

## URBAN CHANGE IN BELGIUM SINCE THE 1962 PLANNING ACT

**The Belgian Town and Country Planning Act (*Loi organique de l'Aménagement du Territoire et de l'urbanisme*) of 29 March 1962 was the result of a particularly effective developers' strategy. It can be considered as a law made by developers for developers. Forty years on, time has perhaps come to examine its impact on Belgium's cities and countryside. The later decrees and ordinances by the regions were largely inspired by it and could be the subject of a separate study. So would the comparison with planning laws of other countries such as the UK 1947 Town and Country Planning Act.**

The traditional urban structure of Belgium consists essentially of a string of cities, about 30 km apart, equal to a day's journey for the merchant caravans of medieval days. In the 19<sup>th</sup> century this structure was reinforced by the development of inter city rail networks and, in particular since 1869, by low cost season tickets enabling workers to commute daily to their jobs in the larger cities so avoiding the emergence of "red suburbs". Renewal of the housing stock happened through individual constructions authorised plot by plot by the local authorities (with a few major exceptions such as the large-scale expropriation of the old centre of Brussels, inspired by the Haussmann laws in France, the vaulting over of the River Senne and Victor Besme's Road Masterplan). After the Second World War a system of double authorisation was introduced (local authority and delegate of the state) in view of maintaining a balance between the municipal level decisions and the broader interests represented by the State. This balance was deeply modified by the Law of 1962, both in cities and in rural areas as will be shown hereafter.

It has to be noted that several other laws helped reinforce the State versus the local authorities. The regional development laws granted major subsidies to industrial and housing projects in peripheral areas and accelerated the movement of exodus from existing cities. Introduced in the sixties the toll-free motorway programme ("De Saegher Programme"), financed through state-guaranteed loans 'backed' by fictitious tolls - and the tax deductibility of car travel for professional purposes, including home to work commuting, have been direct incentives to increasing the distance between home and work and to urban sprawl. Introduced in the fifties the De Taye Law encouraged the building of individual detached suburban houses.

## PROVISIONS FOUND NOWHERE ELSE IN THE WORLD.

The 1962 Law contains several provisions found nowhere else in the world.

Article 25 allowed anyone owning half the surface of a designated land area, for example of a housing block (sometimes less) to be entrusted with redeveloping the whole block, including the right of expropriation. This was tantamount to introducing a private right of expropriation. This article was widely used by private developers, who were able to wipe out entire blocks of terrace houses and replace them by high rise office buildings and concrete slabs.

Article 55 allowed the applicant for a building permit not satisfied with the decision of the State official to appeal against that decision to the Provincial Council, an elected body. This introduced a right of appeal to a lower ranking authority against a decision of a higher ranking authority. Moreover that lower authority was close to the electorate. It comes as no surprise that, in particular in the case of Brabant, the Province where Brussels is located, some fifty percent of appeals were favourably received.

These two provisions are the main explanation of the accelerated transformation of the urban fabric made of multifunctional blocks, small plots and diversified architecture, into large areas made of mono-functional and stereotyped towers and blocks. This favoured industrialised building, which though cheaper to build, is not any less costly to acquire nor to maintain.

The overproduction of office space stimulated by these provisions has permanently affected the Brussels office market, which has ever since been characterised by lower returns than in comparable cities in other countries, making investment in quality architecture an even more hazardous venture.

In historic neighbourhoods, the construction of buildings disproportionate to their environment has in each case created precedents leading to a process of gradual chain destruction. As an example, in the Brussels Grand'Place area, the granting of permission to construct a building on the corner of Rue de la Violette and Rue de l'Etuve, with a density several times that of the neighbourhood, carried in itself the seeds of the destruction of entire neighbouring blocks (Rue des Chapeliers, Rue des Brasseurs etc.). The demolition process effectively continued for 30 years, until a recent decision by the Minister charge of heritage to list the few remaining buildings.

It should be pointed out that low property taxation, and in particular the low taxation on unoccupied property, encourages the acquisition of buildings with a view to demolition after several years of letting them run down. Paradoxically, the 1962 law, inspired by the American urban planning practice, introduced development tools not even available to U.S. developers, in particular block-wide expropriation. Annual taxation on buildings is also much higher in the U.S.A., regardless of whether the building is occupied or not.

