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Action Plan Flanders

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RENATUR

**Improving regional policies to better protect the natural
heritage of peri-urban open spaces**

www.interregeurope.eu/renatur

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Part I – General information

<i>Project:</i>	RENATUR - Improving regional policies to better protect natural heritage of peri-urban open spaces
<i>Partner organisation:</i>	Flemish Land Agency
<i>Country:</i>	Belgium
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Part II – Policy context

The Action Plan aims to impact:	<input type="checkbox"/>	Investment for Growth and Jobs programme
	<input type="checkbox"/>	European Territorial Cooperation programme
	<input checked="" type="checkbox"/>	Other regional development policy instrument

policy instrument addressed:

Improving land use and protection of PUOS

The young policy instrument ‘Reparcelling by virtue of law with zoning exchange’ (REVOLZE) (Section 5 on the Act of Land Development of 28 March 2014) is tested in different areas with different policy conditions. It is a potentially very powerful instrument because it allows to change the spacial destinations of certain areas, together with the ownership and user rights. However, this also makes it a very technically complex instrument, which in turn hinders its adoption by local governments.

Two cases were presented during the Peer Review organized by VLM on 25-28 May 2020 in order to find solutions for preliminary identified challenges covering the improvement of the instrument. The Peer Review team was composed of experts from Germany, Hungary, Poland, Slovenia and Spain. VLM wanted to improve the use of the instrument by implementing it through participative governance approaches to increase the awareness of the PUOS for natural heritage.

Part III – Details of the actions envisaged

General background

Flemish PUOS context

Flanders is a densely populated and highly urbanized region. The countryside looks more like an urban fringe, with more and more of the open area used as private gardens, horse meadows, for hobby agriculture, for recreation etc.... It is often called “rurban” and is highly fragmented with almost everywhere an intensive mixture of functions. Not only land use is highly fragmented, but also land ownership. As a result, every land development project in Flanders proves to be a complicated exercise with many interacting stakeholders. As the pressure on land is high, nowadays everywhere in Flanders, land and therefore land mobility is (very) expensive. No wonder conflicts arise easily. Forecasts show that the remaining open area will suffer a higher urbanisation pressure than nowadays. At the other hand, global climate change will give rise in Flanders in higher risks of flooding and a significant increase of drought and evapo-(transpi-)ration, which means more space is needed to buffer water. At the same time, the (peri-)urban population needs more recreation areas, such as parks and urban forests. As Flanders is too small

for all these claims, only a multifunctional, integrated land development can provide an answer to these challenges.

Zuhal Demir, the present Flemish Minister for Environment, wants to make combating hardening and the preservation of nature and green infrastructure in the open space a spearhead. The minister wants to reverse the trend from pavement increase in open space destinations to a structural annual pavement decrease, in accordance with the strategic spatial vision of Flanders (so called 'BRV' or 'Beleidsplan Ruimte Vlaanderen'). This requires a different approach to the way in which Flanders uses her precious space today, by safeguarding the open space to the maximum and working on a building shift.

[An introduction to land development and the tool box](#)

Since 1988 the Flemish Land Agency (Vlaamse Landmaatschappij or VLM) has been applying land development to organise countryside areas in keeping with their designated uses. Recently, a lot has changed. In 2014, the Flemish Parliament Act on Land Development was adopted, which thoroughly modified the procedure and possibilities of land development. The Flemish Parliament Act on Land Development provides an answer to the demand for fast realisations on the ground and complementary measures, and complies with the need for alignment, cooperation and involvement of private and local partners.

The objective of the Flemish Parliament Act on Land Development is to offer a widely usable 'tool box' for providing customised solutions for all kinds of projects. This 'tool box' contains various tools relating to organisation, management, land acquisition, land mobility and complementary policy that can be used in a customised way and in mutual connection with each other for the realisation of a large array of plans and projects contributing to the preservation and development of space in Flanders. One of these tools or instruments is 'reparcelling by virtue of the law with zoning exchange' (REVOLZE).

