative, except for the *ruimtelijke kernbeslissingen* (regional spatial core decisions) which will be binding. The *structuurplan* contains the vision on the (future) use of space. The *uitvoeringsplannen* contain regulations and will have binding and regulating powers (see Figure B4). A schematic representation of the desired spatial structure of the RSV is shown in Figure B9.

*Schéma de Développement de l'Espace Régional* (SDER)  
(Walloon Development Scheme for the Regional Space)

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#### *Status, geographic coverage and objectives*

B54. The Walloon Region is currently preparing a regional structure plan covering its whole territory. Since 1975, several authors have worked suc-

cessively on the project of *Plan Régional d'Aménagement du Territoire Wallon (PRATW)*: the SDRW (regional development corporation), the SIWAT (syndicate of inter-urban cooperations), and last the Walloon ASPH. In November 1997 the Walloon Government changed the status of the regional plan in the *Code Wallon* from a destination plan to a structure plan, with some binding and regulating provisions, and some indicative provisions. The name of the future plan was changed to *Schéma de Développement de l'Espace Régional (SDER)*. It will form the framework for decisions with spatial implications, and will provide guidelines for the (decided) revision of the 23 *plans de secteur* (sub-regional plans).

B55. The works of the last years on the project of PRATW have enlightened several important issues for the development of the Walloon territory: (i) the promotion of the Walloon cities, including an appropriate balance between the cities and a revitalisation of the urban fabric; (ii) the adequate definition of a territory and a way of life for the rural areas, including promotion of the territory's own resources and safeguarding of the quality of the living environment; (iii) the definition of development projects for each one of the five dynamic areas (*aires de dynamique*) identified on the Walloon territory. Guidelines are also defined for domains with strong spatial implications, such as transport and communications, natural and cultural heritage, housing, economic activities, tourism, and social and sanitary equipment. A schematic representation of the draft designed by SIWAT is shown in Figure B10.

#### *Policy-producing procedures*

B56. The replacement of the concept of regional plan by the concept of *Schéma de Développement de l'Espace Régional (SDER)* in the *Code Wallon* has been accompanied by a new adoption procedure. The procedure described hereunder relates to the regional plan as it appeared in the legislation until November 1997.

B57. The regional government is responsible for the first draft of the PRATW. Once the regional government has adopted the draft version of the plan an eight-month consultation procedure begins. During 90 days the Walloon citizens can consult the draft plan. They can send their comments and possible objections to the governor of the province, who is responsible for the coordination of the consultation procedure. After the closing of this first phase the *députations perma-*

*nente* (permanent deputations) and *conseils communal* (municipal councils) involved have 60 days to comment on the draft. If they fail to comment, it is assumed that they approve the draft. The whole dossier (draft plan, and all comments and advice) is then sent to the *commission régionale de l'aménagement du territoire* (regional advisory commission) (RAC) which will make a recommendation within 90 days.

B58. Based on the objections and comments of the citizens, *conseils communal*, *députations permanente* and *commission régionale de l'aménagement du territoire*, the regional government reviews the draft plan and adopts the final plan. The regional government must justify all suggestions of the RAC which it does not adopt in the final plan.

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#### *Gewestelijk Ontwikkelingsplan/Plan Régional de Développement* (Brussels Regional Development Plan)

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#### *Status, geographic coverage and duration*

B59. The *gewestelijk ontwikkelingsplan/plan régional de développement* (Brussels regional development plan) (GewOP/PRD) applies to the whole territory of the Brussels Capital Region. The plan does have binding and regulating force concerning the destination of land (zoning). The Brussels regional development plan is, however, only guiding for its other provisions, except for the government. The development plan remains in force until it has been replaced by another plan. Figure B11 shows the 'city project' of the GewOP/PRD.

#### *Objectives and linkages*

B60. The plan balances and sets spatial planning goals and priorities in light of economic, social, cultural, transport and environmental considerations and interests. The development plan also identifies the means required to realise the goals and the changes to be introduced by lower tier plans. Finally the plan identifies priority zones on which government action will focus. The plan was adopted in 1995.

#### *Policy-producing procedures*

B61. In the formulation of the regional development plan the regional government is responsible for the first draft, the organisation of the public in-

quiry and the adoption of the final plan. Once the regional government has adopted the draft version of the plan an elaborate consultation and revision procedure starts. Within 12 months following the adoption of the draft version, the final version must be adopted by the regional government.

B62. During 60 days the citizens of Brussels Capital Region can consult the draft plan. They can send their comments and possible objections to the regional government. The 19 Brussels municipal councils and advisory committees (agencies appointed by the regional government) have another 60 days to comment on the draft. If they fail to respond, it is assumed that they approve the draft. Within 15 days after the closing of that period, the municipal comments are made available to the regional council. The dossier then is sent to the *gewestelijke ontwikkelingscommissie/commission régionale de développement* (regional development commission) (RDC) who will make a recommendation within 60 days. Failing to do so also implies acceptance. Finally the RDC's advice is passed to the council of the Brussels Capital Region.

B63. Being confronted with the objections and comments of citizens, municipal councils, and the RDC, the regional government reviews the draft and adopts the final plan. The regional government must justify all suggestions of the RDC which it does not accept.

*Gewestelijk Bestemmingsplan/Plan Régional d'Affectation du Sol*  
(Brussels Regional Destination Plan)

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*Status, coverage and duration*

B64. The *gewestelijk bestemmingsplan/plan régional d'affectation du sol* (Regional Destination Plan) covers the whole Brussels Capital Region. Basically it is a more detailed description of the regional development plan and is considered as the spatial translation of the *GewOP/PRD*. The plan has legal and binding force concerning all its provisions. The regional destination plan is meant to replace the current sub-regional plan of Brussels Capital. The regional destination plan remains in force until it has been replaced by another plan. There is no regional destination plan to date. A draft version of the plan should be ready in 1996 (one year after the adoption of the regional structure plan) and a final version should

be adopted 12 months later. There are no sanctions nor legal implications if this timing is not met.

*Objectives and linkages*

B65. The regional destination plan contains a detailed description of the existing use of land (legal situation and factual situation). It further identifies the general destination of the different areas of the Brussels Capital Region and the applicable instructions. The plan also deals with the construction of new roads, specific areas requiring special protection and can contain requirements concerning the location and size of buildings. The destination plan also identifies the means required to realise the goals and the changes to be introduced in the municipal plans.

*Policy-producing procedures*

B66. The same procedures of the regional structure plan are used.

**Sub-regional level**

*Gewestplan/Plan de Secteur*  
(Sub-regional plan)

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*Status, geographic coverage and duration*

B67. A *gewest/secteur* (sub-region) is a planning entity situated between the territory of a municipality and a province, characterised by among others specific socioeconomic relations that exist between the municipalities that form part of it. Its average surface is approximately 625 km<sup>2</sup>, with wide variations. The sub-regional planning area does not represent a political-administrative entity. The provisions of a sub-regional plan are binding and regulating in the sense that the plan regulations have binding powers both on the government authorities and citizens.

B68. Once adopted, sub-regional plans remain in force until modified – that is until the modification procedure has run its course. As a consequence, the rules established by sub-regional plans have to be followed, even if the modification procedure is under way (but not yet over), and even if the plan is clearly outdated. In the Walloon Region, the legislation allows partial modifications for reasons of public utility. Figures B12 and B13 show examples of a sub-regional plan. Figure B14 show the joining together of the three Limburg sub-regional plans.



B69. For planning purposes since the mid 1960s Belgium is divided into 49 *gewesten/secteurs* (sub-regions): 25 in Flanders, 23 in Wallonia, and 1 in Brussels. For each of these, a *gewest-plan/plan de secteur* (sub-regional plan) was formulated. The last sub-regional plan was approved in 1987. Since then some sub-regional plans have been revised or are currently the subject of revision.

#### *Use, objectives and linkages*

B70. Currently in the Walloon Region, sub-regional plans are statutorily the highest planning level. In many cases the sub-regional plans are so detailed that they unintentionally replaced the municipal destination plans. However, since there currently are no regional or provincial implementation plans approved in Flanders, the sub-regional plans also form the highest destination plan level in the Flemish Region.

B71. Sub-regional plans – both in form and content – are regarded as instruments for checking further deterioration of the environment. They are thus intended to ‘freeze’ the existing situation as well as to provide ‘one last opportunity’ before too much open space has disappeared. In the Brussels Capital Region the sub-regional plan will remain applicable until replaced by a regional destination plan (not earlier than 1997). Sub-regional plans are essentially zoning plans. By extrapolating from the activities and the existing use of land, they determine the use of the whole territory by precisely indicating, on the basis of a series of coloured areas on a map, the allowed activities in each type of zone.

#### *Contents*

B72. A sub-regional plan has an imperative content (minimum statutory contents) and can have an optional content. A sub-regional plan must contain a description of the existing situation, measures to improve main transport connections, and an identification of all planning measures required to satisfy the economic and social needs of the sub-region. The plan may (as opposed to must) contain general aesthetical regulations and aspects mentioned in municipal plans (such as general destinations). Both the imperative and optional provisions are binding for both public authorities and citizens.

#### *Review procedures*

B73. Only the regional government is entitled to decide whether a sub-regional plan needs reviewing. In Flanders and in the Walloon Region the draft plan is designed by the Administration of Spatial Planning and Housing. The resulting draft plan is submitted to the regional government minister through the central administration, which may suggest changes. The minister then approves the plan provisionally.

B74. The consultation procedure is coordinated by the governor of the province where the sub-region is located. In a first phase, lasting 60 days in the Flemish Region and 45 days in the Walloon Region, the citizens of the municipalities involved, can consult the draft in their municipality. Possible objections should be sent to the governor.

B75. In a second consultation phase, lasting 60 days in the Flemish Region and 30 days in the Walloon Region, the permanent deputation and the municipal councils involved, can make a recommendation in respect of the draft plan. Failure to do so implies a positive response.

B76. In a third consultation phase the whole dossier (draft plan, objections, advices of the municipal councils and permanent deputation) then is submitted to the regional advisory committee, which must give final comments within 120 days after the closing of the first consultation phase in the Flemish Region, and within 45 days after the reception of the dossier in the Walloon Region. In the Flemish Region a possible extension of another 60 days is possible. Again when the RAC fails to do so, the advice is considered to be approving.

B77. The completed dossier is then passed to the regional government. Based on all objections and comments the regional government extracts and adopts the final version. In the Flemish Region this must happen within 180 days after the closing of the first consultation phase (with a possible extension of 60 days), while in the Walloon Region no timing is prescribed. When the regional government does not follow all or part of the RAC’s advice, it must argue (motivate) why. When the regional government fails to decide on time, the draft sub-regional plan is considered invalid. the procedure for partial review is slightly lighter than the procedure for complete review.

## Provincial level

Provinciaal ruimtelijk structuurplan  
(Provincial spatial structure plan)

*Status, geographical coverage, duration*

B78. The 1996 legislation introduces spatial planning competences for the Flemish provinces and defines the *ruimtelijke structuurplan* and *uitvoeringsplannen*. The plan is linked to a legislature, but remains in force until it has been replaced.

*Contents and linkages*

B79. The plan contains binding regulations, indicative elements and an informative part.

*Procedures*

B80. The provincial structure plan is initially developed by the permanent deputation of the province. After advice from the regional commission of advice, the provincial council temporarily approves the plan and informs the Flemish Government of the plan. In the next phase the plan design is submitted to a public inquiry. Possible comments of citizens, of municipal councils, of permanent deputations of adjacent Flemish provinces and of the Flemish government (on advice of the VlaCoRo) are collected and studied by the regional commission of advice. The provincial structure plan is adopted by the provincial council.

The Flemish Government must approve the provincial structure plan. Failing to do so within 120 days implies approval of the plan. The plan is partly published in the *Belgisch Staatsblad/Moniteur Belge* and comes into force 15 days after its publication.

## Local level

B81. In the three Belgian planning systems there are distinct types of local plans. The different plans are shown in Table B1.

*Gemeentelijk structuurplan (Flemish Region)*  
(Municipal structure plan)

*Status, geographical coverage, duration*

B82. The 1996 legislation introduces spatial planning competencies for the Flemish municipalities and defines the *ruimtelijke structuurplan* and *uitvoeringsplannen*. The plan is linked to a legislature, but remains in force until it has been replaced.

*Contents and linkages*

B83. The plan contains binding regulations, indicative elements and an informative part.

*Procedures*

B84. The municipal structure plan is initially developed by the CMA of the municipality. After advice from the municipal commission of advice, the municipal council temporarily approves the plan and informs the permanent deputation and Flemish Government of the plan. In the next phase the plan is submitted to a public inquiry. Possible comments of citizens, of municipal councils of adjacent Flemish municipalities and of permanent deputations of adjacent Flemish provinces are collected and studied by the regional commission of advice. In case there is no provincial structure plan, the Flemish Government (on the advice of the VlaCoRo) also has to give

**Table B1. Municipal plans in the Flemish Region, Walloon Region and Brussels Capital Region**

Region	Covering the entire municipality	Covering part of the municipality
Flanders (before 1996)	<i>Algemeen plan van aanleg</i> (Municipal destination plan)	<i>Bijzonder Plan van Aanleg</i> (Particular destination plan)
Flanders (since 1996)	<i>Gemeentelijk Ruimtelijk Structuurplan</i> (Municipal spatial structure plan)	<i>Gemeentelijk plan van aanleg</i> (Municipal destination plan)
Wallonia	<i>Schéma de Structure Communal</i> (Municipal structure plan)	<i>Plan Particulier d'Aménagement</i> (Particular destination plan)  <i>Schéma-directeur</i> (Guiding structure plan)
Brussels Capital	<i>Gemeentelijk Ontwikkelingsplan/ plan Communal de Développement</i> (Municipal structure plan)	<i>Bijzonder Bestemmingsplan/ Plan Particulier d'Affectation du Sol</i> (Particular destination plan)

advice. The municipal structure plan is adopted by the municipal council.

In case there is a provincial structure plan, the permanent deputation must approve the municipal structure plan. Failing to do so within 120 days implies approval of the plan. When there is no provincial structure plan, the municipal plan must be approved by the Flemish Government. Failing to do so within 90 days implies approval of the plan.

The plan is partly published in the *Belgisch Staatsblad/Moniteur Belge* and comes into force 15 days after its publication.

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*Algemeen plan van aanleg (APA) (Flemish Region)*  
(Municipal land-use plan)

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*Status, geographical coverage, duration*

B85. The *algemeen plan van aanleg (APA)* (municipal destination plan) is a plan type, used only in Flemish municipalities, covering the whole municipal area. The plan is binding and remains in force until it has been replaced by a new *APA*.

*Contents and linkages*

B86. According to the law an *algemeen plan van aanleg* must contain specific elements (imperative contents) and can contain other elements (optional contents). An *algemeen plan van aanleg* must contain a description of the existing factual and legal situation, a description of the general destination of the composing parts of the municipality (residential etc.) and the intended road trajectories and planned changes to it. An *APA* can (as opposed to must) contain general regulations of aesthetic nature and can identify the areas for the lay out of green areas, forest reserves, sport fields, monuments and public buildings. The *APA* also can contain general rules concerning the location and size of new buildings.

*Procedures*

B87. The *gemeenteraad* (municipal council) appoints a planner approved by the minister. After the draft plan, developed by the planner, has been provisionally approved by the municipal council, a consultation procedure is organised which is coordinated by the *College van burgemeester en schepenen* (committee of mayor and aldermen) (CMA). In the first phase, lasting 30

days, interested citizens can consult the draft. Objections are sent to the CMA.

B88. In the second consultation phase the draft plan is submitted to the *gemeentelijke commissie van advies* (municipal advisory committee) (MAC) and some public institutions defined by the regional government. The MAC has 60 days to comment on the submitted objections and the public institutions have 30 days. Failure to comment implies approval of the draft plan.

B89. The provisional plan is then resubmitted to the *gemeenteraad*, together with the objections and recommendations. If the *gemeenteraad* modifies the provisional plan, a new public inquiry is held and the *gemeentelijke commissie van advies* provides a new review and recommendation. Once the plan is approved, it is sent to the *bestendige deputatie* (permanent deputation) for review (30 days) and, through the central administration, forwarded to the regional government for approval (60 days to approve or reject). When the regional government fails to comment, even 45 days after a written exhortation of the municipal council, the plan is considered to be approved. The approval by the regional government implies that the *algemeen plan van aanleg* will receive binding and regulating powers.

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*Schéma de structure communale (Walloon Region)*  
(Municipal structure plan)

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*Status, geographical coverage, duration*

B90. The *schéma de structure communale* (municipal structure plan) is used in the Walloon Region. The plan is based on extensive consultation between the municipal authorities, citizens and interest groups. The document determines, based on an analysis of the existing situation, the required conditions for a municipal development project. The plan allows the municipality to understand its potentials and shortcomings and allows it to choose priorities for the future. The *schéma de structure communale* must respect the provisions of a *plan de secteur*.

B91. The plan is a guiding document, and therefore has no regulating value. The plan is binding for all developments initiated by the municipal authorities. If a private person initiates a development which is partly financed by the municipality, he also is required to act according to the plan

provisions. The plan is indicative for all other developments.

#### *Planning producing procedures*

B92. The *conseil communal* (municipal council) appoints a public or private organisation to develop the draft plan. In the drafting phase the *commission consultative communale d'aménagement* (municipal advisory committee) is informed of all preparatory studies and can suggest ideas.

B93. The draft plan then is presented by the *ccl-lège des bourgmestre et échevins* (committee of mayor and aldermen) (CMA) to the public who have 30 days to comment. Parallel with this public consultation the draft plan is presented to the *fonctionnaire délégué* (delegated official) (DO) who also comments within 30 days. If the DO fails to do so, the draft plan is assumed approved. The draft plan and all comments and objections are then sent to the MAC who have to comment within 60 days. Failure to do so implies acceptance of the plan.

B94. Based on comments by the MAC, the *conseil communal* adapts the draft plan and adopts the *schéma de structure communal*. The plan is then sent to the regional government which can nullify the plan within 60 days. Failure to do so implies acceptance.

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*Gemeentelijk ontwikkelingsplan/plan communal de développement*  
(Municipal development plan – Brussels Capital Region)

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#### *Status, geographical coverage, duration*

B95. The *gemeentelijk ontwikkelingsplan/plan communal de développement* (municipal development plan) is only applicable in the Brussels Capital Region. The plan specifies and amplifies the regional structure plan and regional land-use plan. The plan is binding and regulating on the government and citizens concerning all provisions on zoning (destination of land) and is indicative in all other provisions, except for the municipal authorities. The municipal authorities are required to adopt a municipal development plan within one year following their inauguration.

#### *Contents and linkages*

B96. The plan contains a description of the existing use of land (legal situation and factual situation). The plan also deals with the construction of new roads and specific areas requiring special protection. The structure plan identifies the means required to realise the goals and changes to be introduced into municipal destination plans.

#### *Procedures*

B97. The procedures are similar to the Walloon *schéma de structure communal* but there is an extra consultation round. The municipal council appoints a consultant who designs the draft plan. The plan is preceded however by a *basisdossier/dossier de base* (basic dossier) containing goals, priorities and the financial or other means intended for the plan. The difference with the Walloon *schéma de structure communal* procedures is that this *basisdossier/dossier de base* (not yet the plan) must go through three consultation phases: a public inquiry, advice of the regional development committee (RC) and the approval of the regional government.

B98. Once the municipal council adopts the draft plan made by the consultant, it is subject to similar consultation phases: a public inquiry, advice of the MAC, the RC and approval by the regional government.

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*Bijzonder plan van aanleg/plan particulier d'aménagement/Bijzonder bestemmingsplan/plan particulier d'affectation du sol*  
(Particular destination plan - all Regions)

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#### *Status, geographical coverage, duration*

B99. All Regions have a sub-municipal land-use plan (particular destination plan) (PDP). In the Flemish Region the PDP is called a *bijzonder plan van aanleg*, in the Walloon Region a *plan particulier d'aménagement*, while in the Brussels Capital Region the plan is called a *bijzonder bestemmingsplan/plan particulier d'affectation du sol*. Although there are differences in procedure and timing, the principles of the PDPs in all Regions are similar. A PDP is valid until it has been replaced or the revision process has run its course. In the Walloon Region, however, some PDPs may be abrogated under certain conditions

designed to ensure continuity of spatial planning. An example of a particular destination plan is given in Figure B15.

### Contents and linkages

**B100.** A PDP must contain specified elements (imperative contents) and can contain other elements (optional contents). The PDP must contain a description of the existing situation, a detailed description of the destination of the areas covered, road trajectories and changes intended and a list of regulations concerning the location, the size and the type of new buildings. The PDP can (as opposed to must) contain regulations concerning the equipment of roads and plantings and a description of the areas intended for the layout of green areas, forests, sport fields, monuments, public buildings and cemeteries. When the optional contents of a PDP are approved, the optional contents also acquire binding and regulating power.

### Procedures

**B101.** In the Flemish and Walloon Region similar procedures as for the Flemish municipal destination plan are applicable. In the Brussels Capital Region similar procedures as for the municipal structure plan are applicable.

### Schéma-directeur (Walloon Region) Guiding structure plan

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#### Status, geographical coverage, duration

**B102.** The *schéma-directeur* is similar to a mini *schéma de structure communal* which covers only part of the municipal territory.

#### Plan-producing procedures

**B103.** The *Code Wallon* does not indicate the procedure to follow in order to produce the *schéma-directeur*, except in one case: when the *schéma-directeur* is designed to substitute for an abrogated PDP. In that case, the procedure is similar to the one applicable to the *schéma de structure communal*.

### Technical plans

**B104.** Beside the destination and structure plans the Belgian planning systems have other types of

plan: technical plans. Technical plans are plans required for specific projects such as compulsory purchases (expropriation), road building, parcelling and re-allotment and the construction of dwellings.

- An expropriation plan (*onteigeningsplan/plan d'expropriation*) is required when, for the implementation of a destination plan, a private unmovable property must be obtained. The plan (when approved) allows the government to expropriate (compulsory purchase) private property in order to realise the destinations defined in a destination plan (for example residential areas, green areas, industrial areas, etc.). Expropriation plans are usually used for social housing projects or for the construction of new transport infrastructure, when no agreement can be made with the owner. For an example see Figure B16.
- In order to perform actions in the public domain, public authorities need to know the exact borders between private and public property. The *rooilijnplan/plan d'alignement* (alignment plan) defines the precise borders of the public domain. The alignment plan is especially used for the construction of new roads or the widening of existing municipal roads. An alignment plan in itself does not grant the right to build. For an example see Figure B13.
- A *verkevelingsplan/plan de lotissement* (parcelling plan) is required when the proprietor wants to divide building land into several parcels with the intention to construct buildings on them. The proprietor then can sell these new parcels or give them on long lease.
- A *ruilverkevelingsplan/plan de remembrement* (reparcelling plan) is used to reorganise and redistribute multiple ownerships in an area, in order to achieve a better, more efficient layout and pattern of ownerships without requiring expropriation, for instance in a complex area of mixed uses for redevelopment. A reparcelling plan also can form part of a particular destination plan. The redistribution of the property concerned then happens on the proprietors own free will (see Section C: Processing a permit; and Section C: Other permits).
- A *bouwplan/plan de construction* (building plan) is required to build, rebuild, demolish or

convert buildings. Moreover, all other substantial changes to the landscape require a building permit: for example in case of deforestation, relief changes, exploitation of heaths, moors and fens. The building plan must be submitted by the person who wants to construct a building or perform one of these actions (see Section C: Status and Application for a permit). For an example see Figure B17.

## Other instruments

*B105.* Additionally the instruments of the Belgian spatial systems also include building regulations, the obligation of an environment impact assessment report, expropriation and enforcement mechanisms.

- Building regulations: both the regional government and the municipal government can introduce a building regulation. The *algemene bouwverordeningen/règlements généraux d'urbanisme* (regional building regulation) is adopted by the regional government and is usually applicable to the whole regional territory. In the Walloon and Brussels Capital Region the regional building regulation can apply to a part of the regional territory. The building regulation can contain technical prescriptions and relate to health, safety, beauty and sturdiness of the buildings and of the public space. In the Walloon Region, two particular regional building regulations have been adopted in order to protect specific contexts: one applies to some 30 historical town centres, the other one applies to some characteristic rural settlements.
- The *gemeentelijke bouwverordening/règlement communal d'urbanisme* (municipal building regulation) applies to the municipal territory and is adopted by the municipal council (and approved by the regional government). The municipal building regulation can contain detailed requirements for enhancing the appearance of buildings and of surroundings, noise hindrance, vegetation and relief. Municipal building regulations cannot deviate from general building regulations, except that they are allowed to be stricter and more demanding (see Section C: Conditions related to the permit).

The adoption of building regulations is an important spatial planning responsibility of the

municipality. Building regulations enable the municipality to determine the appearance and construction methods of new buildings, as well as regulating some works, that are otherwise exempted from a permit, do require a permit (and thus their approval). This is mainly used for actions which have an impact on the environment (see Section C: Exceptions). A municipal building regulation cannot deviate from the adopted destination plans, but can be stricter. In the Walloon Region, the *règlement communal d'urbanisme* may contain different sets of prescriptions applying to distinct areas of the municipality, according to their characteristics.

- The *milieu-effecten rapport/évaluation des incidences sur l'environnement* (environment impact assessment) (EIA) legislation is derived from the European Commission directive on environmental assessment. It involves two classes of development: those for which an environmental report is compulsory, and those for which it is optional (see Section C: Application for a permit and Processing a permit).
- Control and sanctioning of violations: The Belgian planning systems have several enforcement procedures. Failing to observe the rules dealt with in the legislation can lead to punishments, for example in case of carrying out works without permission. These sentences can consist of fines, jail sentences and the obligation of compensation: restoring the area to its former use/appearance, carrying out adjustment works, or paying a sum equal to the surplus value which the building or the area illegally acquired. Moreover, the legislation contains provisions for heavier sentences for professionals who are supposed to be well-informed of the law (see Section C: Enforcement procedures and Section C: Unauthorised use and development).
- Expropriation: The government can expropriate (compulsory purchase) real estate for the implementation of destination plans. Expropriation can be initiated by the central governments, the provinces, the municipalities and all public institutions recognised as such by the legislation. An elaborate procedure must be followed, which generally includes the design of an expropriation plan. The owners of real estate receive a 'fair' compensation.

## Development rights

*B106.* By way of the different types of permits (building permits, parcelling permits, etc.) the government controls whether the planned destination of a parcel is being implemented and applied correctly.

*B107.* Development proposals are tested against the existing destination plans (land-use plans). When for example a particular destination plan or other local plan (see Table B1) exists then the proposal will be tested against the PDP and principles of so-called good spatial planning (see Section C: Overview). When no municipal plan exists the development proposal is assessed against all existing plans (i.e., sub-regional plan), building regulations or (for Brussels Capital) the regional plans and the principles of so-called good spatial planning.

*B108.* The development right that is linked to the building permit only is valid for a limited period of time. In general within one year after the permit has been approved, construction works have to start (in Brussels Capital Region within two years). This period can be extended by one year (see Table B2).

## Sources and further information

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**Table B2. Time limits to development rights granted by building permits in the three Regions**

Region	Period valid	Extension
Flemish Region	1 year	1 year
Walloon Region	1 year	1 year
Brussels Capital Region	2 years	1 year





## C. Regulations and permits

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### Summary

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#### Building permit

C1. Article (44) of the 1962 Spatial Planning Act stipulates that:

'Nobody, without a preceding and explicit permit (...), is allowed to: build, use a ground for putting up one or more fixed constructions, demolish, rebuild, convert an existing house, except for maintenance purposes.'

C2. As a general rule a preceding and explicit permit is required to build, rebuild or demolish a fixed construction, change its destination, deforest, change the relief of the ground, cut down isolated trees, exploit or change heaths and moors, fit up a terrain as a depot for used cars or scrap, install one or more movable constructions which could be used as a residence, etc. All these actions require a *bouwvergunning/permis de bâtir* (building permit). These obligations apply to both private and public developers. Some operations and acts however are excluded from the need of a building permission to be obtained before they are carried out (see Section C: Exceptions).

C3. The word 'building permit' is a collective noun for widely divergent actions, such as building, demolishing, adaptation, etc. In order to eliminate confusion, in the Brussels Capital Region the concept 'building permit' has been replaced by *stedebouwkundige vergunning/permis d'urbanisme* (urban permit). The different types of 'building' permits are similar but can require different supporting documents or extra procedural elements.

C4. In principle a building permit is issued by the municipal government. There are four general exceptions to that rule:

- The applicant is a public authority or public agency (see *infra*). In that case the procedures used to process development proposals of public institutions and authorities differ slightly from those applicable to private persons or organisations.
- The permit is requested for works of public interest (such as communication or distribution infrastructures) that regard more than one municipality.
- The applicant is not informed in time of the decision of the municipal government and requests the delegated official to decide.
- The applicant has issued an appeal against the initial decision of the municipal government upon which a higher government has to decide (see Section C: Rights of appeal).

C5. By way of building permits government authorities control whether development proposals concur with planned destinations and building regulations. An application to build a house for instance will be tested against the conditions contained in the approved plans, against existing building regulations and against the principles of good spatial planning.

#### Good spatial planning

C6. The concept of good spatial planning or 'good local planning' is an important element in the Belgian permit granting systems. The legislation of all three Regions refer at the principle *goede ruimtelijke ordening/le bon aménagement*

*des lieux*. The concept principally refers to Article (1) of the 1962 Spatial Planning Act.

(...) design plans (...) from the economic, social and aesthetic point of view and to safeguard the nation's scenery.

C7. The concept of good spatial planning is not exhaustively defined in the legislation being further explained in judgements of the State Council. The purpose of good spatial planning essentially is based on reasonable spatial planning considerations, i.e. reasons which keep in mind the future development of the area. 'Good spatial planning' distinguishes itself from 'aesthetical concerns' because the latter can be remedied by, for instance, a different use of materials or a different size or location of a building, and the former cannot (Case 27 319 Embourg 1987). Certain developments can have such a substantial impact on the area, that the general destination of that area (such as rural and open) can be threatened. Good spatial planning is not the result of balancing the interests of the applicant and those of third party interests. Good spatial planning takes into account reasonable considerations about the future situation (Case 35 041 Coppens 1990).

C8. If for example a particular destination plan states that under certain circumstances housing is allowed in a rural area, then it does not follow that an application for a parcelling permit, that formally meets the requirements, will automatically be granted. There can be reasons not to grant the permit. A new built-up zone in a rural area can only be allowed if it does not damage the general destination of that zone, i.e. rural and open (Case 16 749 Demeyer 1974). On the other hand, if the existing regulations forbid the rebuilding or enlargement of existing buildings, then reasons of safety and health in that specific situation can lead to an exception to the rule (Case 18 059 Lavraux 1977).

C9. This broad definition, however does not allow the deciding government to approve or refuse the permit applications freely. The responsible government is required to have an explicit view on the destination of a parcel and of the area in which the parcel is situated. That view must show a certain continuity, in order to prevent arbitrariness and neglect of the principle of equality (Case 15 688 Collard 1973). The government cannot consider earlier granted permits (and the

basis to do so) as non-existing: the earlier permits must be taken into account.

C10. Decisions based on good spatial planning must therefore be motivated extensively and based on relevant arguments. A simple reference to the principle of good spatial planning as argument for an approval or refusal of a permit is not sufficient (Case 37 667 De Backer en Vermeulen 1991). The appreciation of what good spatial planning is can change over time. If the government changes its view, again this must be the result of a explicit study of the existing situation and must be explicitly motivated (Case 15 688 Collard 1973).

C11. Although the notion of good spatial planning could overrule policies and regulations, either by refusing a permit for a use permitted under the plan or vice versa, it should not be deduced from this that approved destination plans are not legally-binding and do not establish a development right. Yet the concept in the past has been used to justify permit-related decisions which consequently qualify the Belgian planning systems as more discretionary than can easily be read from the statutory regulations.

### **Basis for appeal**

C12. An applicant can appeal against the decision of the permit-issuing authority. The appeal can be against the refusal and the granting of a permit as well as against the conditions imposed on the grant. The basis of the appeal can be on grounds of the technical planning correctness of the decision (e.g. on grounds of good spatial planning or too-demanding conditions without a proper legal basis). Another ground for appeal is that the decision in some respect is illegal, for instance through a failure of procedure.

C13. In all three Regions there is a double appeal possibility. Firstly, in Flanders and Wallonia, the applicant can appeal with the permanent deputation of the province where the works are planned. In the Brussels Capital Region the applicant has to appeal with the *Stedebouwkundig College/Collège d'Urbanisme* (town planning council).

When the decision of the permanent deputation/town planning council also is unacceptable for the applicant, the applicant secondly can lodge an appeal with the minister responsible for spatial planning.

## Main permit

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### Status

C14. This section will deal with the legislation and procedures of the building permit. However, as mentioned above, the term 'building permit' refers to a collective noun for widely divergent actions, such as building, demolishing, adaptation, etc. In order to eliminate this confusion, in the Brussels Capital Region the concept 'building permit' has been replaced by *stedebouwkundige vergunning/permis d'urbanisme* (urban permit). This section will focus on one element of the building permit, namely the permit required to construct a building.

C15. Legislation defines a building as a construction (built with or without durable materials) connected to the ground or supported in or on the ground and intended to remain there. The definition applies for example to pigeon hutches, football fields, static caravans, subsoil constructions (such as tunnels), etc. Exceptions that do not require a building permit for instance are temporary plastic tunnels for agricultural use.

C16. In general an application to build a construction must be tested against the conditions contained in all approved plans and building regulations affecting the site. Two possible procedures exist: there is a particular destination plan or a valid parcelling permit or there is none of these documents (see *infra*).

- When there is a particular destination plan or a valid parcelling permit, the development proposal in first instance is tested against the PDP and (if available) a parcelling permit by the council of mayor and aldermen. When the CMA grants a building permit, the decision has to be approved by the *gemachtigd ambtenaar/fonctionnaire délégué* (delegated official), a representative of the regional government, who will test the decision (and development proposal) against all approved and pending plans affecting the site (e.g. sub-regional plans), considerations of good spatial planning (considerations on the future development of the area where the development proposal is being planned), provisions of parcelling and building regulations.
- When no PDP or valid parcelling permit exists the delegated official has to give a binding ad-

vice to the municipality based on all approved plans affecting the site (such as for instance the sub-regional plan), building regulations and considerations of good spatial planning. The subsequent decision of the municipality is supervised as well.

- In the Walloon Region, when the municipality benefits from the decentralisation system, the permit issued by the CMA is tested by the delegated official against the existing binding destination plans and against the regional and municipal building regulation. If the municipal advisory committee has given an advice that diverges from the decision, then the permit also is tested against considerations of good spatial planning.

C17. When the proposed development affects a listed building, landscape or townscape, a specific procedure takes place. In the Walloon Region, it includes advices from the administration responsible for the matter and from a consultative instance (*Commission Royale des Monuments, Sites et Fouilles*). In Flanders special permission of the minister responsible for the conservation of landscapes and monuments is required (see Section D: Conservation).

### Geographic coverage

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C18. The building permit is applicable to the parcel for which the permit was requested.

### Scope

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C19. What is granted is the right to build according to the submitted and approved building plans and according to the existing building regulations. A building permit is linked to a location and not to a person: a displacement of the construction work requires a new permit. Similarly, when a parcel for which a permit was issued is sold, the building permit remains valid for the time remaining. When a new dwelling as well as plantations are planned, then only one building permit is required. As part of the building permit the landscaping can be considered as an imposed condition.

### Duration

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C20. After obtaining the permit, the applicant must start the construction works within a year

(in the Brussels Capital Region within two years). When the applicant fails to do so, the permit expires. On the applicant's request, the Council of mayor and aldermen (CMA) can extend that period with another year. After the second year (for the Brussels Capital Region after the third year) a new application with a complete dossier must be submitted.

#### Obligations versus duties

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C21. The building works must be carried out as specified in the application and must start within a year (Brussels Capital Region within two years).

#### Betterment and taxes

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C22. It is not permitted to make the issuing of a building permit conditional on the payment of a contribution to infrastructure costs, a levy on betterment, etc. The municipality can, however, demand a stamp duty. Some municipal building regulations can state that a deposit must be paid for possible damage to roads or pavements. When an application implies a departure from a sub-regional plan, then the costs of the public inquiry required must be paid by the applicant. This is not applicable in the Walloon Region.

C23. In the Brussels Capital Region a system exists of *stedebouwkundige lasten/charges d'urbanisme* (spatial planning charges). Some development projects may have to pay a financial contribution or alternatively perform a service in return to the society, such as building low-budget houses in the Brussels Capital Region, or the construction of public spaces and parks. By contrast, for some development projects such as offices with a surface higher than 500 m<sup>2</sup> or offices and hotels located in zones of regional interest, spatial planning charges are obligatory. It should be noted that the system of spatial planning charges has not been conceived to allow deviation from plans.

#### Application for the permit

##### Contents

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C24. Apart from specific elements mentioned in municipal regulations, the application dossier must contain seven elements:

- A statutory application form, submitted in duplicate, which must be made available by the

municipality free of charge. A translation of the form to be used can be found in Figure C7.

- Certificate of an architect: The architect who designed the construction plans and who is responsible for the supervision of the works must identify himself and prove his qualifications. In case the architect who is supervising the construction works is not the same as the one who designed the construction plans, then both architects must fill out this certificate (see Figure C8). The participation of a qualified architect is not compulsory for all development proposals. Some building works therefore do not require a certificate of an architect, such as for example the construction of a car shed for one passenger car; the construction of a veranda or covered terrace attached to a building, or changing the relief of a parcel (see Figure C2).
- Drawings and plans: several plans according to specified standards are required by law such as a situation plan (indicating significant elements of approved spatial plans), a plan showing the location of the building, a site plan, a floor plan and an elevation.
- Photographs of the building site and of the adjacent buildings;
- If required, the advice of the regional land corporation or the regional housing corporation (see Section D: Rural development and Urban regeneration respectively).
- Questionnaires for statistical purposes.
- In specific defined cases the applicant must submit an environment impact assessment (EIA). Basically the EIA consists of a detailed description of the expected hindrance and environmental effects of the project, an outline of the main alternatives and a non-technical abstract of the report. In the Walloon Region, the application dossier must in any case contain a preliminary note on environmental impact.

##### Process

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C25. The procedures to be followed can vary slightly in the three Regions and municipalities. The quintessence of the procedures are, however, similar. The application must be made in writing to the council of mayor and aldermen of the municipality in which the building will be con-

structed. The applicant must use a form from the municipal spatial planning services. The form must be filled out and submitted, together with several sets of different plans and other supporting documents (see Figure C1).

C26. The CMA checks that the application conforms to the procedural provisions: when everything is right, a proof of receipt is issued. If the application later appears to be incomplete, the working of the proof of receipt is suspended and the applicant is requested to submit the missing documents.

#### Costs

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C27. The applicant must use the forms specified in the law (see Figure C6). These forms must be made available by the municipality free of charge. Some municipal building regulations can define that a deposit must be paid for possible damage to roads or pavements. The building permit and the building plan are subject to a stamp duty and municipal building taxes. Public institutions do not have to pay this stamp duty.

