



SAMEN INVESTEREN IN DE OPEN RUIMTE

**VLM**  
VLAAMSE LANDMAATSCHAPPIJ

## Flexible use of instruments to support the open space in Flanders Proposal of a new decree on land development

Landnet workshop,  
Budapest 13-16 Feb

## Flemish Land Agency

History:

- 1935: National Agency for Small Rural Holdings
- 1956: First Law on Land Consolidation
- 1970: New Law on Land Consolidation  
National Land Agency
- 1988: Flemish Land Agency

Current situation:

- 1 central office; 5 provincial offices
- Staff: About 700 people
- External Agency of the Flemish government



## Land development in Flanders: as is

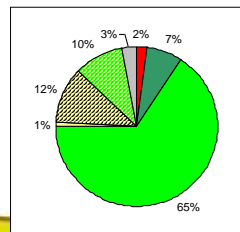
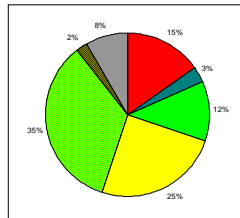
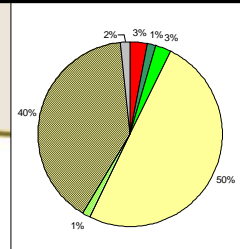
3 procedures:

- Land consolidation (1970s):
  - Comprehensive land consolidation
  - Voluntary land consolidation
  - Land consolidation to support public works
- Integrated land development (1988)
- Land development for nature (1997)
- Land banking (2006)

About 300 projects

About 12 mio EUR/yr execution of projects

About 12 mio EUR/yr land banking



## Recent policy context

- More and more questions in Flanders' open space need solutions on the field
  - The instruments that exist in Flemish policy are seldom integrated, are not flexible, are not custom made
  - Risk on the proliferation of instruments, each set up for one sectoral objective, loss of transparency to land owners and users
- a new proposal for the flexible use of instruments for projects in the open space of Flanders



## Land development: to be

Land development is and remains:

The **tuning** and the **execution** in an **integrated** way of measures aimed at the conservation and recovery of functions, qualities and features of the open space

BUT, and this is new:

- 1) With an increased number of instruments
- 2) That can be used via a procedure that is simplified and at the same time with instruments that are applicable to a lot more types of projects



## Content of the new decree

Content

- A set of instruments
- A planning procedure to put them into place
- 3 consultative and / or executive structures:
  - Provincial land commission (5, 1 for each province in Flanders)
  - Programming commission (1 for the whole of Flanders)
  - Plan counseling group (1 per project)



## Land commission

Provincial land commission (5)

- Task
  - The land consolidation
  - Defining of the value of the land
- Composition:
  - Flemish agencies of nature, agriculture, finance, budget, regional planning
  - Flemish Land Agency is the secretariat

