European Union

## Regional policy

W. A. R. - Bibliothek

NSTITUT WAR — Bibliothek — Wasserversorgung, Abwassertechnik Abfalltechnik und Raumplanung Technische Universität Darmstadt Petersenstraße 13, 64287 Darmstadt TEL. 0 61 51/16 36 59 + 16 27 48 FAX 0 61 51/16 37 58

05.2 EUC-3

Regional development studies

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



## Contents

| Co | Compendium's objectives                       |    |  |  |
|----|---|----|--|--|
| Au | thor's note                                   | 21 |  |  |
| A. | OVERVIEW OF PLANNING SYSTEM                   | 23 |  |  |
|    | General summary                               | 23 |  |  |
|    | Principles                                    | 23 |  |  |
|    | Historical background                         | 24 |  |  |
|    | Plan levels in Belgium                        | 25 |  |  |
|    | Spatial planning in a federal State           | 25 |  |  |
|    | The 1962 Spatial Planning Act                 | 25 |  |  |
|    | Planning instruments in the 1990s             | 29 |  |  |
|    | Planning and development                      | 33 |  |  |
|    | Sources and further information               | 33 |  |  |
|    | Context and principles                        | 33 |  |  |
|    | Constitution, legislation and judicial system | 33 |  |  |
|    | Constitution                                  | 33 |  |  |
|    | Judicial system                               | 34 |  |  |
|    | Legislation                                   | 34 |  |  |
|    | Sources and further information               | 35 |  |  |
|    | Development process and market circumstances  | 35 |  |  |
|    | Development process                           | 35 |  |  |
|    | Sources and further information               | 36 |  |  |
|    | Economic development                          | 36 |  |  |
|    | Economic development                          | 36 |  |  |
|    | Sources and further information               | 36 |  |  |
|    | Environmental policy                          | 36 |  |  |
|    | Environmental policy                          | 36 |  |  |
|    | Sources and further information               | 37 |  |  |
|    | European Union                                | 38 |  |  |
|    | Impact of the European Union on planning      | 38 |  |  |
|    | Cross-border cooperation                      | 39 |  |  |
|    | Sources and further information               | 39 |  |  |
|    | Flexibility versus certainty                  | 39 |  |  |
|    | Contents of spatial plans                     | 39 |  |  |
|    | Review of spatial plans                       | 39 |  |  |
|    | Deviation from spatial plans                  | 39 |  |  |
|    | Sources and further information               | 39 |  |  |
|    | Government structure and powers               | 40 |  |  |
|    | Government structure                          | 40 |  |  |

|    | Powers  | 45 |
|----|---|----|
|    | Spatial planning powers   | 46 |
|    | Implications of constitutional reforms on spatial planning and policies | 47 |
|    | Sources and further information   | 47 |
|    | Land policy, land quality and building quality                          | 48 |
|    | Land policy   | 48 |
|    | Land quality  | 48 |
|    | Building quality  | 49 |
|    | Sources and further information   | 49 |
|    | Plan led/development led  | 49 |
|    | Plan led versus development led   | 49 |
|    |   |    |
|    | Sources and further information   | 49 |
|    | Political priorities  | 50 |
|    | Flemish Region  | 50 |
|    | Walloon Region  | 50 |
|    | Brussels Capital Region   | 50 |
|    | Sources and further information   | 51 |
|    | Political system, administrative system and public participation        | 51 |
|    | Administrative system   | 51 |
|    | Political system  | 52 |
|    | Public participation  | 52 |
|    | Sources and further information   | 53 |
|    | Population and statistics   | 53 |
|    | Population characteristics  | 53 |
|    | Statistics  | 54 |
|    | Trends  | 55 |
|    |   |    |
|    | Central power — local power   | 55 |
|    | Flemish Region  | 55 |
|    | Walloon Region  | 55 |
|    | Brussels Capital Region   | 55 |
|    | Sources and further information   | 55 |
|    | Flexibility versus certainty  | 55 |
|    | Flexibility versus certainty  | 55 |
|    | Sources and further information   | 56 |
|    | Government structure  | 56 |
|    | Government structure  | 56 |
|    | Sources and further information   | 56 |
|    | Policy trends   | 56 |
|    | Policy trends   | 56 |
|    | Issues which will affect the planning system in Belgium                 | 57 |
|    | Creation of cross-border regions  | 58 |
|    | Cross-border issues   | 59 |
|    | Sources and further information   | 60 |
|    |   |    |
| В. | MAKING AND REVIEWING PLANS AND POLICIES                                 | 61 |
|    | Summary   | 61 |
|    | Policy institutions   | 62 |
|    | ·   |    |
|    | National Government   | 62 |
|    | Federal government  | 62 |
|    | Federal departments   | 62 |
|    | Arbitragehof/Cours d'Arbitrage (Court of Arbitration)                   | 62 |
|    | Raad van State/Conseil d'Etat (State Council)                           | 63 |
|    | Regional government (three Regions)                                     | 63 |
|    | Regional Council  | 63 |
|    | Regional government   | 63 |
|    | Administration of spatial planning and housing                          | 64 |
|    | Deconcentrated spatial planning departments                             | 64 |
|    | Regional government organisations                                       | 64 |
|    | Regional advisory committees  | 64 |
|    | Town Planning Council (Brussels Region only)                            | 65 |
|    |   |    |

