



# The Governance of Land Use

## COUNTRY FACT SHEET BELGIUM

### The planning system

#### *Levels of government and their responsibilities*

Belgium is a federal country with 4 levels of government; the national level, 3 regions (Flanders, Brussels and Wallonia), 10 provinces and 589 municipalities. The division of tasks with respect to land-use policies is determined by the constitution and regions have almost complete autonomy in land-use decisions. The federal government affects land use only through national legislation, such as the *Civil Code*, which contains elements related to building activities. However, the strict decentralisation of land-use planning to the regions occurred only in the last two decades of the 20th century. The regional land-use plans that were prepared based on national legislation of the 1962 Act have been incorporated into current regional law in all three regions and continue to regulate land use in large parts of the country.

Regions enact the framework legislation that structures planning, but they delegate many tasks to lower levels of government. Directly, they influence land use by preparing *Regional Spatial Development Plans*. Furthermore, they are responsible for important related policy fields, such as environmental legislation, energy and building code regulations. In Flanders, the regional government can also prepare *Implementation Plans* (*Ruimtelijke uitvoeringsplannen*), i.e. zoning plans for specific areas or development projects.

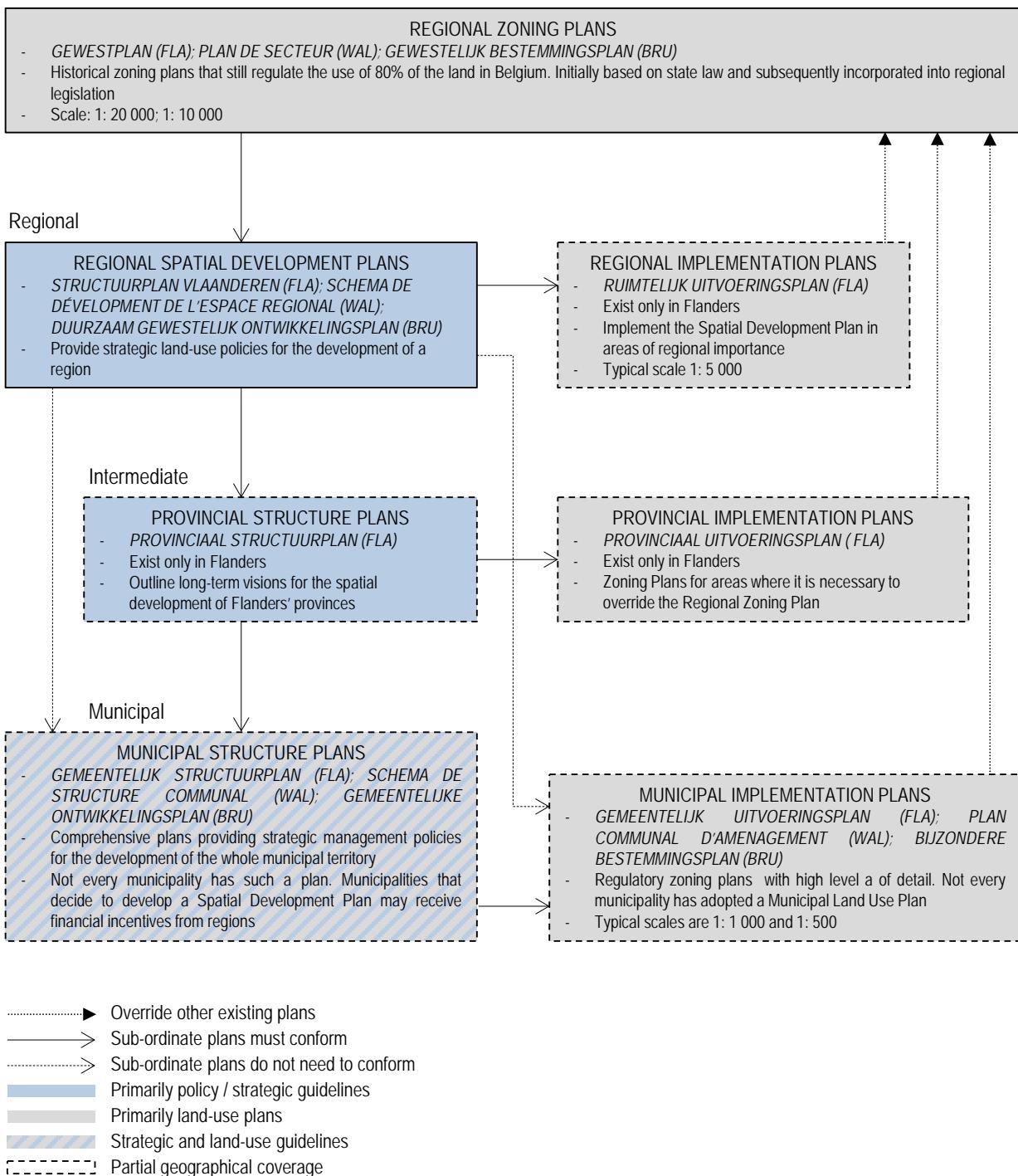
Provinces are the intermediate level of government in Flanders and Wallonia and are active in policy fields that require inter-municipal co-ordination. In Flanders, provinces are responsible for the preparation of the *Provincial Structure Plan* and the *Provincial Implementation Plan*, whereas in Wallonia no plans at the provincial level exist. There, provinces can affect land use only indirectly, for example through their responsibility for provincial infrastructure and housing.