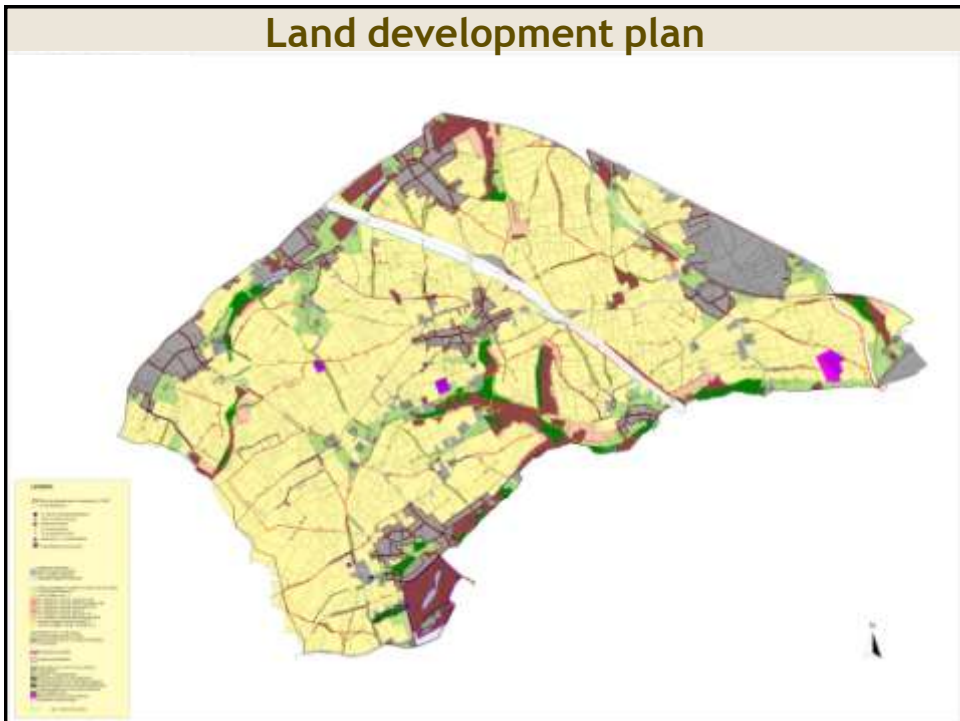
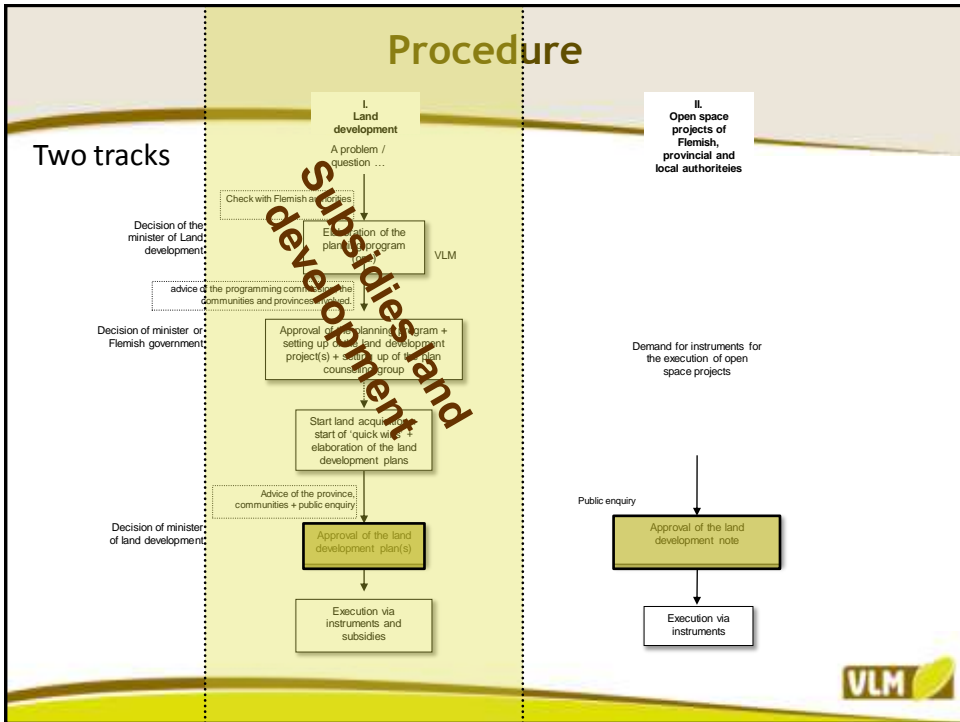


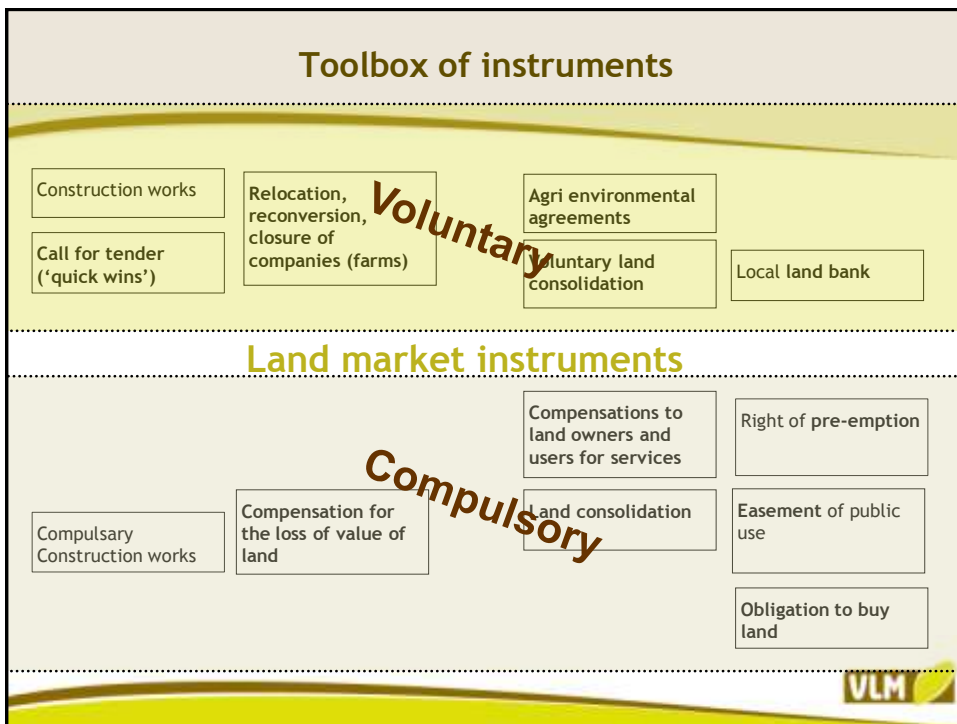
## Initiation of the instruments - overall procedure