#### Processing a permit

##### Process

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##### Permit process in the Flemish and Walloon Region

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C28. The general rule is that the CMA is authorised to issue a building permit. In specific cases however the delegated official or even the regional government is competent to issue the permit. These exceptions to the general rule are applicable when the application is made by certain public authorities or when the planned development surpasses the municipal level (such as for instance the construction of electricity grids on the territory of two or more municipalities) or the processing of appeals. The permit processing procedure applicable in the Flemish and Walloon Region is shown in Figures C1, C2 and C3. The procedure applicable in the Brussels Capital Region is described further.

- When the development application has a certain size or requires an environment impact assessment, then a short public inquiry or EIA respectively is organised (see Figure C1).
- When the parcel concerned does not form part of a PDP or an approved parcelling, then

the application must be passed to the delegated official (DO) within 25 days after submission of the application (the issuing of the proof of receipt). In the Walloon Region, conditions for the DO's advice also include types of works and elements of context such as the decentralisation system, cultural heritage, protected urban and rural areas, and combination of these parameters. The DO studies the application dossier and gives advice within 35 days. The advice either can be positive, negative or conditional (see Section C: Conditions related to the permit).

The DO has to base his decision on all existing plans and regulations:

- the sub-regional plan;
- (in Flanders) the *algemeen plan van aanleg* and *bijzonder plan van aanleg* (if existing);
- (in Wallonia) the *schéma de structure communale* (if existing);
- all provisional adopted destination plans (sub-regional plan, *algemeen plan van aanleg* or particular destination plan);
- an alignment plan;
- all existing regulations (regional building regulations, municipal building regulations);
- the principles of good spatial planning.

The DO has substantial judgement competencies and can impose conditions on the permit. These conditions can imply changing the location of the building on the parcel, changing the building's size (decrease or even increase width, depth or height), using other materials for the building's façade and enclosures, etc. Both negative and conditional advice are binding for the CMA. In formulating conditions, the DO can deviate from existing regulations (see Section C: Departure plan). It should be noted that a positive advice by the DO is not binding for the CMA. The municipal authorities can, despite the positive advice of the DO, still refuse the permit.

- In other cases, for example when the parcel however does form part of a PDP or parcelling plan, no preliminary advice of the DO is required, except when the CMA wants to deviate from the PDP (see Section C: Departure plan).

Within 75 days after the application has been submitted (the issuing of the proof of receipt),

Figure C1. Submission of a building permit application

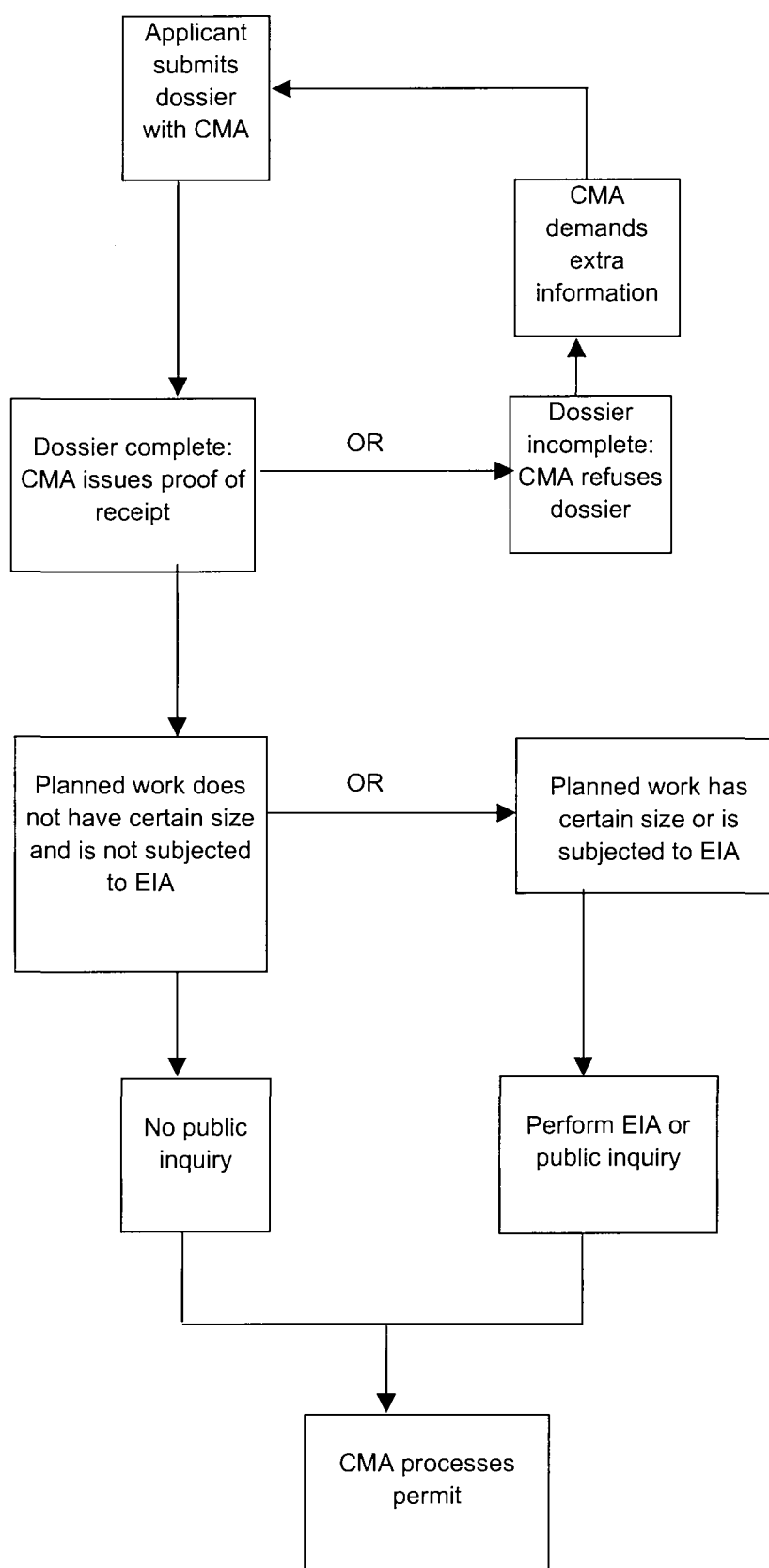


Figure C2. Processing of an application by the municipal government

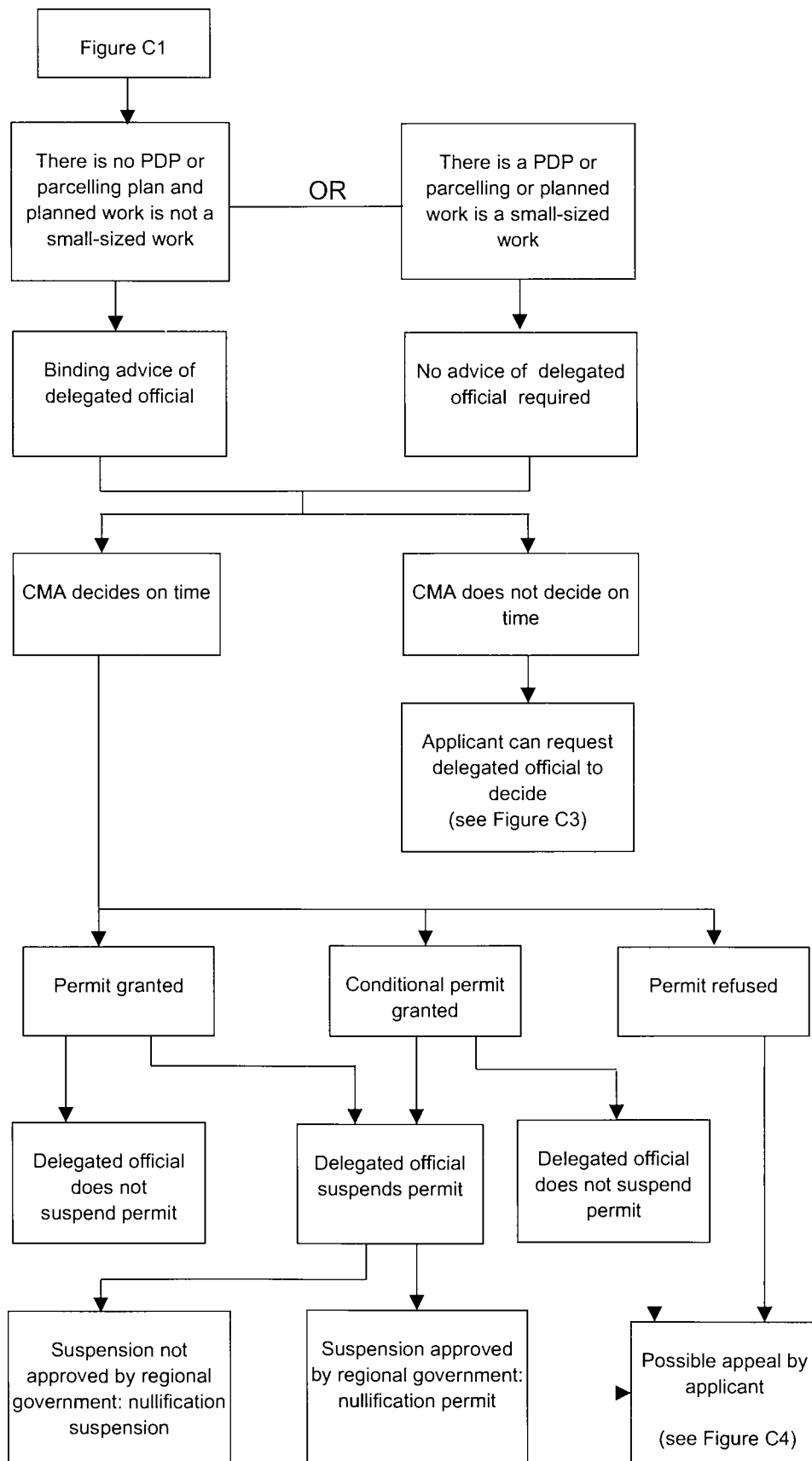
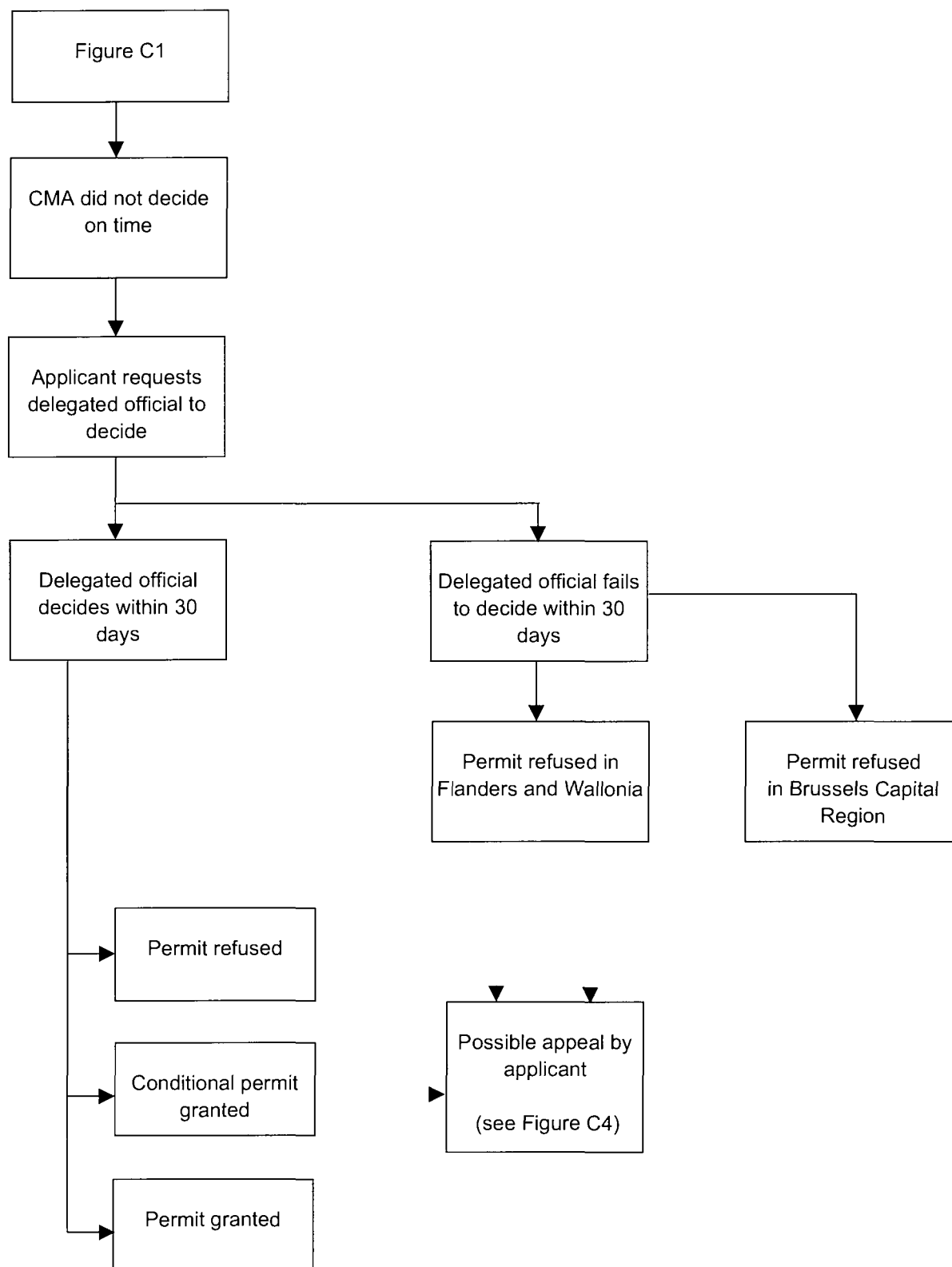


Figure C3. Processing of an application by the delegated official





the CMA decides on the application dossier. The CMA can either approve or refuse the permit or impose conditions on it (see Section C: Conditions related to the permit). The granting of the permit is given explicitly and in writing using forms specified by the law (see Figure C7). When according to legislation the DO's advice is required, following possibilities exist:

- when the DO's advice is negative, then the CMA must refuse the permit;
- when the DO's advice is conditional, then the CMA must copy these conditions in the permit. However, the CMA nevertheless can impose stricter conditions than those required by the DO;
- when the DO's advice is positive, this does not automatically bind the CMA to grant the permit unconditionally. The CMA still can refuse the permit or impose conditions (for example demanding a minimum of parking space or aesthetical changes);
- supervision: A transcript of the CMA's decision then is sent to the DO. The DO has 15 days to study the CMA's decision and can – if required – suspend the granted or conditional permit. The DO cannot suspend a refusal, that is, the DO cannot turn a negative decision of the CMA into a positive decision. If the applicant does not agree with the CMA's refusal, he has to appeal with the permanent deputation (see Section C: Rights of appeal). The DO can only suspend a positive or conditional decision.

The DO can suspend the permit when:

- the applicant's dossier is incomplete;
- the followed procedure was irregular.

Where there is a particular destination plan the DO can suspend the permit when:

- the granted permit is not in accordance with the provisions of the PDP or an approved parcelling;
- the granted permit is not in accordance with building regulations;
- the planned works oppose the provisions of a provisional approved sub-regional plan;

- the planned works oppose to the principles of good spatial planning (applicable when the regional government decided that a PDP must be designed or must be reviewed);
- the decision is not in accordance with provisions of legislation concerning major roads;
- in case when a deviation from a PDP was requested: the DO's advice was not taken into account by the CMA.

When there is no particular destination plan the DO can suspend the permit when:

- the DO's advice was not taken into account by the CMA;
- in the Walloon Region, when the municipality benefits from the decentralisation system, the DO can suspend the permit when the decision of the CMA differs from the advice of the MAC (Municipal Advisory Committee) and opposes principles of good spatial planning.

The minister responsible for spatial planning must confirm the DO's suspension within 40 days after it has been issued. If he fails to do so, the suspension is lifted and the permit approved.

- Start of works: The applicant must wait 20 days after the permit has been granted by the CMA before he can begin the works. This delay allows the DO to assess the permit granted and – if required – to suspend the permit (see *supra*).
- When the CMA failed to take a decision within 75 days, the applicant can request the DO to assess the application. In that case the applicant must send a transcript of the dossier to the DO, who then takes a decision within 30 days. If the applicant does not receive a decision in that period, the permit is considered to be refused (see Figure C3).
- Publication: After the permit has been granted, the applicant must place an official notice at the parcel. During the preparations of the works and during the actual works, a copy of the permit and the whole dossier must be available at the place where the works are implemented. This is meant to allow supervising officers to control the works.

- Appeal: The applicant can appeal against a refusal or conditional decision (see Section C: Appeals). The appeal procedure is shown in Figures C4, C5 and C6.

C29. There are some variants of the procedure outlined above, for example:

- In Flanders, when the development proposal affects a listed monument, landscape or townscape then the CMA must submit the application dossier within 30 days after the applicant's submission to the minister responsible for listed monuments and landscapes. The minister must advise within another 30 days. The advice is prepared by the regional administration of spatial planning and housing. A negative or conditional response is binding for the CMA. A positive response, however, still allows the CMA to refuse the permit. When the minister fails to give advice, it is assumed to be positive.
- In the Walloon Region, a specific procedure applies when cultural heritage is concerned. Cultural heritage includes not only protected but also listed buildings, landscapes, architectural and archeological sites, protection areas defined around them, and areas where archeological goods are supposed to be found.

All these cases require advice from a consultative committee (*Commission Royal des Monuments, Sites et Fouilles*) (CRMSF). The advice is not binding for the CMA directly, but indirectly when it is included in the DO's advice. Legal delays for the advice vary according to the type and importance of cultural heritage.

- When the parcel borders a regional or provincial road, the advice of the administration responsible for these roads is required. A negative or conditional response is binding for the CMA.
- In the Walloon Region, other advices or authorisations are also required by the *Code Wallon*, according to the type of works and the type of context concerned, for example advice from the MAC (decentralisation system), advice from the administration in charge of nature conservation (remarkable trees or hedges), authorisation or advice from the management committee (nature parks).

## Permit process in the Brussels Capital Region

C30. The permit processing procedure in the Brussels Capital Region basically is similar to the procedures applicable in the Flemish and Walloon Region. Differences mainly exist in plan basis and timing. Only the differences are highlighted.

- The advice of the DO is required when the parcel concerned does not form part of a *bijzonder bestemmingsplan/plan particulier d'affectation du sol* (particular destination plan). Similar to the Flemish and Walloon Region, the Brussels' DO can give positive or negative advice and can impose conditions on the permit.

The DO bases his advice on all existing plans and regulations:

- the pending regional structure plan;
  - the regional destination plan;
  - an alignment plan;
  - a pending particular destination plan (of which the *basisdossier/dossier de base* was approved by the regional government);
  - the principles of good spatial planning.
  - When the parcel concerned forms part of a particular destination plan or a parcelling plan the advice of the DO is not required. The DO's advice is required when the CMA wants to deviate from the particular destination plan or parcelling plan (see Section C5: Departure from plan).
- The plans, principles and provisions which must be taken into account by the CMA are explicitly mentioned in the Brussels planning legislation:
- the particular destination plan or parcelling plan;
  - the *gewestelijk ontwikkelingsplan/plan régional de développement* (regional development/structure plan);
  - the *gewestelijk bestemmingsplan/plan régional d'affectation du sol* (regional destination plan). Since there currently is no such plan the Brussels sub-regional plan is used;
  - the principles of good spatial planning.

- in the Brussels Capital Region a variable timing is applicable for the CMA to decide (see Table C1).
- supervision: A transcript of the CMA's decision then is sent to the DO who can (similar to the Flemish and Walloon Region) decide to suspend a granted permit. The DO can suspend the permit when:

When there is a particular destination plan, the DO can suspend the permit when:

- the granted permit is not in accordance with the provisions of the particular destination plan or an approved parcelling plan;
- the permit is not in accordance with regional or municipal building regulations;
- the planned works oppose provisions of the (pending) GewOP/PRD;
- the planned works oppose provisions of a regional destination plan (or until its approval the sub-regional plan);
- the permit is not in accordance with good spatial planning.

When there is no particular destination plan the DO can suspend the permit when:

- the DO's advice was not taken into account by the CMA;
- a possible suspension must be confirmed by the regional government, on advice of the town planning council, within 60 days. If the regional government fails to react on time, the suspension is lifted and the permit granted.

**Table C1. Timing of the CMA relating to the permit application procedure in the Brussels Capital Region**

Requirement of advice	Timing CMA
<ul style="list-style-type: none"> <li>• No advice of DO required and</li> <li>• No public inquiry required</li> </ul>	45 days
<ul style="list-style-type: none"> <li>• Public inquiry required and</li> <li>• No advice of DO required</li> </ul>	75 days
<ul style="list-style-type: none"> <li>• Advice of DO required and</li> <li>• No public inquiry required</li> </ul>	90 days
<ul style="list-style-type: none"> <li>• Public inquiry required and</li> <li>• Advice of DO required</li> </ul>	120 days

mit granted. The applicant, CMA and DO can request to be heard by the town planning council. If one of the parties requests to be heard, all parties will be invited. The hearing adds another 15 days to the 60 days available to the regional government.

#### Duration

C31. After obtaining his permit, the applicant must start the construction works within a year (in Brussels Capital within two years). If he fails to do so, the permit expires. On request of the applicant, the CMA can extend that period by another year. The State Council has defined the meaning of 'start of the works' in jurisprudence. Erecting a small wall using a couple of stones and constructing normal foundations are not considered as a start of the works. Works higher than ground level are considered a start of the works provided it is clear that the works will continue in a normal way.

#### Consultation

C32. In certain situations varying substantially from one Region to the other the CMA must take into account the binding advice of the delegated official or government departments (see Table C2 for the Flemish Region). In the Flemish Region, when there is no PDP, the binding advice of the DO is required. When the parcel borders a regional or provincial road, binding advice of the administration responsible for these roads is required.

**Table C2. Need for prior advice of municipal decisions in the Flemish Region**

Situation	Prior and binding advice of
No particular destination plan (PDP)	Delegated official (DO)
Particular destination plan (PDP)	N/A
Council of mayor and aldermen wants to depart from a particular destination plan	Delegated official (DO)
Parcel borders a regional or provincial road	Regional Department of Roads or Provincial Road Service
Development proposal affects a listed monument, landscape or town	Minister responsible for the conservation of monuments, landscapes and townscapes + Regional Commission of Monuments and Landscapes

quired. When the development proposal affects a listed monument, landscape or townscape the binding advice of the relevant minister is required and that of the Regional Commission on Monuments and Landscapes (see Section D: Preservation and conservation of historic buildings).

In the Walloon Region, situations are more complex. Conditions for the DO's advice and for other advice also regard types of works and elements of context such as the decentralisation system, cultural heritage, protected urban and rural areas, and combinations of these parameters.

C33. The CMA can put any question of aesthetic nature before the municipal advisory committee. The reference to the MAC on aesthetic matters is at the discretion of the CMA, and is not compulsory for the CMA. In the Walloon Region, when the municipality benefits from the decentralisation system, the *Code Wallon* requires advice from the MAC for applications made by public authorities and for applications submitted to public inquiry. The MAC advice is not binding on the CMA. Generally, the processing of a permit application is a closed procedure. Third parties (citizens) are not consulted and have no right to object. When the application concerns substantial works a short public inquiry is organised in order to allow citizens to formulate objections.

C34. When in the Brussels Capital Region the DO wants to grant an exception to a particular destination plan or wants to deviate from regulations, a public inquiry must be organised (*speciale regelen van openbaarmaking/mesures particulières de publicité*) of which the results are sent to the municipal consultation committee.

When apart from a building permit also an environmental impact assessment (EIA) is required, there is an obligation that the application for the building permit and EIA are submitted at the same time. If one of the two applications dossiers

turns out to be incomplete, the procedure does not start (so-called 'mixed procedure'). The public inquiry for the EIA is organised at the same time as the public inquiry for the *speciale regelen van openbaarmaking/mesures particulières de publicité*. If one of the two permits is refused, then the other permit is invalid.

#### Automatic approval

C35. Automatic approval is granted in two situations (see Table C3 and Figure C2):

- When the DO suspends a permit and the minister fails to confirm the suspension within 40 days, the suspension is lifted and consequently the permit is granted (see *supra*).
- When the applicant appeals against a negative decision and the minister fails to respond on time, the applicant is allowed to start the construction works, provided all plans and regulations are complied with (see Section C: Rights of appeal).

C36. When the DO fails to process the permit application on time, this must be considered as a refusal, with the exception of Brussels.

#### Compensation

C37. The refusal to allow departure from an existing plan does not lead to any compensation.

#### Conditions related to the permit

##### Circumstances

C38. Conditions can be attached to the building permit. These conditions can concern appearance, health, utilities and even timing. The conditions can be defined in destination plans, by re-

**Table C3. Automatic approval of development proposals in the three Regions**

Situation	Approval or refusal of permit		
	Flanders	Wallonia	Brussels
DO fails to process permit application on time	refusal	refusal	approval <sup>(1)</sup>
Minister fails to confirm suspension on time	suspension lifted	suspension lifted	suspension lifted
Minister fails to process appeal on time	approval	approval	approval

(<sup>1</sup>) The development project must be implemented in line with the existing plans.

gional or municipal building regulations or can be imposed by the CMA or DO.

## Status

Conditions imposed by regional building regulations apply generally to the whole Region, but in all three Regions they can apply to some defined parts of it (e.g. parkings in urban areas). Conditions imposed by a municipal building regulation generally apply to the whole municipality, but in the Walloon and Flemish Region can apply to specific parts of it. In the Flemish Region the provincial building regulations generally apply to the whole provincial territory but also can apply to specific parts of it.

## Scope

C39. Scope of the conditions is the building for which the permit was granted. The conditions can go very far. There can be conditions on health, appearance, utilities, or timing.

- Conditions on health, beauty, sturdiness, and safety of the buildings: these regulations can define the height and depth of the building; the setbacks, side yards and plot coverage; the surface of the windows; the depth of the foundations; the use of combustible materials; the existence of escape routes; the use of particular materials; the thickness of the walls; the required colours of the facades, etc.
- Conditions on health, beauty, sturdiness, and safety of the roads: these regulations can define the preservation of trees along roads, parking places to be reserved, etc.
- Conditions on public utilities (gas, water and electricity).
- Conditions on timing: In tourist areas the implementation of construction works can be forbidden on certain days. In all cases, a building permit does not become valid until 20 days after it has been granted.

C40. Financial conditions may not be imposed. The condition of a preceding guarantee sum to assure the correct implementation of the works is illegal. As mentioned earlier in the Brussels Capital Region a debate is going on to introduce *stedebouwkundige lasten/charges d'urbanisme*

(spatial planning charges) (see C: Status and betterments).

## Rights of appeal

### Conditions and grounds of appeal

C41. The law makes provisions for a double appeal procedure. The interested parties can appeal to the permanent deputation (first phase) and to the regional minister responsible for spatial planning (second phase). In all cases, the decisions of the permanent deputation as well as of the minister must be substantiated.

C42. If after the permit processing procedures one of the parties claims irregularities, an appeal can be lodged with the State Council (administrative court). Also if one of the interested parties feels that a civil right has been violated, a judicial appeal can be lodged with a civil court (see Table C4).

C43. An appeal can be lodged against the refusal and the granting of a permit as well as against the conditions imposed on the grant. The basis of the appeal can be on grounds of the technical planning correctness of the decision (e.g. on grounds of good spatial planning or if the conditions are too demanding, without a proper legal basis). Another ground for appeal is that the decision in some respect is illegal, for instance through a failure of procedure.

### Process of appeal

C44. The applicant, CMA, DO as well as permanent deputation can appeal against decisions

Table C4. Types of appeals and objections

Appeal with	Description
Permanent deputation	Administrative appeal
Town Planning Council	Administrative appeal
Minister	Administrative appeal
State Council	Annulment due to irregularities
Courts	Judicial appeal – a civil right has been violated

taken by a higher public authority (see Table C5 and Figure C4).

C45. In the case of a refusal of a permit, the applicant can lodge an appeal with the permanent deputation (Brussels Capital Region: Town Planning Council) and later with the minister in charge of spatial planning. In the case of an approval of a permit by the permanent deputation, the council of mayor and aldermen and the DO can appeal to the Minister in charge of spatial planning. Both types of appeal are an administrative appeal. The applicant, CMA as well as the permanent deputation can go to the State Council. Only the applicant and the CMA can go to civil courts.

#### Administrative appeal possibilities by applicant

##### *Appeal with permanent deputation/ Town Planning Council*

C46. When the CMA (or DO) refuses or fails to determine a permit, the applicant can lodge an appeal with the permanent deputation. In the Brussels Capital Region appeals must be made with the Town Planning Council. The procedures in principle are similar. Appeals must be made within 30 days after a negative decision has been issued or after the response period has finished (the procedure is shown in Figure C4). Within five days the permanent deputation sends a transcript of the applicant's appeal to the municipality and the DO.

C47. The applicant as well as the CMA and the DO can request to be heard by the permanent deputation. When one party requests to be heard, all parties will be called up. Starting from the day it received the applicant's appeal, the permanent deputation has 60 days to decide. If a hearing is requested, the period is extended with 15 days.

##### *Appeal with Minister*

C48. After the permanent deputation (for Brussels: Town Planning Council) has reconsidered its decision, or has failed to decide within 60 days, the applicant can appeal to the regional minister responsible for spatial planning. The appeal must be made within 30 days after the refusal or non-decision (the procedure is shown in Figure C5). Again all parties have the right to present their case in person and to be heard. Within 60 days (plus 15 days if there was a hearing), the minister must confirm receipt of the appeal, and whether he has revised the decision of the permanent deputation.

C49. If after the specified period (maximum 75 days) the Minister has not taken a decision, the applicant can send a letter of reminder to the Minister. If the minister does not take a decision within 30 days following the receipt of the reminder, the application for a building permit can be considered approved. This means that the applicant can start the intended works, provided however that these are done according to the application dossier, the provisions of the building regulations and according to the provisions of the approved destination plans (see Section C: Automatic approval).

#### Administrative appeal possibilities by CMA and DO

C50. If in the first appeal phase the permanent deputation (for Brussels: Town Planning Council) approves the permit application, the council of mayor and aldermen and/or the DO can lodge an appeal with the minister (the procedure is shown in Figure C6). A transcript of the appeal must be sent to the applicant. As for the appeal by the applicant the same procedure is applicable.

**Table C5. Appeal possibilities of different actors**

Appeal by	Appeal with			
	Permanent deputation	Minister	Council of State	Civil Court
Applicant	Yes	Yes	Yes	Yes
Council of mayor and aldermen	No	Yes	Yes	Yes
Delegated official	No	Yes	No	No
Permanent deputation	N/A	No	Yes	No

## Appeal to the State Council

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C51. The applicant can only appeal to the State Council when all other administrative appeal procedures are exhausted. The State Council can only pronounce judgement concerning the regularity of the disputed decision of the DO, the permanent deputation and of the Minister. The State Council cannot deliver the permit. It can only intervene to cancel the decision of the regional government if the decision is illegal.

C52. The CMA can also go to the State Council, but it must be authorised by the municipal council to do so. The permanent deputation can lodge a request to nullify the decision taken by the CMA or the Minister.

C53. The applicant must take all other existing legal measures (i.e. before the permanent deputation or Town Planning Commission, and regional government) before going to the State Council. It should be noted that the State council cannot deliver the permit: it only can intervene to nullify the decision of the regional government, if the decision was illegal.

## Appeal with judicial courts

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C54. When civil rights are violated the applicant can go to the judicial court to obtain compensation. A municipality can only appeal to the judicial courts concerning disputes on agreements (such as deeds of purchase). Neither the DO nor the permanent deputation can appeal to judicial courts.

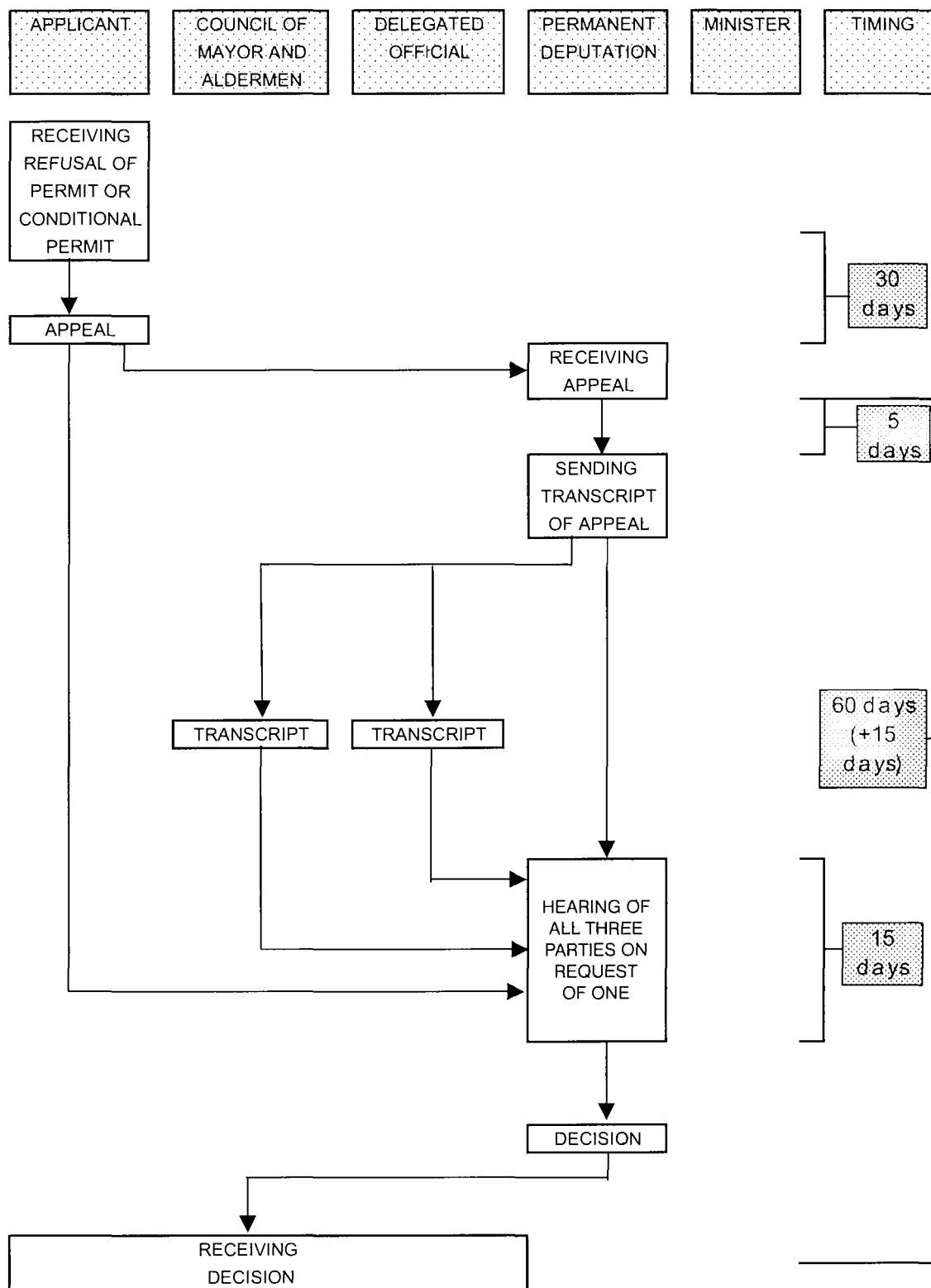
## Other permits

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C55. Other permits important for spatial planning are:

- *Permit to perform a renovation*  
A permit is required to renovate a building. When the building is listed, the advice of the minister responsible for monuments and landscapes is required. The advice is binding even if negative or conditional. When the advice is positive, the CMA can still refuse the permit.
- *Permit to convert a building*  
All actions which change (alter) the main function of the building or have important implications on the immediate surroundings require a permit. The permit for example is applicable to the planned conversion of a building located in a residential zone to a dance hall or large shop; to the planned conversion of a building in an industrial area to a building where goods or services are sold; to the planned conversion of a building in a recreational area to a permanent residence, etc. A conversion requires a public inquiry and may not damage the ability-to-bear of the area. Condition is that the new function of the building is allowed in that area (compatible with the zone's destination).
- *Permit allowing deforestation*  
Deforestation is defined as the demolition of vegetation consisting of trees and/or bushes without the intention to plant the area, so that the visual appearance changes and soil remains. However, spatial planning legislation does not demand a permit for the cutting of parts of a wood with the intention to plant that wood (such as normal maintenance or exploitation cuttings). Other legislation, such as the *Bosdecreet/Code Forestier* (Forest Act) (see Section D: Protection of the environment), can demand a permit for maintenance cuttings or limited exploitation cuttings. In the event of large deforestation the application dossier must contain a plan identifying existing planting, a specification of the different kinds of woods, the location of all trees that will be kept, the expected effect on the watertable and the objective of the planned deforestation.
- *Permit allowing changing the relief*  
It is forbidden to substantially change the relief without a permit. Substantial relief changes are for example the digging out or filling up of a pond or brook. A permit is not required when the relief change is smaller than 50 centimetres and covers only a limited surface.
- *Permit for the demolition of a building*  
A permit is required to demolish a building. In the Flemish Region when the building is listed, the advice of the minister responsible for monuments and landscapes and of the Regional Commission of Monuments and Landscapes is required. The advice is binding even if negative or conditional. When the advice is positive, the CMA can still refuse the permit.