All regions delegate significant authority to municipalities. In all of Belgium, municipalities may prepare *Municipal Structure Plans* and detailed *Municipal Implementation Plans*. Especially in the Flanders region, local responsibility for land-use decisions has been strengthened in recent years. In contrast, in the Wallonia region, less emphasis is placed on local autonomy. Instead, integrated planning for functional areas plays a more important role.

## Organisation of spatial and land-use planning in Belgium

### General framework

#### State



### Spatial and land-use plans

No spatial plan exists at the national level in Belgium. At the sub-regional level, *Regional Zoning Plans* provide binding land-use regulations at a scale of 1: 10 000 for most of the territories in all three regions. They were created in the 1970s and 1980s

based on the national act of 1962. When responsibilities for land-use planning were transferred to regions, the existing plans were incorporated into the new regional planning systems. In areas where they have become obsolete, their land-use regulations are replaced by other plans. Nevertheless, *Regional Zoning Plans* still regulate land use of approximately 80% of the Belgian territory.

In addition to the old *Regional Zoning Plans*, all three regions use *Regional Spatial Development Plans*. They contain strategies for the spatial development of the regions and provide strategic guidelines for land-use policies. All *Regional Spatial Development Plans* provide a frame with which lower levels of plan must comply. In the Flanders region, the current plan was prepared 1997, whereas in Wallonia and in Brussels, the most recent plan dates from 2013.

In Flanders, *Regional Spatial Development Plans* are complemented by similar plans at the provincial level. Furthermore, in the Flanders region, the provinces and the municipalities in the region have the possibility to adopt *Implementation Plans*. These are land-use plans that can override land-use regulations of the old *Regional Zoning Plan*. Similar to the system in the Netherlands, they are not hierarchical in the sense that they are not meant primarily to guide the actions of lower levels of government, but rather to implement zoning changes that are stipulated by *Structure Plans*. The regional *Structure Plan* also sets out which level of government is responsible for which task (e.g. the Flemish government is responsible for *Implementation Plans* relating to airports and ports whereas municipalities are responsible for *Implementation Plans* for business parks).

At the local level, the system of plans is comparable in all Belgian regions. Municipalities may prepare a *Municipal Structure Plan*. Furthermore, they prepare detailed *Municipal Implementation Plans*, typically at scales between 1: 1 000 and 1: 500. These plans override the old *Regional Zoning Plans* or *Municipal Zoning Plans*.

### ***Major laws and regulations***

The only major national law that influences land use directly is the *Civil Code*, which regulates specific aspects of building activity, for example related to common walls.