| Provincial level (10 provinces)                         |       |
|---|-------|
| Provincial Council                                      |       |
| Permanent deputation                                    |       |
| Spatial planning responsibilities                       |       |
| Provincial spatial planning services                    |       |
| Local government  |       |
| Municipal level   |       |
| Municipal Council                                       |       |
| Council of mayor and aldermen                           |       |
| Spatial planning responsibilities                       |       |
| Municipal advisory committee                            |       |
| Municipal consultation committee (Brussels Region only) |       |
| Municipal spatial planning services                     |       |
| Other organisations                                     |       |
| · ·   |       |
| Policy instruments                                      |       |
| National level  |       |
| Regional level  |       |
| Structure plan for Flanders                             |       |
| Walloon regional structure plan                         |       |
| Brussels Regional Development Plan                      |       |
|   |       |
| Brussels Regional Destination Plan                      |       |
| Sub-regional level                                      |       |
| Sub-regional plan                                       |       |
| Provincial level  |       |
| Provincial spatial structure plan                       |       |
| Local level   |       |
| Gemeentelijk structuurplan (Flemish Region)             |       |
| Algemeen plan van aanleg (Flemish Region)               |       |
| Schéma de structure communal (Walloon Region)           |       |
| Municipal development plan (Brussels Capital Region)    |       |
| Particular destination plan                             |       |
| Schéma-directeur  |       |
| Technical plans   |       |
| Expropriation plan                                      |       |
| Alignment plan  |       |
| Parcelling plan   |       |
| Building plan   |       |
| Other instruments                                       |       |
|   |       |
| Building regulations                                    |       |
| Environment impact assessment (EIA)                     |       |
| Control and sanctioning of violations                   |       |
| Expropriation   | ••••• |
| Development rights                                      |       |
|   |       |
| Sources of further information                          | ••••• |
| DECLIFATIONS AND DEDMITS                                |       |
| REGULATIONS AND PERMITS                                 |       |
| Summary   |       |
| Building permit   |       |
| Good spatial planning                                   |       |
| • •   |       |
| Basis for appeal  |       |
| Main permit   |       |
|   |       |
| Application for the permit                              |       |
| Contents  |       |
| Process   |       |
| Costs   |       |
| Processing a permit                                     |       |
| Process   |       |
| Permit process in the Flemish and Walloon Region        |       |

C.