Two tracks:

1. Land development
2. Open space projects of the Flemish, provincial and local authorities that need instruments to be executed









## Relocation, reconversion, closure of companies (farms)

voluntary

**What:**  
 A system of compensations on request IF the fee helps realise the government project

- Relocation: a farmer can ask to be relocated and can be given a compensation to do so e.g. out of a project area of a flooding project
- Reconversion: a farmer can ask for a compensation to redirect / reconverse his farm e.g. to a smaller farm or to a more extensive one
- Closure: a farmer can ask for a compensation to close down his farm





## Land consolidation

Compulsary

### What:

- A land development project can put a land consolidation into place to restructure land parcels in a way that is viable for the existing and the future use of the land

### Procedure:

- 1) Description of the plot, existing parcels, list of current owners and users (public enquiry)
- 2) Valuation of the current situation (owners, users) (public enquiry)
- 3) Valuation of the designed situation (reallotment plan) (public enquiry)
- 4) Definition of the costs (public enquiry)  
possibly a financial compensation for owners and users (in the case of underendowment)
- 5) Administrative plan of roads and water courses (public enquiry)
- 6) Re-allotment deed (registration)

Landcommission performs the land consolidation



## Land consolidation

Compulsary

### Basic principles:

- Valuation for the owners:
  - Based on land market value OR
  - Based on a classification
- Valuation for the users:
  - Based on classification
- Value before = value after
- OR else compensation
- users: land use before = land use after
- Special case: exchange of use in a first phase



## Land consolidation accompanying a new road



## Voluntary land consolidation

voluntary

### What:

- Instrument aimed at the voluntary exchange and re-allotment of land
- Agreement between at least two owners / users

### Procedure:

- lightprocedure
- Description of the plot in a land development plan
- Flemish Land Agency has a mediating role

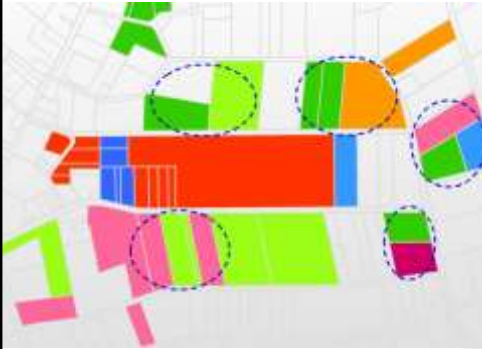
### Example (NI):

Kavelruil Drenthe:

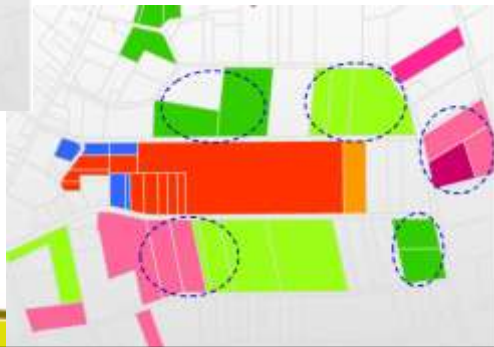


## Voluntary land consolidation

voluntary



<http://www.kavelruidrenthe.nl/pages/home.aspx>



## Compensation for the loss of value of the land

Compulsary

### What:

- One-off compensation for users and owners if construction works OF an easement of public use creates an unacceptable loss of value of the land