In Flanders, the framework legislation on the land-use planning system is contained in the *Decree on Land Policy*, in Wallonia it is provided by the *Codex on Spatial Planning, Housing, Heritage and Energy* and in Brussels it is found in the *Brussels' Law on Spatial Planning*. Furthermore, all regions provide environmental regulation that has direct consequences on land-use patterns.

### ***Co-ordination mechanisms***

Planning procedures generally require the consultation of other levels of government in order to ensure vertical co-ordination. Depending on the nature of a plan, sometimes also the consultation of local governments of neighbouring jurisdictions is required. However, little co-ordination occurs across the three different Belgian regions. Co-ordination between sectors is provided by similar consultation processes between involved authorities. In some cases, the consent of actors from other sectors is required for the approval of a plan.

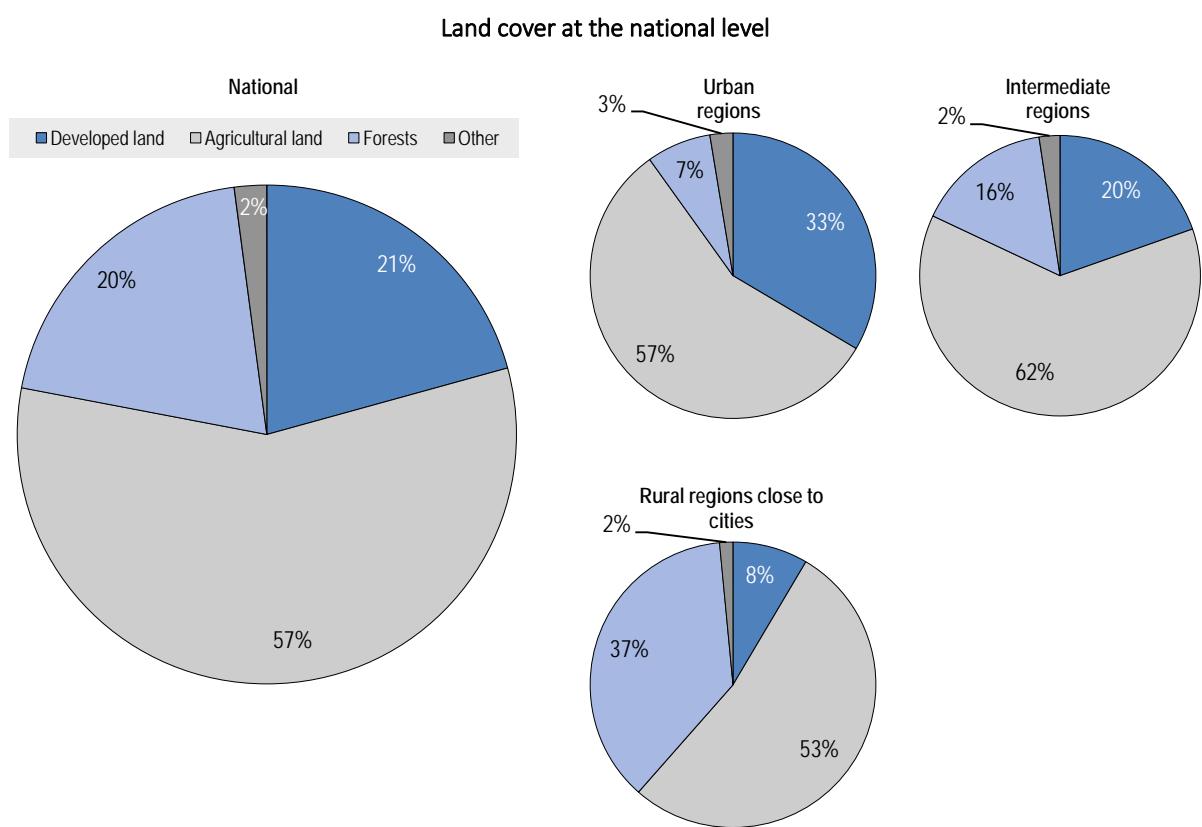
## *Expropriations*

Expropriation is possible for a variety of reasons, such as infrastructure construction and the establishment of nature reserves, but expropriation is politically and legally difficult in practice and not frequently used.