[Reparcelling by virtue of law with zoning exchange \(REVOLZE\)](#)

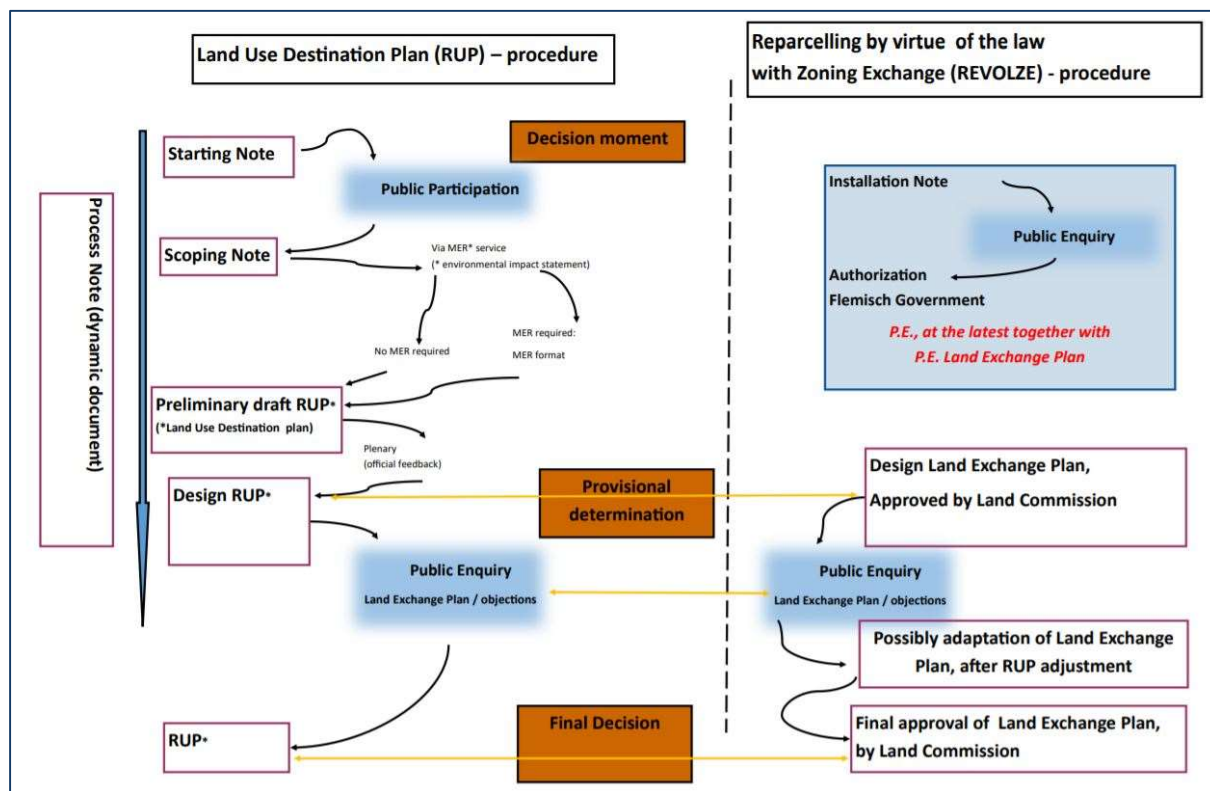
The objective of the Flemish Act on Land Development (approved on 28 March 2014) is to offer a widely usable 'toolbox' for providing customised solutions for all kinds of projects. One of the policy instruments in this toolbox that the Flemish Land Agency wants to improve is 'Reparcelling by virtue of law with zoning exchange' (REVOLZE), in Dutch 'Herverkaveling uit kracht van wet met planologische ruil (HUKVWmPR)'. (Section 5 of the Land Development Act)

The application of this tool is linked to the decision-making of spatial implementation plans of the Government of Flanders, provinces or municipalities and can be decided by the Government of Flanders or by the provincial or municipal level of government. To that end the body initiating the realization of the spatial implementation plan draws up a development note in consultation with the Flemish Land Agency. A public consultation is held on the draft development note. After the public consultation, the Government of Flanders, the provincial council or the municipal council approve the development note. After the approval a land commission starts with the implementation of the reparcelling by virtue of the law with zoning exchange. The five land commissions are independent bodies and determine compensation for loss of value in each province.