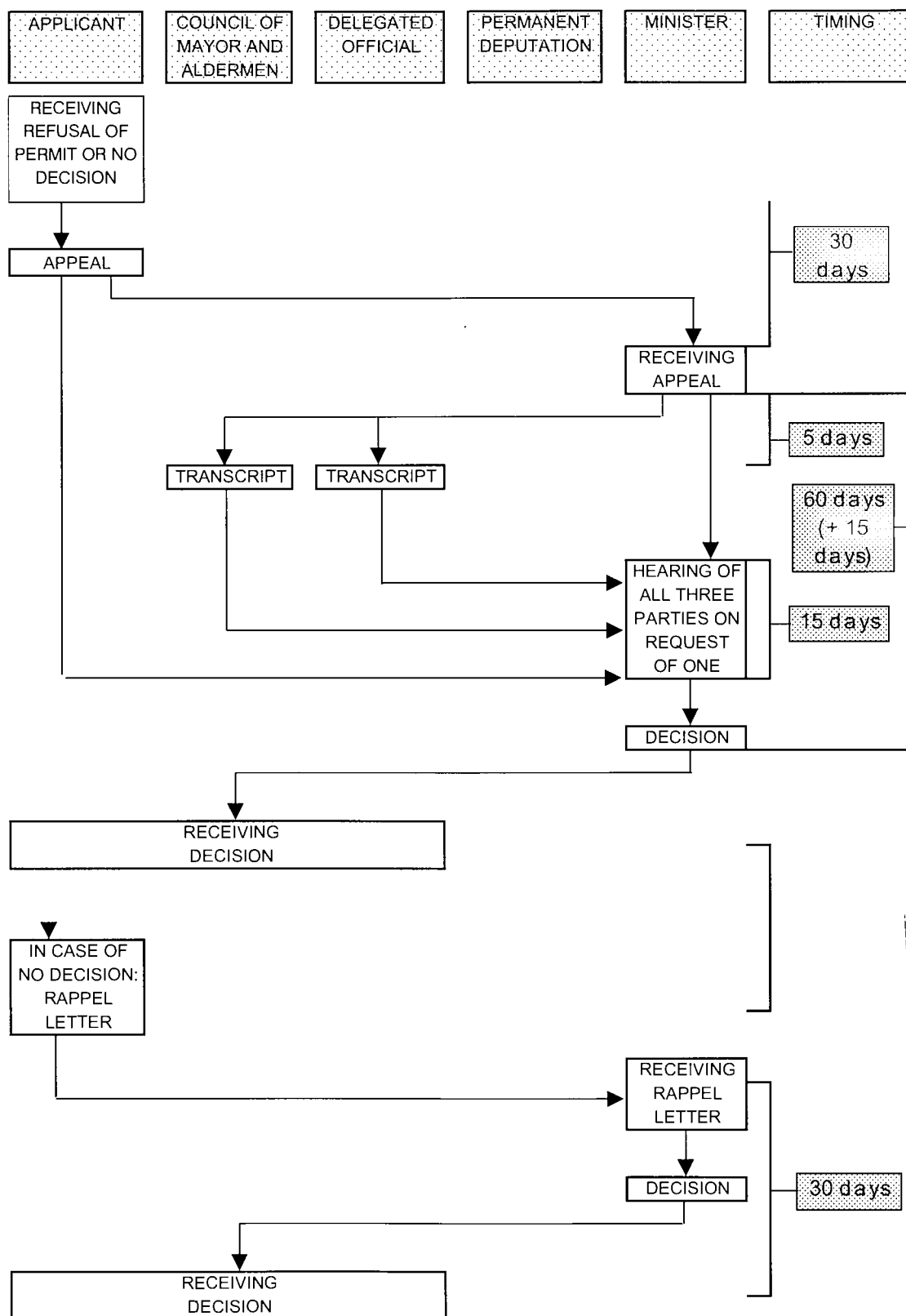
Figure C4. Appeal with Permanent Deputation by permit applicant  
Flemish Region or Walloon Region <sup>(1)</sup>



<sup>(1)</sup> Brussels Capital Region has a slightly different procedure and timing.

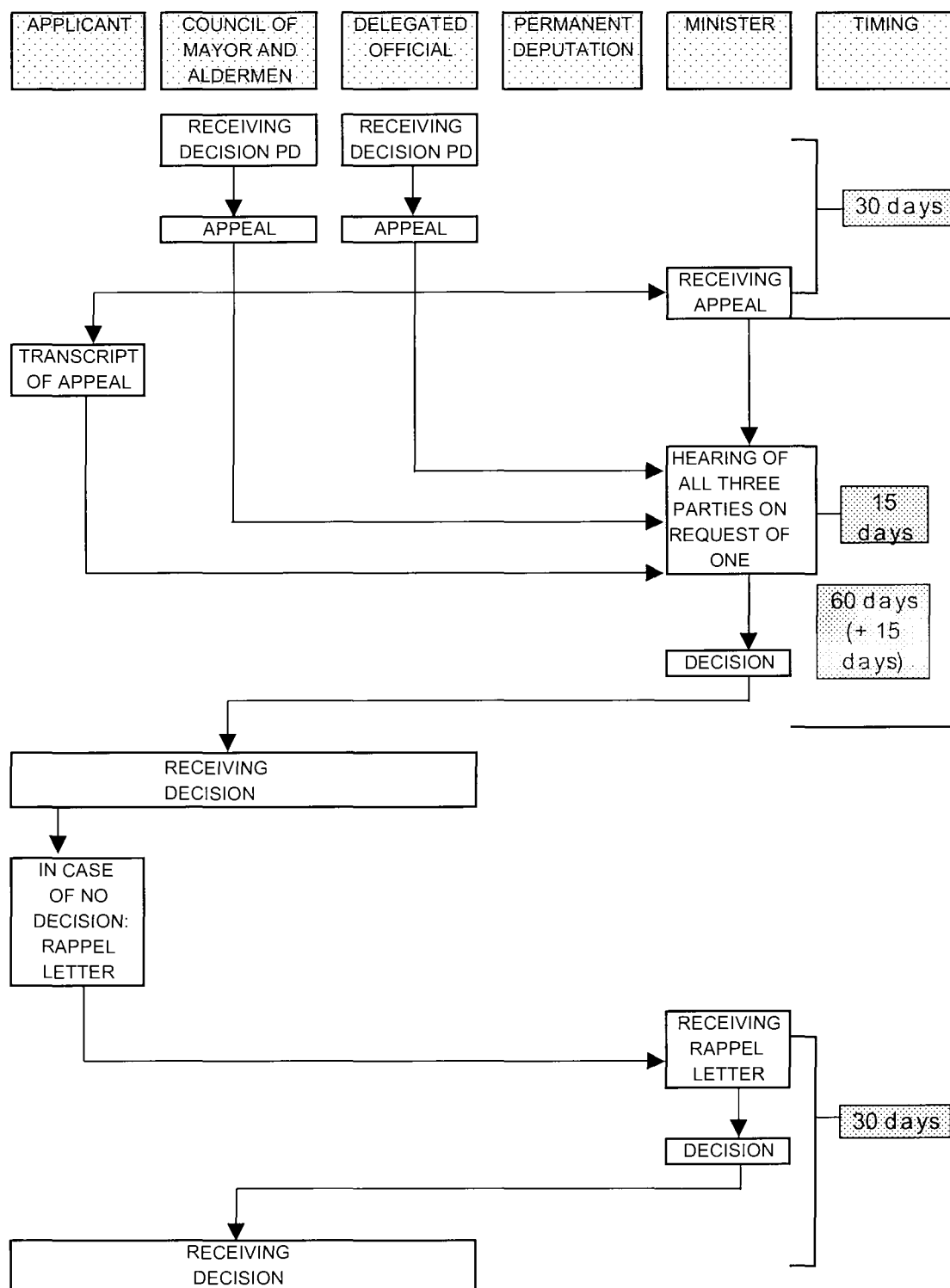


Figure C5. Appeal with Minister by permit applicant  
Flemish Region or Walloon Region <sup>(1)</sup>



<sup>(1)</sup> Brussels Capital Region has a slightly different procedure and timing.

Figure C6. Appeal with Minister by Municipal Government or delegated official  
Flemish Region or Walloon Region <sup>(1)</sup>



<sup>(1)</sup> Brussels Capital Region has a slightly different procedure and timing.

Figure C7. Example form for a building permit application Flemish Region (translated)

Ministerial Decree of 6 February 1971 (Mon., 9 February 1971)

**APPLICATION FOR A BUILDING PERMIT**

(To be submitted in duplicate)

I undersigned .....  
 living at .....  
 – owner of the parcel - holder of a right to build <sup>(1)</sup>,  
 (terrain or building) located in .....  
 street ..... number .....  
 with cadastral section .....;  
 – part of a by Royal Decree approved particular destination plan <sup>(1)</sup>;  
 – not forming part of a specific plan <sup>(1)</sup>;  
 – Included in the parcel for which on ..... a permit was given  
 to ..... <sup>(1)</sup>  
 (Number of the parcel in the parcelling: .....);  
 – Not included in a parcelling or in an expired parcelling <sup>(1)</sup>;  
  
 requests a permit to .....  
 .....  
 .....

Enclosed you will find:

A. The documents and information required by the Ministerial Decree of 2 February 1971 (Mon., 5 February 1971), namely:

- The certificate(s) of the architect(s) charged with the design of the drawings;
- The required photographs;
- The advice, either of the Regional Housing Corporation or of the National Corporation for Small Land Properties or of an acknowledged building company <sup>(1)</sup>;
- The statistics questionnaires.

B. <sup>(3)</sup> ..... series of drawings, in accordance to the abovementioned Ministerial Decree,  
 made by ..... architect,  
 domiciled in ..... street .....  
 .....number ..... telephone number .....

In case the works defined in this application are executed, the architect charged with the supervision on the implementation of the works according to the building permit, the approved plans and regulations is:

- <sup>(1)</sup> the abovementioned;
- <sup>(1)</sup> ..... domiciled in ..... street .....  
 ..... number ..... with telephone number .....

I authorise the municipality and the Administration of Urban Planning, to inform at the same time my architect and myself concerning the remarks with regard to the drawings <sup>(1)</sup>.

I declare having become acquainted with:

- The prevailing municipal building regulations <sup>(2)</sup>;
- The regulations of the by Royal Decree approved particular destination plan (number ..... name ..... of ..... <sup>(1)</sup>);
- The regulations of the parcelling permit ..... <sup>(1)</sup>,

and I commit myself strictly to comply with these rules.

I (do not) authorise <sup>(1)</sup> the municipal council to make known my name and address to others for commercial purposes.

At ....., the (date) .....

(signature)

<sup>(1)</sup> Strike out whichever is not appropriate.

<sup>(2)</sup> Strike out in case no municipal regulation exists.

<sup>(3)</sup> Only to be completed in case of works as mentioned in Article 1 of the Ministerial Decree of 6 February 1971.

Figure C8. Example Certificate of the Architect (translated)

Decree of the Flemish Executive of 20 November 1985 (Mon., 7 May 1986)  
**CERTIFICATE OF THE ARCHITECT**

Information concerning the building:

Nature of the building: .....  
Location of the building: .....  
Town or municipality: .....  
Street: ..... number: .....  
Cadastral section: .....

Statement of the architect:

The undersigned .....  
living at .....  
street: ..... number: .....  
declares (!):

- being charged with the design and the supervision of the construction of the building mentioned above;
- being charged with the design of the building mentioned above;
- being informed of:
  - 1° The Particular Destination plan concerning the area where the parcel is located as approved by the decree of .....
  - 2° The parcelling permit, dated .....  
given to .....  
(name and address);
  - 3° The current municipal building regulation;
- that his/her design does not conflict with the records mentioned under 1°, 2° and 3° above;
- that his/her design does conflict with the records mentioned under 1°, 2° and 3° above .....  
.....  
.....  
.....  
(specify the defect(s))

At ....., the (date) .....  
(signature)

Approval of the authorised Council of the Professional Organisation of Architects.

The architect signing is (!):

- enrolled on the table of the Professional Organisation of Architects;
- enrolled on the list of apprentices of the Professional Organisation of Architects;
- in receipt of the authorisation as meant in Article 8 of the 26 June 1963 Act establishing the Professional Organisation of Architects (Mon., 5 July 1963).

Stamp of the authorised council  
of the Professional Organisation of Architects

(!) Strike out whichever is not appropriate.

The application dossier must among others contain an indication of the nature of the ground to be removed, the nature and origin of the soil to be moved in and provisions to protect adjacent buildings and plantings.

- *Permit for cutting down single tall trees*  
A permit is required to cut a single tall tree in an area identified in a destination plan as a green zone. Cutting means every action which necessarily results in the disappearing of the tree (such as cutting too many branches). Tall trees are trees with a height of at least three metres. The intention of replanting the tree does not imply that no permit would be required. The municipality can identify trees (not forming part of a destination plan) for which it can demand a cutting-permit.
- *Permit for cutting down or modifying remarkable trees and hedges (Walloon Region)*  
A permit is required when the tree or hedge is considered as outstanding for some objective characteristics or when it is recognised as such in publications or lists approved by the Walloon Government.
- *Permit allowing exploitation of or changing the vegetation of heaths and peats*  
A permit is required for the exploitation of the vegetation of heaths and peats. There is discussion on the definition of heaths and peats. It is argued that the area must explicitly be identified as such.
- *Permit allowing construction of storage space for used cars or metal scrap*  
A permit is required for the construction of storage space for used cars or metal scrap. When the planned development is assessed to affect the surroundings an environment impact assessment is required. Among other items the application dossier should contain a description of the plantings or provisions planned to screen the storage space.
- *Permit allowing the installation of movable constructions which can be used as a residence*  
A permit is required for the installation of caravans or other movable constructions which can be used as a residence. The application dossier should contain a description of the nature and number of planned constructions and a statement of the frequency the terrain will be used.

- *Permit for shop signs or advertising devices (Walloon Region and Brussels Capital Region)*  
A permit is required for a shop sign or an advertising device, even if it is fastened at or incorporated in an existing building. Definition of what is respectively considered as shop sign or advertising device is however not yet accurately specified in the legislation. In some areas, shop signs/advertising devices are in all circumstances or modes forbidden.
- *All actions identified by a municipal regulation*  
A municipality can decide that certain actions, which are not covered by regional legislation, do require a permit. These municipal regulations must be approved by the regional government.
- *Permit to allow small changes*  
All acts which do not require the advice of the delegated official (see Section C: Exceptions) do require a permit allowing small changes. However, a permit is required for the construction of greenhouses for business and professional purposes.
- *Permit to allow plantations*  
A permit is required for those plantations that are not exempted from advice of the DO. This permit requires a schematic and detailed indication of all the planned works and plantations and of the proposals for replantation.  
  
In the Walloon Region a permit is required for planting trees in areas destined by a plan to nature conservation (*zone d'espaces verts*) and in areas recognised by a plan as representing an interest for the landscape (*zone d'intérêt paysages*). It is also required for the planting of forest trees in areas destined by a plan to agriculture or rural settlements. The planting of trees in private gardens and the constitution of wooded areas of small extent are not concerned.
- *Permit for works on protected or listed buildings, landscapes, townscapes or archeological sites (Walloon Region)*  
A permit is required for all works tending to safeguard or restore such (element of) cultural heritage, even for works that otherwise would not require a permit. If the works are not likely to modify the appearance nor characteristics of the cultural heritage that justify its protection, the permit is not required.
- *Permit for the construction of a golf terrain.*

- *Parcelling permit*

A parcelling permit is required to divide a particular area in several individual lots. The permit is necessary when an owner wants to sell a piece of land to several potential buyers. The basis for the system of building permits lies in Article (56) paragraph 1 of the 1962 Act which states that:

'Nobody may sell a piece of land that forms part of a parcel, intended for house-building or for the construction of fixed or movable elements that can be used as residence, unless (...) an explicit and written approval of this parcelling [has been granted].'

A building permit is needed for the actual construction of a building after the parcelling permit has been approved. The main elements of the parcelling procedure are similar to the building permit. There are, however, some points of difference, i.e. the doubling of some terms and the publication or a public inquiry in some specific circumstances.

- light enclosures, such as those constructed with concrete stakes and wire or constructed using specified materials;
- temporary constructions for the installation of construction sites, like sleeping sheds for workers and staff sheds;
- some publicity constructions;
- temporal plastic tunnels used in agriculture

C59. In the Walloon Region more exceptions are allowed, i.e. concerning conservation and repairation works, small outbuildings (constructions annexes), and small works in parks or gardens. The Brussels Capital Region on the other hand allows fewer exceptions. In the Brussels Capital Region, billboards require a building permit which is only of limited duration. It should be noted that a distinction is made between major publicity boards (located on walls) and smaller publicity signs of for instance pubs, where for the latter this requirements does not apply.

## Exceptions

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### Exception of permit obligation

C56. In principle all construction or installation initiatives, resulting in a durable construction require a building permit. There are, however, certain works considered to be of such minimal importance or having such minimal impact that they do not require a permit.

C57. Each Region has exhaustive lists of small-sized works which do not require permits. The lists must be interpreted restrictively. A first list applies to works by private persons on private property, a second list applies to works by public authorities on public property. Despite some differences between the three Regions, the no-permit lists basically are similar. In the Walloon Region however, no small work is exempted of the permit obligation when it regards an element of cultural heritage. Some parts of the exception list are not applicable in protected urban or rural contexts.

C58. In the Flemish Region, some small types of works do not require a building permit, among others:

- small greenhouses not intended for commercial or professional use;

C60. A second list of exceptions concerns works done by the public authorities on public property. These exceptions are generally larger and more substantial. Some of the acts for which no permit is required can even have substantial ecological impact. The adopted lists of the three Regions are similar.

C61. No building permit is required for, amongst others, the construction or rebuilding of streets and roads provided they do not exceed a defined maximum length and width; the construction of parking space in the open air provided maximum sizes are not exceeded; and water control works that cannot be delayed without causing danger or damage, such as the raising, consolidation or repairing of dykes in the light of danger of floods. In Brussels Capital Region and in the Walloon Region this exception does not exist.

C62. However, all public works performed in a green zone or park zone (as defined in a sub-regional plan) or public works carried out in the vicinity of listed landscapes or monuments require a permit. There are policy differences between the three Regions: the Walloon Region tends to be stricter than the Flemish Region.

### Autonomous power of municipalities

C63. As indicated earlier, the delegated official (regional authority) must give binding advice to

the CMA on a number of permit applications, mainly when there is no PDP nor valid parcelling permit. In specific cases, however, the CMA does not require advice of the DO and can decide totally autonomously, even when there is no PDP. These exceptions largely enhance municipal responsibilities on spatial planning. The decision, however, remains subject to supervision by the DO. Similar to exceptions for building permits, there are some differences in the policies of the three Regions.

C64. For Flanders, the CMA can decide autonomously on the following permit applications (selection):

- Alterations within buildings, including the agreed equipping of sanitary fittings, electric heating and air conditioning installations on condition that these do not considerably increase the volume of the building.
- The construction of small shelters, hen-houses, tool sheds, publicity fittings, car sheds for a single passenger car, pigeon-houses, aviaries and apiaries or small plastic tunnels used in agricultural or horticultural business, medium-sized glass-covered or plastic-covered greenhouses, verandas, covered terraces or balconies, provided size and material regulations imposed by regional authorities are not exceeded.
- The construction of a pylon for a transmitter or receiver mast or for an aeolian wheel used to generate electric or mechanic energy, under certain circumstances.
- The construction of a dividing wall between two properties.
- Those minor acts and works that do not require a building permit (according to regional legislation) but do require a permit according to a municipal building regulation.

C65. The Walloon Region and Brussels Capital Region have adopted similar lists, but with different contents. In the *Code Wallon*, the list does not apply when the permit regards an element of cultural heritage. The lists apply only partly in protected urban or rural contexts. In the Walloon municipalities that benefit from the *système de décentralisations* (decentralisation system), only the permit applications concerning cultural heritage or applications for works of public interest

on more than one municipality are submitted on the DO's advice.

It should be noted that apart from these lists, there also are lists of development projects for which no architect should be consulted and lists for developments that do not require a building permit.

## Departure from plan/changes to plan

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C66. When a proposal to develop is not in accordance with an existing destination plan then, under certain circumstances, there is a possibility to deviate from the different plans. In the allowed departures there are some differences between the Regions. Basically, there are two possibilities: the development proposal is approved or it is disapproved (by the CMA or DO).

C67. As described above (see Section C: Main permit) a different procedure applies when there is / is no particular destination plan (sub-municipal land-use plan). When there is no particular destination plan the (binding) advice of the delegated official is required. When there is a particular destination plan, no prior advice of the DO is required but the decision of the council of mayor and aldermen has to be approved by the delegated official. In both cases the decisional power on a possible departure from the plan (whether with positive or negative implications for the development proposal) lies with the delegated official. When there is no particular destination plan the DO's decision must be followed by the municipal authorities. When on the other hand there is a particular destination plan, a departure from the plan must be explicitly requested by the council of mayor and aldermen by the DO.

## Deviation from the plan in order to approve a development proposal

C68. The DO can approve a development proposal despite the fact that it opposes plan provisions. The possible departures from plans are summarised in Table C6.

- In case there is no particular destination plan, a deviation can be made from an *algemeen plan van aanleg* (Flemish Region) or a *réglement communal d'urbanisme* (Walloon Region), on request of the council of mayor and aldermen. In this case only deviations con-

cerning the parcel's size, the size and location of the building and the appearance of the construction could be allowed. There can, however, be no deviation from essential elements of the plan concerned, such as changes which would imply a change of destination. It should be noted that the council of mayor and aldermen can decide not to follow the DO's positive advice thus refusing or restricting the deviation.

- In case there is no particular destination plan, a deviation from a sub-regional plan can be allowed when the application concerns a 'construction of general interest' (as defined by the regional government). A deviation from a sub-regional plan can also be allowed when the deviating development proposals concur with a pending sub-regional plan which has already been approved temporarily. In the Brussels Capital Region the deviation must concur with the provisions of a PDP.
- In case there is a particular destination plan, a deviation from the plan can be allowed concerning the parcel's size, the size and location of the building and the appearance of the construction. The council of mayor and aldermen, however, has to submit a motivated request to the DO. There can, however, be no deviation from essential elements of the particular destination plan concerned, such as changes which would imply a change of destination.

## Deviation from the plan in order to disapprove a development proposal

C69. The DO can also refuse a development proposal despite the fact that the permit application concurs with the existing destination plan. The possible departures are summarised in Table C7. The DO bases his refusal on provisions of a pending destination plan which has been approved temporarily and which does not support a development proposal. Again the DO decides upon the (negative) deviation. In case there is no particular destination plan the negative advice of the DO is binding; when there is a particular destination plan a permit granted by the CMA still can be suspended by the DO.

## Enforcement procedures

C70. The monitoring of whether the implementation of building and parcelling permits are complied with can be done by central, provincial and local government officials, judicial police officers, gendarmes (non-officers), and rural policemen (constables).

## Administrative measures

C71. The monitoring officials can order the illegal works to be stopped immediately. This *bevel tot*

**Table C6. Departure from plan in case of approval of the development proposal**

Applicable to	Deviation from	Condition
Parcel's size, location, appearance of the construction works	<ul style="list-style-type: none"> <li>• <i>algemeen plan van aanleg</i> (F)</li> <li>• <i>règlement communal d'urbanisme</i> (W)</li> <li>• particular destination plan (all)</li> </ul>	Proposal of the council of mayor and aldermen
Works of general interest	Existing sub-regional plan	Pending plan is temporarily approved

**Table C7. Departure from plan in case of refusal of the development proposal**

Applicable to	Deviation from existing	Condition
All provisions	<ul style="list-style-type: none"> <li>• sub-regional plan (all)</li> <li>• <i>algemeen plan van aanleg</i> (F)</li> <li>• <i>règlement communal d'urbanisme</i> (W)</li> <li>• particular destination plan (all)</li> </ul>	Pending plan must be temporarily approved



staking van het werk/l'ordre d'arrêt des travaux (stoppage) can be ordered when:

- the construction of a building is carried out without permission;
- the construction works are violating the provisions of the permit;
- the permit has expired.

C72. The closing down of the works can happen orally (no written order required) and must be complied with by the offender immediately. It is a preventive measure and does not require a judicial decision. This administrative stop must be confirmed by the delegated official within five days. When the stop was ordered by police officials, the decision must be confirmed by the mayor. The alleged offender can appeal against the decision by a request for a *kortgeding/voie de référé* (temporary injunction). When the stop is not confirmed within five days, it is lifted.

## Sanctions

C73. When a complaint is filed and the transgressor is convicted, two possible judicial sanctions can be imposed on the offender. First the criminal court can impose a penal punishment (a fine and/or a jail sentence). The court can also demand one of three types of *herstelmaatregelen/mesures de réparation* (corrective measures). The offender can be ordered:

- to realise a *herstel in de vorige staat/une remise en état des lieux* (to repair the building or parcel as it was before the offence);
- to perform adaptation works;
- to pay a sum of money equalling the *meerwaarde/plus-value* (added value), the parcel or the building gained through the offence.

C74. In order to guarantee that these sanctions will be complied with, the court can:

- authorise the State or the plaintiff to implement the works required at the expense of the defendant;
- impose a *dwangsom/astreinte* (coercive penalty) imposed on a daily basis in case of non-compliance.

C75. In practice a limited number of offenders are judicially convicted. Even in cases of a con-

viction only a small number of corrective measures imposed actually are executed.

## Area of regulation

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C76. There are no areas of Belgium where the planning systems do not apply. The specific regulations of the Flemish Region, Walloon Region and Brussels Capital Region in general apply to their entire territories. However, in the Walloon Region, some general building regulations apply only to some characteristic parts of historic town and rural villages. In the Flemish Region a Regional regulation can apply only to some urban areas.

C77. The implementation of some aspects of the spatial planning legislation, however, can differ slightly in some municipalities (i.e. municipal building regulations).

## Unauthorised use and development

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C78. One of the main problems of the Belgian (Regional) spatial planning systems is the gap between law and practice (reality). The Belgian planning systems are strictly regulated but loosely implemented. This gap is generally acknowledged and its causes have been identified and are well known.

C79. Despite the strict regulations and the apparently strong enforcement procedures, the monitoring and sanctioning machinery often fails. This reality is caused by several elements. First there is the impact of the economic expansion in the 1960s and 1970s that led to a strong pressure on the existing open space. The spatial planning system was not able to deal with this enormous demand. Secondly, there is a rooted tradition of *politiek dienstbetoon/les bons offices politiques* (clientilism or rendering of services by politicians to their voters). Thirdly, the administrative supervising machinery was and still is continuously understaffed. Fourthly, municipal monitoring officials (rural police, constables, etc.) sometimes do not have the independence to carry out their supervising function efficiently and effectively. Finally, there is the slow and loose working of the judicial system.

C80. It is difficult to assess the exact size of the violations. A possible indication is that in 1974 the owners of illegal weekend residences were offered the opportunity to regularise their offence. A total of 20 288 persons came forward – and probably many thousands others did not.

C82. In the three Regions the reality of the gap between law and practice and the harmful implications of this gap on the environment and on the scarce space are the subject of considerable debate and concern. The Flemish *Ruimtelijk Structuurplan Vlaanderen* puts emphasis on open space and more efficient organisation of spatial development. There is a clear call for a break with the old trends. The planning and legislating initiatives in the Walloon Region and Brussels Capital Region (Title V of the 1991 Ordinance) have also been motivated by similar concerns.

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## D. Agencies and mechanisms for development and conservation

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### Summary

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*D1.* The federalising of the Belgian State has transferred important legal-administrative competencies and financial responsibilities to the Regions. Among other competencies (and some exceptions), the Regions are fully competent for spatial planning, transport policy, public works and infrastructure, economic affairs, housing, rural development and nature conservation, water policy, environment and lower tier governments. Within these sectors the regional governments can define their own policies and adapt or even replace the relevant legislation. This has implications on development and conservation matters.

*D2.* In the coming years and decades the Belgian authorities face important spatial challenges: pollution of the environment; space requirements for housing, recreation and economic activities; traffic jams and increasing demand for mobility despite limited space; ongoing cutting up into pieces of open space and landscape degradation; urban decay, etc. The majority of these problems are common to those experienced in other European Member States. The challenges are reflected in new policies and consequently in changed mechanisms and a redefinition of the role of some agencies both for development and conservation.

### Development

*D3.* In general development in Belgium can be characterised as plan-regulated. The public au-

thorities provide the framework (in the form of plans and policies) in which mostly the private sector initiates development. The planning system is mainly passive while the actual implementation of the planning policies and the real spatial development to a large extent depend on activities and investments of the private sector. In order to be able to realise planning policies, the Regions and municipalities can allocate public sources in a way which is attractive for private development. The public sector intervenes actively and directly in a limited number of sectors such as for instance major infrastructure works intended for further development and economic growth (e.g., transport, communication and utilities). In other fields, such as housing for instance, governments intervene less directly, defining the legal framework, providing incentives, and managing the social housing, thus leaving room for private initiatives.

*D4.* In line with adopted plans, public authorities can purchase land intended for spatial (urban) development. In specific cases the public sector can also expropriate land to realise its planning objectives. To lever effective policy implementation, partnerships between municipal authorities and the private sector are pursued.

*D5.* EU funding for major infrastructure, development and environmental schemes in areas which are lagging behind or which are suffering industrial or rural decline is becoming increasingly important. The need for more integration between different national, regional, provincial, municipal and EU programmes and between sectors is a current theme.

## Conservation

### Environment and nature conservation

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D6. As in other EU States developments have taken and take place in Belgium which put pressure on the environment, such as increase of greenhouse gases (global warming), acidification of the environment (acid rain), air pollution, overfertilisation (resulting in pollution of groundwater), spreading of dangerous substances, erosion, the polders becoming brackish, pollution of soil and subsoil, noise pollution, odour, loss of biodiversity, pollution problems in urban areas, and open spaces reduced. While the degradation of the environment has stabilised in the 1990s, the situation is still far from acceptable (*Région Wallonne*, 1992 and 1993; VMM, 1994).

D7. New management techniques, the international lexicological uniformisation, the methodological uniformisation adopted by the international scientific community and the inevitability of technical rules, combined with a whole set of international agreements (UN, OECD, Council of Europe, EU) do not leave much room for an isolationist approach. Consequently, environment and nature conservation legislation in Belgium is closely related to EU legislation and international agreements and has become more and more technical and complex.

D8. In the second half of the 1980s and increasingly in the 1990s the three Regions started to adopt legislation in order to tackle the gradual and continuing degradation and pollution of the environment. It is the short-term goal of the Regions to adapt their legislation to the European directives and international agreements and a medium-term goal to apply the most strict emission and emission standards suggested by European and international agreements. One of the main current issues is the integration of different environment-related policies, not only integrating the whole set of environment legislation (water, air, soil, subsoil, etc.) but also establishing a link between environmental policy and spatial planning policy (permits).

D9. The regional level holds the major competencies for environmental issues. Instruments used in the Regions are environment impact assessments, permits, quality standards, plan-making, investments in infrastructure, agreements with private companies and environment-related taxes. In each of the environment sectors (air,

water, soil, subsoil, etc.) the Regions adopt legislation and establish procedures according to EU directives and international agreements. The implementation of regional and federal policies, however, always has been dependent on participation of lower tier governments such as provinces and municipalities. Apart from that, the lower tier governments have some freedom to define their own environmental policy.

D10. Until recently the provinces did not have their 'own' environmental policy, but were an important administrative link in the implementation chain (i.e. permit granting). In Flanders, the province has been granted an increasing role in environmental policy while in the Walloon Region the provinces have diminished importance (Brussels Capital Region does not have provinces). In the organisation of regional environment policy, the municipalities only have a limited and mainly administrative role. Recently this has been changing, mainly in the Walloon and Flemish Region. The Regions do not only expect the municipalities to implement the regional environmental policy, but also to pursue their own active environmental and nature policies.

### Pollution and waste management

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D11. Since 1988 waste and pollution matters generally have become a regional competence. Notable exceptions are the definition of sectoral emissions standards; the transit of waste; and protection against radioactive radiation including radioactive waste which remained a federal competence. The Regions, however, may in addition specify their own standards for their own needs (stricter). Regional waste management plans and regulations aimed at implementing general waste policy and regional legislation are prepared and implemented by the regional waste agencies.

D12. An important dimension of waste management is the cooperation between public authorities and the industrial sectors. The industry, voluntarily, on request of or required by government, changed some of its industrial processes in order to limit use of resources, energy and waste production.

### Countryside conservation, urban conservation and monuments

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D13. In the last decades there has been a growing European and international attention for the protec-

tion of the (architectural) heritage, resulting in a great number of recommendations and conventions. The three Regions have reacted to these developments by adapting their legislation. In the 1990s an active heritage policy is pursued in all Regions. Similar to Flanders in the 1980s, the Brussels Capital and Walloon Region have mainly focused their attention on the adaptation of legislation, leading to an increase in the number of conservations. In all three Regions the budget for conservation of heritage increased (see Section F: Heritage).

*D14.* Conservation and protection of the environment is controlled by public sector agencies and organisations. In all three Regions the regional government (or by delegation the relevant minister) has the final decision concerning protection procedures, whereas the day-to-day policy for heritage lies with regional agencies. However, in statutory terms the role of the provincial level is limited to giving advice in grant and listing procedures, each province has mechanisms which provide restoration subsidies to private owners of listed monuments and landscapes. Similarly, there is a debate to grant larger conservation competencies to the municipalities. Despite the limited statutory tools available, a small number of municipalities have developed a consistent and active municipal heritage policy. Several voluntary and private bodies are active in helping to safeguard the heritage. Most of the activities in this field result from private and non-governmental enterprises even though these private associations, whilst sometimes benefiting from governmental support, have very limited resources.

## Development

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### Regional economic development

*D15.* Regional economic development implies a cooperation between the government and the 'social partners' (employer organisations and trade unions). In the 1970s this cooperation was institutionalised in the establishment of regional development corporations, regional investment corporations, and regional socioeconomic councils.

#### Regional Development Corporations (RDCs)

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*D16.* The *gewestelijke ontwikkelingsmaatschappijen/sociétés de développement régionale* (re-

gional development corporations) (RDCs) were set up in 1970. As opposed to the Walloon Region where the only RDC has been abolished, the RDCs in the Flemish Region and in the Brussels Capital Region were maintained as economic instruments. There are six RDCs: one for each province in the Flemish Region and one for the Brussels Capital Region. In Wallonia, the main functions of the RDCs are performed by the regional administration for economic affairs and intercommunales (see *infra*).

*D17.* The main objective of a RDC is to further the socioeconomic development of their geographic area, to promote investments and to implement some aspects of the socioeconomic policy of the regional government. The RDCs are furthermore responsible for the organisation of the negotiation and cooperation between the public authorities and the organisations which are active in the field of socioeconomic development.

*D18.* In addition RDCs can further deal with the general research, the conception and the promotion of the economic development of their area. The RDCs list the economic needs of their area. They have the general right to make proposals concerning economic activity, spatial planning, social equipment and regional infrastructure. Socioeconomic development is furthered by collecting, processing and researching socioeconomic and spatial and environmental planning data and by designing and promoting socioeconomic development and spatial and environmental planning. Investments are promoted by offering advice and information to companies; coaching candidate investors concerning settlement problems and following-up investment dossier (i.e. foreign investors); stimulating and assisting starters; advising and informing small and medium-sized companies which are operating in environment-related or export-oriented matters.

*D19.* The Flemish RDCs (GOM Antwerpen, GOM Vlaams-Brabant, etc.) are also entitled to study and collect information on specific socioeconomic problems; to prospect foreign investors and industrial projects and further the export and technology transfer; to coordinate inter-urban cooperation concerning regional development; and to support all activities that contribute to social-economic development (e.g. concerning infrastructure, spatial planning, environment).

D20. The Brussels RDC (GOMB/SDRB) also has specific responsibilities concerning urban renewal. It has to implement urban renewal projects with the objective to realise a maximum number of houses for low-income and average-income households. The Brussels RDC also is responsible for the implementation of all public-private urban renewal projects.

D21. Using their own means, the RDCs can expropriate, equip, rent or sell all land. By order of the Flemish Region or subordinate government tiers they can expropriate and equip all land, perform any general technical project and are allowed to establish research institutions and all non-profit projects. The RDCs own industrial zones which it lets to enterprises selected by the RDC. The RDCs usually maintain a continuously updated list of all spaces that are available for industrial activities.

D22. Foreign investors orientating themselves in Flanders usually contact the FIOC (Flanders Investment Opportunity Committee) which offers general information on space and investment opportunities. In a second step the investor can approach the RDCs, which will offer detailed information on available industrial sites, investment opportunities and potential partners, permits, etc. In the Brussels Capital Region industrial investors usually go directly to the Brussels RDC. In the Walloon Region an investor receives information from the Regional Administration for Economic Affairs. Information on available industrial space is provided by specific intercommunales.

D23. The RDCs are managed by a board of a maximum of 24 members. Representatives of the municipalities, provinces, and inter-municipal cooperations represent 50 % of the members. The other 50 % of the members are representatives of employers and trade unions. The RDCs are supervised by commissioners appointed by the regional government.

#### Regional investment corporations (RICs)

D24. The regional investment corporations were established as a result of the 1978 Economic Orientation Act. They are limited liability companies of public benefit. There is a regional investment corporation in each of the three Regions.

The RICs offer risk capital for regional enterprises, and act as partners for small and medium-

sized enterprises, offering technical support at the financial level, in order to further economic activities. The usual 'public' of the RICs are enterprises with high added value activities; innovative and export-oriented enterprises, enterprises looking for diversification and foreign investors – regardless the sector where the enterprise operates.

D25. The regional investment corporations:

- function as development banks, by stimulating establishment and restructuring of private capital companies and private cooperative companies (growth financing);
- function as government holdings with the objective to advance the economic government initiative. To realise this objective the regional investment corporations can establish trading companies, obtain participations and interests in such companies or participate in their management. Within this framework, initiatives in the field of seed money and venture capital can be taken. Based on business plans, the RICs can buy shares, convertible obligation loans and warrant credits;
- function as technical executives for industrial policy of the appropriate Region. The regional government gives the regional investment corporation all financial means necessary to fulfil these tasks and to cover liabilities.

D26. The governing board consists of 17 to 19 members mainly appointed by the regional government. The RICs are supervised by their proper regional governments. The government provides the financial means necessary for the realisation of the objectives. Banks and holdings are other shareholders.

#### Regional socioeconomic councils (RSECs)

D27. The *Sociaal-economische Raden/Conseil Economique et Social* (regional socioeconomic councils) (RSECs) were set up in 1970. Each of the three Regions has an RSEC. The structure and objectives of the three RSECs differ slightly from each other. In the 1980s the status and objectives of the RSECs were changed (see *infra*). RSECs are public institutions with a legal basis. They function as a council where employer and labour organisations meet with the government, in order to exchange views, negotiate and advise on all subjects which form part of the competen-

cies of the Regions and have a socioeconomic dimension. The RSECs are supervised by the regional governments.

D28. The RSECs are competent:

- to make studies and to initiate proposals and recommendations concerning all social and economic matters that concern the appropriate Region. The RSEC can do this on its own initiative;
- to organise consultation between the social partners;
- to preliminarily and obligatorily advise the regional governments on all the draft bills dealing with cultural, educational and person-related matters, economic policy, energy policy, employment policy and applied scientific research;
- to advise on all matters which are propounded by the regional government or regional council.

D29. Since 1990 sectoral committees can be established in the Flemish SERV. The SERV can also organise research and advice regarding the implications of new technologies on society.

D30. The current Flemish RSEC (*Sociaal-Economische Raad van Vlaanderen*) (SERV) consists of 27 members, of which 10 are nominated by the employers' organisations and 10 by the workers' organisations. The remaining seven members are nominated by the political parties according to their strength in the Flemish Council. All members are appointed by the Flemish Government from a double list of nominees.

D31. The current Walloon RSEC (*Conseil Economique et Social de la Région Wallonne*) (CESRW) consists of 20 members, of which 10 are proposed by the employers' organisations and 10 by the workers' organisations. All members are appointed by the Walloon Government out of a double list of nominees.

D32. The current Brussels RSEC (*Brusselse Gewestelijke Economische en Sociale Raad/Conseil Economique et Social de la Région de Bruxelles-Capital*) (BGESR/CESRB) consists of 36 members, of which 12 represent the employers' organisations, 12 from the workers' organisations and 12 nominated by the political parties represented in the Brussels Council (with a minimum of four members of each language group).