### Procedure:

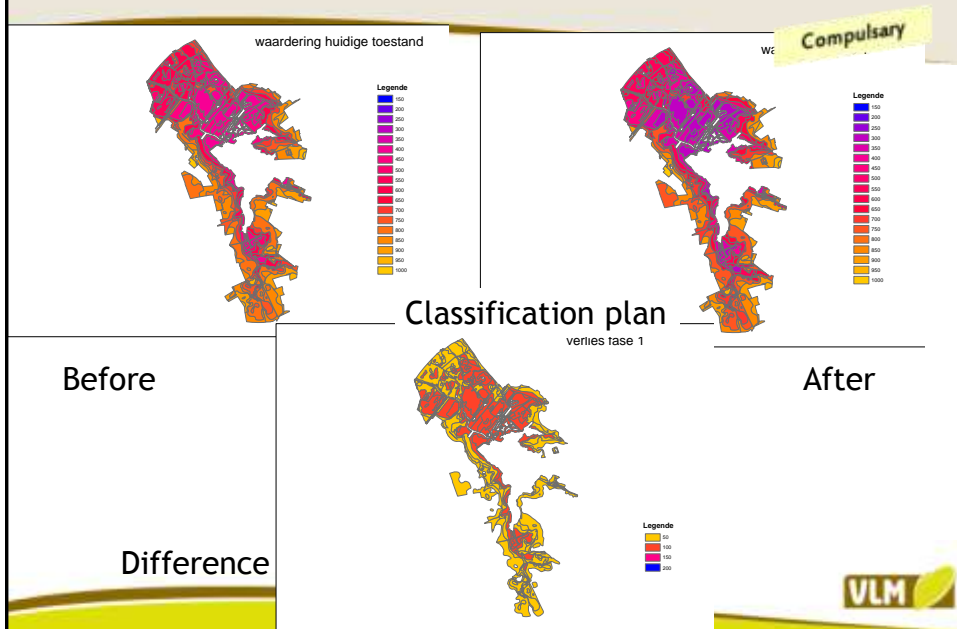
- Setting up a list of owners and users
- Classification plan before and after
- Land commission

### Example:

Water level adjustment



## Compensation for the loss of value of the land



## Right of pre-emption, right of pre-assumption

Compulsary

### What:

- Right of pre-emption: in a perimeter determined by the land development project
- Right of pre-assumption:
  - the Flemish Land Bank can buy land owned by all kinds of government agencies in planning zones of the 'open space'
  - For the whole of Flanders
- To be executed by the Flemish Land Bank (department of the Flemish Land Agency)



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## Local landbank Flemish Land Bank

voluntary

### What:

- Local? Project specific contract that gives the Flemish Land Bank the possibility to acquire and exchange land
- Extra compensations are possible to be able to buy and exchange land
  - Fee to stop using the land
  - Fee to the owner when its user stops using the land
  - Fee to the owner to accept a user (lease)
- Revolving fund

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## Easement of public use Obligation to buy the land

Compulsary

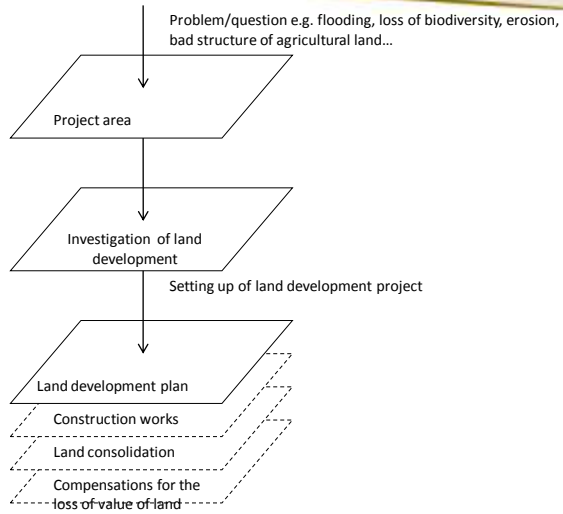
### What:

- Easement of public use: restrictions to the use of the land e.g. in possible flooding areas
- Obligation to buy land: if a government project creates a situation for the owners that the value of their land is seriously threatened OR if the existence of their farm is seriously harmed, that government is required to buy the land, if the owner asks for it. The valuation is based on the value of the land + the farm BEFORE the project AND uses the same valuation criteria as an expropriation



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## Track 1 project



## Projectcase A11

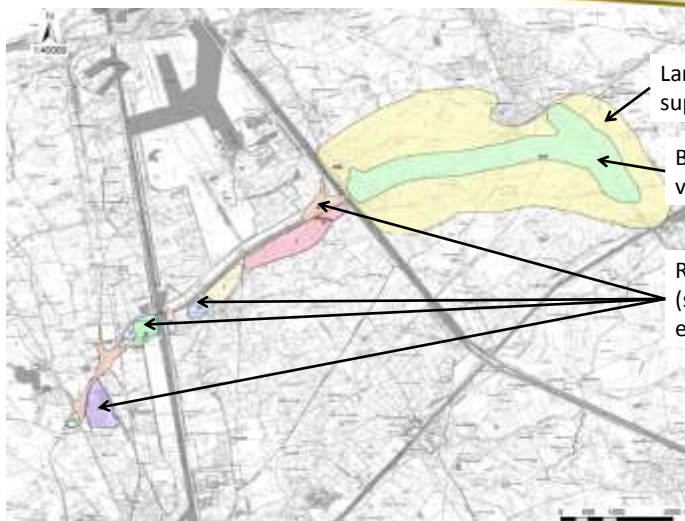


# Environmental impact assessment of the motorway A11

Zone	Project-MER	Maatregel	Bindend (J/N)	Voorstel Realisatie	
A	BT DD DO WK WK	16.1.7 – HW2	Compensatie ecotoopinname en verdwijnen van KLE's door aanleg van A11	J	L-A11 R R D
		16.1.7 – OW1			
		16.1.7 – OW2			
		16.1.7 – HW3			
		16.1.7 – HW4			
		16.1.7 – HW5			
		16.1.7 – HW7			
		16.1.7 – HW8			
		16.1.7 – OW9			
		16.1.7 – HW10			
16.1.7 – HW11					
16.1.7 – OW17					
B	WK	16.1.7 – HW9	Compensatie van het verlies van een veedrinkpoel	J	N
C	BT	16.1.8 – LA1	Creëtie van landschappelijke eenheid ten oosten van de N31 (aansluiting bij de parkbegraafplaats)	N	L-BT
D	BT	16.1.8 – LA2	Versterking landschappelijke eenheid omgeving parkbegraafplaats	N	L-BT
E	BT	16.1.8 – OW4	Versterken relatie tussen beschermde landschappen Hoeve Rozebloeme en hoeve Goudbloeme	N	L-A11
F	BT	16.1.8 – LA4	Inrichten resterend polderfragment (A11-Stationsweg-Boudewijnkanaal) als strategisch koppingsgebied	N	L-BT
G	DD	16.1.8 – LA7	Herstel continuïteit perceelstructuur na opbraak verbinding Zuidelijke havenrandweg	N	D
H	DD	16.1.8 – LA8	Landschapsinrichting en speelzone gekoppeld aan de Zwaanhofstraat	N	L-A11
I	DD	16.1.8 – LA9	Verzachten visuele verstoring wand en geluidschermen door plaatsen van groenstructuren, aansluitend bij de bestaande landschappelijke structuur (t.h.v. Dudzele)	J	L-A11
J	DO	16.1.8 – LA9	Verzachten visuele verstoring van de wal en de geluidschermen op het polderlandschap door het plaatsen van groenstructuren, aansluitend bij de bestaande landschappelijke structuur	N	L-A11
K	WK	16.1.8 – LA12	Beperking visuele verstoring door het nemen van geluidsreducerende maatregelen t.h.v. de ontvanger	J	L-A11
L	WK	16.1.8 – OW12	Realisatie erfontsluiting morfologisch doen aansluiten bij de overige ontsluitingswegen in het gebied	J	R
M	WK	16.1.8 – LA13	Beperking visuele verstoring door behoud continuïteit perceelstructuur	J	R
N	WK	16.1.9 – HW12	Milderen barrierewerking door het inzetten van streekeigen landschapselementen	J	L-A11 R
O	BT	16.1.9 – OW2	Aanleg bomenrij langs de ontsluitingsweg voor de bedrijvzones De Spie en Herdersbrug	N	L-BT
P	WK	16.1.9 – HW7	Geluidsmilderende maatregelen t.h.v. ontvanger (extra geluidsisolatie van de woningen)	J	D
16.1.9 – HW9					
16.1.9 – HW10					
16.1.9 – HW11					
16.1.9 – HW12					
Q	WK	16.1.9	Verlies landbouwzone door inzet van instrument tuilverkaveling milderen	J	G R
R	DO	16.1.8 – LA10	Herstel landbouwperceelstructuur dankzij wegnemen van de aansluiting Zuidelijke Havenrandweg	N	D