Each land commission is in charge of objectively determining the different contributions and the redistribution of land and the financial settlement (land exchange plan). This land exchange plan is part of the draft spatial implementation plan.

REVOLZE is a very potent instrument to protect open spaces in Flanders. However, it is also a very complex instrument, both from a legal and from a technical point of view. Recent analysis of the first years of implementing the instrument REVOLZE showed there is a need for optimization. An

important aim is to **increase the number of projects and partners using this instrument** to realize improved land use and protection of public urban open spaces. REVOLZE must be further refined by VLM. Without going into too much detail, the figure shows the complexity of both procedures: REVOLZE on the right, Land Use Destination Plan' (RUP) on the left, and the different steps of tuning between them.



The analysis of the first years of implementing the instrument REVOLZE showed there is a need for optimization of this instrument. This need can be described as 4 aims:

- make it possible to use the instruments for projects where it is sufficient to change the regulation for land use and not the destination;
- make it possible to use this instrument for trans-municipal projects (for two or more adjacent municipalities);
- improve the coordination between the instruments of land use implementation plans and reparcelling by virtue of law;
- increase the number of projects using this instrument to realize improved land use and protection of PUOS;

So far it has been VLM that has used this instrument exclusively. But is the intent of the Flemish Government that the use of the instrument would shift towards local governments (municipalities, provinces...) and that the role of VLM would evolve more towards an advisory and supporting agency.

Facing different challenges

Two cases were presented during the Peer Review organized by VLM on 25-28 May 2020 in order to find solutions for preliminary identified challenges covering the improvement of the

instrument. The Peer Review team was composed of experts from Germany, Hungary, Poland, Slovenia and Spain.

The **first Flemish case study** “Signaalgebied Solhof in the municipality of Aartselaar” located just outside the centre of the municipality, on the border with the open space. It is defined as residential expansion area and residential area, but until now is undeveloped. It is also the last residential expansion area in the municipality. Developing this area as residential area by building houses can contribute to (further) compacting this urban area. However, due to the risk of flooding in this specific zone, the Flemish government decided to limit these possibilities and asked the municipality council to explore whether it’s possible to develop only the higher part of the residential expansion area and perpetuate the remaining area as open space and as agricultural area. Therefore, the municipality council decided to redefine the zoning plan of “Signaalgebied Solhof” by making a “RUP Lindelei”. This “RUP” or “Land Use Destination Plan” changes, renames or differentiates destinations, it gives detailed definition at cadastral parcel level and has its own procedure with environmental impact assessment, plenary meeting, public inquiry, advices etc.



The “RUP Lindelei” describes a new vision for the specific area, containing space for development of housing, agriculture, water storage and recreation. Also, the nearby cemetery will be expanded and the accessibility of the remaining open space for walkers and cyclists will be upgraded. To redefine part of the residential (expansion) area as agricultural area, different key challenges are faced:

- financial challenges because redefining the agricultural area will generate a decrease of value (compensated by the municipality council) but also a profit of housing development (partly going to private investors and partly used to invest in the remaining open space and compensate the financial loss of the other private owners);
- compacting challenges by motivating the municipality council to pursue a high compacting level for the new housing project;

- open space challenges by motivating the municipality council to invest in the remaining open space, by taking the lead and develop an integrated landscape plan for this area to combine the use for water storage, agriculture and recreation.