## Local economic development

D33. Municipalities are competent to act on local socioeconomic development. They do this mainly by the provision of equipped space and industrial areas, by letting buildings or by participating in training schemes.

D34. Municipalities are generally not able to fulfil all their tasks and responsibilities in a fully independent and efficient way. For example, electricity distribution, drinking water distribution or the collection and processing of household waste require substantial investments and specific skills. It would imply a major financial effort if all municipalities organised these tasks totally autonomously. To organise these services in an efficient way in these cases, municipalities are allowed to cooperate: *intercommunales/intercommunales* (inter-municipal cooperation).

D35. *Intercommunales* are active in the field of economic expansion (owning and exploiting industrial zones), utilities (provision of water, gas, electricity and cable television, collection of waste, water purification), or even the provision of medical services by the establishment of medical-social institutions (such as hospital, homes for the elderly, etc.). An inter-municipal cooperation is a cooperating structure between two or more municipalities, based on a legal framework agreed upon by all the involved parties. A private partner, such as a private electricity producer, can form part of such a cooperation. In these cases a 'mixed' inter-municipal cooperation is formed. When only public authorities form part of the organisation (municipalities or provinces) the cooperation is called a 'pure' inter-municipal cooperation.

D36. *Intercommunales* have their own management and their own resources (financial capacity). This implies that they are able to pursue a policy which is opposed to the intention of one or more participating municipalities. An *intercommunale* has a general assembly, board of directors and college of governors. The municipalities are represented by members of the municipal council or of the council of mayor and aldermen. The legislation stipulates that the representatives of the public authorities must always have the majority in all its organs – so also in mixed cooperations.

D37. Table D1 gives the proportion of mixed and purely *intercommunales* according to the sectors where they are active. It shows that in the

energy sector the influence of the mixed inter-municipal cooperations is pronounced.

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### Urban regeneration

D38. In the last three decades cities have lost many inhabitants. This development has had and still has three major consequences: (i) the migration to the city fringes thus increasing suburbanisation; (ii) cities suffer financial implications as result of a loss in the tax base and (iii) cities become less attractive. Urban renewal is a regional competence. Consequently, these developments have been a major concern in all three Regions.

D39. This concern is reflected in the Brussels *GewOP/PRD* (regional development plan), which promotes the viability of the area by attracting more young (and better-off) households. The principles of the *GewOP/PRD* will be implemented by building regulations, programmes to make the cities attractive and PDPs. In all three Regions similar special urban renewal areas have been identified. These areas can among others receive financial assistance (project-oriented subsidies) for the renewal of some quarters.

D40. One of the main issues is the re-use of abandoned or neglected industrial buildings and areas within the inner city. For instance, the Flemish 1995 Decree on the Prevention of Unoccu-

pied Industrial Space requests the Flemish municipalities to draft an annual list of all unoccupied industrial buildings. An annual tax is levied on all unoccupied industrial buildings, of which 20 % goes to the municipality and 80 % to a Regional vernieuwingsfonds (renewal fund). The fund will be used for renovation works to abandoned and unoccupied areas. If a property is more than two years on the list without the owner having taken a renewal initiative, the property can be expropriated. The Walloon and Brussels Capital Region have taken similar initiatives.

*Gewestelijke Huisvestingsmaatschappij/  
Société Régionale du Logement*  
(Regional housing corporations) (RHCs)

D41. In 1919 the *Nationale Maatschappij voor de Huisvesting/Société Nationale du Logement* (National Housing Corporation) was established with the (promotion of the) construction of social residences (working-class houses to be rented or sold to persons on low income) as their objective. In 1980, the responsibility for housing was transferred to the Regions, resulting in *gewestelijke huisvestingsmaatschappijen/sociétés régionales du logement* (regional housing corporation). In 1984, a Brussels and Walloon Regional housing corporation was created. A Flemish housing corporation was established in 1988.

D42. The RHCs are supervised by the regional Minister of responsible for Housing. The regional housing corporations (RHCs) are responsible for the construction of working-class houses that will be rented or sold to persons on low income. Furthermore the RHCs grant loans for the building or improvement of houses. The RHCs realise their objectives with the assistance of certified building corporations. In Flanders approximately

Table D1. Proportion of mixed and pure *intercommunales* (Dessoy 1993)

Sector	Number of inter-municipal cooperations		
	Pure	Mixed	Total
Electricity, gas, cable television	28	35	63
Water collection and water distribution	27	2	29
Medical-social institutions	23	7	30
Economic expansion, spatial planning, household garbage and water purification	41	25	66
Others	28	5	33
Total	147	74	221



130 building corporations are certified to build social houses.

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### **Public sector development policies**

#### **Public sector development policies**

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D43. Public sector initiatives include major infrastructure works (in order to facilitate development) such as roads and local infrastructure. In line with their spatial plans, public authorities can also purchase land intended for spatial (urban) development. In order to realise planning objectives the public sector can expropriate land in specific cases.

D44. Partnerships between municipal authorities and the private sector also exist to lever investment and achieve policy objectives.

D45. Public sector development projects are generally set up in close cooperation with the 'social partners', local or regional interest groups and public authorities.

### **Major infrastructure**

D46. Belgian governments pursue an active policy in the construction of major infrastructure works, such as for transport, communications and utilities. As a result of the federalisation of Belgium, the responsibilities for some of these areas have been transferred to the Regions.

D47. The Regions are responsible for the infrastructure policy and transport policy. This includes road infrastructure, the development of inland and maritime ports, the management of the inland waterways, the regional airports and the organisation of urban and interurban public transport. Although the majority of the transport sector is a regional competence, some aspects remain a federal competence. The federal level is responsible for infrastructure and transport policy for the railway network (NMBS/SNCB) and the management of Brussels National Airport (through the *Regie der Luchtwegen/Régie des Voies aériennes*). The provincial level is responsible for the so-called provincial roads, while municipalities are responsible for municipal roads and related traffic. The Regions are also responsible for energy policy (with the exception of nuclear energy) and utilities such as the construction of sewerage pipes.

D48. The location of Belgium at the heart of Europe's road and rail network, alongside the functioning of one of Europe's busiest ports (Antwerpen) has kept transport and transport infrastructure very high on the political agenda. Infrastructure related policy implementation at the federal level is supported by the federal department of traffic and infrastructure. All Regions have an administration responsible for road infrastructure and traffic, which is responsible for the construction and maintenance of roads. For each of the transport modes specific public agencies exist. The construction of infrastructure is usually carried out in cooperation with private companies.

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## Partnerships

### Inter-municipal cooperation

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D49. There is long-standing tradition of partnerships between the public and private sector for mixed use initiatives in Belgium. These partnerships express themselves in different types of co-operation. The most outspoken framework of such public-private cooperation is the so-called 'mixed' *intercommunales* (inter-municipal cooperation).

D50. An *intercommunale* is a cooperating structure between two or more municipalities, based on a legal framework agreed by all parties involved. A private partner, such as a electricity producer or waste collecting company, can form part of this cooperation. In those cases a 'mixed' inter-municipal cooperation is formed. When only public authorities form part of the organisation (municipalities or provinces) the cooperation is called a 'pure' inter-municipal cooperation. Despite the fact that the public authorities should always hold the majority in these cooperations, the private partner is usually considered to be an equal.

D51. In the energy sector the influence of the mixed inter-municipal cooperations is pronounced (see Table D1).

## Tourism development

### Tourism development

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D52. Tourism is a major growth industry which, however, cannot be disconnected from the quality of the urban and rural environment. Until the end of the 1980s attention was only given to the positive effects of tourism in terms of regional economic development, increase of income and employment. Now more and more attention is given to the quality of tourist infrastructure and its relation with the environment in terms of pollution, traffic problems, space claims, etc.

D53. Regional, provincial and municipal policy-makers are now taking into account the environmental dimension of tourism and recreation, albeit without losing contact with its economic importance. In local and provincial plans the economic dimension still prevails but it is increasingly acknowledged that the preservation of the environment and of the cultural heritage is required

in order to safeguard the local economic role of tourism.

D54. Tourism is a community competence implying that the federal level has no powers in this field. At the community level there exist several organisations which have responsibilities for tourism and recreation. The organisations are similar and have similar competencies in all communities. Tourism policy is determined in consultation with representatives of a number of sectors: tourism services at local and provincial level; social tourism, tourism for the young people and for adults; camping site operators; travel agencies and enterprises providing tourist accommodation.

D55. Tourism is formulated inside a rather closed system. In each community there is a *Commissariat-General for Tourism (CGT)*, which is responsible for the preparation and implementation of specific tourism legislation and directives concerning hotels, travel agencies, camping, social and rural tourism. Tourism policy is determined in consultation with representatives of a number of sectors. Related to the CGT in each community is a Superior Council of Tourism, which consists of six technical committees specialised in one tourist area (travel agencies, hotels, social tourism, open air tourism, rural tourism and local tourism agencies).

Because tourism is a community competence and Brussels Capital Region forms part of two communities, the situation in the Brussels Capital Region is substantially more complex. The French speaking community has delegated its tourism competences in Brussels Capital Region to the *Commission Communautaire Française* (French Community Commission in Brussels) (COCOF). The Flemish Community considers the promotion of the Brussels Capital Region as a full objective.

D56. The CGTs are responsible for the implementation of legislation and financial support for the tourist sector. This includes:

- control of hotels, camping sites (including official classification) and travel agencies. All permits for these sectors are issued by the CGTs;
- tourist equipment (by own investments and subsidising projects of lower tier governments);

- subsidising organisations for social tourism, provincial federations and projects for the modernisation of hotels;
- tourist promotion and information. The CGTs have offices in nine countries (shared by the VCGT and the OPT).

D57. Each Flemish and Walloon province has a tourism federation. The provincial federations of tourism initiate studies which could lead to a global vision on tourism and recreational development for the particular province. More and more provinces participate in the commercialising of the tourism product because tourism, arts and regional cuisine are considered important sectors for employment creation. Some provincial tourism federations have created and financed tourism infrastructure or assisted in the investment. At the municipal level there are tourist offices which are responsible for the reception, promotion and the creation of infrastructure. In some cities regular calculations of the economic dimension of tourism are made and the developments that are required to safeguard that dimension. In some cities interest groups are active which intend to minimise the negative dimensions of tourism.

D58. Tourism development planning is formally based on sub-regional plans. The mechanisms of public spatial planning is the granting of permits for the implantation of the most divergent types of recreation infrastructure in accordance with the sub-regional plans. Environmental concerns are being taken into account, with new facilities authorised only after an environment impact assessment. In all Regions there is a move to draw up a more integrated approach to tourism which should combine all tourism-related aspects.

D59. The destination plans identify the areas in which leisure facilities may be developed. A distinction is made between zones for recreation (recreation zones) and zones which could be joint-used recreationally, such as forests, parks, buffer zones, nature areas and agriculture areas. The latter are zones for leisure pursuits without sleeping facilities. In the Flemish sub-regional plans for example, 1.34 % of the surface of Flanders is reserved for recreation activities (areas that could be equipped with special infrastructure such as campings, amusement parks, etc.). Whilst leisure amenities are generally located within recreation zones this does not mean that other places are not regarded as suitable. In Wallonia, for example, a distinction is made between

*villages de vacance* (holiday villages, defined as groups of 15 or more holiday residences) and *parcs résidentiels de weekend* (weekend residential parks, intended for mobile homes and pre-fabricated chalets for short stays). While the former are permitted even in residential areas (Article 95 *Code Wallon*), the latter may be located only in recreation and holiday zones (Article 120 *Code Wallon*).

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### Rural development

*Gewestelijke Landmaatschappij/  
Office Wallon de Développement Rural*  
Regional land corporations) (RLCs)

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D60. In 1935 the national government and the nine provinces established the National Corporation for Small Land Ownership, and regarded as the rural counterpart to the National Housing Corporation. In order to emphasise the rural character of the corporation its name was changed to National Land Corporation in 1970.

D61. The corporation is active in two domains: the construction (improvement) of housing in rural areas (by building houses and selling them) and re-allotment projects in rural areas.

D62. In 1980 responsibilities for housing and rural development were transferred to the Regions. In 1984, the National Housing Corporation and the National Land Corporation were dissolved. The tasks previously assigned to the national land corporation in the domain of rural development were transferred to regional land corporations in the Flemish and Walloon Regions. The Brussels Capital Region was not concerned because of its urban character.

D63. The regional land corporations are competent for:

- advice and help on re-allotment tasks;

- rural development (initiatives and operations that improve the development of rural areas).

The Flemish Land Corporation is also competent for:

- the establishment and exploitation of farms;
- the protection of the environment against pollution by fertilisers;
- the construction and management of a land data bank and the implementation of a geographic information system (GIS).

The Walloon Land Corporation is also competent for:

- actions of land policy in the domain of rural re-allotment;
- the design of land planning documents for municipalities.

*D64.* The set-aside regulation of agricultural land is an important element of EU agricultural policy. The application of the principle is only marginal in the northern part of the country. It takes more importance in the southern part, where it sometimes causes problems of insufficiently controlled forestation.

## Protection and conservation of the environment and heritage

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### Countryside conservation

*D65.* The conservation of landscapes is a regional competence. Since the 1980s the three Regions have adapted their legislation resulting in a wide variety of statutory and non-statutory instruments to realise the conservation of landscapes. In all three Regions there is legislation in line with European directives such as Directives Nos 79/409 and 85/337 on the environment.

#### Flemish Region

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*D66.* Several schemes exist to conserve the Flemish countryside:

- In the Flemish Region the listing of landscapes is still regulated by the 1931 Act on the Conservation of Monuments and Land-

scapes (1931 Conservation Act). The Act seeks the protection of landscapes for which conservation is a regional interest from a historic, aesthetic or scientific point of view. The listed landscapes are and remain protected regardless of any change of ownership. The Act lists works which are forbidden. Works other than for maintenance purposes require a permit. The 1931 Conservation Act and the 1962 Spatial Planning Act however, are not correlated to each other. Since 1993, listing proposals require the advice of regional spatial planning administration (ASPH).

- There are also a wide variety of measures relating to the protection of species. Measures include total bans on hunting or collection of certain species, partial protection during specified periods during the year, and policies to prevent destruction of certain species deemed to be harmful.
- Areas are also designated protection status in destination plans. Some 15 200 ha are designated in particular destination plans and sub-regional plans as protected areas. In addition, some 76 000 ha are defined as forest zones or having ecological interest. With other green zones and public open space this amounts in total to 150 000 ha, or 12% of the Region's territory.
- Under regional legislation, a number of State natural reserves have been created. There are at present 25 State reserves (public property) and 153 private reserves, totalling 3 400 hectare and 5 400 ha respectively. This small number results from a lack of open space (caused by ribbon development) and budget constraints. As a rule, the public reserves are larger than the privately owned ones. The 1990 Forest Decree (replacing the national Act of 1854) applies to both public and private forests.

#### Walloon Region

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*D67.* In the Walloon Region several schemes exist to conserve the countryside.

- The 1973 Nature Conservation legislation on nature conservation (as modified in 1984) identifies two types of nature reserve:
  - integral nature reserves, where protected areas are left to evolve naturally;

- supervised nature reserves, whereby the management can take measures to conserve, reintroduce animal or plant species or restore the environment to its former state.
- There are two types of administrative management for natural reserves:
  - State nature reserves: protected areas run by the regional government;
  - recognised private nature reserves: protected areas managed by a person or organisation other than the regional government, although recognised by the Walloon government.

A lighter form of protection is given by the concept of nature park, introduced in 1985 in the Walloon legislation. Nature parks concern larger areas than reserves (minimum 5 000 ha) and are intended to protect the natural environment, in harmony with the aspirations of the inhabitants and the social and economic development of the territory. The initiative to create a nature park may be taken by either (i) the Walloon regional government, (ii) the municipality or province in whose area the park is situated or by an intercommunale, or (iii) by an association of the Walloon government and relevant municipalities/provinces. Currently three nature parks exist in the Walloon Region.

- In the Walloon Region, since 1991 the legislation on cultural heritage forms part of the legislation on spatial planning. Four types of protection exist:
  - the classement (listing), individual protection by ministerial decree, which can concern buildings, landscapes, architectural wholes and archaeological sites;
  - the listing on the *liste de sauvegarde* (provisional protection list);
  - the *zone de protection* (reservation area) around a protected building or ground;
  - the listing on the *Atlas des sites archéologiques* (atlas of archaeological sites).

All of these types of protection have an effect on the processing of building and parcelling permits.

The Walloon government has also adopted a list of about 140 outstanding elements of cultural heritage (*Liste du patrimoine exceptionnel*). About 50 of them are landscapes or archaeological sites.

## Brussels Capital Region

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D68. In the Brussels Capital Region several schemes exist to conserve the countryside.

- Despite its built-up character, the Brussels Capital Region has a large amount of green open spaces per resident citizen compared with other European capitals. This high ratio is explained largely by the *Zoniënwood/Forest de Soignes* (over 1 600 ha). Apart from this forest there are also 600 ha of municipal parks and 300 ha of regional parks. Brussels Capital Region also is characterised by the existence of many private gardens.
- In the Brussels Capital Region there is a distinction made between on the one hand protection zones relating to monuments and landscapes legislation (sites of regional historic, artistic or scientific value) and on the other classified zones intended to safeguard the character and diversity of the habitat of flora and fauna, including soil, air and sub-soil water.
- The legal situation relating to the protection of monuments and landscapes in the Brussels Capital Region is quite complicated. In 1993 a new ordinance was passed. Similar to the Walloon Region the 1993 ordinance introduces a *vrijwaringszone/zone de protection* (preservation area) around a listed monument. The ordinance also introduces *bescherminingslijst/listes de sauvegarde*. Tax advantages are also available to the owner to support the conservation of monuments and sites.
- Furthermore there are several regulating provisions for nature conservation for fauna and flora including the protection of certain species, the allocation of nature reserve sites, the prohibition of pesticides on public areas and grant aid schemes for nature reserves.

D69. In all three Regions landmark designations can take place at the request of the owner, the municipality, the Royal Commission on Monuments and Landscapes (RCML) or the Region. In the event of damage to listed landscapes the ju-

dicial practice is weak, despite the existence of several legal tools such as fines; the duty to repair the building or parcel as it was before the offence; and even jail sentence. The limited sanctioning practice of the judicial system is considered to be a significant liability on the future of monument conservation.

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### **Environmental conservation**

#### **Environment legislation**

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D70. New management techniques, the international lexicological uniformisation, the methodological uniformisation adopted by the international scientific community and the inevitability of technical rules, combined with a whole set of international agreements has not left much scope for an isolationist approach. Consequently, environment legislation in Belgium is closely related to EU legislation and international agreements whilst becoming more and more technical and complex.

D71. The primary legislation for Belgian nature conservation is the 1973 Nature Conservation Act. The Act aims to conserve and protect the diverse and undamaged character of the environment. The Act also seeks to implement protection measures relating to fauna, flora, habitats, underground, water and air.

D72. In the second half of the 1980s and in especially in the 1990s the Regions started to adopt legislation in order to tackle the gradual and continuing degradation and pollution of the environment. In the short term the Regions seek to adapt their legislation to the European directives and international agreements and in the medium term to apply the most strict emission and emission standards suggested by European and international agreements.

D73. Environment legislation covers a broad range of sectors and has to tackle a complex

and interwoven reality. The Belgian environment legislation has grown out of four legislative cores:

- environment hygiene: protection of the human and all other organisms against all consequences of pollution;
- environment management: management of the environment with the intention to use its resources;
- nature conservation: protection and safeguarding of some environment elements; and
- landscape heritage.

D74. Belgian environment legislation has developed mainly ad hoc and thus unplanned. When an environmental problem became an issue, a policy was defined, legislation announced and implementation realised. This unplanned development led to sectoral fragmentation of the environment policy: for air, water, pollution, waste, soil, etc., different regulations and even different administrations were established. The development and organisation of a single integrated environment policy was further complicated by the ongoing discussions in the 1980s of the federalising of Belgium and the division of competencies. Consequently, one of the main issues currently is the integration of different environment related policies, not only integrating the whole set of environment legislation (water, air, soil, subsoil, etc.) but also establishing a link between environmental policy and spatial planning policy.

D75. Since 1980 the protection of the environment has been a regional competence. The federal level remains responsible for technical standards and general sectoral standards, provided these are not already defined by EU legislation. For instance, the December 1988 Royal Decree strengthened the standards for car exhaust emissions. The Belgian governments also set up covenants with private companies, such as the 1990 covenant with the electricity producers to reduce the SO<sub>2</sub> emission between 1990 and 2003 by at least 25 %.

D76. The regional level has the main competencies for environment issues. Instruments used are the environment impact assessment, permits, quality standards, plan-making, investments in infrastructure, agreements with private companies and environment-related taxes. In each of the environment sectors (air, water, soil, subsoil, etc.) the Regions have adopted legislation and estab-

lish procedures according to EU directives and international agreements.

D77. Apart from adopting international and European quality standards, the central issue in regional environment policy is integration of policies. A first step is the integration of all types of exploitation and discharge permits. In the 1990s the Flemish Region adopted the *Vlarem I* and *Vlarem II* legislation. *Vlarem I* replaces the exploitation permit and the sectoral permits (waste draining, waste permit, toxic waste permit and ground water protection permit). The legislation further links the building permit and the environment permit and establishes the requirement to seek the advice of AROHM (Flemish administration of spatial planning). *Vlarem II* is a synthesis of existing and new regulations or administrative procedures and of European regulations awaiting adoption. It contains rules for location standards and distance (buffer) zones. These regulations apply only to new applications – and do not apply to existing establishments. The July 1992 Ordinance of the Brussels Capital Region also links the building permit to the environment permit and offers a full collection of all standards related to the location of hindering activities. In the Walloon Region new legislation was adopted in several sectors such as establishment of quarries and mines, protection of surface and ground waters, and treatment and disposal of waste. For the other installations, the *Règlement Général pour la Protection du Travail*, periodically adapted since its adoption in 1946, is still in use. The Walloon Region has also defined a general framework for its environmental policy through the *Plan d'Environnement pour le Développement Durable (PEDD)* adopted by the regional government in 1995.

D78. Until recently the provinces did not have their 'own' environment policy, but were an important administrative link in the implementation chain (i.e. permit granting). In Flanders the provinces are granted an increasing role in environmental policy whilst in the Walloon Region the provinces have diminished importance. The current tasks of the province can be characterised as intermediary (province as translator of Regional measures to municipalities) by giving information and support. Apart from that the provinces also coordinate the municipal environment policies or coordinate environment-nature policy, environment-spatial planning policy, environment-traffic policy, etc. In the Flemish Region, the new environmental responsibilities of the provinces are expressed in contracts between the Region and

provinces (covenants). Provinces must (i) establish a coordinator for environmental and nature policy; (ii) design a policy for provincial environmental and nature policy; (iii) report on the state of the municipal environment.

D79. In the organisation of regional environment policy, the municipalities traditionally only had a limited and mainly administrative role. This has changed recently, particularly in the Walloon and Flemish Region. The Regions do not only expect from the municipalities the implementation of the regional environment policy, but also pursue their own active environment and nature policy. For instance, in the Flemish Region *covenanten* (covenants) have been set up between the Regions and municipalities and between the municipalities and the Regional Waste Corporation (OVAM - see *infra*). In the covenant between the municipalities and the Regions the municipalities must establish a municipal nature and environment council and an environment service, collect all information on the environment and nature in their municipality, produce a state of the environment and nature report and formulate environmental and nature policy. The covenant between the municipalities and OVAM deals with aspects related to municipal waste policy – such as selective collection of waste, processing and dumping waste, and information to the population.

D80. The regional environmental legislation contains several procedures to fight against pollution or damage on the environment. However, distinction is made between damage done by illegal acts and damage resulting from actions or activities which are not illegal. This distinction has important implications for the judicial procedure involved. The latter situation will lead to a civil procedure, while the former will imply a correctional procedure.

D81. Several organisations are active in the field of environment conservation. In the Brussels Capital and Walloon Region comparable organisations exist.

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#### Flemish Region

*Milieu- en Natuurraad van Vlaanderen (MiNa Raad)*  
(Environment-Nature Council of Flanders)

D82. The *Milieu- en Natuurraad van Vlaanderen* (Environment-Nature Council) or MiNa council is

an advisory agency active solely in the Flemish Region. It was created in 1991. The council is qualified to undertake studies, and to recommend and advise on all matters regarding the environment and nature conservation in the Flemish Region. It consists of 24 members and seven experts. The members represent the environmental organisations (12 members), *the sociaal-economische raad van Vlaanderen* (six members) and the four sectorial councils (four members) and are all entitled to vote. The experts are nominated by the association of provinces (one member), and the association of Belgian cities and municipalities (one member) with the other five appointed by the Flemish Council of Science Policy and by the scientific organisations and universities. The MiNa council has a permanent secretariat.

*Vlaamse Hoge Raad voor Natuurbehoud (VHRN)*  
(Flemish High Council on Nature Conservation)

D83. The Flemish High Council on Nature Conservation (VHRN) is an advisory committee. Its objective is to advise on and formulate policy proposals, from the point of view of nature conservation, on the protection of fauna and flora; the management of nature parks and forest reserves; and the establishment and management of nature parks. The VHRN consists of 26 members appointed by the Flemish Government. Universities and scientific institutions on the one hand, and private conservation organisations on the other hand, each nominate 10 members. The other six members are experts on agriculture, forestry management, fauna management, river fishery, hunting or recreation.

*Instituut voor Natuurbehoud (INB)*  
(Institute for Nature Conservation)

D84. *The Instituut voor Natuurbehoud* (Institute for Nature Conservation) (INB) was established by the Flemish government in 1985. The INB is active in the Flemish Region. The INB is a scientific organisation with a threefold objective:

- to perform all suitable scientific studies, research and activities concerning nature conservation;
- to collect all useful documentation and diffuse it to the proper authorities;
- to carry out studies requested by the minister responsible for the environment.

In 1991 the INB was split in two divisions, each of which hold specific research responsibilities: nature development and landscape ecology. There are currently about 40 projects, some of which are subcontracted to universities.

## Walloon Region

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*Conseil wallon de l'environnement pour le développement durable*  
(Walloon Environmental Council for Sustainable Development)

D85. In the Walloon Region, the Walloon Environmental Council for Sustainable Development (*Conseil wallon de l'environnement pour le développement durable*) is an advisory committee whose organisation and competencies are close to those of the Environment-Nature Council of Flanders. There are also specialised organisations like the Consultative Committee for the Protection of Surface Waters (*Commission consultative de protection des eaux de surface contre la pollution*).

*Conseil supérieur wallon de la Conservation de la Nature*  
(Walloon High Council for Nature Conservation)

D86. In the Walloon Region, the Walloon High Council for Nature Conservation (*Conseil supérieur wallon de la Conservation de la Nature*) corresponds to the Flemish High Council on Nature Conservation. There are also specialised organisations like the Walloon High Council for Hunting (*Conseil supérieur wallon de la Chasse*) and the Walloon High Council for Fishing (*Conseil supérieur wallon de la Pêche*).

*Institut Scientifique de Service Public (ISSeP)*  
(Scientific Public Institute)

D87. In the Walloon Region, specialised sections of the Scientific Public Institute (*Institut Scientifique de Service Public*) (ISSeP) perform the same function as the Flemish *Instituut voor Natuurbehoud*.

## Brussels Capital Region

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*Brusselse Hoge Raad voor Natuurbehoud/Conseil Supérieur Bruxellois*  
Brussels High Council for Nature Conservation

D88. The 11 May 1989 Royal Decree created the *Brusselse Hoge Raad voor Natuurbehoud/Con-*



*seil Supérieur Bruxellois*. In 1990 the Environment Council of the Brussels Capital Region was set up. Since 1992 the government of the Brussels Capital Region submits a report every two years to the regional council which describes the situation of the different nature and environmental aspects of the Region.

*Brussels Instituut voor het Milieubeheer/  
Institut Bruxellois de Gestion de l'Environnement  
(BIM/IBGE)  
(Brussels Institute for Environment Management)*

D89. In the Brussels Capital Region, the *Brussels Instituut voor het Milieubeheer/Institut Bruxellois de Gestion de l'Environnement (BIM/IBGE)* annually submits a report concerning the state of the its environment. Since 1991 the BIM/IBGE defined a global strategy for the conservation of the Brussels Capital nature. and in 1994 initiated a promotion of the biological heritage.

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#### **Coastal planning**

D90. For a long period the coastal dunes have formed an endangered nature area. In 1993 the Flemish Council passed a decree to conserve the remaining dunes.

D91. The first step in the conservation of dunes was provided by the 1977 sub-regional plans. These plans sought slow down the significant growth of apartment buildings. In 1993 the Flemish council passed the so-called *Duinendecreet* (Dune Decree). Parts of the maritime dune area are designated as a protected area. In that area there is a complete prohibition to build new constructions. Not only are dunes protected, but al-

so agricultural areas important for the protection and evolution of dune areas.

D92. The listing of dunes involves two phases. In the first phase the Flemish Government defines the area to be listed (on proposal of the Institute for Nature Conservation). The Flemish Council then has to confirm the decision within six months (second phase).

D93. The decree also contains provisions for compensation payment. Only when the listed parcel forms part of a residential area, compensation will be paid. In all other circumstances no compensation will be paid. Claims for compensation can only be submitted between the fifth and the eighth year following the approval of the decree (from 1998 on).

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#### **Urban conservation**

D94. The main element in the urban conservation is legislation on the conservation of monuments, landscapes and protected views of villages (see Section D: Preservation of historic buildings). In the Walloon Region, financial aids are provided for urban renovation operations (generally conducted by municipalities) and urban revitalisation operations (housing operations in town centres undertaken by private parties). Specific legislation exists also to help private and public owners to deal with areas and buildings formerly used for industrial, extractive or commercial purposes. The evolution in these legislations tends to a better safeguarding of the quality of the built environment.

#### **Protection, preservation and conservation of historic heritage**

D95. Over the past decades there has been a growing European and international attention for the protection of the (architectural) heritage: institutions such as Unesco, the EU and the Council of Europe took relevant actions, resulting in a

great number of recommendations and conventions. The three Regions have reacted to these developments by adapting their legislation likewise. The evolution of the heritage policies since 1980 has been taking different forms according to the competent authorities (firstly communities, then Regions). In Flanders, the evolution does not imply significant changes to protection techniques, but rather the reality that the existing legal mechanisms are applied to a larger number of objects, of several types and all centuries. This evolution was mainly focused on the built heritage (monuments, townscapes) and less on landscapes. Legislation distinguishes among others between the conservation of monuments, landscapes, archaeological sites and townscapes. The latter refers to (part of) a town of which the appearance is protected. A similar evolution can be found in the two other Regions, with some significant differences. For instance, the Walloon and Brussels Capital Regions have defined other levels and means of protection (*inventaire, liste de sauvegarde, zone de protection*). The Walloon Region has integrated the heritage legislation into the spatial planning legislation, established a list of the outstanding cultural heritage (*liste du patrimoine exceptionnel*), and emphasised the protection of archaeological sites of the so-called 'small popular heritage' (*petit patrimoine populaire*). Meanwhile, an increase in the number of conservations is observed in all three Regions.

D96. Conservation and protection of the environment is regulated by public sector agencies and organisations. In all three Regions the regional government (or by delegation the relevant minister) has the final decision concerning protection procedures, although the day-to-day policy for heritage lies with regional agencies, the Royal Commission of Monuments and Landscapes.

D97. The Royal Commission of Monuments and Landscapes (RCML) was established in 1835. In 1986 the RCML was split in three autonomous sections: one for each Region. In 1994, a fourth RCML was created for the German-speaking Community. In the Flemish and Walloon Regions, the RCML consists of a (central) Royal Commission and of five Provincial Commissions. The RCML functions as an independent advisory committee of the minister responsible for monuments and landscapes.

D98. The RCML is entitled to:

- advise on the conservation of monuments, architectural wholes, archaeological sites etc.;

- advise on restoration of protected monuments and sites;
- advise on the design of churches and all plans which could jeopardise the landscape;
- formulate priorities, policy actions and advice in order to conserve the landscapes, the towns and the movable cultural patrimony.

In the Walloon Region, the RCML also has important functions in the field of archaeological heritage.

D99. The Provincial Commissions are entitled to make propositions to the minister as to which monuments and landscapes should be protected. In the Walloon Region, they also give advice on most building or parcelling permits that concern cultural heritage (for outstanding cultural heritage, advice must be given by the RCML). There are no PCMLs in the Brussels Capital Region.

D100. In statutory terms the role of the provincial level is limited to giving advice in certain procedures. However, each province has mechanisms which provide restoration subsidies to private owners of listed monuments and landscapes. Similarly, there is a debate to grant larger conservation competencies to the municipalities. It is argued that the municipalities are much closer to the (municipal) reality, and therefore are better suited to assess a problem or opportunity: where at the local level, several sectoral approaches, monuments, commerce, housing, come to a synthesis. Despite the limited statutory tools available, a small number of municipalities have developed a consistent and active municipal heritage policy.

D101. Several voluntary and private bodies are active in helping to safeguard the heritage such as the Association of Historic Centres in Belgium; the King Baudouin Foundation; and local organisations, which all contribute to safeguarding the cultural heritage. Most of the activities in this field result from private and non-governmental enterprises even though these private associations – whilst sometimes benefiting from governmental support – have very limited resources. The role of special actions such as the 1975 Year of the Monument and the annual *Open Monumentendag/Journées du Patrimoine* (Open Monuments Day) where monuments are opened to the public, have significant impact on the role attributed to monument conservation.

D102. In the event of damage to listed monuments the judicial practice is limited. The limited sanctioning practice of the judicial system significantly endangers the future of monument conservation.

D103. In 1931 the principle was introduced that the listing of a monument or landscape implied the right of financial support (the principle was not implemented until 1949). Budget constraints and the fear for budget consequences of listing, restrained the government to protect monuments on a larger scale. Other financial support measures such as tax advantages or restoration grants were considered and introduced. However, to some extent, public authorities contribute to the maintenance of the site.

D104. The listing procedure can start at the request of the owner, the municipality or the commission itself. In the Brussels Capital Region and Walloon Region, it can also be initiated by inhabitants of the municipality, provided they are sufficiently numerous in regard of the total population. The decision to list a building or landscape is taken by the regional government.

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### Waste management and resource planning

D105. The majority of the Belgian legislation on environmental pollution (environment hygiene) was developed in the 1970s. The legislation was not based on a global vision and consequently did not form any unity. Usually separate legislation was passed for each sector or sub-sector (soil, waste, water, air and noise). This resulted in a complicated set of regulations. It also led to a

situation where different permits needed to be obtained for different parts of a same installation.

D106. More and more the environmental and ecological impact of development initiatives have become a factor in the assessment of the application for a development permit. In order to tackle pollution and to conserve the environment each of the three Regions are currently formulating policy. For example, the anti-pollution legislation is moving towards one integrated permit covering different aspects of the environment. There is a tendency towards rationalisation and simplification of environmental legislation. Efforts are also made to better plan the actions to improve the environment. In that line, the Walloon Government adopted in 1995, after public inquiry, an Environmental Plan for Sustainable Development (*Plan d'Environnement pour un Développement Durable*) (PEDD).

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### Waste management

D107. Since 1980 waste and pollution matters have generally become a regional competence. Notable exceptions are the definition of sectoral emissions standards; the transit of waste; and protection against radioactive radiation including radio-active waste. Since 1988 only the federal level has the competence to specify emission standards for sectors when no EU standard exists. The Regions may, however, in addition specify their own (stricter) standards.

D108. The Regions have the primary responsibility for waste management. The regional governments define different policy instruments to be used to implement waste management policy. The instruments are legislation, waste planning, sectoral waste plans, investment support, stimulation of waste prevention schemes and waste recycling, the permit system and financial instruments. Two financial instruments are generally identified: retributions (government passes the real cost of waste removal and management to the industry) and regulating levies (which are intended as a deterrent in order to limit the waste production at source).

D109. The regional parliaments and governments set out the legislation describing the main objectives and principles to be delivered in regional and municipal waste management. Waste management plans and regulations aimed at imple-

menting general waste policy and regional legislation are designed by the *Openbare Vlaamse Afvalstoffenmaatschappij* (OVAM) in Flanders; in the Walloon Region by l'*Office Régional Wallon des Déchets* (ORWD) and in the Brussels Capital Region by the Brussels *Instituut voor het Milieubeheer/Institut bruxellois de Gestion de l'Environnement* (BIM/IBGE).

D110. In Flanders the OVAM is responsible for the:

- design and partial implementation of a waste plan;
- removal of industrial waste;
- supervision and control of poisonous waste (reporting, taxation and delivery);
- collection, processing, storage and removal of poisonous waste;
- definition and implementation of all measures of waste removal required in case of imperative necessity;
- design, construction or exploitation of waste-removing installations;
- participation in research and development concerning ecological and economically sensible waste processing and recycling techniques.

In the Walloon Region, the ORWD has similar missions. For the rehabilitation of polluted sites, the ORWD works in association with the Public Corporation for Enhancement of Environmental Quality (*Société Publique d'Aide à la Qualité de l'Environnement*) (SPAQUE).

D111. In principle the municipal authorities in Flanders and Wallonia are free to manage the collection, treatment and disposal of domestic waste in their own manner as long as they remain within the constraints set out in regional legislation and guidelines set out by OVAM or ORWD. While there are no obligations on the municipalities to collect and process commercial waste, in practice some municipalities do provide this service. Municipalities can attribute the collection to their own services, to *intercommunales* or to private companies. Private companies still have an important share in the collection of waste.

D112. In general municipal waste is 'dedicated' to a particular treatment system (incinerators,

landfills) on the basis of decisions taken by OVAM or ORWD. Several municipalities, in particular the smaller ones, have grouped together to facilitate *intercommunales/intercommunales* in waste disposal and treatment.

D113. The Flemish 1990-95 waste management plan requires municipalities to establish one recycling container park for every 10 000 inhabitants. These container parks are intended for the recycling of plastics, glass, paper, iron, non-ferrous metals, organic waste, tyres and cardboard. The Walloon Region also adopted in 1991 a waste management plan (*Plan wallon des déchets 1991-95*).

D114. In dealing with waste the relationship with the industrial sectors is important. The industry is, voluntarily, on request of or urged by government to change some of its industrial processes in order to limit the use of resources, energy and waste production. The government has made deals with the industry, such as with the packing industry (in 1991 in Flanders and in 1992 for the other two Regions).

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#### Resource planning

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D115. The Flemish organisations dealt with below have a comparable counterpart in the other Regions.

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#### *Vlaamse Milieu Holding* (Flemish Environment Corporation)

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D116. The Flemish Environment Corporation is supervised by the regional Minister for Environment and Housing and is responsible for:

- the design of a general water-treatment programme for the Flemish Region;
- the development of measuring networks for the quality of surface water, pollution of air and industrial water;
- the annual formulation of an inventory of pollution emission in rivers, public collectors, surface waters and in the air;
- the formulation of investment programmes for the purification of waste water;
- the collection of all environmental taxes on water pollution;

- giving advice concerning the granting of environment related permits.