## A set of mitigating measures



Land consolidation (to support public works)

Buffering noise and visual nuisance

Restoration of (small) landscape element



## Execution on the field set of different instruments (as is)

- Measures in the construction zone (incl mitigating measure EIA)
  - Public private partnership between the road authority and a contractor
  
- Measures outside the construction zone
  - Complexity in ownership / use.
  - Complexity of measures.
  - Big variety of stakeholders (local government, inhabitants, ...)
  
- Land development instruments by the Flemish Land Agency
  1. Land development (as is)
  2. Land consolidation supporting public works (as is)
  3. Local land bank (as is)
  4. Construction works for nature compensation (as is)
  
- Quality of place



## 1) Land development (as is)

### Land development plan A11 Motorway

- Purpose =

Matrix of responsibilities and financing plan

- Description of measures
- Who does what ?
- Who 's responsible for the financing?
- Wat is the timing ?



## 1) Land development (as is)

### Example: Dudzele village:

- Visual buffer between village and port/motorway (EIA)
- This buffer will also have recreational facilities, nature and landscape restoration
- Additional value added



#### Shared responsibilities in financing

- Road authority finances the land acquisition.
- Port Authority finances the afforestation (buffer)
- City of Bruges finances the recreational facilities

Project	Start	End	Financier	Budget	Actual	Balance	Remarks
Land acquisition	2009	2010	Road authority	1000	1000	0	
Afforestation (buffer)	2010	2011	Port Authority	500	500	0	
Recreational facilities	2011	2012	City of Bruges	200	200	0	
Total				1700	1700	0	



## 2) Land consolidation (as is)

### Gebruiksruil A11 en de daaropvolgende ruilverkaveling

- By decision of the Flemish government of 27 november 2009: phase of the exchange of land for the users
- Land consolidation committee is established
- Purpose of the land consolidation:
  - Exchange of land for the users:
    - incl temporary construction works
  - Restoration of landscape and nature values
    - Wooded banks 2150 lm
    - Pollarded trees 1234 lm
    - Hedges 56 lm
    - Trees 467 lm
  - New biking trail Hoeke-Ramskapelle
- All measures to be executed by the land consolidation committee; shared financing by the road authority and land consolidation funds



### 3) local land bank (as is)

### 4) nature compensation works (as is)

#### Land bank A11

- Extra compensations decided upon by the Flemish government; Jan 2010
- Contract between the road authority and the Flemish Land Agency; March 2010

#### Nature compensation (N2000) A11

- Contract between the Road Authority and the Flemish Land Agency December 2008: land bank & construction works
- Compensation of the N2000 (Birds Directive)
  - +/- 32 ha new nature (Damme en Kwetshage)
  - +/- 80% gronden reeds verworven
  - Construction planned 2012-2013

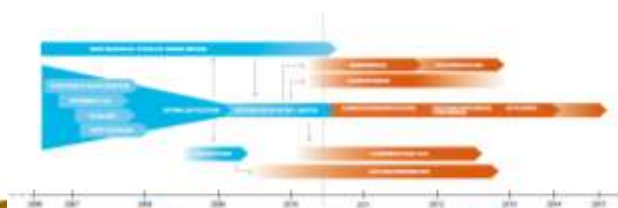


### Advantages of the new decree (to be)

- One project, one procedure
- Land commission would be into place (project independent)
- Execution would be faster

A11

#### TIJDSCHEMA





## Conclusion & status

- New decree on land development
- Tool box of instruments
- Can be selected in a land development plan
- Custom made
  
- Negotiations on the level of the Flemish government are ongoing
- Expected approval before the summer
- Flemish parliament has to adopt the decree