| Permit process in the Brussels Capital Region                             |     |
|---|-----|
| Duration  | 97  |
| Consultation  | 97  |
| Automatic approval  | 98  |
| Compensation  |     |
| Conditions related to the permit  | 98  |
| Circumstances   | 98  |
| Status  |     |
| Scope   | 99  |
| Rights of appeal  | 99  |
| Conditions and grounds of appeal  | 99  |
| Process of appeal   | 99  |
| Administrative appeal possibilities by applicant                          | 100 |
| Administrative appeal possibilities by CMA and DO                         | 100 |
| Appeal to the State Council   | 101 |
| Appeal with judicial courts   | 101 |
| Other permits   | 101 |
| ·   |     |
| Demolition of a building  |     |
| Perform a renovation  |     |
| Convert a building  |     |
| Deforestation   |     |
| Changing the relief   |     |
| Cutting down single tall trees  |     |
| Cutting down or modifying remarkable trees and hedges                     |     |
| Exploitation of or changing the vegetation of heaths and peat             |     |
| Construction of storage space for used cars or metal scrap                |     |
| Installation of movable constructions                                     | 107 |
| Shop signs or advertising devices   | 107 |
| Actions identified by a municipal regulation                              | 107 |
| Permit to allow small changes   | 107 |
| Permit to allow plantations   | 107 |
| Works on listed buildings, landscapes, townscapes or archaeological sites | 107 |
| Permit to allow the construction of a golf terrain                        | 107 |
| Parcelling permit   | 108 |
| Exceptions  | 108 |
| ·   |     |
| Exception of permit obligation  |     |
| Autonomous power of municipalities  | 108 |
| Departures from plan/changes to plan                                      | 109 |
| Deviation from the plan in order to approve a development proposal        |     |
| Deviation from the plan in order to disapprove a development proposal     |     |
|   |     |
| Enforcement procedures  | 110 |
| Administrative measures   | 110 |
| Sanctions   | 111 |
| Anna af na malatha a  |     |
| Area of regulation  | 111 |
| Unauthorised use and development  | 111 |
|   |     |
| Sources and further information   | 112 |
|   |     |
| AGENCIES AND MECHANISMS FOR DEVELOPMENT AND CONSERVATION                  | 113 |
| Summary   | 113 |
| Development   | 113 |
| Conservation  |     |
| Environment and nature conservation.                                      |     |
| Pollution and waste management  |     |
| Countryside conservation, urban conservation and monuments                |     |
| Sound you conservation, aroun conservation and monuments                  | 114 |

D.

| Development  | 115        |
|--|------------|
| Regional economic development                                  | 115        |
| Regional development corporations (RDCs)                       | 115        |
| Regional investment corporations (RICs)                        | 116        |
| Regional socioeconomic councils (RSECs)                        | 116        |
| Local economic development                                     | 117        |
| Intermunicipal cooperation                                     | 117        |
| Sources and further information                                | 118        |
| Urban regeneration   | 118        |
| Regional housing corporations (RHCs)                           | 118        |
| Sources and further information                                | 119        |
| Public sector development policies                             | 119        |
| Public sector development policies                             | 119        |
| Major infrastructure   | 119        |
| Sources and further information                                | 119        |
| Partnerships   | 120        |
| Inter-municipal cooperation                                    | 120        |
| Tourism development  | 120        |
| Tourism development  | 120        |
| Sources and further information                                | 121        |
| Rural development  | 121        |
| Regional land corporations (RLCs)                              | 121        |
| Protection of the environment and conservation                 | 122        |
|  |            |
| Countryside conservation                                       | 122        |
| Flemish Region   | 122        |
| Walloon Region   | 122        |
| Brussels Capital Region  | 123        |
| Sources and further information                                | 124        |
| Environmental conservation                                     | 124        |
| Environment legislation  | 124        |
| Flemish Region   | 125        |
| Walloon Region   | 126        |
| Brussels Capital Region  | 126        |
| Further information  | 127<br>127 |
| Coastal planning   | 127        |
| Further information  | 127        |
| Urban conservation   | 127        |
| Protection, preservation and conservation of historic heritage |            |
| Royal Commission of Monuments and Landscapes                   | 128        |
| -7   | 129        |
| Sources and further information                                | 129        |
| Waste management Waste management                              | 129        |
| Resource planning  | 130        |
| Flemish Environment Corporation                                | 130        |
| Regional corporation for water supply                          | 131        |
|  | 101        |
| Key sources and further information                            | 131        |
|  |            |
| OVERVIEW   | 133        |
| Summary  | 133        |
| Principles of regional structure plans                         | 134        |
| Flemish Region   | 134        |
| Walloon Region   | 135        |
| Brussels Capital Region  | 135        |
|  |            |
| Cross-border cooperation                                       | 136        |
| Policy issues  | 136        |
| Commercial development   | 136        |
| Environment management   | 136        |