#### Regional Corporation for Water Supply

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D117. The National Corporation for Water Supply was established in 1913. It was responsible for the supply of drinking water. In 1988 it split. The Regional Corporation for Water Supply is responsible for the study, the establishment and the exploitation of all installations which require public water supply. Furthermore, it can enter into agreements with municipalities, inter-municipal cooperations, public use institutions or individuals concerning water production, water distribution and water purification. The organisation is supervised by the regional Minister for Environment.

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## E. Overview

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### Summary

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E1. In the coming years the Belgian authorities will face important spatial challenges: pollution of the environment; supply of land for housing, recreation and economic activities; traffic congestion and increasing demand for mobility despite limited space; development and reduction of open space; environmental degradation; pressure on natural resources and urban decay.

E2. The federalising of the Belgian State has transferred important legal-administrative and financial responsibilities to the Regions. Among other competencies (with some exceptions), the Regions are responsible for spatial planning, transport policy, public works and infrastructure, economic affairs, housing, rural development and nature conservation, water policy, environment and lower tier governments. Within these sectors the regional governments can define their own policies and adapt or even replace legislation.

E3. In a period of a decade, the planning systems of the three Regions have changed gradually (Wallonia) or basically (Brussels Capital in 1991) or are in the process of doing so (Flemish Region). This is not coincidental. In a number of cases, the 1962 planning system, which the Regions inherited in 1980, proved to be ineffective to new developments and priorities. Apart from a review of its planning system, each of the Regions identified the need for a global vision on spatial planning that would integrate the goals and priorities of different government domains and sectors. All Regions have since 1990 formulated a framework for their policy – with clear objectives, decision criteria and priorities for the whole regional territory. *The Gewestelijk Ontwik-*

*kelingsplan/Plan Régional de Développement (GewOP/PRD)* of the Brussels Capital Region (1994) and the *Structuurplan Vlaanderen (RSV)* of the Flemish Region (1997) provide a framework for spatial policies of the central (regional) government and lower tier governments. The Walloon *Plan Régional d'Aménagement du Territoire Wallon (PRATW)* was formulated in the mid-1980s and is now being adapted to the evolving Walloon and European planning context. The future Walloon regional plan will be called *Schéma de Développement de l'Espace Régional (SDER)*. Each of the three Regions gave (or intends to give) their plan, or some provisions of their plan, a binding status.

- The *GewOP/PRD* has regulatory status in respect of all land-use provisions while it is only guiding for its other provisions, except for the government. The Brussels Capital Spatial Planning Ordinance (1991) requires the formulation of a regional destination plan that contains policies regarding the land-use of the different areas of the Region which are binding. According to the Ordinance the regional destination plan should be approved 24 months after the adoption of the *GewOP/PRD* (adopted in 1995) but until now no plan proposal has been drafted. Until then the provisions of the sub-regional plan must be followed.
- In 1997 the indicative part and core decisions of the *RSV* have been confirmed in a decree and, therefore, are binding. All government administrations (municipalities, provinces and regional administrations) were requested by the Flemish government to take into account the vision and principles expressed in the *RSV* in future decision-making. It is acknowledged

that in order to implement the structure planning process optimally, a new spatial planning decree is required (under preparation), in addition to the integration of permit procedures related to spatial planning and environment (also under preparation), and new instruments to implement the spatial vision effectively.

- In the Walloon Region different organisations (SDRW, SIWAT) successively worked on a project of a regional plan (*PRATW*), which was further amended by the ASPH. Meanwhile, the necessity appeared to modify some aspects of the Walloon planning system through a revision of the *CWATUP*, notably in order to modify the status of the regional plan from a destination plan to a structure plan, although retaining some binding provisions. These changes were introduced in November 1997.

E4. At the federal level, the main key issues influencing policy in Belgium, both at federal and regional level, are currently the economic situation and the high unemployment rate. Government initiatives to increase employment are limited, partly as result of the budgetary limits imposed by the large government debt and the requirements of the EMU. At the regional level the economic situation also is one of the main issues as well, besides issues such as the environment and pollution, transport (accessibility and to a lesser extent road safety and collective transport modes) and housing.

E5. As in many Member States substantial spatial changes have taken place in the last three decades (Commission of the European Communities, 1991). Therefore, the majority of the problems in Belgium are common to those experienced in other European countries. Nevertheless, the Belgian pattern of spatial development distinguishes itself from that in other European States. In Flanders urban and rural areas are strongly interwoven, partly as a consequence of suburbanisation and ribbon development. The problem of ribbon development is one of individual builders (households), retailers and economic activities building alongside (strategic) roads. This pattern of development has necessitated the construction of infrastructure which is expensive (such as sewerage, cables, electricity, gas); led to traffic congestion and made the organisation and operation of a collective transport system difficult. While this pattern of spatial development in Flanders is impressive, it is less visible in Wallonia, although in some areas, similar developments are

taking place. In the Brussels Capital Region the spatial pattern distinguishes itself from the other Regions as it is one single urban area of which the problems are typical of a large city. Consequently, each of the three regional structure plans (in Brussels Capital Region development plans) have their own priorities and vision for their Region.

## Principles of regional structure plans

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### Flemish Region

E6. The main policy issues for Flanders as identified in the *Ruimtelijk Structuurplan Vlaanderen* are:

- focusing policy on the concentration of growth in urban areas which is complementary with policy seeking to preserve open space;
- preserving open space by regulating its further development (e.g. resisting ribbon development proposals) and keeping existing urban areas attractive;
- meeting the growing demand for new houses (400 000 new houses before 2007) whilst preserving open space;
- maintaining a supply of serviced industrial areas to stimulate new economic activities or to allow the growth of existing enterprises (10 000 ha);
- managing a mobility growth of 40 % for passengers and between 34 and 90 % for goods in order to preserve access to Flanders, and to preserve traffic liveability;
- to recognise nature not only as a subject of ecological concern or as a reserve but as an ordered system.

E7. The plan time horizon of the *RSV* is 2007. The basic attitude of sustainable development and the concept of subsidiarity has been introduced into the plan. Sustainable development is not only associated with its ecological but also its social, economic and spatial dimension. The plan seeks to find a new balance in 'deconcentrated clustering'.

- 'Deconcentrated' originates from the current situation in Flanders: high levels of building activity across the Region.



- 'Clustering' seeks for a selective concentration of growth in existing urban areas.

E8. The RSV contains four main structural components: (i) urban areas; (ii) regional employment areas; (iii) open space; and (iv) infrastructure. Policy seeks to focus growth in urban areas in order to decrease pressure on open space. Particular emphasis is put on the development of urban areas and urban networks, especially the Flemish diamond, a network of the three main cities (Antwerpen, Brussels and Gent) and four regional cities. A main objective is to make the best use of the Flemish diamond's potential in order to attract international investment and to compete with other metropolitan areas.

### Walloon Region

E9. In 1991 the Walloon Region requested a group of Walloon *intercommunales* (SIWAT) to work on the project *Plan Régional d'Aménagement du Territoire Wallon* initiated in the 1970s by the public development corporation SDRW. In 1995, the project was further worked out by the Administration (ASPH). This last version of the PRATW outlines a development project for the Walloon Region and identifies its spatial implications. The main objectives of the PRATW is to create the best possible conditions for maximising the standard of living of the Walloon population in the most attractive social and environmental conditions (Vandermotten, 1993: 552-553).

E10. The PRATW reckons on valorisation of the specific assets of the different areas of the Region, starting from the assumption that the dynamism of the whole Region is more than the sum of the dynamism of the different parts. Five development areas (*aires de dynamique*) open to cross-border cooperation are defined with their own development perspectives. The PRATW has devised a network of cities in which each city (and their suburbs) has a function. Four regional poles are distinguished: two *metropoles* (Liège and Charleroi), one capital (Namur) and one *ville d'équilibre* (Mons-La Louvière). Each of the four poles has its own function: Namur the political function, Liège the economic function, Charleroi the social function and Mons the cultural function. Consequently, the four cities (and their suburbs) should be complementary. In order to realise this development, objectives were identified in addition to industrial or tertiary infrastructure required. An integrated transport policy will be defined to ensure the accessibility of the metro-

poles via a network of roads and railways. Specific measures are also proposed to enhance the quality of life in rural areas. Finally, guidelines are defined for domains with strong spatial implications, such as transport and communications, natural and cultural heritage, housing, economic activities, tourism, and social and sanitary facilities. Still pending, the Walloon regional plan is now intended to come within the framework of the future European Spatial Development Perspective, hence its new denomination (*Schéma de Développement de l'Espace Régional*) (SDER).

### Brussels Capital Region

E11. The GewOP/PRD contains two primary policy objectives: reversing population decline and developing Brussels Capital as a successful economic region. Although the plan time horizon is 2005, the plan is indicative and only valid for a single legislature. The plan must be reviewed following elections. Other policy priorities of the GewOP/PRD include:

- to preserve a mixed population (mixed age structure and mixed social class) through specific housing policy;
- support employment growth. Economic activity should not solely be concentrated in the tertiary sector. This implies the relocation of some industry and the reduction (or steered development) of new offices;
- promote a social balance by eliminating cultural, social and economic differences;
- an environmental improvement through policies which seek a rational control of the natural resources (water, air) and the reduction of pollution;
- the improvement of the public transport system and measures to improve traffic conditions;
- improvement of infrastructure provisions which directly affects economic development (high-speed trains, connections with the airports) and establish a hierarchy of roads as framework for an integrated transport policy;
- improving quality of life by, for instance, improving public spaces, conservation of heritage and renovation.

E12. In the last decades the impact of the EU on the regional policy and legislation formulation has

been considerable and is increasing, such as for instance concerning environmental policy and regional development. In its fifth action programme ('Towards sustainability') for instance, the EU focuses on activities and sectors (transport, energy, agriculture and tourism) rather than the traditional focus on the various environmental elements (air, water, etc.). Its main emphasis is not on the receptor but on the source of pollution. This policy will influence policy and legislation in the three Belgian Regions, leading to a re-assessment of current policies. The EU provides funding for development of urban systems, environment, heritage and transport in the light of ERDF and Interreg programmes. Experience with Structural Funds indicates that the European Commission is better adapted to pursue long-term policies than the regional governments. The requirement of cofinancing implies that the regional government has to draft a long-term plan and to attribute relevant financing for it.

## Cross-border cooperation

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*E13.* Until now, the practice of inter-border cooperation has been fragmented: some cross-border regions focus on the realisation of one specific well-defined project; other initiatives put emphasis on the institutional aspect; and a third type of cooperative relations focus on the realisation of a common development perspective (see Section A: Policy trends). Mainly the regional governments are involved in cross-border cooperation. The role of the Belgian federal government is limited – which is consistent in the light of the constitutional reforms. Some municipal and provincial governments are very active in setting up cross-border cooperation. Cross-border cooperation, however, become an important dimension in planning perspectives of the three Regions. Since the planning dimension is one step higher than the Region, it is not any more the national State, cities and provinces and to a lesser extent the Regions themselves look at neighbouring cities and regions to deal with common interest (see Section A: Trends).

## Policy issues

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### Commercial development

*E14.* In the 1980s, as a result of the increase in the scale of the distribution and retailing sector

and increased car ownership, several developments in the distribution sector have taken place. The main developments took place outside the urban centres where new and large shopping areas were established (concentrated near or alongside roads or traffic junctions). Some of these developments were unplanned and have resulted in substantial increases in traffic, a reduction in existing provision, the loss of space identified for small and medium-sized enterprises and the inefficient development of open space. In all Regions there is a policy to provide attractive urban centres (accessible and enjoyable) and to concentrate larger retailing and distribution activities in urban areas, which guarantee good accessibility for both public and private transport modes.

### Environmental management

*E15.* Over the last decades both nature (fauna and flora) and the environment have substantially deteriorated. In all Regions initiatives are taken to integrate policies on waste, water, air, soil, subsoil, nature and open space. Implementation of policy is passed to the municipalities. Whilst environmental policy used to be sectoral based, initiatives are taken to integrate environmental issues.

### Heritage

*E16.* Since 1990 the Regions have pursued a more active heritage policy. However, several issues still have to be dealt with in the future:

- Budget constraints (and the fear of budget consequences of listing) restrains government from protecting monuments and landscapes on a larger scale. The question, therefore, is how to increase protection whilst decreasing the (average) cost of each heritage object. Besides relying on individuals and patronage, consideration has been given to tax measures which would imply the participation of the federal government. In the Brussels Capital Region some fiscal measures are in force.
- In the Flemish and Brussels Capital Region there are conflicts between heritage legislation and spatial planning legislation. This has already led to conflicting jurisprudence. These conflicts have mainly been abolished in the Walloon Region.
- There is (limited) opposition by owners or local governments to the protection of their

property. This raised the question whether the owner is over-protected or under-protected.

- Finally, there is a concern regarding the implementation of a policy of 'integrated protection' of immovable heritage. Although the international concepts of 'integrated preservation' and 'integrated heritage' are gradually being accepted, translation into concrete action still has to be continued.

## Housing

E17. In the 1990s the regional governments have been in a process of altering their housing policy. Five main issues are identified:

- increasing demand for new or renovated houses as a result of the changing size of households, demographic evolutions and an increase in life expectancy;
- provision of housing for households that cannot afford to buy their own house (social housing);
- the relatively old housing stock has necessitated a need for large-scale renovation;
- housing demands large areas of space: the pressure on open space must be controlled;
- urban cores (i.e. large cities) should be revitalised – which implies the provision of affordable and good housing, in order to attract young/new households.

## Leisure and tourism

E18. Tourism is a major growth industry which, however, cannot be disconnected from the quality of the urban and rural environment. More and more attention is being given to the quality of tourist infrastructure and its relation to the environment (such as use of space and pollution). The environmental dimension of tourism and recreation has become an important dimension in plan-making. The key concept introduced recently is that the development of tourism and recreation should respond to the demands of sustainable development. Key challenges are:

- an optimal use of the existing infrastructure;
- managing the accessibility of infrastructure through collective (public) transport;

- managing recreational pressure on certain areas, to ensure that development does not exceed ecological and spatial density limits;
- locating new public-intensive recreation facilities in the vicinity of urban cores;
- developing the recreative potential of rural areas, whilst respecting the area's character;
- developing cultural tourism in cities (e.g. private accommodation in historical places).

## Transport and mobility

E19. Since the 1970s traffic volume has more than doubled in Belgium, although the growth in traffic must be mainly attributed to road transport. The one-sided increase of mobility, through increased car mobility has resulted in greater claims on space, increased traffic congestion, pressure on the environment, and an increase in the unsafe nature of cities and roads. Basically, there are two policy issues: (i) the conflict between accessibility and the quality of life; and (ii) dealing with the fact that the increased demand for mobility, will mainly (have to) be realised by road traffic (and thus increased congestion) due to the current organisation of space (i.e. ribbon development). In the near future no major shift from road transport to, for instance, rail transport can reasonably be expected.

## Pollution and waste management

E20. In the 1990s, each Region, at its own pace, acknowledged the need for a broader and more integrated approach to the problem of waste. Similarly, there has been a shift of focus from the end to the origin of the waste chain. Furthermore, has there been a shift of attention from waste removal and processing to prevention and recycling.

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## F. Policy studies

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### Commercial development

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#### Context

##### *Distribution*

*F1.* Retailing and distribution are important economic sectors. Over time a network of shops has been established in Belgium: while in general, shops in smaller centres cater for daily needs, retailers in larger centres offer the less frequently sold goods to the customers. In the last decades, however, several developments have taken place which changed the provision network, and had substantial spatial implications.

*F2.* These developments are linked with changed customer behaviour and preferences. Increased car mobility has led to a weakening of the link between a customer and his/her loyalty to local shops. The customer now requires 'tailor-made shopping' which results in a demand for quality and a broad range of products and services to be offered in the shops. The importance of shopping as a form of recreation has also increased. The retailing sector has reacted to these developments in different ways.

*F3.* In the city centres there has been a limited increase of the number of retailers, with a trend towards specialisation. There has been an increase in retailers selling fashion non-food and fashion food. In general, non-fashion non-food has been driven out of the city centres by fashion non-food which has increased substantially rents in shopping areas in the prime city locations. The non-fashion non-food shops have relocated at the city fringe or alongside the main

roads leading to (new) core shopping areas (see *infra*).

*F4.* The clothing sector is predominantly concentrated in the inner-cities. This leads to a uniformity of the composition of shops in inner-city top locations. In every medium-sized or large city similar shops (subsidiaries) can be found opposing the '*couleur locale*' of the main shopping streets. However, the specific identity of the inner-city is to a greater degree determined by the shops in the second-level or third-level streets, where the larger part of the independently operating retailers can be found.

*F5.* In the last decade certain types of retailing (mainly non-fashion non-food) have left the city centres (cores) and sought location alongside access roads or main road junctions. Some of these new developments proved to be arbitrary and sometimes contrary to destination plans, leading to distribution activities in zones intended for other purposes (e.g. industrial areas). This migration also led to retailer ribbons ('furniture boulevards'), where distributors locate alongside main roads or traffic junctions. It is generally acknowledged that commercial activities on arterial roads are undesirable because they result in increased traffic and a reduction in road safety, the loss of land allocated for small and medium-sized enterprises (SMEs) and the development and reduction of open space.

*F6.* All three Regions support the regulation of the location of new retailing and distribution activities. Unrestricted development of distribution and retailing without regulation is undesirable, because it leads to increasing demand for space without benefits for society. All Regions are in a process of defining policies to address recent re-

tailoring developments. Until now only the *Ruimtelijk Structuurplan Vlaanderen* has identified priorities and a line of action. Basic policy priorities seek to preserve the maximum amount of open space, retention of basic activities in urban cores and concentration of retailers' infrastructure outside city cores. Action is directed at both the urban cores and the urban periphery. The RSV seeks to strengthen urban cores by making them safe, personable and recognisable urban centres and attractive areas for living and working. Retailing and distribution activities must be attracted in or back to city or municipal centres. Retailing and distribution activities that require large amounts of space will be concentrated in areas within urban areas with good road and public transport accessibility. On 11 September 1996, the Council of the Brussels Capital Region adopted a resolution concerning the location of large retail surfaces alongside main roads (*Resolutie met betrekking tot de implanting van grote distributieoppervlakten in het Brussels Hoofdstedelijk Gewest/Résolution relative à l'implantation de grandes surfaces dans la Région de Bruxelles-Capitale*). The resolution favours the concentration of retailing in city centres and disapproves of large commercial centres in the periphery.

F7. Government policy related to the retail infrastructure and structure is almost completely concentrated with the lower government tier (municipality) acting within a federal legal framework. The Regions nevertheless do possess substantial competencies to steer the location of distribution and retailing.

#### Offices

F8. Offices form an important element in a city. Together with retailing activities, they can carry an urban development project. In the light of the large demand, however, the strong growth of offices in some cities (i.e. Brussels) transformed the city into a tertiary city where living, trade and secondary employment moves to other areas, leading among others to traffic congestion, decreasing quality of life, and threat of the fiscal base. Until recently in many cities there was no clear policy on the location of offices. Consequently, office buildings spatially were spread all over the city and not always on the most responsible location – for instance in the light of transport modes. In the 1990s the need is acknowledged to control the spontaneous spreading of offices throughout a city.

## European policies

Not applicable.

## National policies

### Federal level

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F9. Primary main legislation related to the location of retailers is the 1975 Businesses Location Act which sought a balanced network of different distribution formats and shop types. The law is applicable to new large shopping centres. Proposals for commercial development must be submitted to the municipality. The assessment procedure, led by the municipality, is guided by spatial concerns, interests of the customers and expected impact on local employment and existing trade. However, as a result of the increase in scale of the distribution, the growth in retail ribbon development, the circumvention of this law, and the lack of effective sanctioning in cases of violations, the 1975 Act currently is the subject of debate.

F10. The federal level has no competences concerning the location of offices. It should be noted that the federal government level, as all other government levels and agencies, requires a lot of office space. The location of a government, parliament or agency has a substantial impact on the office market and related developments (such as housing prices, traffic, etc.).

### Regional level

F11. Until recently the regional level did not have an active role in the location of retailing activities. The problems associated with unplanned developments (retail ribbons) has incited the Regions to act. The key instruments to implement such policy are already available in the spatial planning legislation (destination plans linked with the permit-granting system).

F12. The regional governments have already taken great interest in the development of offices in cities. In the Brussels *GewOP/PRD* was proposed to stop the spontaneous spreading of offices, by concentrating them in so-called 'perimeters of regional importance' and 'administration perimeters'. The former is a location which can easily be reached by public transport and therefore could limit the use of the car. Nine of these 'perimeters of regional importance' have been

identified. An important instrument in dealing with the office development is expected to be the *stedenbouwkundige lasten/charges d'urbanisme*. If a private developer wants to construct a large office (larger than 500 m<sup>2</sup>), the Brussels Capital Region will require him to pay a financial contribution or alternatively to perform a service in return to society, such as building houses for low-income households.

## Local level

### Municipal level

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F13. There is a growing attention for improving the quality of the environment of the city centre partly in order to attract consumers. The municipal authorities have several instruments at their disposal to fulfil roles such as the responsibilities to organise public areas, regulate parking facilities, manage hygiene and safety on the streets, or changing streets to pedestrian-only areas.

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## Economic and industrial development

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F14. As a result of the federalisation of Belgium, the Regions are responsible for an integrated socioeconomic development policy. Yet, in the 1990s the term economic planning has almost disappeared from the political arena, partly as a result of the limited success of the economic programmes of the 1970s and partly because the concept is not in line with the current idea of a backseat government or the need for budgetary control.

## European Union

F15. The increasing importance of the European Union and the single European market results in a greater uniformity of market circumstances, increased competition, increased importance of foreign actors at the national (regional) markets, and, vice versa, larger markets for Belgian enterprises as well. Any Belgian economic and industrial policy has to take into account limitations (no State support for sectors) or opportunities (European structural funds) created at the European level.

## Federal policy

F16. Since 1980 important economic responsibilities have been transferred to the Regions, such as regional economic expansion and the public industrial initiative. In 1988 these responsibilities were increased, resulting in the situation that economic and industrial policy has become mainly a regional matter. The federal level remains competent for policies concerning the economic and monetary union. In the 1970s the central government pursued a policy of economic programming, including tax measures, grants, and dialogue between the social partners and sectors. This concept of an active government in the economic field has more or less disappeared. Even more, as result of the large debt of the Belgian Government, there is no room for an expansive budgetary policy. Since the Federal Government controls the budgetary space for the Regions, the margins for an independent economic and industrial policy are rather limited.

## Regional level

F17. Until today the regional economic and industrial policy took place at a decentralised scale. The different local and above-local advice and policy structures, such as the regional development corporations, have led to a large extent of autonomy. All local and sub-regional groups have formulated strategic plans for the economic development of their area. Yet it is argued that the regional (central) level should take a more central role in the strategic economic development of the Regions.

F18. Despite this limitation the Regions play an important role in the economic development of their Region by pursuing an infrastructure policy, taking decisions on the provision of space for industrial activities, and by organising vocational training. In the regional plans of the three Regions, the economic dimension is essential. However, this dimension is translated by the Regions into different priorities. The Brussels Capital Region seeks to attract diversified economic activities provided it is compatible with other activities such as housing and with taking care of the quality of its space. The Walloon Region seeks to revitalise its industrial base and encourage the creation of jobs by the SMEs.

## Local policy

F19. Local authorities have a tradition of being involved in local economic policy. By providing in industrial zones municipalities always have tried to attract enterprises. Some municipalities form *intercommunales* which develop and offer space or buildings for industrial enterprises.

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## Environmental management

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### Context

F20. In Belgium as in other EU States developments have taken and take place that put pressure on the environment, such as increased use of greenhouse gases (global warming), acidification of the environment (acid rain), air pollution, overfertilisation (resulting in pollution of groundwater), spreading of dangerous substances, erosion, polders becoming brackish, pollution of soil and subsoil, noise pollution, loss of biodiversity, pollution in urban areas, and reduction of open space. Whilst the degradation of the environment has stabilised in the 1990s, the situation is still far from acceptable (Région Wallonne, 1992 and 1993; VMM, 1994).

F21. New management techniques, the international lexicological uniformisation, the methodological uniformisation adopted by the international scientific community and adoption of technical rules, combined with a number of international agreements (UN, OECD, Council of Europe, EU) has led to environmental legislation in Belgium being closely related to EU legislation, whilst becoming more technical and complex.

F22. In the late 1980s, and especially in the 1990s, the Regions have adopted legislation to tackle the gradual and continuing degradation and pollution of the environment. It is the short-term goal of the Regions to adapt their legislation to the European directives and international agreements and in the medium-term to apply strict imission and emission standards suggested by European and international agreements.



F23. Environment legislation covers a number of sectors in order to tackle complex and interwoven issues. The Belgian environment legislation is based on four legislative elements:

- environmental hygiene: protection of human and all other organisms against pollution;
- environmental management: management of the environment with the optimal use of its resources;
- nature conservation: protecting and safeguarding environment elements;
- landscape heritage.

F24. Belgian environmental legislation has been developed in an ad hoc manner. When an environmental problem became an issue, a policy was defined, legislation announced and then implemented. This unplanned development led to sectoral fragmentation of environmental policy: for air, water, pollution, waste, soil, etc., different regulations and even different administrations were established. The development and organisation of a single integrated environment policy was further complicated by the ongoing discussions in the 1980s of the federalising of Belgium and the division of responsibilities. Consequently, one of the main issues today is the integration of different environment-related policies, not only by integrating the whole set of environment legislation (water, air, soil, subsoil, etc.) but also establishing a link between environmental policy and spatial planning policy.

#### *Integrated environmental policy*

F25. A key concept of the EU environmental policy is an integrated approach to environment. The fifth action programme of the EU ('Towards Sustainability') most clearly departs from the previous environment action programmes by focusing on activities and sectors (transport, energy, agriculture and tourism) rather than the traditional focus on the various environmental elements (air, water, etc.). Its main emphasis is not on the receptor but on the source of pollution.

F26. The three Regions have undertaken research that focuses not only on the state of the environment of the different elements, but also attempts to analyse the role of the different sectors. In 1994 the Walloon *Etat de l'Environnement*, for example, focused on the role of tourism on the environment, and the 1995 *Etat de l'Environ-*

*nement* Wallon reported on the interaction between industry, energy and transport and the environment (Région Wallonne, 1993 and 1994). Similarly, the Flemish *Milieu- en Natuurrapport* provides an integral description of the situation of the environment by tackling not only the different environmental elements but also the role of the different activities in society (Verbruggen, 1994). This research should form the basis of a future integrated environment policy. In the Brussels Capital Region, the *BIM/IBGE* annually submits a report concerning the state of its environment. Since 1991 the *BIM/IBGE* defines a global strategy for the conservation of the Brussels Capital nature, and in 1994 initiated a promotion of the biological heritage. Since 1994 an information network on the fauna and flora of the Brussels Capital Region is active.

F27. The principle of the right of access to environment legislation was adopted in European Directive 90/313/EEC, as a means to improve the environment and highlight differences in Member States' legislation on environment information which could lead to competitive disadvantages. The Regions in principle are competent to organise and implement the measures of publicity and disclosure of documents. However, regional legislation may not allow the disclosure of information which according to federal legislation must be kept secret.

### **European Union**

F28. International environment policy is based on general principles (established in 1972 Declaration of Stockholm and 1992 Declaration of Rio) which form the international framework for policy formulation for each Member State, including the Belgian Regions. The principle of sustainable development has been accepted internationally as a starting point of environment policy. EU environmental policy is based on the 'prevention principle', the 'polluter pays' principle and the principle of integration (requirement that environmental requirements shall be a component of the Community's other policies) (Art. 130 R 2°).

### **National policies**

#### **Federal level**

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F29. Since 1989, the protection of the environment has been a regional responsibility. The federal level remains responsible for technical stan-

dards and general sectoral standards, provided these are not already defined by EU legislation. For example, the December 1988 Royal Decree strengthened the standards for car exhaust emissions. The Belgian Governments have also set up covenants with private companies, such as the 1990 covenant with the electricity producers, to reduce the SO<sub>2</sub> emissions between 1990 and 2003 by at least 25 %.

## Regional policies

### Regional level

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F30. The regional level is primarily responsible for environment issues. Instruments to regulate development include environment impact assessments, permits, quality standards, plan-making, investments in infrastructure, agreements with private companies and environment-related taxes. In each environmental sector (air, water, soil, subsoil, etc.) the Regions have adopted legislation and established procedures according to EU directives and international agreements.

F31. Apart from adopting international and European quality standards, the central issue in regional environment policy is the integration of policies. A first step is the integration of all types of exploitation and discharge permits. In the 1990s the Flemish Region adopted the Vlare I and Vlare II legislation. Vlare I replaces the exploitation permit and the sectoral permits (waste draining, waste permit, toxic waste permit and groundwater protection permit). The legislation links the building permit and the environment permit and establishes the requirement to consult AROHM (Flemish administration of spatial planning). Vlare II is a synthesis of existing and new regulations or administrative procedures and of European regulations awaiting adoption. It contains rules relating to development standards and distance (buffer) zones. These regulations apply only to new proposals. The July 1992 Ordinance of the Brussels Capital Region also links the building permit to the environment permit and offers a register of all standards relating to the location of hindering activities. In the Walloon Region legislation was adopted in several sectors such as establishment of quarries and mines, protection of surface and groundwaters, and treatment and disposal of waste. For the other installations, the *Règlement Général pour la Protection du Travail*, periodically adapted since its adoption in 1946, is still in use. The Walloon Region has also defined a general framework for its

environmental policy through the *Plan d'Environnement pour le Développement Durable (PEDD)* adopted by the regional government in 1995.

F32. An issue in the Flemish Region is that of manure. In 1995, the manure decree was adopted which aims to prevent excessive spreading of fertilisers and prevent the dumping of manure. Rules define when, where and how much can be manured.

### Provincial level

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F33. The effectiveness of regional and federal policies depends on the participation of lower tier governments such as provinces and municipalities. This also applies to the implementation of some environmental policies. However, the lower tier governments also have the ability to define their own environmental policy.

F34. Until recently the provinces did not have their 'own' environment a policy, despite being an important administrative link in the implementation chain (i.e. permit granting). In Flanders, the province will increase its role in environmental policy, whilst in the Walloon Region the provinces will lose importance. The current tasks of the province can be characterised as intermediary (province as the translator of regional measures to municipalities) by providing information and support. Apart from that, the provinces also coordinate municipal environment policies; environment-nature policy; environment-spatial planning policy; environment-traffic, policy, etc. In Flanders the new environmental responsibilities of the provinces are expressed in contracts between the Region and provinces (covenants). Provinces must (i) establish a coordinator for environment and nature policy; (ii) formulate a policy for provincial environment and nature policy; (iii) report on the state of the municipal environment notes.

## Local policies

### Municipal level

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F35. Traditionally, the municipalities only had a limited and mainly administrative role. This has changed recently, mainly in the Walloon and Flemish Region. The Regions do not only expect the municipalities to implement regional environment policy, but also to pursue their own local environment and nature policy.

F36. In the Flemish Region contracts (covenants) have been set up between the Regions and municipalities and between the municipalities and OVAM. In the covenant the municipalities must establish a municipal nature and environment council, provide an environmental service, collect all information relating to the environment and nature in their municipality, formulate a state-of-the-environment, a nature report and environment and nature policy. The covenant between the municipalities and OVAM deals with aspects related to municipal waste policy – for example selective collection of waste, processing and dumping waste, and sensitising of the population. In the Walloon Region, municipalities are enabled to pursue an environmental policy through specific instruments, such as the *plans communaux de développement de la nature* (municipal plans for the development of natural environment), the *contrats de biodiversité* (biodiversity contracts), and the *contrats de rivière* (river contracts). The latter concern generally more than one municipality. All of these initiatives associate partners from the public and private sectors.

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## Heritage

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### Context

F37. More than any other issue the conservation of cultural heritage runs parallel with the reorganisation of the Belgian State. In 1980 responsibility was transferred to the Communities, but in 1989 the responsibility for heritage was transferred to the Regions. The Regions today are totally autonomous in the management of monuments and landscapes, and consequently each Region has adopted different legislation on the subject (see *infra*). Despite the fact that the Regions each have a different legislation on heritage, the system applicable in the three Regions, the context in which these have to work, the mechanisms available, the key actors and the current issues are similar.

F38. The concept of a protected heritage in Belgium has existed since 1931 (Athens Charter) resulting in the first Belgian Act (Act on the Conservation of Monuments and Sites of 7 August 1931). In the 1960s (following the 1964 Venice Charter) and after the 1975 European Architectural Heritage Year the concept was fully developed. Firstly, the built heritage was no longer limited to individual monuments: with larger units being conserved (urban scenes and small villages). Secondly, the notion of 'integrated conservation' was established, according to which important buildings should not be protected irrespective of their environment: the object of conservation became the complex in which the building is integrated. It currently is recognised that castles, churches and chapels alone do not represent the total architectural wealth of a country. Not only are new categories recognised (such as industrial heritage or social housing) but all historical eras are currently recognised including the current era (see for instance the Pont de Wandre near Liège which was constructed in 1989 and has been listed in

1993). For this reason the concept historical heritage no longer is used.

F39. The three Regions reacted to these developments by adapting their legislation. In 1976 the Flemish Region introduced the concept *dorpszicht* (townscape) and *stadszicht* (cityscape). The concepts of ensemble architectural (architectural whole) and of *zone de protection* (reservation area around a protected monument or site) were adopted in 1987 by the Council of the French speaking Community (*Décret du 17 juillet 1987 relatif à la protection du patrimoine culturel immobilier de la Communauté française*). After the regionalisation of the matter, the concepts of integrated protection and of archaeological sites were added in 1991 by the Walloon Region and in 1993 by the Brussels Capital Region. In the Walloon Region, the protection of small-scale monuments is explicitly integrated in the legislation. Consequently, in the past decades heritage legislation has become much more complex.

F40. The changed concept of heritage and its inclusion in the statutory systems, resulted in an increase of the number of listed monuments. While in 1976 almost 1 000 monuments were legally protected in Flanders, this increased in 1985 to 3 894. In 1990 more than 600 townscapes and cityscapes were protected. A similar evolution took place in the Walloon Region, albeit later. Where in 1974 in the Walloon Region 1 019 monuments were legally protected, in 1991 2 713 monuments were listed. Since the end of the 1980s the Brussels Capital Region is progressing rapidly. The number of listed monuments grew from 77 in 1975 over 144 in 1985 to 394 in 1995.

F41. Due to the economic recession, the number of government initiatives and support schemes dropped substantially during the early 1980s, which coincided with a European trend. During this period the number of protection schemes and budgets available for restoration was limited in all Regions. Since the beginning of the 1990s, however, there has been a more active monument policy. In Flanders the 1931 and 1976 legislation is still in operation, but the number of protected immovable objects and available budgets increased substantially. In Brussels Capital and Wallonia, government initiatives led to an adaptation of the legislation, and also to an increase in the number of protected objects and in the amount of available financial aids.

F42. The evolution of regional heritage policy since 1980 does not imply spectacular changes of protection techniques, but the existing legal mechanisms are applied to a larger number of objects, of several types. This evolution was mainly focused on the built heritage (monuments, townscapes) and less on landscapes. Renewed government attention has been the result of pressure from the public opinion, initiated by some private organisations, which took advantage of an improved economic situation and managed to gather the support of commercial organisations.

F43. It is now acknowledged that the Regions in the near future will have to address the following four policy issues (Draye, 1993; Sarlet, 1992; Docter, 1991):

1. Funding: In 1931 the principle was introduced that the conservation of a monument or listing of a landscape implied a (limited) right of financial support for the owners in the form of restoration subsidies or (preventive) maintenance grants. Budget constraints and the fear of budgetary consequences of listing, restrained the government to protect monuments and landscapes on a larger scale. As mentioned above the number of protected properties, and thus support-entitled owners, has increased and is still rising. It is generally acknowledged that the regional, provincial and municipal governments in the future will not be able to meet the full extent of the (growing) need. The question, therefore, is how to increase the number of protected structures and landscapes whilst decreasing the (average) costs. The system of *beschermlingslijst/lijstes de sauvgardes* in the Brussels Capital Region allows protection without subsidies.

In all regions reliance on contribution from private parties (and patrons) is a deliberate political choice. Especially in Flanders there is an

**Table F1. Heritage Budget of Belgian Regions (million BEF)**

Region	1988	1992	1993
Flanders	613	1 000 (*)	1 500 (*)
Wallonia	233	404	640
Brussels Capital	22	100	166

(\*) Approximately.

increasing participation from individual donors, sponsors and companies – which in turn has led public authorities to increase their budgets. This, however, is only a temporary answer to the financial problem. Consequently, consideration has been given to tax measures instead of restoration grants and subsidies. Possible alternatives include a decrease of the succession duty and of VAT on works. This however would imply the participation of the federal government: the national government would bear the burden of the tax cuts aimed at favouring heritage protection. To date, only the Brussels Capital 1993 Ordinance contains tax measures, namely an immunisation of cadastral taxes (*kadastraal inkomen/revenue cadastral*) on listed monuments and not having to pay succession duties when the monument is given to a heritage foundation of the Region. Public authorities are therefore trying to create a synergy between public and private initiative.

2. The relationship between heritage legislation and spatial planning legislation: The Walloon Region has avoided potential problems by completely integrating the heritage legislation into the spatial planning legislation. In the Flemish Region and Brussels Capital Region, the increasing number of larger protected entities has led to conflicts with the use of space, i.e. spatial planning.

However several conflicts still remain:

- when the listing procedure of a landscape is initiated after a building permit has been granted, then the listing procedure has no legal effect (a conflicting jurisprudence);
- the listing of a landscape contained in an existing sub-regional plan which already is defined as residential, agricultural or industrial zone, will have only limited legal effect (a conflicting jurisprudence) (not applicable to the Brussels Capital Region);
- when an owner intends to start works on a protected structure/landscape, there is a need to apply for two permits: one according to the heritage legislation (exception to protection decision) and one related to spatial planning legislation. Both permits have their own procedures which are not linked to each other in Flanders. However, in the Walloon and (not yet implemented) 1993 Brussels Capital system,

heritage and spatial planning legislation have been completely integrated, and in the Walloon Region, the two permits have been merged into one.

3. Protection of ownership versus general interest: Several owners (individuals, organisations), and sometimes local governments, oppose the protection of their building or ground which can lead to legal battles. This raises the question whether the owner is over-protected or under-protected. Every protection or listing requires an elaborated, sometimes long and complicated procedure. The procedure contains some guarantees for the owner. The government can protect what it wants but as compensation, the procedure must be followed scrupulously.
4. Realising an integrated protection: Although the concepts of 'integrated preservation' or 'integrated heritage' have slowly been accepted – at least in theory – their translation into concrete action has yet to take place, especially with regard to active management. The problem is linked with the general implementation of heritage legislation. The three Regions currently have legislation which allows adequate protection of heritage, although it has become more complex over time. It is generally acknowledged that in the event of damage to listed monuments judicial action is limited, which may have repercussions for the future of monument conservation. This problem is reinforced by conflicting jurisprudence (see above).