Another paradox is that in the same year of 1962 in France, the "Malraux Law" introduced the concept of listed urban neighbourhoods ("secteurs urbains sauvegardés"), of which there are today around one hundred.

The provisions described above, were mainly conceived for the Brussels property market. It is in this city that its effects have been the most spectacular but other cities were by no means spared. Among projects in smaller cities involving speculative transformation of entire blocks, we can mention the Europa Center in Ostend, the Hotel Astrid in Antwerp and the Chiroux complex in Liège.

## RURAL AREAS

Equally striking were the effects of the same law in encouraging urban sprawl. Article 55 allowed appeals to the lower ranking provincial authorities by farmland owners eager to develop their land and obtain development permits on areas found unsuitable by State officials. Large areas recognised as of landscape interest by the Ministry of Public Works were thus subdivided in estates.

In addition another provision, Article 37, gave, under certain conditions, a right to compensation in case a refusal to build or develop a property "normally used" for that purpose. Despite this provision having been applied only around 30 times, it constituted a powerful threat against reluctant State officials.

Finally district zoning plans (of which there are around 50 in Belgium), generously allowed areas officially zoned for housing or "housing extensions", further and further away from existing towns and entirely dependent on individual transport.

All these provisions reinforced the latent demand for suburban building land triggered by the creation of road infrastructures, by the tax deductibility of home to work travel by car and by the multiplication of industrial estates, business parks and shopping centres, subsidised by regional development laws.

The overabundance of parking spaces required by law at workplaces has also encouraged new housing in areas accessible only by car. Availability of car parking at the place of work is the determining factor in opting for the motor car as travel mode.

## HUMAN SCALE NEIGHBOURHOODS

Despite the internationally recognised negative effects of the 1962 laws on Belgian city centres, in particular Brussels (one speaks of “bruxellisation”), the fact remains that many human-sized residential neighbourhoods remain alive and prosperous in the same cities, including Brussels. These neighbourhoods are to be found all around the built-up area of existing cities. Their compactness encourages short distance mobility and a sense of identity. These human scale neighbourhoods might be the object of a permanent housing observatory. The observation of their structure, of the paths crossing them, of the developments threatening them, of the vacant plots (masked by advertising billboards) and of planning blight in general could in this way become a tool for municipal governance, in the same way as the security of their inhabitants. This housing observatory could also usefully serve as a place for citizen participation towards a better quality of urban life.

On a larger scale, the demolished areas resulting from non-implemented redevelopment plans, rundown buildings and unofficial open-air parking spaces could be the subject of neighbourhood plans studied by the municipal authorities or proposed to them by private housing associations. Rather than property promotions covering entire blocks, these plans could insert themselves in the existing fabric of individual plots. This would make it possible to attract small enterprises and mixed commercial/ residential building. This principle has been applied for example in Copenhagen. The requirement to maintain the plot plan also permits gradual renewal of the housing stock rather than often traumatic wholesale urban renewal. The legal instrument for these mainly residential zones has been adopted in Belgium following the example of the Dutch *Woonerven*, but it could be more widely used. The commercial and residential success of neighbourhoods like the ones around the Place du Châtelain or the Place Brugmann - notwithstanding their lack of parking space - could be a test for this sort of human scale urban development.

The negative aspects of the 1962 Act have largely persisted in the regional decrees and ordinances that have succeeded it. Many rural municipalities, in the hope of attracting the favours of land-owning voters, want ever more new housing estates.

An original challenge has been launched with the adopting in 2002 by the Federal Government of a 12-year plan for improving rail transport. By improving the capacity of the main intercity railway lines (from two to four tracks) it will multiply the opportunities for good commuter services. If appropriate urban planning measures were accompanying this plan they could be an occasion for refocusing urbanisation around stations, bringing along a kind of new congestion free suburban rail system. The new university town of Louvain-la-Neuve, entirely developed around a new railway station linked to the main Brussels Namur Luxemburg corridor, is in this respect a pioneering experience.