The **second Flemish case** “solitary shops along N10 road (Baanwinkels N10)” was presented by the Department of Environment and Spatial Planning of the Province of Antwerp. This regional road area is located between the cities of Lier and Aarschot, covering a distance of approximately 23 Km. The road is characterized by ribbon development. Open space, often hidden behind the buildings, is mostly used for agriculture, grassland or greenhouse horticulture. Within one of the remaining green corridors along the N10 lies the large furniture store “Gero Wonen”. From a pure spatial and environmental point of view this is a poor choice of location, but the store holds a valid permit to operate at this location although all possibilities to expand at this site are currently exhausted.



Within the ERDF project “Solitary shops and municipalities are lining up (Baanwinkels en gemeenten op één lijn)”, 6 municipalities and 2 provinces created a common strategic vision document about retail development along the road and the effect on the spatial structure of the area. The Province of Antwerp wants to improve open spaces and preserve landscapes along the N10 road. The Province of Antwerp thereby wants to improve the functionality of open landscapes and unbuilt areas in densely populated areas by preventing development of more solitary shops along the road axis, by relocating solitary shops that are located in no go-zones, and by clustering shops in go-zones. The Province is currently making a provincial land use plan (PLUP) for the areas low in retail stores and the no go-areas to stop the increase of solitary shops.

Common thread through the RENATUR project

Common thread running through the RENATUR project is the increase of awareness of the PUOS for natural heritage. Concrete and complex open space issues can be solved by the (relatively young) instrument of "reallotment by virtue of law with zoning exchange" (REVOLZE) which can adjust the destination and the plot structure simultaneously. No plan damage and plan benefit schemes must be drawn up. Because allotment is linked to a financial settlement between concerned owners, this means more transparency for owners and better affordability for the

government. The REVOLZE instrument must be further refined. RENATUR gives the Flemish Land Agency (VLM) this opportunity thanks to the exchange of knowledge with the European partners in the project. After all, the instrument REVOLZE realises the policy visions in PUOS areas.

Action: Changes in the procedure of REVOLZE

The procedure of REVOLZE is very complex. This is part of the reason why local governments have so far been very hesitant to use it. This action is therefore aimed at simplifying and streamlining the procedure. This requires both legal changes and changes to the way the procedure is used including the creation of a coordination group to increase the uptake of this relatively young instrument. This in turn will result in achieving more PUOS goals.

Relevance

The instrument of REVOLZE can adjust the spatial destination and the plot structure simultaneously. REVOLZE therefore runs parallel to the procedure for drawing up a 'Land Use Destination Plan' (RUP), which means that no plan damage and plan benefit schemes must be drawn up. Because allotment is linked to a financial settlement between concerned owners, this means more transparency for owners and better affordability for the government.

The operational objective OOD 1.04 in VLM's business plan 2020-2024 states that VLM works on the optimization of procedures that enable acceleration or implementation. The focus is on simplification, transparency and user-friendliness.

Lessons learned from RENATUR

The Peer Review team was composed of experts from Germany, Hungary, Poland, Slovenia and Spain. The team checked how Flanders can improve its instrument for REVOLZE and listed opportunities for optimizing the instrument following different aims.

The team checked how to improve REVOLZE in order to make it possible to use this instrument for **trans-municipal projects** and in order to **improve the coordination** between the instruments of Land use destination plans and Reparcelling by virtue of law.

Following this analysis and listed opportunities, the Peer Review team wrote the **recommendation "Putting specific focus on multi-level cooperation"** which can be set into specific activities in this Renatur Action Plan:

It is essential to establish a legal framework and proceed to **trans-municipal projects**. Not only with municipalities, where the procedure is taking place, but also with towns and cities in the neighbourhood. Their housing policy may be crucial to solve some peri-urban problems.

The creation of a **coordination** (operational) group of stakeholders being responsible for both Land use development plans and Land use destination plans is also recommended.

During the peer review of our workshop in May 2020 it was mentioned that in the Basque country, Spain, they have the **Udalsarea 2030 network**. A network of municipalities supported by the local government. This network exchanges knowledge and information regarding sustainable development.