## European Union

F44. Over the past decades there has been growing European and international attention regarding the protection of (architectural) heritage, for example institutions such as Unesco, the EU and the Council of Europe. This has resulted in a great number of recommendations, and some conventions of which Belgium has adopted the 1954 Hague Convention (adopted 1960) and the 1985 Granada Convention (adopted in 1993). Other conventions that have been ratified by Belgium are the European Convention on the protection of the Archaeological Heritage of the 1969 London Convention (in 1992 revised in La Vallette) and the 1972 Unesco Convention concerning the protection of the World cultural and natural heritage (ratified in 1996).

## National policies

*F45.* Since heritage exclusively is a regional responsibility, the federal level does not hold any responsibilities in this field.

## Regional policies

### Regional level

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*F46.* In all three Regions the regional government (or by delegation to the relevant minister) has the final decision regarding protection procedures. The general policy for unmovable heritage is the responsibility of two bodies: the regional administration responsible for monuments and landscapes and the Royal Commission of Monuments and Landscapes (RCML) (see Section D). The establishment of regional administrations has had an enormous impact on the organisation of monument policy in the Regions and improved the effectiveness of the Communities' and later the Regions' heritage policies.

*F47.* The Royal Commission of Monuments and Landscapes was pivotal to the 1931 heritage system. Until 1970 the RCML and later its three regional commissions increased its responsibilities, mainly as reaction to a lack of a specific administration. The establishment of an Administration for Monuments and Landscapes led to a re-definition of the tasks of the RCML. Each of the three Regions now has a RCML, each with a slightly different task. Since 1984, the German-speaking Community (part of the Walloon Region) has its own RCML.

*F48.* The task of the RCML is important in the three Regions: providing advice on protection procedures, advice on permit applications, and the right to advise the regional government. There are, however, some regional differences: in Wallonia, all interventions on protected monuments, sites or architectural wholes require a permit submitted to the advice of the RCML, while in Flanders, this advice is requested only when the permit implies a deviation from the granted protection. In Flanders, the RCML also plays a part in the management of listed landscapes. With exception of Brussels Capital, the RCMLs are represented in each of the provinces. These Provincial Commissions on Monuments and Landscapes advise in respect of the protection procedure and deviation procedure.

### Provincial level

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*F49.* In statutory terms the role of the provincial level is limited to giving advice on certain procedures. Nevertheless, some provinces have responsibilities for the promotion of monuments. Each province has mechanisms which provide restoration subsidies to private owners of listed monuments and landscapes.

## Local policies

### Municipal level

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*F50.* The statutory role of the municipal level is also limited, since the conservation of heritage has traditionally been organised centrally. Apart from the right to apply for the protection of a monument, the municipality only has limited statutory responsibilities. The council of mayor and aldermen (CMA) submits its comments concerning a planned listing to the Permanent Deputation and organises a public inquiry. In the Brussels Capital Region the CMA submits its comments directly to the Region.

*F51.* For over a decade there has been a debate to give wider responsibilities to the decentralised governments, as the municipalities have detailed local knowledge and therefore are better suited to assess a problem or an opportunity. Others argue that local civil servants and politicians only have a limited knowledge of the specific subject of heritage care and are more responsive to pressure. Despite limited available mechanisms, a small number of municipalities have developed a consistent municipal heritage policy. Some inform owners of a (potential) listed object about listing and restoration procedures and financial schemes. Others have developed a subsidy system for restorations. However, only a very small number of municipalities use these mechanisms systematically.

### Other actors

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*F52.* Several voluntary and private bodies are active in helping to safeguard heritage such as the Association of Historic Centres in Belgium; the King Baudouin Foundation; and local organisations. Most of the activity in this field results from private and non-governmental enterprises even though these private associations – whilst sometimes benefiting from governmental support –

have very limited resources. It is argued that the success of the European Architectural Heritage Year was caused mainly by the establishment of a large number of local committees, which not only started a major inventarisation but also organised several sensitising campaigns.

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## Housing

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### Context

F53. Housing policy has both an allocation and a spatial dimension. Allocation refers to the bringing in harmony of the quantitative and qualitative needs within the housing stock – and finding a solution for those who do not have access to adequate housing. The spatial dimension of housing refers to the increasing pressure on open space, both directly and indirectly. During the 1990s, the regional governments have been amending housing policies to reflect their new

goals and mechanisms to realise the increasing demand for housing and have acknowledged the importance of preserving open space.

F54. The overall aim of post-war housing policy in Belgium was (i) to stimulate home-ownership; (ii) the construction of community rented housing (social housing); and (iii) the renovation and improvement of sub-standard housing. In practice only the first principle, the promotion of home-ownership, has been the predominant policy goal. Social housing and renovation were minor policy goals. In the 1990s, however, the relevant governments, as a result of budget constraints, demographic evolutions and spatial concerns, have become focused on renovation and slum clearance and social housing. Consequently, the Belgian housing tenure differs substantially from the EU average. The owner-occupant sector and private (commercial) rented sector are the two major housing tenures. The community rented sector (social housing) is the minority tenure, as opposed to the EU average. Of the Belgian households 59 % own their own house while 41 % rent a house (figures 1991). The proportion of the social rented sector however, is marginal: 7 % of the total housing stock or 18 % of the rental sector. The social housing sector consists both of community purchases of houses available on the market and purpose-built houses. The proportion of the commercial rented sector is 34 % of the total housing stock (82 % of the rental sector). The housing tenure in the Flemish and Walloon Region are similar, whereas in the Brussels Capital Region over 60 % of the total housing stock belongs to the commercial rented sector.

F55. The purchasing sector is stimulated by the governments through income-dependent grants, a regional mortgage guarantee and low-interest loans. In none of the Regions a system of subject subsidy exists for the commercial rented sector. The only exception involves grants to households being rehoused from slums or persons of age or with certain disabilities which need rehousing to adapted dwellings. Private landlords in the three Regions can apply for regional grants in the light of urban renewal schemes. The social rented dwellings are owned by non-profit landlords, who manage their property within a public framework aimed at a moderate rent, an adequate quality and a focus on tenants with a below-modal income. The access of the social sector (non-profit sector) is limited and linked to a maximum income. There is a system of individual

rent definition (the level of rent is inversely related to income and directly related to family size).

F56. Since 1980 housing policy is a regional responsibility which implies that the Regions are autonomous in defining and pursuing their own housing policies. However, some important responsibilities related to housing (e.g. commercial rent legislation) are still federal which substantially limits the scope of the regional housing policy (see *infra*).

F57. Housing demand covers large areas of space. The increasing average size of building plots implies an even larger space demand by housing. The demand for space for housing (and other activities), however, has not been dealt with in a planned manner. Post-war dwelling construction in Belgium is characterised by both unplanned concentrations and ribbon development, which, after World War II, led to a reduction of available open space. The problem of ribbon development is one of individual builders (households), retailers and economic activities who develop alongside (important) roads. This pattern of development therefore implies the construction of expensive infrastructure works (roads, telephone lines, sewerage, etc.). The 1962 Spatial Planning Act was not able to stop these developments. The sub-regional plans led to an over-supply of residential zones. Identifying a parcel as residential zone (zoning) in land-use plans is binding and regulating, since destinations are fixed by law. Changing the allocation of a zone from a residential area to for example a green area is a complex procedure but, more importantly, would imply 'plan damage' since the change would imply a decrease in the parcel's value. The binding effect of sub-regional plans therefore implied that land received a price tag and explains why public authorities do not seek to change a parcel's allocation from 'hard' to 'soft'. On the other hand, the so-called residential extension areas in the sub-regional plans (mainly intended for social housing) allows municipalities to pursue a land policy.

F58. Consequently, the significant parcelling projects and ribbon development led to the reduction in open space. Today the Flemish landscape is characterised by random concentrated and ribbon developments which have a strong urbanising effect. In Wallonia these patterns of spatial development are less identifiable. The main housing issues which the regional governments will have to deal with in the near future include the

provision of new and improved quality dwellings despite budget constraints, while taking into account the spatial dimension of housing.

- The changing size of average households, demographic evolutions and an increase of life expectancy increases the demand for more and adapted houses at affordable prices. Over the next decade there will be substantial demand for new dwellings. The RSV forecasts the need for 400 000 new houses in Flanders to be built before 2007. In all regions there is a growing need for social housing.
- The Belgian housing stock is relatively old. Thirty-two per cent of the housing stock was built before 1945. Consequently, a large number of houses will have to be renovated. The RSV forecasts that 300 000 houses in Flanders must be renovated before 2007.
- The large number of new houses implies substantial claims for open space. Nevertheless, pressure on open space must be restricted and regulated. Consequently, new houses should be developed in or around urban centres.
- Cities (i.e. Brussels Capital) must be revitalised in order to attract young and rich households.

F59. The social housing sector has to deal with two problems: the need for new social housing despite budget limitations and the problem of access.

- The social housing sector has to solve the budgetary problem mainly caused by the 1975 advanced-financing system. The system implied that the national housing corporation (now regional housing corporations) lent money on the capital markets at market rent, and passed the loans to the approved building corporations at a lower rent. The difference between the market rent and the rent demanded from the building corporations was a government subsidy. The Walloon and Brussels Capital Regions have since abandoned this system and currently adopt a system of limited budget credits. In the Flemish Region alternative systems of financing are partly applied that involve private input.
- The social housing sector also has a problem of access (the so-called Matthew-effect). Pro-



portionally too many middle and higher income families are receiving public money for housing, especially in the home-ownership sector, or benefit from reduced rents in the public rental sector.

## European Union

F60. The European Union currently does not seek a housing policy.

## National policies

### Federal level

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F61. The federal level is competent for rent legislation for the private rental market (Ministry of Justice) and for the relevant fiscal legislation (Ministry of Finance). The federal Ministry of Justice is responsible for rental agreements regarding private sector dwellings. The rent legislation does not apply to rent agreements concerning offices, shops, second residences, garages and leases. Regional legislation regulates rental agreements in the social sector. The Federal Ministry of Finance has two departments with housing responsibilities. The Land Registry Administration determines the rateable and fiscal values for buildings and is responsible for documentation (plans, registers and descriptions) relating to real estate. The VAT, Registry and Territories Administration assesses the normal value of newly constructed property. It also collects, through the notaries, registration duties when the ownership of usufruct (the right of enjoying the use and advantages of another's property provided it is not destructed nor its substance is wasted) or real estate is transferred.

## Regional policies

### Regional level

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F62. The Regions are responsible for stimulating the construction of new houses and improvement to dwellings. The Regions further determine the budgets, conditions for and size of bonuses and subsidies to households in the social housing sector. The three Regions have similar housing departments responsible for housing. The responsibilities of the regional housing departments include:

- subsidising households when purchasing, constructing, renting or renovating a dwelling;

- subsidising official (public) services or agencies responsible for the construction of social housing;
- the formulation of housing policy, housing legislation and rules for social housing;
- the provision of information, documentation and training for housing specialists and the public.

F63. Apart from the housing department, other departments have responsibilities related to housing such as the Department of Subsidised Infrastructure, which formulates general policy guidelines, sets standards and implements urban renewal infrastructure works. Several initiatives are provided by departments relating to housing in addition to spatial planning (urban renewal) or welfare policy (facilities for the elderly, poor or immigrants).

F64. As a result of the federalising of Belgium, in 1984 some national institutions were regionalised (see Section D). The regional housing corporations are responsible for the financing and programming of social housing. All three Regions have to deal with similar problems relating to the provision of new houses for low-income families and renovating low-quality housing or adapting them to a standard for older people, despite budget limitations. In the Brussels Capital Region, there is the additional problem of more affluent and young families leaving the city. Consequently:

- The Flemish Region follows a two-track policy. The Second Note on Housing (1990) seeks improvements to the existing housing stock and the construction of new houses. In 1992 an emergency programme was launched, aimed at the construction of 10 000 new dwellings (mainly for low-income families) in 80 Flemish municipalities. In 1990 10 so-called Emergency Housing Areas (*woon-noodgebieden*) were identified. These are areas with a high concentration of old and low-quality houses. Financial support for urban renewal is focused especially on these areas. Priority measures can be taken when there is a concentration of certain groups and a concentration of low-quality houses. The *Ruimtelijk Structuurplan Vlaanderen* identifies the need for 400 000 new houses to be built and 300 000 houses to be renovated between 1992 and 2007. From 1997 on there will be a tax on unoccupied houses.

- The central aspect of the Walloon housing policy is the desire to respond to regional needs (OTB, 1994). Specific policy priorities are (i) to encourage owner-occupation and the maintenance of dwellings; (ii) to provide low-rent dwellings to households with low incomes, disabled persons or older persons; and (iii) to improve poor-quality dwellings. In 1994 so-called ZIP (*Zones d'Initiative Priviligiées*) (privileged zones of initiative) were created, to revitalise urban centres. Four kinds of ZIPs are defined according to the specific needs of the context. According to the kind of ZIP, priorities are fighting against speculation and alleviating the pressure on ground prices, improving the quality of dwellings, or revitalising the urban and social fabric of the area.
- In the Brussels Capital Region emphasis is placed on improving the supply of attractive houses for higher-income families (integration policy) and the supply of social housing for lower-income. The main aim of this policy is to stimulate a mixed population in the Brussels Capital Region. The *Gewestelijk Ontwikkelingsplan/Plan de Développement Régional* seeks to attract, by the year 2005, over 34 000 new citizens which requires additional high-quality housing.

#### Provincial level

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F65. The provinces initiate research and identify problem areas. The provinces further supervise the municipal housing policy and add a supra-municipal dimension to it. Almost all provinces have a system of housing grants, in support of the regional housing policy. The provinces usually provide loans, grants or subsidies for the purchase, the construction, or the renovation of houses or the adaptation of dwellings to special needs.

#### Local policies

##### Municipal level

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F66. The council of mayor and aldermen has substantial housing competencies which mainly apply to the sanitation dimension of housing and public health. The municipal authorities must guarantee the global coordination of housing policy within its jurisdiction. Consequently, the municipality can issue specific regulations (renting of rooms with furniture), define fiscal measures (e.g.

against unoccupied houses and slums) or stimulate activities (extra housing grants or mortgage loans). The municipality must ensure cooperation between the different municipal organisations and welfare organisations which take housing initiatives (e.g. Public Centre for Social Welfare and the approved housing corporations).

F67. In the Flemish and Walloon Region schemes exist where municipalities can identify the most 'depressed' areas. In order to receive financial assistance to redevelop the area, the municipality must develop a total vision for the area – in close cooperation with the residents. Several grants are also available to private parties. Private persons can receive a grant for renovation or acquisition. The projects generally are on a small scale. In the Walloon Region, housing operations in city centres initiated by private developers can benefit from public investments. These operations (*opérations de revitalisation des centres urbains*) require the municipality to conclude an agreement with the developer and to elaborate an urban project for the area.

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## Leisure and tourism

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### Context

F68. Tourism is a major growth industry and has an integral relationship with the quality of the urban and rural environment. Tourism is not a single category of land-use but has strong connections with other functions such as living, working, shopping and traffic. While until the mid-1970s attention was mostly given to the positive effects of tourism in terms of regional economic development, increase of income and employment, a greater awareness of the environmental and social impacts of mass tourism arose gradually, mostly in the Walloon Region which has tried since the

early 1980s to control the spreading of new recreative infrastructures. Today attention is being given to the quality of tourist infrastructure and its relation with the environment, like for instance pollution, traffic problems, demand for space, etc.

F69. Tourism and leisure are major growth industries reflecting changes in demographic developments (longer life expectancy), social developments (more leisure time, adventurous exploration), mobility (high speed trains, city airports) and economic developments (higher income, internationalisation). The number of holidays taken by Belgians increased from 6.3 million in 1982 to 9.7 million in 1991. The number of short holidays increased from 1.7 million in 1982 to 3.4 million in 1991. The cumulative effect of these developments has initiated new perspectives for the tourism industry. It explains why tourism is increasingly considered an instrument for social and cultural integration, as well as for job-creation. Tourism also plays an important role in the economic development of regions and cities. Since the 1980s, it has played an important part in the reconversion plans of regions, in development of peripheral regions and in urban renewal projects.

F70. Attention is not only focused on the direct economic impacts of increasing tourism in a city/region, but also on indirect benefits. In several cities (e.g. Hasselt) an explicit relationship is forged between tourist attractions and factors such as image, settlement environment, potential living and working environment and even regional differences. For example, golf courses are presented as a so-called necessary condition to attract foreign investors. Tourism and recreation is sometimes regarded as an instrument as well as a condition to strengthen the competitive position of the region. In the Walloon Region tourism is the responsibility of the Department of Economy while in the Flemish Region it is part of the Department of Culture, despite pressure from the Flemish tourism sector to move tourism to the Department of Economy as well.

F71. Changing and increasing demands for tourist and recreation facilities places pressure on the environment. Tourist and recreational infrastructure does not only generate direct environmental impacts, but also have negative impacts such as landscape degradation, environment pollution, inner-urban conflicts, loss of identity and traffic congestion. The large number of tourists and the uncontrolled growth of tourist in-

infrastructure has decreased the attraction of some tourist destinations (destruction of the dune belt at the Belgian coast, over-tourism in art cities such as Brugge). Valuable open spaces, wildlife, landscapes, monuments, etc. have become threatened. Consequently, the remaining locations have become very attractive, although vulnerable to increasing pressure from tourism and recreation.

*F72.* Today regional, provincial and municipal policy-makers, acknowledge and take into account the environmental dimension of tourism and recreation, albeit without losing contact with its economic importance. In local and provincial plans the economic dimension still prevails, but it is increasingly acknowledged that protection of the environment is necessary in order to safeguard the local economic role of tourism. The environmental dimension of tourism and recreation has become integrated in plan-making. Water recreation, for example, is linked with the required improvement of the quality of surface water. There is, however, a requirement for a strict location policy which limits disturbing forms of sport and recreation (e.g. noise pollution). The key concept introduced in the 1990s, has been that the development of tourism and recreation should respond to the demands of sustainable development. In all Regions the key policy priorities are:

- an optimal use of the existing infrastructure, rather than developing new infrastructure;
- improve accessibility of the infrastructure using common transport facilities;
- managing the pressure caused by recreation on certain areas to ensure that it does not exceed the ecological and spatial balance;
- locating new visitor-intensive recreation facilities in the vicinity of urban areas with common transport facilities;
- restricting the location of new infrastructure in rural areas;
- optimise the recreational potential of rural areas while respecting its character.

## European Union

*F73.* Many EU regional policies and Community initiatives have a direct impact on tourism provision and development in Belgium. The EU provides

funding for infrastructure development which improves or creates tourism potential within an area (ERDF) and promotion and marketing of tourism initiatives in border areas (Interreg). The interaction between tourism and environment is a priority point of attention in the EU (DG XXIII), because tourism is considered an important catalyst in the process of social, cultural and economic integration in Europe.

## Regional policies

### Community/Region level

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*F74.* Tourism is a community responsibility implying that the federal level has no powers in this field. However, in 1993, the French-speaking Community has transferred this competency to the regional level (Walloon Region and Brussels French Community Commission). With the Flemish Community and the German-speaking Community, there are thus four authorities in charge of the matter and four territories with different legislation. At the Community level there are several organisations which have responsibilities for tourism and recreation. The organisations are similar and have similar competencies in all Communities/Regions. Tourism is formulated inside a relatively closed circuit. In each Community/Region there is a Commissariat-General for Tourism (CGT), which is responsible for the preparation and implementation of specific tourism legislation and directives concerning hotels, travel agencies, camping, social and rural tourism. The Flemish CGT has been renamed to *Toerisme Vlaanderen* (Tourism Flanders). Tourism policy is determined in consultation with representatives of a number of sectors. Related to the CGT, in each Community/Region a Superior Council of Tourism exists which consists of six technical committees specialised in one tourist area (travel agencies, hotels, social tourism, open air tourism, rural tourism and local tourism agencies).

*F75.* Tourism development planning is formally based on sub-regional plans. The mechanisms of spatial planning is the granting of permits for the development of the most divergent types of recreational infrastructure in accordance with the sub-regional plans. Environmental concerns are being taken into account, with new facilities authorised only after an environment impact assessment. In all Regions there is a move to formulate a more integrated approach to tourism which should combine all tourism-related aspects.

F76. The destination plans identify the areas in which leisure facilities may be developed. A distinction is made between zones for recreation (recreation zones) and zones which could be joint-used, such as forests, parks, buffer zones, nature areas and agrarian areas. The latter are zones for leisure pursuits without sleeping facilities. While leisure amenities are generally located within recreation zones this does not mean that other places are not regarded as suitable locations. In Wallonia, for example, a distinction is made between *villages de vacance* (holiday villages, defined as groups of 15 or more holiday residences) and *parcs résidentiels de weekend* (weekend residential parks, intended for mobile homes and prefabricated chalets for short stays). While the former are permitted even in residential areas (Article 95 *Code Wallon*), the latter may be located only in recreation and holiday zones (Article 120 *Code Wallon*).

#### Provincial level

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F77. Each Flemish and Walloon province has a Tourism Federation. The provincial federations of tourism initiate studies relating to a global vision on tourism and recreational development for the particular province. Today, provinces are participating in the commercialising of the tourism product, because tourism, arts and regional cuisine are considered important sources for employment creation. Some provincial tourism federations have created and financed tourism infrastructure or assisted in its investment.

#### Local policies

##### Municipal level

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F78. At the municipal level tourist offices are responsible for the reception, promotion and the creation of infrastructure. In some cities regular calculations of the economic dimension of tourism are made and the developments that are required to safeguard that dimension. In some cities interest groups are active which intend to minimise the negative dimension of tourism (e.g. SOS Brugge).

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## Transport and mobility

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#### Context

F79. The location of Belgium at the heart of Europe's road and rail network, and its close proximity to Europe's busiest ports (Rotterdam in the Netherlands and Antwerpen) has kept transport and transport infrastructure very high on the political agenda. In the last two decades mobility in Belgium has increased substantially. In the period 1970-94 passenger kilometres (PK), increased from 52.2 billion PK to more than 120 billion PK in 1994.

F80. The growth in mobility, however, must mainly be attributed to road transport (private cars, lorries and coaches). The share of public transport of passengers and goods has dropped, both in relative and absolute numbers. The portion of passengers using public transport dropped from 28 % in 1970 to 9 % in 1994. These developments, however, are not

confined to Belgium but common to most industrial countries.

F81. Increased car-ownership and car-use has resulted in a greater need for space (which consequently leads to a further reduction in open space and increasing pressure on urban public spaces); increasing traffic congestion; pressure on the environment (such as air pollution); and an increasing concern regarding safety. Another effect of the car-related increase in mobility is that those groups in society that do not own a car, such as the elderly, young people or disabled persons, have not experienced a mobility increase.

F82. The *Structuurplan Vlaanderen* expects for the period 1995-2007 an increase of 40 % of the passenger mobility and between 34 and 90 % for goods transport. Furthermore, there are no reasons to indicate a shift from car-mobility to other transport modes. Levels of car-ownership have consistently increased ahead of forecasts over the last two decades and evidence suggests that demand for greater car ownership will persist (smaller size of households and the ownership of two or more cars per household). Despite increasing congestion and increases in real costs for society, the private car remains the preferred mode of transport for most journeys, and primarily for work.

F83. While it is generally acknowledged that the mobility problems imply a major challenge to society, it is equally acknowledged that there are no simple and straightforward answers to the problem. The reduction of car traffic is difficult (powerful interest groups and appeal of the car) and the transfer of some transport by road to, for instance, rail transport would only have a marginal and temporal effect. It should be noted that the Flemish Region and Brussels Capital Region experience more mobility problems than the Walloon Region.

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#### Road transport

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F84. Belgium has a dense road network consisting of strategic route corridors, connecting the main cities and maritime ports, and a substantial secondary and local road network. The importance of the strategic road network in Belgium is acknowledged by the adoption of several main routes as 'road corridors of European interest' by the DG VII Drive Infrastructure Group (e.g.

Antwerpen-Amsterdam, Brussels-Antwerpen). In recent years, however, maximal capacity has been reached on many of these main roads, despite increasingly expensive efforts to address this issue (e.g. by road widening). Traffic growth can partly be attributed to the increase in the number of lorries which is related to the growth of the economy and the increased flexibility in production methods. Although main roads decant lorries from most populated areas, the number of these vehicles is imposing an increasing burden on the environment, the road infrastructure and safety.

F85. The major part of the overall road network, however, is formed by secondary and local roads. Although lorries form a smaller part of the flow of traffic here, their intrusion on unsuitable roads and into residential areas is increasingly acknowledged to be unsafe. The main problem on the interurban and urban roads is however the growth of the private car ownership. In cities especially, the negative effects of car use are evident: noise disturbance, polluting exhaust fumes, degradation of the built environment, decrease of the quality of life and safety. The maintenance costs of the road network are also considerable.

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#### Rail transport

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F86. Belgium has a dense network of railways which was developed mainly as speculative ventures by private companies in the 19th century. In the last three decades overall passenger rail use has declined, especially for journeys of less than 50 kilometres where the private car and to a lesser extent the coach are preferred modes. The length of the Belgian railway network decreased in the period 1970-91 with approximately 0.8 % annually (from 4 165 to 3 410) as a result of a decrease of the network for freight. The reduction of the total railways network ended in 1993. The construction of the high-speed train network in north-western Europe is considered an opportunity for European railways to capture more passengers. The development of connections in Belgium has proved to be very expensive, putting high demands on development and maintenance budgets required for the regional passenger railway network.

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#### Inland ports and waterways

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F87. Belgium has a substantial network of navigable waterways which originate from the early

part of the 19th century. A lack of investments in recent years and competition from road transport has decreased its usage. Only part of the network is able to accommodate the modern deep draught vessels with the cost of upgrading the waterways to the 1 350 tonnes gross standard being substantial. Despite the lack of investment it is generally acknowledged that barges are an efficient method of moving goods – i.e. high volume and low value materials such as coal, ores, minerals and aggregates. The development of inland ports and waterways is under-utilised at present as compared with its potential capacity. If the development of deep canals can be continued and increased there is a potential for transferring goods from the roads to inland waterways.

### Coastal shipping and ports

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F88. In the Belgian maritime port cities, port activities both indirectly and directly are the major employer (e.g. Antwerp, Zeebrugge or to a lesser extent Gent and Ostende). Some ports, for example Antwerpen, have invested heavily in port facilities and land-reclamation to keep pace with market growth, the increasing size of vessels and increasing competition.

### Airports

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F89. Air transport is a major growth sector with an average annual growth of 10 % and a potential European market of 250 million passengers per year. There are, however, two problems. Firstly, the growing market leads to a potential saturation of existing infrastructure. A further development of the airport requires use of space which is not readily available and the second problem is that of noise pollution which apart from technical measures calls for spatial development decisions.

There are two issues in the current mobility debate: (i) the conflict between accessibility and quality of life; and (ii) the fact that accessibility is mainly dependent on road traffic.

- One of the key facets to Belgium's economic success is accessibility. Consequently, it must maintain a transport network that links all major cities and that will be able to cope with the increasing demand for passengers and goods mobility. On the other hand the quality of life

(liveability) of urban centres or small villages has deteriorated and must be restored. Implementation of both objectives is not possible at the same time and consequently choices must be made. In all three Regions a categorisation of roads has been or will be made: some will have a transit or connection function (accessibility), while others, only traffic will be allowed, provided it does not conflict with the quality of life (see *infra*).

- The increasing demand for mobility and consequently the increasing demand for accessibility will be realised primarily by road transport. The actual capacity of public transport is insufficient to be able to deal with a major shift from road transport to, for instance, rail transport. The spatial structure of large parts of the Belgian territory (i.e. spatial dispersion, ribbon development) hinders an efficient organisation of public transport in the short and medium term. Consequently, Belgium will for the near future have to accept cars and lorries as the main transport mode.

## European Union

F90. In a single European market where the transport of persons and goods is an integral part of the general activity, a common transport policy is considered an essential goal. The European Union considers transport infrastructure as an important policy field. In 1995 ECU 240 million were provided for transport infrastructure projects. Financial requests are also directed towards the ERDF and Cohesion Funds (since 1993 ECU 5 billion); EIB loans (since 1993 ECU 6.4 billion) and European Investment Fund loans (already million 160 loans guaranteed). Although the national interest predominates in the national infrastructure decisions, the European Commission seeks to influence the national transport infrastructure investment programmes in order to bring them in line with the TEN programme. Since 1993, works have started for 2 500 km road and 2 000 km railway tracks.

## National policies

### Federal level

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F91. Transport planning is primarily the responsibility of the Regions. However, sectorial policy (the organisation of the market); infrastructure and transport policy for the railway network (NMBS/SNCB) and the management of Brussels

national airport (through the *Regie der Luchtwegen/Régie des Voies Aériennes*) remain a federal responsibility.

- The NMBS/SNCB designed the Star 21 Plan which intends to be a long-term plan until the year 2020. The basic idea of the plan is to re-organise railway services in order to operate a fast transport mode over long distances and frequent connections over short distances. The former implies a high-speed train network for international connections and fast trains between the major cities while the latter implies frequent but slower connections between a selected number of cities.
- Brussels Airport recently increased its capacity to 20 million passengers. All future infrastructure works will be assessed in the light of this new capacity.

## Regional policies

### Regional level

F92. The regional government is responsible for infrastructure policy and transport policy. This includes road infrastructure, the organisation of urban and interurban public transport (with the exception of railway transport), the management of inland waterways, the development of inland and maritime ports and the regional airports.

- Flemish transport policy focuses on guaranteeing accessibility to major economic centres; increasing quality of life; and promoting alternatives to the car. The one-sided dependency on road traffic does not offer perspectives and can only be limited by improving other transport modes such as public transport for passengers and rail transport, inland water network or pipe-lines for goods. In general households will be guided to live in or near cities (concentration of housing) so that public transport infrastructure can be used more effectively and pressure on open space can be limited. A similar policy is aimed at offices and tertiary economic activities: concentration around public transport junctions. Other initiatives include collective transport (car pooling) or company transport plans.
- The Walloon government formulated elements of its mobility policy in several documents, notably in the 1995 *PRATW* and in the project of *Plan de Mobilité et de Transport (PMT)* elaborated in 1994. None of these documents are yet officially approved. The two documents define convergent basic goals:

rated in 1994. None of these documents are yet officially approved. The two documents define convergent basic goals:

- to reduce the need to travel, and mostly to travel by car;
- to integrate the Regions in the European transport networks;
- to make the best use of the locations with excellent accessibility;
- to improve the quality of life in the cities by controlling road traffic;
- to find efficient solutions to serve the rural areas;
- to take account of all costs (internal and external) in the transport policy;
- to improve the safety on the roads.

The Walloon government has also taken measures to promote transport by inland waterways, and to constitute a regional network for pedestrians, cyclists and horse riders: the *Réseau Autonome des Voies Lentes (RAVeL)*.

- The Brussels Capital *GeWOP/PRD* defines the current transport policy as unaccustomed to realise the conditions for a sustainable development of the city. Apart from increasing traffic jams due to growing car-use and car-ownership, there is a problem that the different systems of public transport are not tuned to each other.

The *GeWOP/PRD* proposes five lines of action:

- A spatial planning policy which must attempt to locate public and private services in the vicinity of main junctions of public transport.
- A general improvement of public transport services such as improvement of metro connections, enhancement of small-rail network, better public transport connections between the city centre and the Brussels Capital periphery.
- A policy to impact on parking space with priority for residents, neighbours or clients of local retailers.
- Controlling car traffic in residential areas by establishing a hierarchy of roads.



- Improve conditions for pedestrians, bikers and persons with limited mobility.

#### *Road traffic*

F93. The regional policies concerning road traffic include the following elements:

- The Flemish RSV, the Walloon PRATW and the Brussels GewOP/PRD contain a number of spatial planning measures and priorities of which the basic concept is optimising the use of existing road infrastructure by, for instance, formulating a hierarchy of roads. In all Regions (different) basic categories have been identified. In the Flemish Region only the main roads would constitute a network. All main transport and traffic must be concentrated on these axes. For the secondary roads emphasis lies on viability. The quality of accessibility (speed, driving comfort) are subordinate to road safety and minimising hindrance.
- The Brussels Capital Region seeks improvements to connections between the city centre and the city fringes (by public transport).
- The Walloon transport policy focuses on control of car traffic in the centres, improvement of safety of road infrastructure, the construction of missing links and better connection between the road and other transport modes.

#### *Railway network*

F94. Concerning the railway network, the Regions pursue, following elements:

- The Flemish RSV stresses the importance of a railway network. It seeks the improvement of the existing rail connections, the construction of new connections and multimodal centres and a revalorisation of the Iron Rhine (rail connection linking the Chunnel (France) - Gent/Antwerpen (Belgium) - Weert/Roermond (the Netherlands) - Ruhr area (Germany)).
- The Walloon Region seeks to improve its main rail connections, notably the Brussels-Namur-Luxemburg line and the Athus-Meuse freight line, to link the main Walloon cities to the HST network, and further favours inter-modal and multimodal transport.

#### *Inland waterways*

F95. The Flemish and Walloon Region pursue the following goals concerning inland waterways:

- The *SPLASCH 2002* plan for the Flemish Region plans substantial adaptations on the axes Antwerpen-Liège, Charleroi-Brussels-Antwerpen and Gent to the north of France.

- The Walloon Region seeks to implement several investments (partly with EU support) to improve the integration of the Walloon inland waterways into the European network. Similar to the Flemish Region, improvement of the axes Antwerpen-Liège and Mons-Charleroi-Brussels constitutes a priority.

#### *Maritime harbours*

F96. The Ten Years Plan 1994-2003, of the Flemish Government, defines the options for investment in harbour infrastructure. The main objective of the plan is to define a long-term strategy for Flemish maritime harbours to maintain/increase their current market share. Since 1989 maritime harbour policy has been a regional responsibility.

#### *Airports*

F97. Concerning the development of airports:

- The Flemish Government decided to continue to develop the Ostende airport but to discontinue the further development of the Antwerp-Deurne airport.
- The Walloon Region seeks the development of its regional airports (Bierset and Charleroi).

#### *Provincial level*

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F98. The provinces are responsible for the provincial roads.

#### **Local policies**

##### *Municipal level*

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F99. Municipalities are responsible for municipal roads and traffic on these roads. Municipal and provincial structure plans in Flanders study how space in the vicinity of stations or junctions of public transport can be used more effectively (concentration of housing and tertiary activities). In several municipalities of the Brussels Capital and Walloon Regions, municipal mobility plans are studied.

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## Waste management and pollution

### Context

*F100.* The total amount of waste produced in Belgium annually is approximately 21.8 million tonnes. Less than one fifth is household waste, and over 80 % is industrial waste. Of the household waste 64 % is produced in Flanders, 24 % in Wallonia and 12 % in the Brussels Capital Region. On average each Belgian produces annually approximately 380 kg of household waste. Of the industrial waste 60 % is produced in Flanders, 38 % is from Walloon origin and only 2 % is produced in Brussels Capital Region, because it has a small industrial sector. Until 2010 an annual growth of waste of 2.5 % is forecasted (Nagelhout, 1989; MINA rapport, 1994; Region wallonne, 1993);

*F101.* In accordance with EU policy and growing awareness of environmental issues there is now a need for a much broader and more integrated approach to the waste problem and a shift of focus from the end to the beginning of the waste chain. Three policy issues are dominant: (i) the reduction (or stabilisation) of the total volume of waste; (ii) recycling waste; and (iii) the minimising of the environmental effects of waste processing by incineration or dumping. There is a general

policy shift from removal and processing of waste to prevention at source and recycling which is expressed in quantitative and qualitative standards.

## European Union

*F102.* At the European level several regulations, agreements and principles have been agreed:

- the self-sufficiency principle: each Member State is to be self-sufficient in the treatment of its waste, thereby reducing international waste transport;
- the proximity principle: waste must be treated as close as possible to its source.

*F103.* Both principles are supported by the Regions, however, with the qualification that some waste categories demand specialised treatment which sometimes are only available in neighbouring States. The industry has cast reservations concerning the proximity principle because it implies that cheaper waste treatment installations rather than installations in the vicinity of the waste producer should not be considered. EU Directive 91/689/EEC directs Member States to design plans for the management of waste and dangerous waste.

## National policies

### Federal level

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*F104.* Since 1988 waste and pollution matters have primarily become the responsibility of the Regions. Notable exceptions are the definition of sectorial emissions standards, the transit of waste; and protection against radioactive radiation including radioactive waste. Since 1988 only the federal level has the jurisdiction to specify emission standards for sectors where no EU standard exists. The Regions may, however, in addition, specify their own standards.

*F105.* In 1995 a federal eco-tax was introduced. The principle of the tax is based on the prevention of certain waste by taxing packaging on products, seeking to reduce production levels (e.g., disposable plastic razors and batteries).

## Regional policies

*F106.* The Regions have the primary responsibility for waste management. The regional govern-

ments define different policy instruments to be used to implement their waste management policy.

- All Regions have set specific policy objectives: (i) to reduce the volume of waste produced; (ii) to increase the volume of waste to be recycled and (iii) to decrease the volume of waste to be incinerated or dumped. By the year 2000 the Flemish Region intends to recycle 46 % of its waste while the Walloon Region seeks only 10 % of its waste to be dumped.
- The Regions further introduce quality standards for the processing of waste. New dumping-grounds can only be located in hydrogeological safe locations. In respect of combustion plants, policy seeks to increase capacity, minimise emissions and optimise energy recuperation.
- Future policies will focus even more on recycling and prevention. There will be policies developed for specific wastes (such as hospital waste) including selective collection.

*F107.* The instruments used by the Regions include legislation, waste planning, sectorial waste plans, investment support, stimulation of waste prevention schemes and waste recycling, the permit system and financial instruments. The two financial instruments generally identified are: retributions (government passes the real cost of waste removal and management to the industry) and regulating levies (which are intended as a deterrent in order to limit waste production at source).

*F108.* The regional parliaments and governments set out legislation describing the main objectives and principles to be delivered as part of regional and municipal waste management. Waste management plans and regulations aimed at implementing general waste policy and regional legislation are formulated in Flanders by the *Openbare Vlaamse Afvalstoffen-maatschappij (OVAM)*; in the Walloon Region by *l'Office Régional Wallon des Déchets (ORWD)* and in the Brussels Capital Region by the *Brussels Instituut voor het Milieubeheer/Institut bruxellois pour la Gestion de l'Environnement (BIM/IBGE)*. The Regional Waste Corporations are responsible for the implementation of the waste policies.

## Local policies

### Municipal level

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*F109.* Household waste is collected by the municipalities while industrial waste is collected by specialised private companies. In principle the municipal authorities in Belgium are free to decide on the management, collection, treatment and disposal of household waste as long as they remain within the constraints set out in regional legislation and guidelines set out by the regional waste corporations. Whilst there are no obligations on the municipalities to collect and process commercial waste, in practice only a small number of municipalities provide this service.

*F110.* Municipalities can attribute the collection of waste to their own services, to intercommunales or private companies. Private companies have an important share in the collection and processing of waste. In general municipal waste is 'dedicated' to a particular treatment system (incinerators, landfills) on the basis of decisions taken by OVAM or ORWD. Several municipalities, in particular the smaller ones, have grouped together to facilitate *intercommunales* for waste disposal and treatment.