E.

|    | Heritage                            | 13 |
|----|-------------------------------------|----|
|    | Housing                             | 13 |
|    | Leisure and tourism                 | 13 |
|    | Transport and mobility              | 13 |
|    | Pollution and waste management      | 13 |
|    | •                                   |    |
|    | Sources                             | 13 |
| F. | POLICY STUDIES                      | 13 |
|    | Commercial development              | 13 |
|    | Context                             | 13 |
|    | European policies                   | 14 |
|    | National policies                   | 14 |
|    | Federal level                       | 14 |
|    | Regional level                      | 14 |
|    | Local level                         | 14 |
|    | Municipal level                     | 14 |
|    | Sources                             | 14 |
|    |                                     |    |
|    | Economic and industrial development | 14 |
|    | European Union                      | 14 |
|    | Federal policy                      | 14 |
|    | Regional level                      | 14 |
|    | Local policy                        | 14 |
|    | Sources and further information     | 14 |
|    | Environmental management            | 14 |
|    | •                                   | 14 |
|    | Context                             |    |
|    | European Union                      | 14 |
|    | National policies                   | 14 |
|    | Federal level                       | 14 |
|    | Regional policies                   | 14 |
|    | Regional level                      | 14 |
|    | Provincial level                    | 14 |
|    | Local policies                      | 14 |
|    | Municipal level                     | 14 |
|    | Sources                             | 14 |
|    | Heritage                            | 14 |
|    | Context                             | 14 |
|    | European Union                      | 14 |
|    | National policies                   | 14 |
|    | Regional policies                   | 14 |
|    | Regional level                      | 14 |
|    | Provincial level                    | 14 |
|    | Local policies                      | 14 |
|    | Municipal level                     | 14 |
|    | Other actors                        | 14 |
|    | Sources                             | 14 |
|    |                                     |    |
|    | Housing                             | 14 |
|    | Context                             | 14 |
|    | European Union                      | 15 |
|    | National policies                   | 15 |
|    | Federal level                       | 15 |
|    | Regional policies                   | 15 |
|    | Regional level                      | 15 |
|    | Provincial level                    | 15 |
|    | Local policies                      | 15 |
|    | Municipal level                     | 15 |
|    | Sources                             | 15 |

| Leisure and tourism  | 153 |
|--|-----|
| Context  | 153 |
| European Union   | 154 |
| Regional policies  | 154 |
| Community/Region level   | 154 |
| Provincial level   | 155 |
| Local policies   | 155 |
| Municipal level  | 155 |
| Sources  | 155 |
| Transport and mobility   | 155 |
| Context  | 155 |
| Road transport   |     |
| Rail transport   | 156 |
| Inland ports and waterways   | 156 |
| Coastal shipping and ports   | 157 |
| Airports   | 157 |
| European Union   |     |
| National policies  |     |
| Federal level  |     |
| Regional policies  |     |
| Regional level   | 158 |
| Provincial level   |     |
| Local policies   |     |
| Municipal level  |     |
| Sources  | 160 |
| Waste management and pollution   | 160 |
| Context  |     |
| European Union   |     |
| National policies  |     |
| Federal level  |     |
| Regional policies  |     |
| Local policies   |     |
| Municipal level  |     |
| Industry   |     |
| Sources  |     |
| Sources  | 102 |
| PPENDICES  |     |
| Appendix I. Glossary   | 163 |
| Appendix II. Acronyms and abbreviations  | 171 |
| Appendix III. Addresses  | 177 |
| Appendix IV. General sources of further information, references and list of statutes | 185 |
| MADE   | 190 |
|  |     |