At the Flemish stakeholder meeting on 21 June 2021, Ainhize Butron (Ihobe) was invited to further elaborate on this and share with our Flemish partners the experiences and lessons learned concerning the aspect of **cooperation between local and regional authorities** in the Basque Country.

In the the **Udalsarea 2030 network** network they use a much more bottom up approach to developing their tools. Letting the local municipalities explain what it is they are looking for in a

support instrument. They also use audio-visual means (like videos) to involve their stakeholders and explain abstract concepts. There have been bilateral meetings with representatives of the Basque partner where they explained their approach. We have used a similar approach in our stakeholder meeting on January 24st 2022 to discuss aspects of the procedure of REVOLZE with stakeholders and experts.

We will implement the lessons learned in our pilot action and other communication means, such as the manual on land development we are preparing.

The **demand for experiences and suggestions from the Basque partner** was motivated by the **affinity with the Flemish case**. The three level interaction between local partners (municipal authorities), the regional government (the province) and the overarching Flemish government can provide extra opportunities but also extra complexity in the application of the reparcelling instrument in protecting our open spaces. **'Alignment'** is the key word to tackle this risk. As a result of this we would like to establish a **coordination group** at the Flemish level.

A second key word that was discussed during this interregional initiative was 'involvement'. Just as our Basque partner, we are looking for ways to actively **involve the partners in defining the necessities of policy change concerning the instrument REVOLZE**. At the core of the need for policy change are the **aims of simplifying the legislation, aligning the procedures and speeding up the implementation of open space projects**. As a result of this we would like to make the necessary **legal changes to allow trans-municipal projects**. At the same time the peer review process also emphasized the need for **greater transparency and flexibility**. Therefore we will also be making legislative changes to **change the name and broaden the scope of the instrument to make it more attractive to local governments**.

Activities

RENATUR gave the opportunity to show not only Belgian but also other European experts some lessons and insights on REVOLZE from two Flemish pilots. We will focus on **2 groups of activities** which aim to change the legislation and optimise the instrument REVOLZE. The activities are:

A) Changes to the legislation to enable trans-municipal projects and to change the name and broaden the scope of the instrument

B) Creation of a coordination group to better align the procedure

A) Changes to the legislation

Here we propose a set of changes to the legislation to simplify and clarify the instrument and make its application more flexible:

1. Creating the possibility of a **trans-municipal project approach** of land exchange plans so two or more municipal administrations can work together and have their land policy implemented together.
 - There is no current solution if 2 or more municipalities want to work together on 1 land exchange plan, because the 'land exchange plan' ('grondruilplan') – following the 'installation note' ("inrichtingsnota") – can only be integrated into 1 Land Use Destination Plan (RUP).
 - Because the spatial problems do not stop at the municipal boundaries, procedures will be executed more area-wide and spatial clustering can be more achievable.
 - There is a strong need for more collaboration between municipalities and local administrations due to the lack of expertise or administrative power for example.
 - Flanders can improve its instrument REVOLZE in order to make a cross-municipal project approach possible. Municipalities could jointly be the initiator (or a combination with

municipalities and a province) and prepare 1 “installation note” memorandum, even if the municipalities are located in different provinces.

- In order to enable these changes, changes need to be made to Land Development Act
2. **Broadening the actual instrument by clarifying the name REVOLZE** (Reallotment by virtue of law with Zoning Exchange) **to** Reallotment by virtue of law coupled with a Land Use Destination Plan
- First practical experiences show that in reality it will almost never be a pure exchange of destinations and of owners and users. A one-to-one exchange of owners and users does not always lead to the desired end situation. The spatial context can be of such a nature that the desired spatial planning situation does not always entail a simple change of destination zones.
 - Flanders can improve its instrument REVOLZE in order to make it possible to use it for projects where it is sufficient to change the regulation(s) for land use and not the destination(s). In order to make more complex but also more widely used forms of exchange possible, the **Instrument Decree (ID)** adjusts and clarifies the name, definition and scope of the instrument REVOLZE. (Note that the new Instrument Decree expands on the Land Development Act, adding new instruments and making certain changes to existing ones, like our policy instrument of REVOLZE)
 - According to the explanatory memorandum, this instrument would be of particular interest to municipalities. In view of the complexity of the instrument and the limited experience with it at local level.