*F111.* In each Region a network of municipal container parks exists to which households can bring waste. The container parks are intended for the recycling of plastics, glass, paper, iron, non-ferrous metals, organic waste, tyres and cardboard. The Flemish 1990-95 Waste Management Plan requires municipalities to establish one recycling container park for every 10 000 inhabitants. In the Walloon Region there must be one container park per 18 000 inhabitants. In many municipalities there are also assembly points where smaller household waste is collected such as glass, plastic, batteries, etc. Only in a limited

number of municipalities is there a house-to-house collection of selective waste.

*F112.* Municipalities charge for the collection and disposal of municipal waste. The charging mechanisms vary between municipalities. Some charge directly in the form of a flat rate, whereas others include the charge in the general community tax.

### Industry

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*F113.* Cooperation between public authorities and the industrial sectors is an important dimension of waste management. The industry either voluntarily, on request of or required by government has changed some of its industrial processes in order to limit use of resources, energy and waste production. In the past there have been agreements between government and industry, such as with the packing industry (in 1991 in Flanders and in 1992 for the other two Regions). In 1993 these covenants resulted in the establishment of FOST PLUS which seeks to extend the selective collection of household waste.

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# APPENDICES

## Appendix I — Glossary

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*Administratief beroep/recours administratif*

Appeal with an administrative body following procedures laid out in the relevant legislation

*Administratief toezicht/tutelle administrative*

Administrative supervision by a higher tier government

*Aire de dynamique*

Dynamic area in the Walloon Region in which among others development projects mentioned in the PRATW are located

*Algemeen plan van aanleg*

Municipal land-use plan used in the Flemish Region (municipal destination plan)

*Algemene bouwverordening/règlement général d'urbanisme*

Regional building regulation, a list of provisions concerning the aesthetic appearance of buildings, its construction, safety, etc. adopted by the regional government

*Arbitragehof/Cour d'Arbitrage*

Belgian *de facto* constitutional court (court of arbitration)

*Belgisch staatsblad/Moniteur belge*

National gazette in which all new legislation (acts, decrees, ordinances) and government decisions (royal decrees, etc.) are published

*Beroep/recours*

Appeal

*Beschermingslijst/liste de sauvegarde*

Protection list used in the Walloon Region and the Brussels Capital Region; in the Walloon Region the list is provisional while in the Brussels Capital Region it constitutes a higher form of protection than the *klassering/classement*

*Besluit van de Gemeenschapsregering/arrêté du Gouvernement de la Communauté*

Decision of the Community government which implements a *decreet/décret*

*Besluit van de Gewestregering/arrêté du Gouvernement régional*

Decision of the regional government which implements a *decreet/décret*

*Bestendige deputatie/députation permanente*

Executive body of a province (permanent deputation)

*Bevel tot staking van het werk/l'ordre d'arrêt des travaux*

Order issued by the supervising officials to stop the illegal works immediately

*Bezwaar/remarque*

Objection

*Bijzonder bestemmingsplan/plan particulier d'affectation du sol*

Sub-municipal land-use plan used in the Brussels Capital Region, similar to the Flemish *algemeen plan van aanleg* and the Walloon *plan particulier d'aménagement* (particular destination plan)

*Bijzonder plan van aanleg*

Sub-municipal land-use plan used in the Flemish Region, similar to the Walloon *plan particulier d'aménagement* and the Brussels *bijzonder bestemmingsplan/plan particulier d'affectation du sol* (particular destination plan)

*Bouwplan/plan du projet*

A plan required to build, rebuild, demolish or convert buildings and for all other substantial changes to the landscape. In some cases the plan has to be drafted (approved) by an architect (building plan)

*Bouwvergunning/permis de bâtir*

Permit required for all works under the spatial planning act. The term 'building permit' is a collective noun for widely divergent actions, such as building, demolishing, adaptation, etc. (building permit). This results in different types of 'building' permits, which are similar but can require different supporting documents or extra procedural elements. In order to eliminate the confusion, in the Brussels Capital Region the concept 'building permit' has been replaced by 'urban permit' (*stedebouwkundige vergunning/permis d'urbanisme*)

*Brussels Hoofdstedelijk Gewest/Région de Bruxelles-Capitale*

One of the three Belgian Regions, covering the 19 municipalities of the Brussels bilingual area (Brussels Capital Region)

*Cabinet/kabinet*

Group of people connected to and (partly) selected by a minister with mainly a policy and decision supporting role

Certificate of an architect

Certificate in which the architect identifies himself, proves his qualifications, states his relationship with the planned works (whether he is the designer and/or supervisor of the works) and declares that he is informed of the provisions of an approved particular destination plan, parcelling permit or municipal building regulation

Changing the relief

Works that change the relief of a large surface or that change the relief with more than 50 centimetres (such as digging or filling up a pond or brook)

*College van burgemeester en schepenen/collège des bourgmestre et échevins*

Executive body of a municipality consisting of the mayor and aldermen (council of mayor and aldermen)

*Commission consultatives communales de l'aménagement du territoire*

Municipal advisory committee in the Walloon Region with an advisory role in the design of municipal destination plans and is entitled to comment or advise on spatial matters at its own discretion

*Commission régionale de l'aménagement du territoire*

Regional advisory commission in the Walloon Region which has an advisory role in the review of sub-regional plans and can be consulted by the regional government on all spatial planning and spatial development matters. There is one regional advisory commission

### *Communauté Française*

One of three Communities (French Community) consisting of the French linguistic area and the monolingual French-speaking institutions in Brussels Capital

### *Conversion of a building*

Actions which change (convert) the main function of the building or have important implications on the immediate surroundings (e.g. a conversion of a building located in a residential zone to a dance hall or large shop)

### *Deconcentrated spatial planning department*

Spatial planning departments which form part of the central (regional) administration and are located in each of the 10 provincial capitals

### *Decreet/décret*

Legislation adopted by the Flemish Council (Flemish parliament), the Council of the Walloon Region or the Council of the French Community (decree)

### *Deforestation*

The demolition of vegetation (trees, bushes) without the intention to reforest the area, so that the visual appearance changes and a naked soil remains

### *Destination plan*

Land-use plan which determines the allowed use of its territory by precisely indicating the allowed activities in each type of zone. A destination plan can cover a Region, a sub-region, a municipality or part of a municipality

### *Deutsche Gemeinschaft*

One of the three Communities, covering German-speaking municipalities (German-speaking Community)

### *Deviation from plans*

The granting of exemptions from the provisions of a plan

### *Dwangsom/astreinte*

Damages imposed on a daily basis in case of non-compliance

### *Environment hygiene*

Anti-pollution legislation (legislation to protect man and environment against damage, hindrance or pollution as a result of human activities)

### *Framework control*

Principle that a plan at a lower level should not contradict planning decisions at a higher level

### *Gebouw/construction*

Construction (built with or without durable materials) connected to the ground or supported in or on the ground and intended to remain there. The definition applies for example to pigeon huts, football fields, static caravans, subsoil constructions (such as tunnels), etc.

### *Gemachtigd ambtenaar/fonctionnaire délégué*

Director of the deconcentrated town planning department (representing the regional level) who plays an important role in the issuing of building and parcelling permits (delegated official)

### *Gemeenschap/Communauté*

One of two types of constituting elements of the Belgian federal system, responsible mainly for person-related and language-related matters. There are three communities: the Flemish Community, the French Community and the German-speaking Community

*Gemeente/commune*

Smallest political-administrative unit in Belgium. Each of the 589 municipalities in Belgium has a municipal council and a council of mayor and aldermen

*Gemeentelijk bouwverordening/règlement communal d'urbanisme*

A list of provisions concerning the aesthetic appearance of buildings, its construction, safety, etc. passed by the municipal authorities (municipal building regulation)

*Gemeentelijk ontwikkelingsplan/plan communal de développement*

Structure plan, used in the Brussels Capital Region, covering the whole municipal territory

*Gemeentelijke commissie van advies*

Municipal advisory committee in the Flemish Region with an advisory role in the design of municipal destination plans and is entitled to comment or advice on spatial matters at its own discretion

*Gemeenteraad/conseil communal*

Elected deliberating body of a municipality

*Gewest/Région*

One of two types of constituting elements of the federal Belgium, with mainly economic and spatial-related competences. There are three Regions: the Flemish Region, the Walloon Region and the Brussels Capital Region

*Gewest/secteur*

A planning entity situated between the territory of a municipality and a province. It does not represent a political-administrative entity

*Gewestelijk ontwikkelingsplan/plan régional de développement*

Structure plan covering the whole of the Brussels Capital Region – adopted in 1995 (Brussels regional development plan)

*Gewestelijk structuurplan/plan régional*

Structure plan that covers the whole Region

*Gewestelijke ontwikkelingscommissie/commission régionale de développement régional*

Advisory Commission in the Brussels Capital Region which has an advisory function in the development of the regional plans and regional building regulations and in the design of the municipal destination plans. The Advisory Commission has comparable functions to those of the Flemish and Walloon regional advisory commissions

*Gewestplan/plan de secteur*

Zoning plan of a sub-region containing the current situation and the intended destinations (sub-regional plan)

*Goede ruimtelijke ordening/bon aménagement des lieux*

Planning considerations which keep in mind the future development of an area and take into account reasonable considerations about the future situation. The concept is not exhaustively defined in legislation but is being explained in judgments of the State Council (good spatial planning)

*Herstel in de vorige staat/remise dans leur état initial*

Reparation of the building or parcel as it was before the offence

*Herstelmaatregelen/mesures de réparation*

Corrective measures



Industrial area  
Area intended for the location of industrial and (handi-)craft activities

*Intercommunale/intercommunale*  
Cooperative structure between two or more municipalities or between two or more municipalities and one or more private organisations (inter-municipal cooperation)

Judicial appeal  
Appeal with a civil court (when a civil right has been violated)

*Klassering/classement*  
Form of protection for monuments, landscapes, architectural sites (and archaeological sites in the Walloon Region) used in the Walloon Region and Brussels Capital Region

*Koninklijk besluit/arrêté royal*  
Implementation of an Act issued by the King and the federal ministers (Royal Decree)

*Kortgeding/voie de référé*  
Application for a temporary injunction

Linguistic area  
Zone where a specific language is used for all government and administrative actions. There are four linguistic areas in Belgium: the Dutch-speaking area, the French-speaking area, the German-speaking area and bilingual Brussels Capital. In some municipalities special rules apply

Listed monument  
Monument which is protected

*Meerwaarde/plus-value*  
A sum of money equalling the added value of the parcel or the building gained through a change of destination resulting from a land-use plan or through an offence

*Milieu-effectenrapport/étude d'incidences sur l'environnement*  
Environment impact assessment

*Milieuvergunning/permis d'environnement*  
Environment permit which is required for enterprises and large private or public developments which could have a negative impact on the environment

*Ministerieel besluit/arrêté ministériel*  
Implementation of a royal decree issued by a federal minister or the implementation of a decision of the regional government issued by a regional minister or the implementation of a decision of a Community government issued by a Community minister (ministerial decision)

*Ontheigeningsplan/plan d'expropriation*  
Plan allowing the government to expropriate (compulsory purchase) private property in order to realise the destinations defined in a destination plan (expropriation plan)

*Ordonnantie/ordonnance*  
Legislation adopted by the council of the Brussels Capital Region (ordinance)

*Overlegcommissie/commission de concertation*  
Municipal advisory committee in the Brussels Capital Region with an advisory role in the design of municipal destination plans and is entitled to comment or advise on spatial matters at its own discretion

*Plan particulier d'aménagement*

Sub-municipal land-use plan, used in the Walloon Region, covering part of the municipality and describing the allowed and planned destinations (particular destination plan)

*Plan Régional d'Aménagement du Territoire Wallon (PRATW)*

Former Walloon regional structure plan, replaced by the *Schéma de Développement de l'Espace Régional (SDER)*

*Plan régional*

Plan covering a planning region

*Plan van aanleg/plan d'aménagement*

Land-use plan or zoning plan which is legally binding and regulating

*Politiek dienstbetoen/bons offices politiciens*

The rendering of services by politicians to their voters

*Provincie/province*

Intermediate political-government level in Belgium, located between the municipal (local) level and the central level (federation, Region or Community). Since 1995 there have been 10 provinces in Belgium, five in Flanders and five in Wallonia. Brussels Capital does not form part of a province

*Provincieraad/conseil provincial*

Elected deliberating body of a province (provincial council)

*Raad van State/Conseil d'Etat*

Court with two main functions, as reflected in its two departments. The administration department of the State Council is the highest administrative court in Belgium judging on the legality/constitutionality of executive acts of government, such as a royal decree or building permit decisions of the Minister. The legislation department of the State Council has to be consulted on the constitutionality of pending legislation

*Rechtbanken van eerste aanleg/tribunaux de première instance*

Courts of First Instance

*Recreation area*

Area intended for recreative or tourist infrastructure and related activities (including residences)

*Région Wallonne*

Region covering the provinces Liège, Namur, Hainaut, Luxembourg and Walloon Brabant (Brabant Wallon) (Walloon Region)

*Regional level*

Administrative-political government level of the Region

*Regionale commissie van advies*

Regional advisory commission in each of the five Flemish *streken* (planning region currently covering a province) which has an advisory role in the review of sub-regional plans and can be consulted by the regional government on all spatial planning and spatial development matters. There are five such regional advisory commissions, one for each of the five planning regions.

*Residential area*

Area intended for living and some activities such as trade, services, craftwork and small companies related to the residence activity but which form no burden to it

*Rooilijnplan/plan d'alignement*

Alignment plan: plan defining the borders between the public domain, belonging to the public road network, and private property (alignment plan)

*Ruimtelijk structuurplan Vlaanderen*

Plan covering whole Flemish Region (*ruimtelijk structuurplan Vlaanderen*)

Rural area

Area intended for agriculture in its broad meanings

*Schéma de Développement de l'Espace Régional (SDER)*

Structure plan (under preparation) covering whole Walloon Region which is intended to guide all future decisions with spatial implications. The plan type replaced the *Plan Régional d'Aménagement du Territoire Wallon (PRATW)*

*Schéma de structure communal*

Structure plan, used in the Walloon Region, covering whole of the municipal territory (municipal structure plan)

*Schéma-directeur*

Structure plan, used in the Walloon Region, covering part of the municipal territory (sub-municipal guiding structure plan)

Service area

Area intended for the location of companies or institutions, such as major distributors, that offers services which reach further than the immediate neighbourhood

Situation drawing

A drawing containing the course of public access roads, significant elements of the approved sub-municipal land-use plan or parcelling plan, a list of the owners of adjacent buildings and the definition of the location of the parcel *vis-à-vis* the surrounding buildings

Special purpose area

Area which can cover military domains, exploitation zones or public-use facilities

*Speciale regelen van openbaarmaking/mesures particulières de publicité*

Procedure in the Walloon and Brussels Capital Region implying information of the public in some cases of permit or town planning certificate application (for example a public inquiry if the delegated official wants to deviate from regulations or provisions of destination plans)

*Stedebouwkundig attest/certificat d'urbanisme*

Town planning certificate in which the local government confirms that a potential development is or is not in line with plan regulations

*Stedebouwkundig college/collège d'urbanisme*

Council in the Brussels Capital Region which deals with the appeals against permit-related decisions of the municipal council of mayor and aldermen or against the permit-related decisions of the delegated official. In the Flemish and Walloon Region this function is performed by the permanent deputation (town planning committee)

*Stedebouwkundige lasten/charges d'urbanisme*

Special spatial planning charges that will be required in the Brussels Capital Region. Some development projects (e.g. construction of large offices which deviate from the regional plans) will have to pay a financial contribution or alternatively perform a service in return to the society, such as building low-budget houses in the Brussels Capital Region

*Stedebouwkundige vergunning/permis d'urbanisme*

Term used in the Brussels Capital Region to refer to the different building permits

*Streek/région*

Planning unit (planning region) as defined in the 1962 Spatial Planning Act. There are five planning regions in Flanders, currently corresponding with the five Flemish provinces. No plans for the planning region have been adopted. The planning region will be abolished in the (pending) revision of the Flemish spatial planning legislation

*Streekplan/plan de région*

Plan covering a *streek/région* (planning region)

*Structure planning*

A comprehensive, continuous, cyclic, participation-oriented and action-oriented planning process

*Structuurplan/plan de structure*

Document that on a certain level (Region, province, municipality) expresses the spatial vision. The plan consists of priorities, structural framework and a programme of actions to be taken

*Usufruct*

The right of enjoying the use and advantages of another's property provided it is not destructed nor its substance is wasted

*Vergunning/permis*

The basic instrument of regulation granting the right to develop or change the use of land following an application to the local authority

*Verkavelingsvergunning/permis de lotir*

Permit required when an owner wants to divide a plot into several parcels with the intention to sell these or give them on long lease

*Vlaams Gewest*

One of the three Belgian Regions, covering the provinces West-Vlaanderen, Oost-Vlaanderen, Limburg, Antwerpen and Vlaams Brabant (Flemish Region)

*Vlaamse Gemeenschap*

One of three Communities (Flemish Community) responsible for the Dutch linguistic area and the Dutch-speaking monolingual institutions in Brussels Capital

*Vrijwaringszone/zone de protection*

Preservation zone around a listed monument, landscape or site

*Wet/loi*

Legislation issues by the federal parliament (Act)

*Zone d'espace vert*

Area destined for nature conservation

*Zone d'intérêt paysages*

Area which by a plan is recognised to represent an interest for the landscape

*Zoning*

Land-use technique where the exact use of the whole territory is determined by indicating precisely, on the basis of a series of coloured areas on a map, the activities restricted to every square metre of land

## Appendix II — Acronyms and abbreviations

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AATL	<i>Administration de l'Aménagement du Territoire et du Logement</i> (Brussels Capital Region - also BROH)
APA	<i>Algemeen Plan van Aanleg</i> (municipal destination plan)
AMINAL	<i>Administratie Milieu, Natuur en Landinrichting</i> (Flemish Region)
AROHM	<i>Administratie voor Ruimtelijke Ordening, Huisvesting en Monumenten en Landschappen</i> (Flemish Region)
Art.	Article
ASPH	Regional Administration of Spatial Planning and Housing (see AROHM; DGATLP; BROH/AATL)
BGESR	<i>Brusselse Gewestelijke Economische en Sociale Raad</i> (Socio-Economic Council of the Brussels Capital Region) (RSEC) - also CESRB
BIM	<i>Brussels Instituut voor het Milieubeheer</i> (Brussels Institute for Environment Management)
BROH	<i>Bestuur Ruimtelijke Ordening en Huisvesting</i> (Brussels Capital Region - also AATL)
CAP	common agricultural policy
CCAT	<i>Commission Consultative Communale d'Aménagement du Territoire</i> (Municipal Advisory Committee in Walloon Region)
CESRB	<i>Conseil Economique et Social de la Région de Bruxelles-Capitale</i> (Socio-Economic Council of the Brussels Capital Region - RSEC) - also BGESR
CESRW	<i>Conseil Economique et Social de la Région Wallonne</i> (Socio-Economic Council of the Walloon Region - RSEC)
CGT	<i>Commissariat Général au Tourisme</i> (Commissionership General for Tourism)
CMA	Council of Mayor and Aldermen ( <i>College van Burgemeester en Schepenen/ Collège de Bourgmestre et Echevins</i> )
COCOF	<i>Commission Communautaire Française</i> (French Community Commission in Brussels)
Const.	Belgian Constitution

<i>CRAT</i>	<i>Commission Régionale d'Aménagement du Territoire</i> (Regional Advisory Commission)
<i>CRD</i>	<i>Commission Régionale de Développement</i> (Brussels Capital Region)
<i>CRICNA</i>	<i>Centre de Recherche et d'Information sur la Conservation de la Nature</i> (Walloon Region)
<i>CRMSF</i>	<i>Commission Royal des Monuments, Sites et Fouilles</i> (Walloon Region)
<i>CSWCN</i>	<i>Conseil Supérieur Wallon de la Conservation de la Nature</i> (Walloon Region)
<i>CWATUP</i>	<i>Code Wallon de l'Aménagement du Territoire , de l'Urbanisme et du Patrimoine</i>
<i>CWE</i>	<i>Conseil Wallon de l'Environnement pour le développement durable</i> (Walloon Region)
<i>AATL</i>	<i>Administration de l'Aménagement du Territoire et du Logement</i> (Brussels Capital Region)
<i>DDE</i>	<i>Directions Départementale de l'Équipement</i> (France)
<i>DG</i>	Directorate-General
<i>DGATLP</i>	<i>Direction Générale de L'Aménagement du Territoire, du Logement et du Patrimoine</i> (Walloon Region)
<i>DGRNE</i>	<i>Direction Générale des Ressources Naturelles et de l'Environnement</i> (Walloon Region)
<i>DO</i>	delegated official
<i>DOLSO</i>	<i>Dienst Ontwikkeling Linker Scheldeoever</i> (Development service of the Left Scheldt Bank)
e.g.	for example
<i>ECU</i>	European currency unit
ed.	editor
<i>EIA</i>	environment impact assessment
<i>EIB</i>	European Investment Bank
<i>EIR</i>	Environment Impact Report
<i>ERDF</i>	European Regional Development Fund
<i>ESF</i>	European Social Fund
<i>et al.</i>	and others
etc.	etcetera
<i>EU</i>	European Union
<i>FCGT</i>	<i>Vlaams Commissariaat-generaal voor Toerisme</i> (Flemish Commissionership General for Tourism)
<i>FRG</i>	Federal Republic of Germany
<i>FRW</i>	<i>Fondation Rurale de Wallonie</i>

<i>GewOP</i>	<i>Gewestelijke Ontwikkelingsplan</i> (Regional Development Plan Brussels Capital Region – also <i>PRD</i> )
<i>GIMB</i>	<i>Gewestelijke Investeringsmaatschappij voor Brussel</i> (Regional Investment Corporation of Brussels) (RIC) - also <i>SRIB</i>
<i>GIMV</i>	<i>Gewestelijke Investeringsmaatschappij voor Vlaanderen</i> (Regional Investment Corporation of Flanders) (RIC)
GIS	geographic information system
<i>GOC</i>	<i>Gewestelijke Ontwikkelingscommissie</i> (Brussels Capital Region) – also <i>CRD</i>
<i>GOMB</i>	<i>Gewestelijke Ontwikkelingsmaatschappij Brussel</i> (Regional Development Corporation Brussels Capital Region)
HST	high speed train
<i>IBGE</i>	<i>Institut Bruxellois de Gestion de l'Environnement</i> (Brussels Capital Region) – also <i>BIM</i>
i.e.	that is
<i>INB</i>	<i>Instituut voor Natuurbehoud</i> (Flemish Region)
Interreg	inter-regional cross-border cooperation programme
<i>IMALSO</i>	<i>Intercommunale Maatschappij van de Linker-Scheldeoever</i> (Interurban Cooperation of the Scheldt Left Bank)
<i>INB</i>	<i>Instituut voor Natuurbehoud</i> (Institute for Nature Conservation)
<i>ISSeP</i>	<i>Institut Scientifique de Science Publique</i> (Walloon Region)
<i>KCML</i>	<i>Koninklijke Commissie voor Monumenten en Landschappen</i> (Flemish Region)
km	kilometre
M'75	1975 European Architectural Heritage Year
MAC	Municipal Advisory Commission (Flemish and Walloon Region)
MCC	Municipal Consultation Commission (Brussels Capital Region) – similar to MCC
<i>MET</i>	<i>Ministère Wallon de l'Équipement et des Transports</i>
<i>MHAL</i>	Maastricht/Heerlen - Hasselt/Genk - Aachen - Liège crossborder cooperation project
<i>MiNa</i>	<i>Milieu-en Natuurraad van Vlaanderen</i> (Environment-Nature Council of Flanders)
mio	million
<i>Mon.</i>	<i>Moniteur Belge</i> (official gazette)
N/A	not applicable
NATO	North Atlantic Treaty Organisation

NIC	newly industrialised country
NMBS	<i>Nationale Maatschappij van de Belgische Spoorwegen</i> (National Belgian Railway Corporation) – also <i>SNCB</i>
OPT	<i>Office de Promotion du Tourisme</i> – see also <i>CGT</i>
ORWD	<i>Office Régional Wallon des Déchets</i> (Walloon Regional Waste Corporation)
OVAM	<i>Openbare Afvalstoffenmaatschappij voor het Vlaamse Gewest</i> (Public Waste Corporation of the Flemish Region)
OWDR	<i>Office Wallon de Développement Rural</i>
par.	paragraph
PBKAL	Paris - Brussels - Köln - Amsterdam - London
PCML	Provincial Commission of Monuments and Landscapes
PD	Permanent deputation ( <i>Permanente Deputatie/Deputation permanente</i> )
PDP	Particular Destination Plan
PEDD	<i>Plan d'Environnement pour le Développement Durable</i> (Walloon Region)
PK	passenger kilometre
PMT	<i>Plan de Mobilité et de Transport</i> (Walloon Region)
PRATW	<i>Plan Régional d'Aménagement du Territoire Wallon</i> (Walloon Regional Structure Plan) – now <i>Schéma de Développement de l'Espace Régional</i>
PRD	<i>Plan Régional de Développement de la Région de Bruxelles Capitale</i> (Regional Development Plan Brussels Capital Region – also <i>GewOP</i> )
RAC	regional advisory committee
RAVeL	<i>Réseau Autonome des Voies Lentes</i> (Walloon Region)
RCML	Royal Commission of Monuments and Landscapes/ <i>Commission Royale des Monuments, Sites et Fouilles</i> ( <i>Koninklijke Commissie voor Monumenten en Landschappen</i> )
RDC	Regional Development Commission ( <i>Gewestelijke Ontwikkelingscommissie/Commission régionale de développement</i> ) – Brussels Capital Region only
RDC	Regional Development Corporation/ <i>Société de Développement Régional</i> ( <i>Gewestelijke Ontwikkelingsmaatschappij</i> )
Rechar	programme for the economic conversion of coal mining areas
RHC	Regional Housing Corporation
RIC	Regional Investment Corporation
RLC	Regional Land Corporation



RSEC	Regional Socio-Economic Council
RSV	<i>Ruimtelijk Structuurplan Vlaanderen</i> (Flemish Region)
SDER	<i>Schéma de Développement de l'Espace Régional</i>
SDRB	<i>Société de Développement Régional de Bruxelles</i> (Regional Development Corporation Brussels Capital Region)
SDRW	Walloon regional development corporation
SEM	single European market
SERV	<i>Sociaal-Economische Raad van Vlaanderen</i> (Socio-Economic Council of Flanders – RSEC)
SIWAT	<i>Syndicat des intercommunales Wallonnes d'Aménagement du Territoire</i>
SME	small and medium-sized enterprise
SNCB	<i>Société Nationale des Chemins de fer Belges</i> (National Belgian Railway Corporation)
SPAQUE	<i>Société Publique d'Aide à la Qualité de l'Environnement</i>
SPLASCH	<i>Strategisch Plan voor de Scheepvaartwegen</i> (Strategic plan for the inland shipping routes – Flemish Region)
sq.	square
SRIB	<i>Société Régionale d'Investissement pour Bruxelles</i> (Regional Investment Corporation of Brussels – RIC) – see also GIMB
SRIW	<i>Société Régionale d'Investissement de Wallonie</i> (Regional Investment Corporation of the Walloon Region)
SRWL	<i>Société Régionale Wallonne du Logement</i> (Walloon Region)
STAR	special telecommunications action for regional development
SWDE	<i>Société Wallonne de Distribution d'eau</i> (Walloon Region)
TEN	trans-European network
VAT	value added tax
VCGT	<i>Vlaams Commissariaat-Generaal voor Toerisme</i> (Flemish Commission-General for Tourism) – renamed to <i>Toerisme Vlaanderen</i>
VHRN	<i>Vlaamse Hoge Raad voor Natuurbehoud</i> (Flemish High Council on Nature Conservation)
VlaRoCo	<i>Vlaamse Ruimtelijke Ordenings Commissie</i> (Flemish Region)
UN	United Nations
ZIP	<i>Zones d'Initiative Privilegiées</i> (Walloon Region)



## Appendix III — Addresses

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### 3.1. Federal level

Ministerie van Volksgezondheid en Leefmilieu/  
Ministère de la Santé Publique et de l'Environnement  
(Department of Public Health and Environment)  
Rijksadministratief Centrum/Cité Administrative Etat, Esplanadegebouw/Bâtiment Esplanade,  
B-1010 Brussels  
Tel. (32-2) 210 45 11  
Fax (32-2) 218 67 46 (international relations)

Ministerie van Landbouw/Ministère de l'Agriculture  
(Department of Agriculture)  
Maria-Theresiastraat 1/Rue Marie-Thérèse, B-1040 Brussels  
Tel. (32-2) 211 06 11  
Fax (32-2) 219 61 30

Ministerie van Verkeer en Infrastructuur/  
Ministère des Communications et de l'Infrastructure  
(Department of Traffic and Infrastructure)  
Aarlenstraat 104/Rue d'Arlon, B-1040 Brussels  
Tel. (32-2) 233 12 11  
Fax (32-2) 231 18 33

Arbitragehof/Cour d'Arbitrage  
(Court of Arbitration)  
Koningsplein/Place Royale 7, B-1000 Brussels  
Tel. (32-2) 500 12 11

Raad van State/Conseil d'Etat  
(State Council)  
Wetenschapsstraat/Rue de la Science 33, B-1040 Brussels  
Tel. (32-2) 234 96 11  
Fax (32-2) 230 68 41

### 3.2. Regional government

#### *Flemish Region*

Vlaams Parlement  
(Flemish Council/Parliament)

Leuvenseweg 27 - B-1011 Brussels  
Tel. (32-2) 522 11 11  
Fax (32-2) 522 11 22  
(Postal address: Vlaams Parlement, B-1011 Brussels)

Administratie Ruimtelijke Ordening en Huisvesting – AROHM  
(Administration Spatial Planning and Housing – ASPH)  
Graaf de Ferrarisgebouw, E. Jacqueminaan 156, Bus 7, B-1000 Brussels  
Tel. (32-2) 553 83 11  
Fax (32-2) 553 83 05

Administratie Milieu, Natuur en Landinrichting  
(Administration Environment, Nature and Land Lay-out)  
Belliardstraat 14-18, B-1040 Brussels  
Tel. (32-2) 507 31 11  
Fax (32-2) 507 67 05

Administratie Wegeninfrastructuur en Verkeer  
(Administration Road Infrastructure and Traffic)  
WTC-Toren 3, Simon Bolivarlaan 30, B-1210 Brussels  
Tel. (32-2) 212 48 13  
Fax (32-2) 212 48 15

#### *Walloon Region*

Conseil régional wallon  
(Council of the Walloon Region)  
Rue Saint-Nicolas 24, B-5000 Namur  
Tel. (32-81) 23 10 36  
Fax (32-81) 23 12 20

Direction générale de l'Aménagement du Territoire, du Logement et du Patrimoine  
(Administration Spatial Planning, Housing and Heritage – ASPHH)  
Rue de Brigades d'Irlande 1, B-5100 Jambes (Namur)  
Tel. (32-81) 33 21 11  
Fax (32-81) 33 21 10

Direction générale des Ressources naturelles et de l'Environnement  
(Administration Natural Resources and Environment)  
Avenue Prince de Liège 15, B-5100 Namur  
Tel. (32-81) 32 12 11  
Fax (32-81) 32 59 84

Ministère Wallon de l'Équipement et des Transport – MET  
(Administration for Transport and Infrastructure)  
Rue du Commerce 42, B-1040 Bruxelles  
Tel. (32-2) 504 95 93  
Fax (32-2) 511 35 39  
Avenue Reine Astrid 9, B-5000 Namur  
Tel. (32-81) 72 77 93  
Fax (32-81) 72 77 39

Ministerium der Deutschsprachigen Gemeinschaft  
(Ministry of the German-speaking Community)  
Gospertstraße 1-5  
B-4700 Eupen  
Tel. (32-87) 74 45 39

### *Brussels Capital Region*

Brusselse Hoofdstedelijke Raad/Conseil de la Région de Bruxelles Capitale  
(Council of the Brussels Capital Region)  
Sterrenkundelaan/Avenue de l'Astronomie 21, B-1030 Brussels  
Tel. (32-2) 220 57 11  
Fax (32-2) 219 45 07

Dienst Stedebouw en Ruimtelijke Ordening /  
Administration de l'Aménagement du Territoire et du Logement  
(Administration of Spatial Planning Service of the Brussels Capital Region)  
CCN Building, Vooruitgangsstraat/Rue de Progrès 80 B-1030 Brussels  
Tel. (32-2) 518 17 11  
Fax (32-2) 230 88 15

### **3.3. Regional agencies/organisations**

#### *Flemish Region*

Gewestelijke Ontwikkelingsmaatschappij – GOM  
(Regional Development Corporation – RDC)

GOM Antwerpen            Lange Lozanastraat 223, B-2018 Antwerpen  
Tel. (32-3) 240 68 00  
Fax (32-3) 240 68 68

GOM East Flanders        Seminariestraat 2, B-9000 Gent  
Tel. (32-9) 267 86 30  
Fax (32-9) 267 86 96

GOM Flemish Brabant    Toekomststraat 36-38, B-1800 Vilvoorde  
Tel. (32-2) 251 51 71  
Fax (32-2) 252 45 94

GOM Limburg             Kunstlaan 18, B-3500 Hasselt  
Tel. (32-11) 22 29 64  
Fax (32-11) 22 17 06

GOM West Flanders        Baron Ruzettelaan 33, B-8310 Assebroek (Brugge)  
Tel. (32-50) 35 81 31  
Fax. (32-50) 36 31 86

Gewestelijke Investeringsmaatschappij voor Vlaanderen – GIMV  
(Regional Investment Corporation of Flanders – RIC)  
Karel Oomsstraat 37 – A7, B-2018 Antwerpen  
Tel. (32-3) 248 23 21  
Fax (32-3) 238 41 93

Sociaal-Economische Raad van Vlaanderen – SERV  
(Socio-Economic Council of Flanders – RSEC)  
Jozef II-straat 12-16, B-1040 Brussel  
Tel. (32-2) 217 07 45  
Fax (32-2) 217 70 08

Toerisme Vlaanderen  
(formerly: Vlaams Commissariaat-Generaal voor Toerisme – VCGT)  
(formerly: Commissionership General for Tourism – CGT)  
Grasmarkt 61, B-1000 Brussels  
Tel. (32-2) 504 03 00  
Fax (32-2) 513 88 03

Koninklijke Commissie voor Monumenten en Landschappen  
(Royal Commission of Monuments and Landscapes – RCML)  
Administratie Ruimtelijke Ordening en Huisvesting  
Zandstraat 3, B-1000 Brussels  
Tel. (32-2) 209 27 41

Milieu- en Natuurraad van Vlaanderen – MiNa-Raad  
(Environment-Nature Council of Flanders)  
Sterrekundelaan, 30/6th floor, B-1030 Brussels  
Tel. (32-2) 219 96 40

Vlaamse Hoge Raad voor Natuurbehoud – VHRN  
(Flemish High Council on Nature Conservation)  
Belliardstraat 14-18, B-1040 Brussels  
Tel. (32-2) 507 30 61  
Fax (32-2) 507 67 05

Vlaamse Huisvestingsmaatschappij  
(Flemish Housing Corporation – RHC)  
Breydelstraat 12, B-1040 Brussels  
Tel. (32-2) 230 51 25  
Fax (32-2) 230 61 79

Vlaamse Landmaatschappij  
(Flemish Land Corporation – RLC)  
Gulden Vlieslaan 72, B-1060 Brussels  
Tel. (32-2) 538 81 60  
Fax (32-2) 538 84 26

Instituut voor Bosbouw en Wildbeheer  
(Institute for Forestry and Wildlife Management)  
Gaverstraat 4, B-9500 Geraardsbergen  
Tel. (32-54) 41 87 97  
Fax (32-54) 41 08 96

Vlaamse Milieumaatschappij  
(Flemish Environment Corporation)  
Alfons Van de Maelestraat 96, B-9320 Erembodegem (Aalst)  
Tel. (32-53) 78 61 29  
Fax (32-53) 77 71 68

Openbare Afvalstoffenmaatschappij voor het Vlaamse Gewest – OVAM  
(Public Waste Corporation of the Flemish Region)  
Kan. De Deckerstraat 22/26, B-2800 Mechelen  
Tel. (32-15) 20 83 20  
Fax (32-15) 20 32 75

Vlaamse Maatschappij voor Watervoorziening  
(Flemish Corporation for Water Supply)

Trierstraat 21, B-1040 Brussels  
Tel. (32-2) 238 94 11  
Fax (32-2) 230 97 98

Development Service Left Scheldt Bank  
(Dienst Ontwikkeling Linker Scheldeoever – DOLSO)  
Kazernestraat 9, B-9100 Sint-Niklaas  
Tel. (32-3) 776 65 99  
Fax (32-3) 776 74 13

#### *Walloon Region*

Société Regionale d'Investissement de Wallonie – SRIW  
(Regional Investment Corporation of Wallony – RIC)  
Avenue M. Destenay 13, B-4000 Liège  
Tel. (32-42) 21 95 11  
Fax (32-42) 24 99 99

Conseil Economique et Social de la Région Wallonne – CESRW  
(Socio-Economic Council of Wallonia – RSEC)  
Rue de Vertbois 13c, B-4000 Liège  
Tel. (32-42) 32 98 11  
Fax (32-42) 32 98 10

Commission Régionale d'Aménagement du Territoire – CRAT  
Rue de Vertbois 13c, B-4000 Liège  
Tel. (32-42) 32 98 11  
Fax (32-42) 32 98 10

Conseil Wallon de l'Environnement pour le développement durable- CWE  
Rue de Vertbois 13c, B-4000 Liège  
Tel. (32-42) 32 98 11  
Fax (32-42) 32 98 10

Conseil Supérieur Wallon de la Conservation de la Nature – CSWCN  
Rue de Vertbois 13c, B-4000 Liège  
Tel. (32-42) 32 98 11  
Fax (32-42) 32 98 10

Commissariat Général au Tourisme – CGT  
(Commissionership General for Tourism – CGT)  
Place de la Wallonie 1, Bâtiment 3, B-5100 Jambes (Namur)  
Tel. (32-81) 33 40 00

Centre de Recherche et d'Information sur la Conservation de la Nature – CRICNA  
Rue des Préaux 10, B-7321 Harchies  
Tel. (32-69) 57 87 84

Commission Royale des Monuments, Sites et Fouilles de la Région wallonne – CRMSF  
(Royal Commission of Monuments, Landscapes and Archaeology – RCML)  
Rue du Vertbois 13c, B-4000 Liège  
Tel. (32-4) 233 98 11  
Fax (32-4) 232 98 10

Société Régionale Wallonne du Logement – SRWL  
(Walloon Housing Corporation – RHC)

Avenue des Aillies 2, B-6000 Charleroi  
Tel. (32-71) 20 02 11  
Fax (32-71) 30 27 75

Société Wallonne de Distribution d'eau – SWDE  
Rue de la Concorde 41, B-4800 Verviers  
Tel. (32-87) 34 28 11  
Fax (32-87) 34 28 00

Office Wallon de Développement Rural – OWDR  
Rue Fleurie 2, B-6800 Libramont  
Tel. (32-61) 23 22 68  
Fax (32-61) 23 22 60

Société Publique d'Aide à la Qualité de l'Environnement – SPAQUE  
(Public Corporation for Enhancement of Environmental Quality)  
Avenue M. Destenay 13, B-4000 Liège  
Tel. (32-41) 21 98 11  
Fax (32-41) 21 99 99

Office Régional Wallon des Déchets – ORWD  
(Walloon Region Waste Corporation)  
Promibra II  
Avenue Prince de Liège 15, B-5100 Namur  
Tel. (32-81) 32 58 51  
Fax (32-81) 32 57 75

Office de la Navigation  
Rue Canal de l'Ourthe 9, B-4031 Angleur  
Tel. (32-41) 67 70 48  
Fax (32-41) 67 71 61

Fondation Rurale de Wallonie – FRW  
Rue des Déportés 140, B-6700 Arlon  
Tel. (32-63) 22 03 78  
Fax (32-63) 21 92 54

*Brussels Capital Region*

Gewestelijke Ontwikkelingsmaatschappij Brussel – GOMB /  
Société de Développement Régional de Bruxelles – SDRB  
(Regional Development Corporation Brussels – RDC)  
Gabrielle Petitstraat/Rue Gabrielle Petit 6, B-1210 Brussels  
Tel. (32-2) 422 51 11  
Fax (32-2) 422 51 22

Gewestelijke Investeringsmaatschappij voor Brussel – GIMB/Société Régionale  
d'Investissement de Bruxelles – SRIB  
(Regional Investment Corporation of Brussels – RIC)  
De Stassartstraat/Rue de Stassart 32, B-1050 Brussel  
Tel. (32-2) 548 22 11  
Fax (32-2) 511 90 74

Brusselse Gewestelijke Economische en Sociale Raad – BGESR/  
Conseil Economique et Social Régional Bruxellois – CESRB  
(Socio-Economic Council of the Brussels Capital Region – RSEC)



Kiekenmarktstraat/Rue du Marché aux Poulets 7, B-1000 Brussel  
Tel. (32-2) 506 32 11  
Fax (32-2) 502 39 54

Koninklijke Commissie voor Monumenten en Landschappen/Commission Royale  
des Monuments et Sites  
(Royal Commission of Monuments and Landscapes – RCML)  
Ministère de la Région de Bruxelles Capitale  
Koningsstraat/Rue Royale 2, B-1000 Brussels  
Tel. (32-2) 518 17 11  
Fax (32-2) 230 88 15

Brusselse Gewestelijke Huisvestingsmaatschappij /  
Société du Logement de la Région Bruxelloise  
Brussels Housing Corporation (RHC)  
Jourdanstraat/Rue Jordan 45, B-1060 Brussels  
Fax (32-2) 533 19 00

*Interest groups*

Orde van Architecten/Ordre des Architectes  
(Organisation of Architects)  
Livornostraat/Rue de Livourne 160 b2, B-1000 Brussels  
Fax (32-2) 646 38 18

Vlaamse Vereniging van Provincies vzw  
(Flemish Association of Provinces)  
Albertinaplein 2, B-1000 Brussels  
Fax (32-2) 502 46 80

Vereniging van Belgische Steden en Gemeenten/Union des Villes et Communes belges  
(Organisation of Belgian cities and municipalities)  
Aarlenstraat/Rue d'Arlon 53 Box 4, B-1000 Brussels  
Fax (32-2) 231 15 23



## Appendix IV — General sources of further information, references and list of statutes

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### 1. Main legislation

#### *Flemish Region*

*Wet betreffende de ruimtelijke ordening en stedenbouw van 29 Maart 1962* (Mon., 12 April 1962) (1962 Spatial Organisation and Town Planning Act, adapted by several acts and decrees).