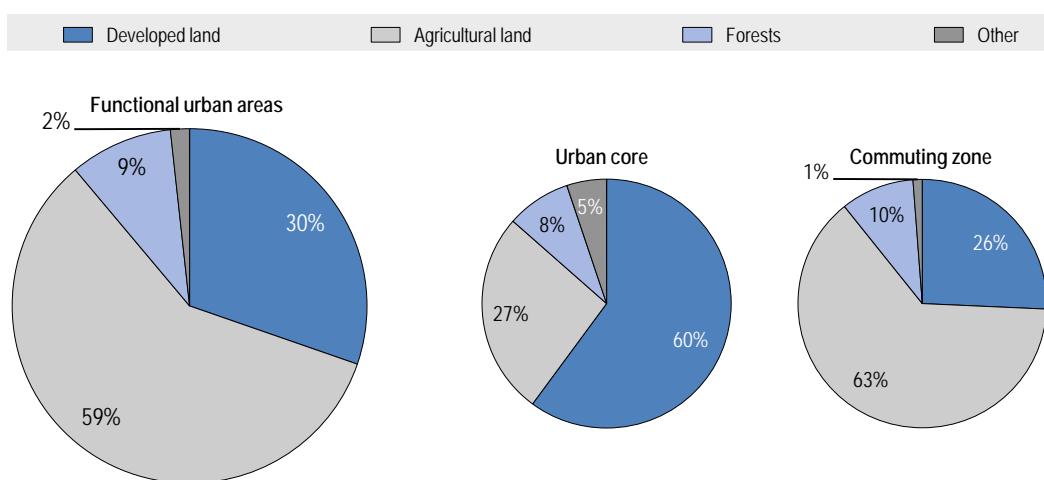
## *Recent and planned reforms to the system of land-use planning*

In 1962, the *Belgian Act* established a national system of spatial planning that assigned significant responsibilities to the national government. In 1980, a major reform transferred them to the regions and since then the system has been undergoing further decentralisation, for example with the transfer of the *Law on Retail Locations* into regional responsibility in 2014. Furthermore, individual reforms within the regions have altered their planning systems at various points in time.

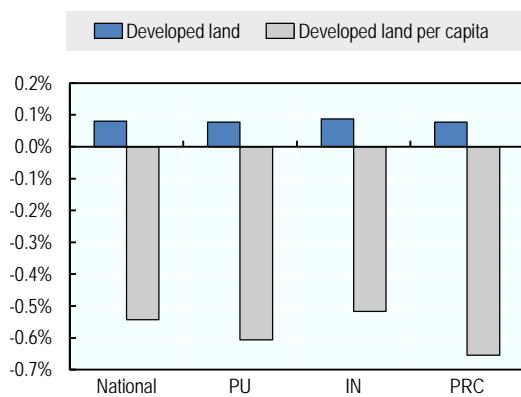
## **Land cover in Belgium**



### Land cover in functional urban areas (FUAs)

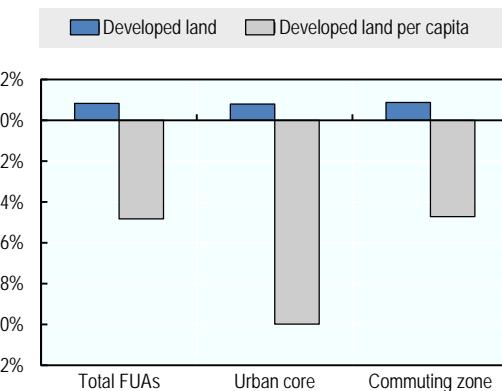


Annual change in developed land, 2000-12



Note: PU: urban regions, IN: intermediate regions, PRC: rural regions close to cities. Changes in per capita land use refer only to regions for which population data is available for 2000 and 2012.

Annual change in developed land in functional urban areas from 2000 to 2012



Note: Values for urban cores and commuting zones refer only to FUAs with more than 500 000 inhabitants.