B) Creation of a coordination group to better align the procedure

Outside of the aforementioned legal changes, there can be other changes to the way the policy instrument is applied. In order to better manage the policy instrument and the projects that use it, a coordination group will be created at the regional level.

The coordination group will ensure a better management of the instrument, for example by ensuring that the procedure is applied in the same manner every time. Right now, all the projects using the policy instrument are running separate from each other. As a result, there are differences between the way the procedures are being executed (e.g. in the timing of public inquiries). This creates confusion.

Therefore, a coordination group is being set up. The management of the group will be done by members of VLM and the Department of Spatial Planning. But other stakeholders, like municipalities involved with the projects will also be invited to join.

The group will convene on a regular basis to discuss the management of the current projects and to exchange experiences. The idea is that the group will evolve to become a **learning network**, similar to the experiences with the Udalsarea network in the Basque Country.

An important tool for the coordination group will be the **realization of a manual** (vademecum) on land development projects and the associated instruments such as REVOLZE. The manual aims to guide the staff, the team members and the partners in land development projects step-by-step in the process of developing and executing land development projects and plans, including the use of instruments. The manual bundles the information in a logical context, ensures that the information is easily and digitally accessible and keeps the information continuously up to date. The information will be tailored to different levels of knowledge and information needs of our partners.

Players Involved

The players involved will be mainly the Flemish Land Agency and the Flemish Department of Spatial Planning as well as the different stakeholders in land development projects, gathered in the programme commission (on a strategic level) and the different planning guidance groups (on a local level). It is in those advisory bodies that the representatives of policy makers (on a local and regional level), citizens, companies and organizations are gathered to advise, guide or implement the VLM open space projects.

For Activity A (the legal changes): VLM is part of the advisory group on what changes are required. VLM prepares the texts and offers advice. Ultimate approval needs to be done by the Flemish Government and the Flemish Parliament.

Timeframe

Activities A: Changes to the legislation

Changes to the land development act (needed for the trans-municipal project approach)

- **Early 2022:** Draft texts are prepared by the administration (in this case VLM) and discussed with the Government:
- **April 2022:** First preliminary approval by the Flemish Government
- **May 2022:** Proposals sent to different official Advisory Boards. Based on their advice changes can be made.
- **September 2022:** second preliminary approval by the Flemish Government
- **December 2022:** Final approval by the Flemish Parliament
- After publication the changes take effect

The Instrument Decree (needed for the name change and broadening of the scope)

- **January 2020:** second preliminary approval by the Flemish Government
- **May 2022:** Debates in the Flemish Parliament
- **September 2022:** Final approval by the Flemish Parliament

The changes take effect after the publication of the new legislation.

In each of these steps it is VLM, as owner of the policy instrument that prepares the texts and gives advice.

Activities B: Creation of a coordination group to better align the procedure

- **May 2022:** VLM and the Department of Spatial Planning agreed to the **creation of the coordination group**
- **June 20, 2022:** The **first installation meeting** will be held
- **Second half of 2022:** The **changes in the procedure can be implemented** from the start of new projects
- **December 2022:** A first version of the **manual** is available

Costs

The work on the legislative changes and increased support for local governments that is required, requires additional staff. It is estimated that this will take up 2 FTE's from 2022 onward (roughly €160,000 per year, plus overhead of some €25,000 per year). For 2022 this will mostly be work for legal experts. Gradually this will shift towards more technical experts.

A budget of € 10,000 is planned in the VLM 2022 budget for supporting communication activities, including the production of a video.

Funding Sources

The cost could be covered by the regular budgets of the parties involved.

For the support offered to local stakeholders contracts are drawn up. Local stakeholders compensate VLM from their own budgets.

Date: _____

Signature: _____

Stamp of the organisation (if available): _____

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