*Coördinatie van de wet van 29 maart 1962 houdende organisatie van de ruimtelijke ordening en stedenbouw - Decreet van 4 maart 1997* (Mon., 15 March 1997) (1997 Coordinatinon of the 1962 Spatial Organisation and Town Planning Act).

*Decreet van 24 juli 1996 houdende de ruimtelijke planning* (Mon., 27 July 1996) (1996 Spatial Planning Decree).

#### *Walloon Region*

*Code Wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine de 15 mai 1984* (Mon., 25 May 1984) (Walloon Spatial Planning, Urban Planning and Heritage Code).

*Décret de décentralisation et de participation de 27 Avril 1989* (1989 Walloon Decentralisation Decree).

#### *Brussels Capital Region*

*Officieuze coördinatie van de ordinnantië van 29 augustus 1991 houdende organisatie van de planning en stedenbouw/Coordination officieuse de l'ordonnance du 29 août 1991 organique de la planification et de l'urbanisme* (Mon., 7 August 1991) (Ordinance of 29 August 1991 concerning the semi-official coordination of spatial planning legislation), adapted by the ordinance of 30 July 1992 (Mon., 7 August 1992).

### 2. General sources

#### 2.1. Planning legislation

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#### *Flemish Region*

Denys, Martin, *et al.* (1992, annual updated), *Panorama Codex*, Vanden Broele, Brugge (Panorama of Planning Legislation).

Die Keure (serial, *Ruimtelijke Ordening en Stedenbouw Die Keure*, (Spatial Planning Legislation in the Flemish Region), Brugge.

Van Loghum Slaterus (serial), *Ruimtelijke Planning*, (Spatial Planning Legislation in the Flemish Region), Van Loghum Slaterus, Antwerpen.

Wastiels, F. (serial), *Administrative handleiding van de Ruimtelijke Ordening en de Stedebouw* (Administrative Manual of Spatial Planning), UGA Uitgeverij van de Gemeenteadministratie, Heule.

#### *Walloon Region*

Haumont, F. (serial), *Collection Aménagement du Territoire et Urbanisme* (Collection of legislation on spatial planning in the Walloon Region).

#### *Brussels Capital Region*

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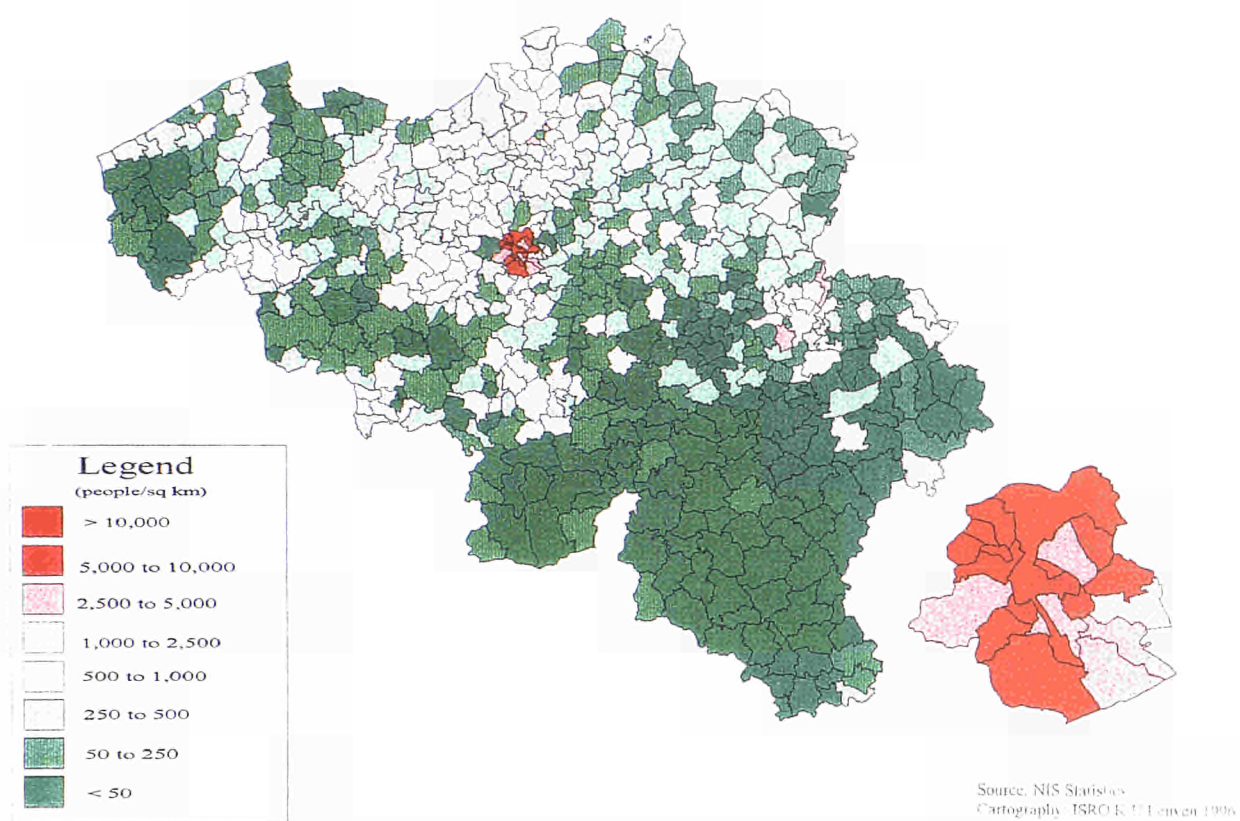


Figure A5 : Map of Population Density in Belgium (1993)

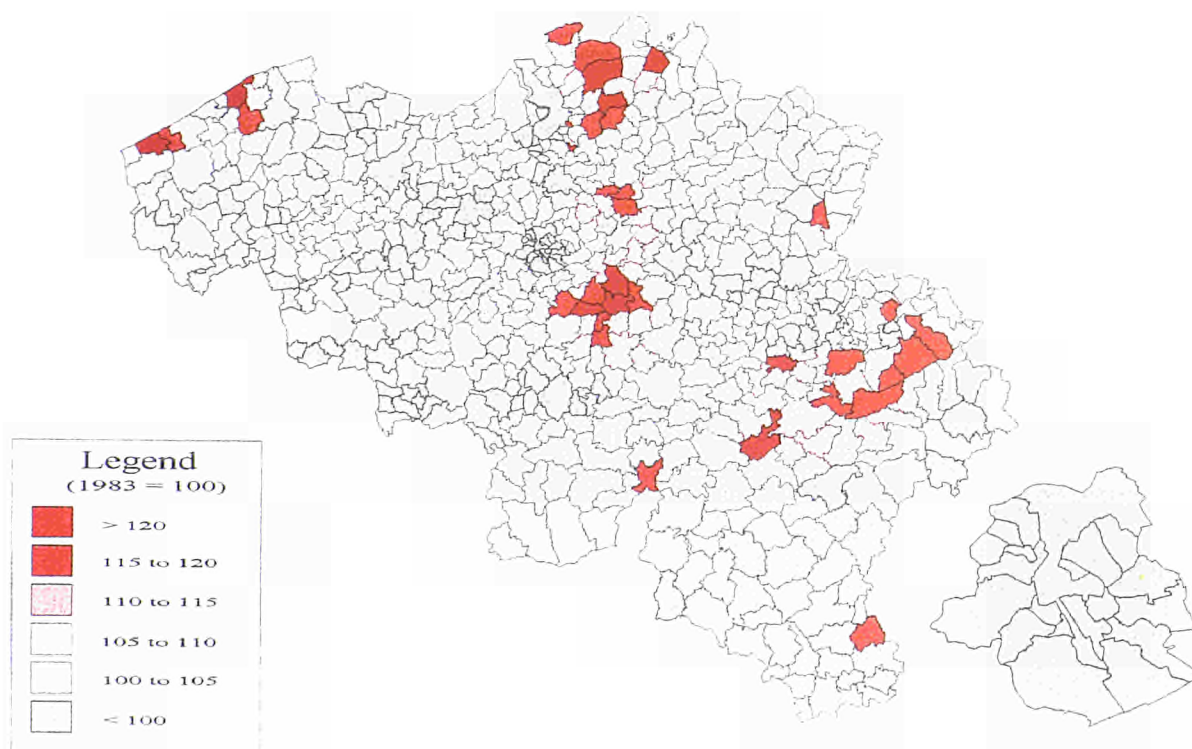


Figure A6 : Map of Evolution Population Density in Belgium (1983-1993)

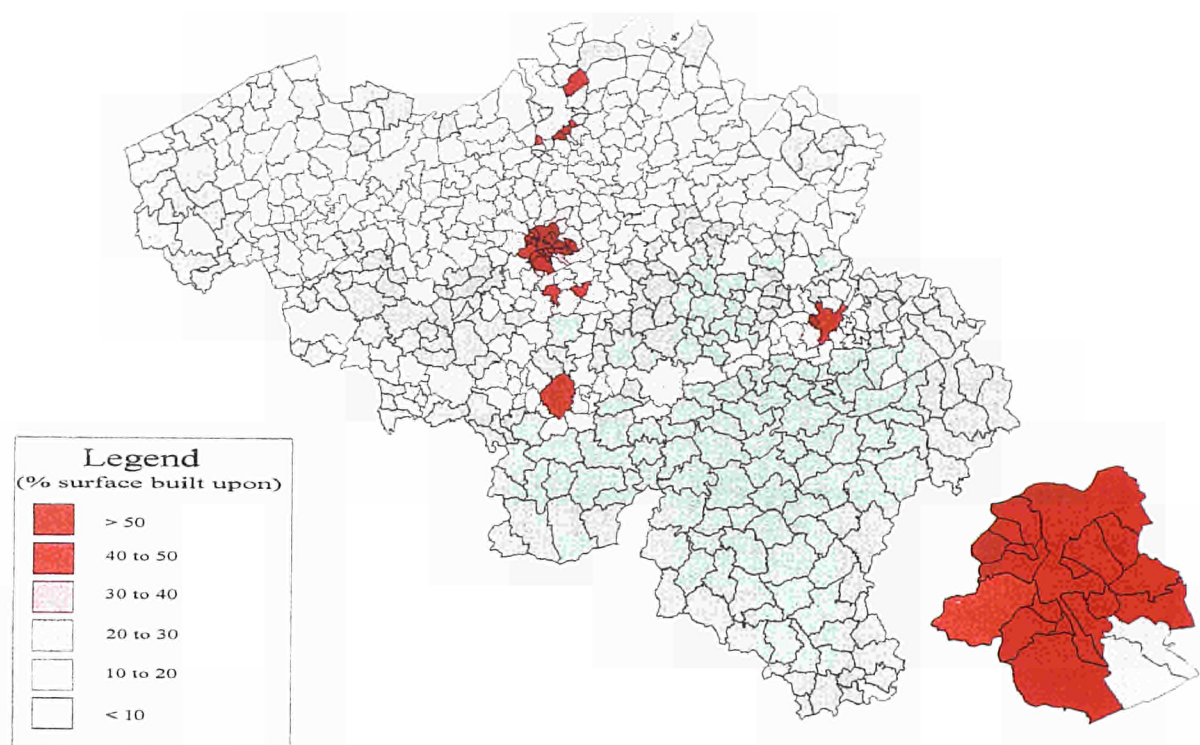


Figure A7 : Map of Built-on Surface in Belgium

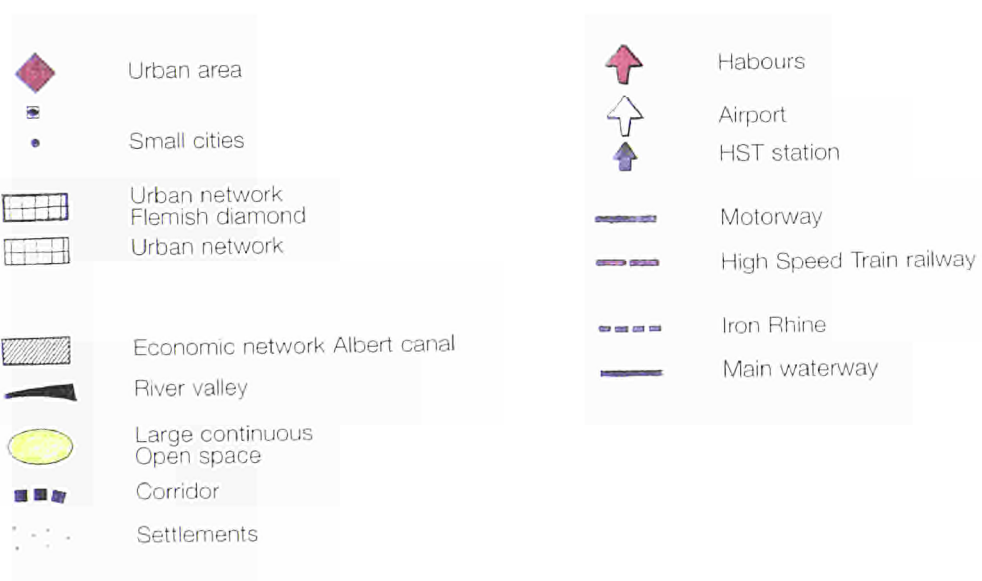
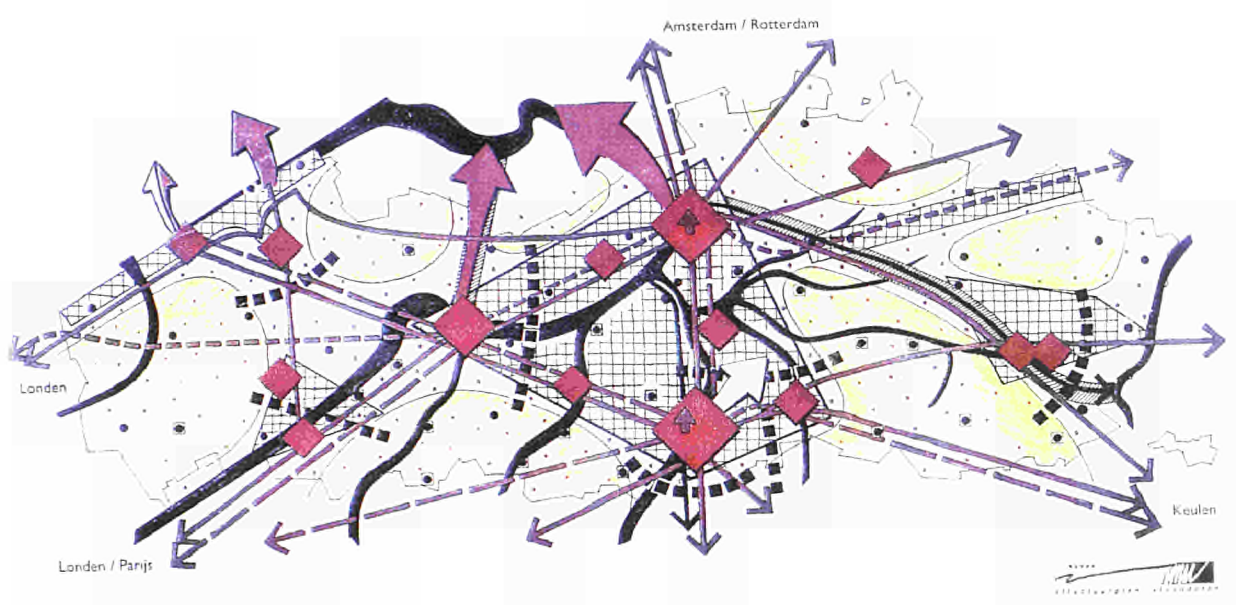


Figure B9 : Structure plan for Flanders

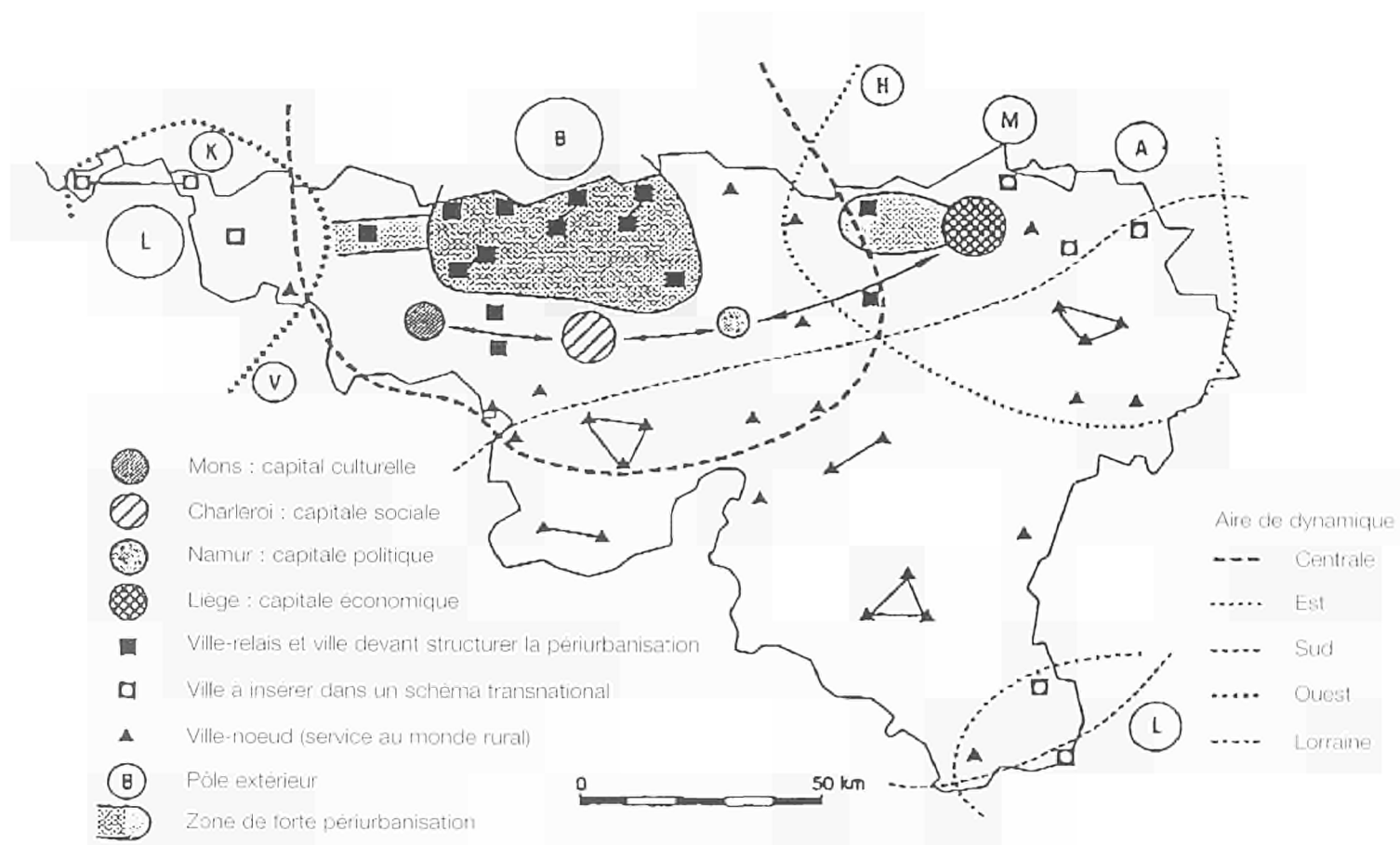
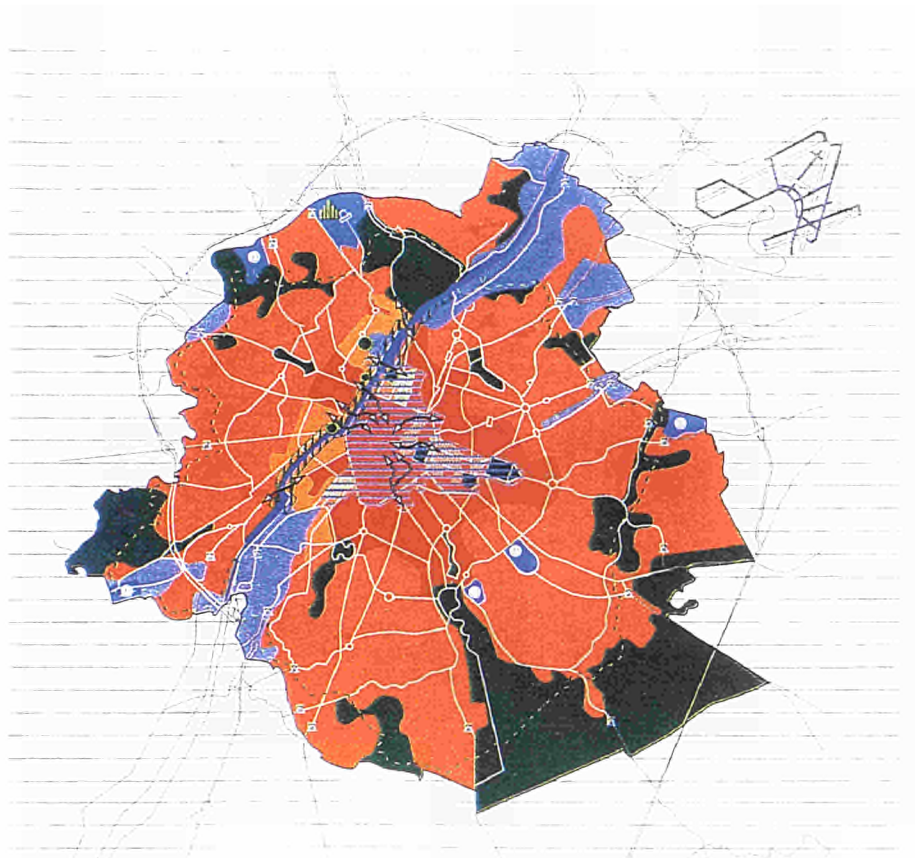



















Figure B10 : The Plan Régional d'Aménagement du Territoire (SIWAT)





- |   |   |
|---|---|
|  Metropolitan Centre                             |  Green area to be realised |
|  Increased protection of housing                 |  Canal area                |
|  Protection of housing                           |  Heizel / Heysel           |
|  Redevelopment of housing and industry           |  University                |
|  Connection                                      |  - - Green walk            |
|  Old centre                                      |  Structuring space         |
|  Urban industry - harbour and transport activity |  City gate                 |
|  Metropolitan administration                     |  - - Transport axis        |
|  Green area                                      |   |

**Figure B11 : The Brussels Regional Structure Plan (GeWOP/PRD)**

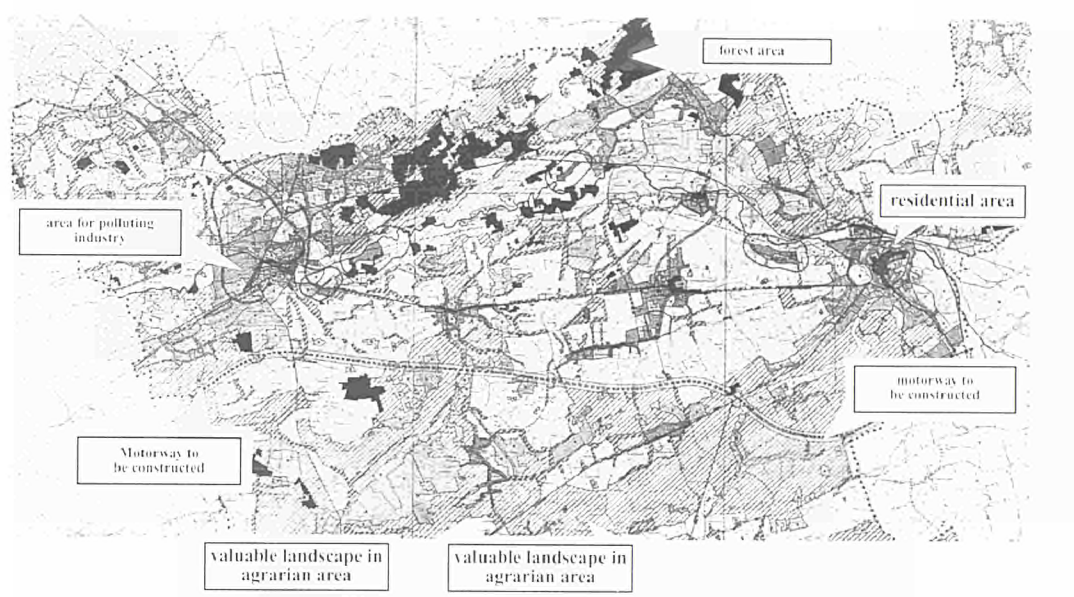


Figure B12 : Sub-regional Plan Aarschot-Diest

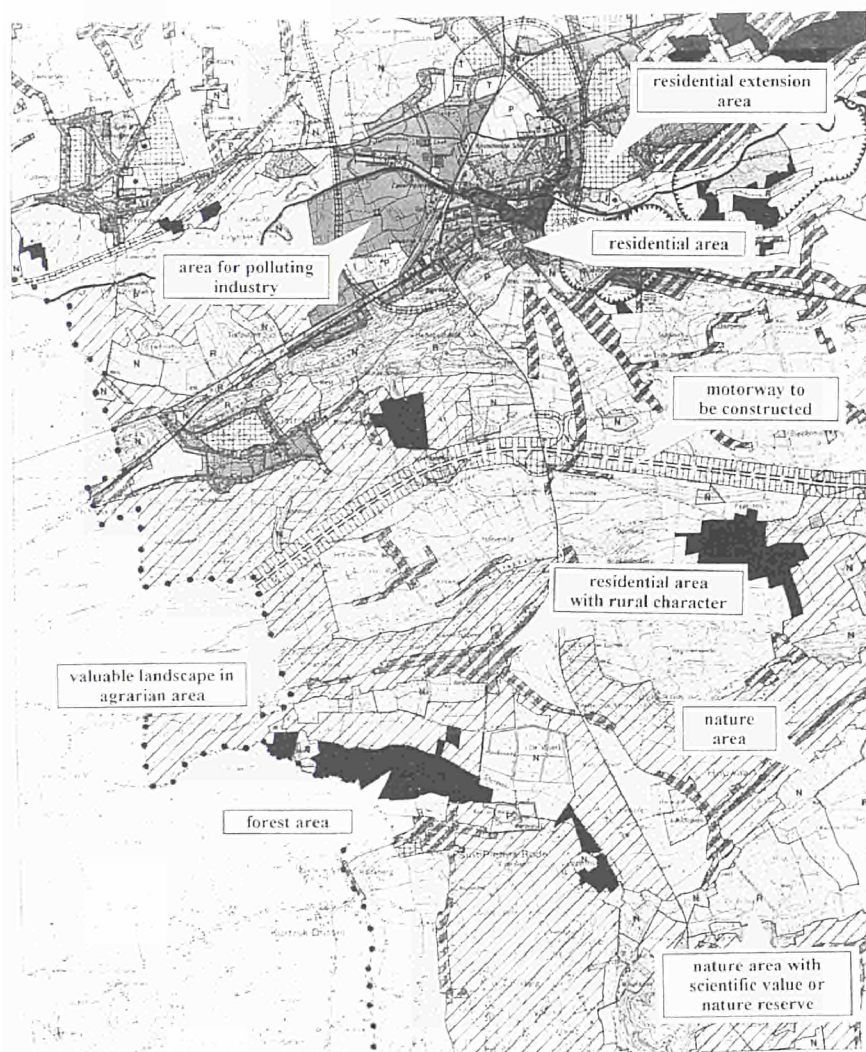


Figure B13 : Extract from the Sub-regional Plan aarschot-Diest



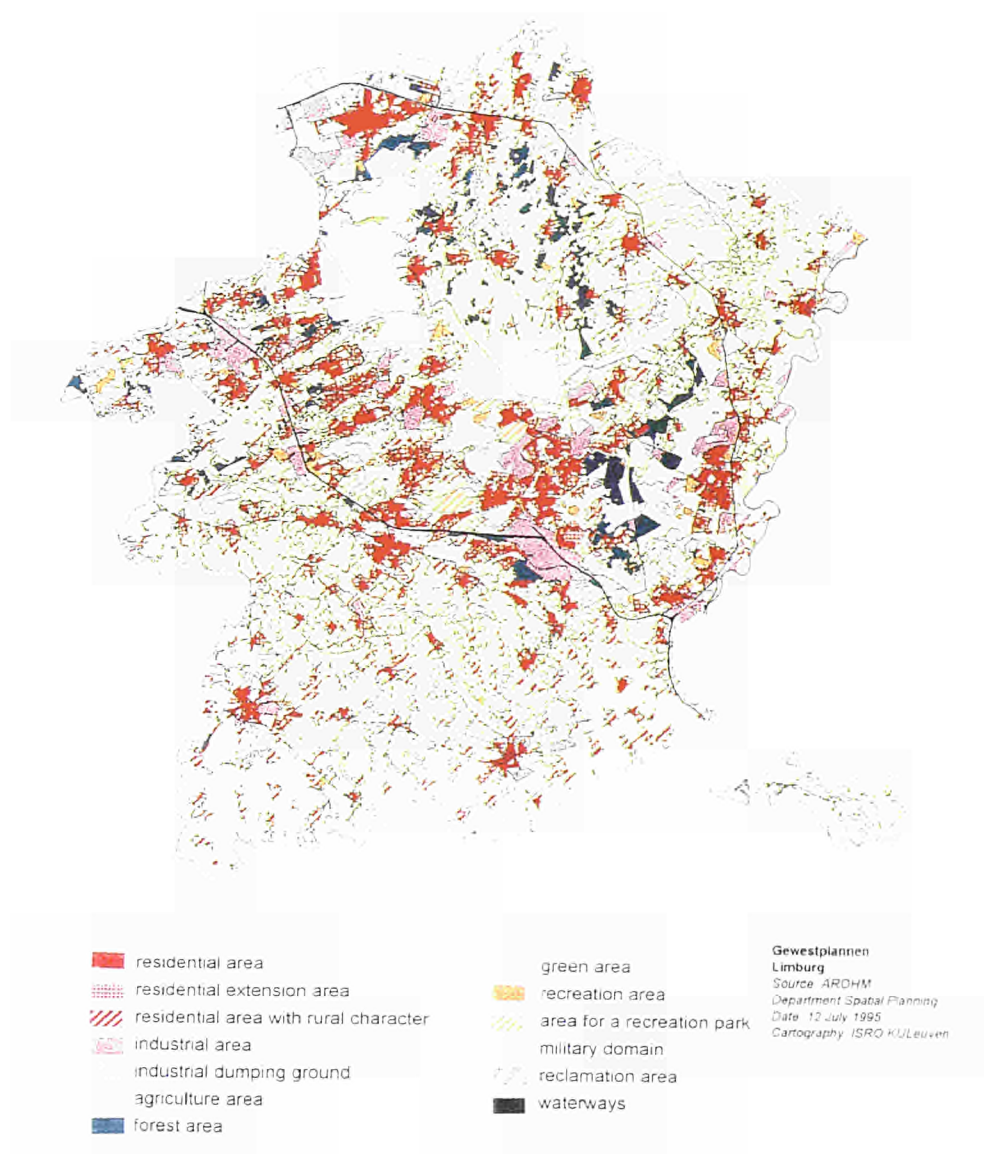


Figure B14 : Joining together of the three sub-regional plans of the province Limburg



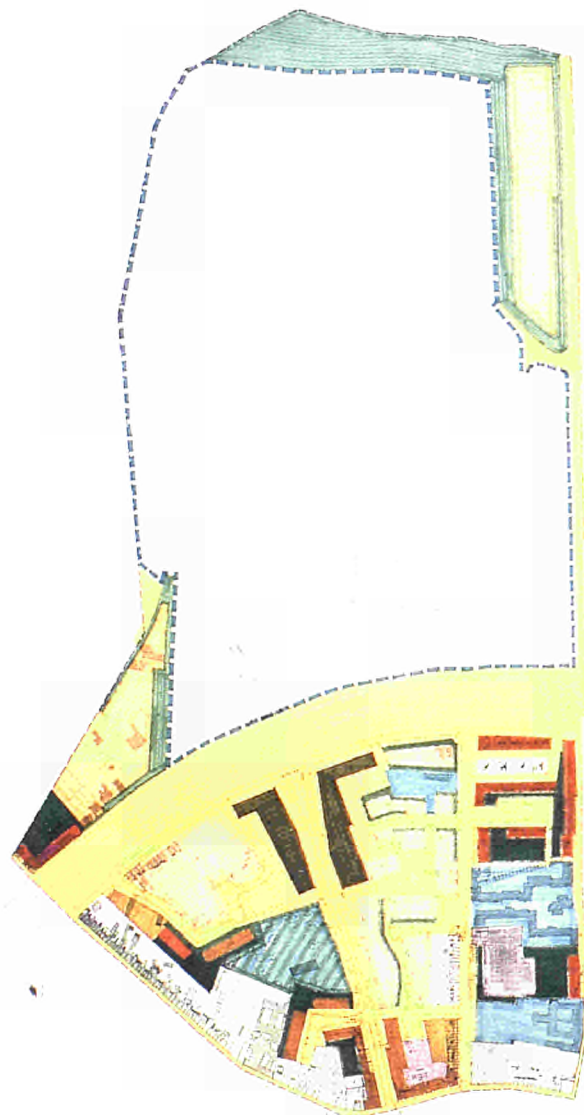


Figure B15 : The Bijzonder Plan van Aanleg Remy Vest

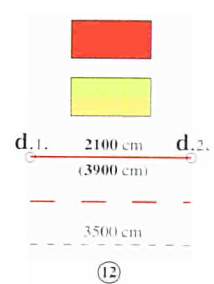
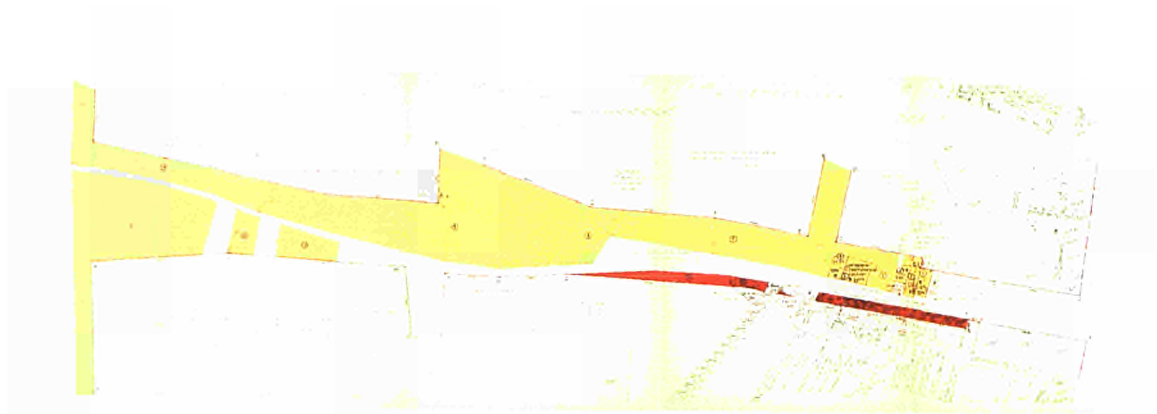


Figure B16 : Alignment Plan and Expropriation Plan Mannenstraat, Leuven



Figure B17 : Example of a Building Plan



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