### Land-use trends in Belgium

Belgium has the highest shares of developed land among all analysed OECD countries. This is due to its generally high population density in combination with high per capita land consumption. In contrast, the trend points towards a more efficient use of developed land. At least as far as can be observed with the available data, very little land has been converted from undeveloped into developed states between 2000 and 2012. As the population has grown steadily over the same time period, the amount of developed land per capita decreased by approximately 0.5% annually.

Source: OECD calculations based on *Corine Land Cover dataset*.

### Land cover at the national level in Belgium

Land cover (km <sup>2</sup> )	National	Urban regions	Intermediate regions	Rural regions close to cities	Rural remote regions
Total area	30 664	10 665	9 755	10 244	
Total developed land	6 352	3 570	1 916	866	
Percentage of total	20.7%	33.5%	19.6%	8.5%	
Annual change in developed land, 2000-12	5.1	2.7	1.7	0.7	
Annual percentage change in developed land, 2000-12	0.08%	0.08%	0.09%	0.08%	
Agricultural land	17 555	6 038	6 088	5 429	
Percentage of total	57.3%	56.6%	62.4%	53.0%	
Annual change in agricultural land, 2000-12	-4.9	-2.7	-1.7	-0.5	
Annual percentage change in agricultural land, 2000-12	-0.03%	-0.04%	-0.03%	-0.01%	
Forests	6 097	783	1 521	3 794	
Percentage of total	19.9%	7.3%	15.6%	37.0%	
Annual change in forests, 2000-12	-9.1	-0.4	-2.1	-6.6	
Annual percentage change in forests, 2000-12	-0.15%	-0.05%	-0.14%	-0.17%	
Land cover per capita (m <sup>2</sup> )					
Total developed land per capita	576	475	724	900	
Annual percentage change in developed land per capita, 2000-12	-0.54%	-0.61%	-0.52%	-0.65%	
Agricultural land per capita	1 591	804	2 329	5 757	
Annual percentage change in agricultural land per capita, 2000-12	-0.65%	-0.73%	-0.63%	-0.74%	
Forests per capita	553	104	435	3 911	
Annual percentage change in forests per capita, 2000-12	-0.77%	-0.73%	-0.68%	-0.90%	

### Land cover in functional urban areas (FUAs)

Land cover in FUAs (km <sup>2</sup> )	FUAs	Urban core	Commuting zone
Total area	10 634	1 429	9 205
Total developed land	3 225	859	2 366
Percentage of total	30.3%	60.1%	25.7%
Annual change in developed land, 2000-12	2.6	0.7	1.9
Annual percentage change in developed land, 2000-12	0.08%	0.08%	0.08%
Agricultural land	6 227	377	5 849
Percentage of total	58.6%	26.4%	63.5%
Annual change in agricultural land, 2000-12	-2.5	-0.5	-2.0
Annual percentage change in agricultural land, 2000-12	-0.04%	-0.14%	-0.03%
Forests	998	119	879
Percentage of total	9.4%	8.3%	9.6%
Annual change in forests, 2000-12	-0.2	0.02	-0.2
Annual percentage change in forests, 2000-12	-0.02%	0.01%	-0.02%
Land cover per capita in FUAs (m <sup>2</sup> )	FUAs (50 000+ inhabitants)	Urban core (only FUAs 500 000+)	Commuting zone (only FUAs 500 000+)
Total developed land per capita	495	220	656
Annual percentage change in developed land per capita, 2000-12	-0.48%	-1.00%	-0.47%
Agricultural land per capita	957	45	1 447
Annual percentage change in agricultural land per capita, 2000-12	-0.60%	-1.35%	-0.60%
Forests per capita	153	18	186
Annual percentage change in forests per capita, 2000-12	-0.58%	-1.08%	-0.62%

Note: Changes in per capita land use refer only to regions for which population data is available for 2000 and 2012.

Source: All land cover statistics for Belgium are based on OECD calculations based on Corine Land Cover dataset.