
The territorial planning system and the urban development in Belgium : from a deterministic to a strategic model

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THE BELGIAN LEGAL TERRITORIAL FRAME

Belgium is a small federal state consisting of :

- 3 regions (Wallonia, Brussels, Flanders) ;
- 3 linguistic communities (Belgian French-speaking community, Belgian German-speaking community, Belgian Flemish-speaking community) ;
- 10 provinces (5 in Wallonia and 5 in Flanders) ;
- 589 municipalities (262 in Wallonia, 19 in the Brussels region, 308 in Flanders).

Since 1970 multiple institutional reforms replaced the former centralised State organisation by a more complex system in three tiers.

The upper tier is comprised of the **federal State**, the three **linguistic Communities** and the three **Regions**. In accordance with the law, all three are on an equal level in exercising their responsibilities. The federal State is responsible for all subjects not explicitly treated either by Regions or Communities. The role of the federal State (and the Communities) in territorial planning procedures is reduced because Regions inherited territorial responsibilities. Nevertheless, some federal responsibilities continue to impact (even indirectly) the organization of the territory : scientific research, railroads, national defence, regulation of air transport and ground mobility (highway code), energy policy ...

Linguistic Communities and Regions appropriate a very wide range of responsibilities, in particular:

- For Regions : all matters related to the territory : environment, *land use and territorial development*, housing, agriculture, equipment and infrastructure, economic development ...;
- For Communities : matters with cultural or linguistic character and matters related to the individuals : education, health, social benefits ...

Provinces are somewhat archaic intermediate level in the new administrative architecture of the country. While their future is uncertain, they manage what does not fall under the jurisdiction of the federal, community, regional or municipal interest. Nevertheless, they can act, under the control of the upper authorities, in a rather wide range of areas, particularly in education, social and cultural infrastructures, tourism, preventive medicine and social policy. They can also take charge of some aspects of environment, economic development, housing ... In Wallonia, by now, the province has no longer direct responsibility for planning and territorial development. On the contrary, provinces share such responsibilities in Flanders with the region and the municipalities.

The **municipal** jurisdiction is are very wide, covering all matters regarding the local and basic needs of their inhabitants, among which is urban development. The municipalities are mainly financed by the regional authority. Depending on the subject, they also are supervised by one of the upper authorities.

EVOLUTION OF THE BELGIAN TERRITORIAL MANAGEMENT SYSTEM

Context

The first modern coordinated Belgian legislation on territorial organization is the fundamental Law of 1962, the "*Organic Law on Town and Land Planning*". Its objective was to supply a coherent spatial framework for the economic and demographic expansion in the so called "Golden Sixties" context. At that time, the reconstruction of the country after World War II was nearly over. The demographic expansion and the economic wealth generated territorial reorganization between housing and economic activities, distending their mutual links. On the one hand, companies (many of which were important multinational consortiums) were in search of large, equipped, and very accessible localisations with, if possible, favourable tax regimes. With the full support of public authorities ¹, specific industrial zones (and a bit later integrated commercial zones) were then conceived on the outskirts of cities within the framework of economic expansion Law (1961). On the other hand, a new growing middle class was equipping itself with cars and was settling down in suburban housing developments providing space and modern comfortable houses. Workers emancipated from close relations to workplaces, thanks to the general improvement of transportation ² and to the rise of the standard of living. According to the context, economic and housing developments together with the road's network extension were then the main lever of the territorial development.

Simultaneously, it was apparent that stronger regulation of the territorial development by public authorities was needed. Indeed, the farmer associations, particularly in the North of the country, fought for protection of the productive rural space that was threatened by an extension of the urbanization. It was a question here of controlling the perverse effects arising from high differences of land value depending on the final use of the land. Moreover, the politicians had to face some abuse from the developers (failing equipment, unfair sale of not constructible plots ...)

Where are we coming from ?

The Belgian Law of 1962 created a model of planning considered to be "**passive**" or "**rigid**". This model, representative of the conceptions of immediate post-war years, was established in a context of *optimistic growth*, by *centralized States* holding the main control levers, able to mobilize important financial means to launch public operations to support territorial development. This model answered a *determinist vision* securing a future guaranteed by the continuing of growth. It consisted of controlling the process of spatial transformation by creating a normative frame *regulating strictly a limited number of parameters*. It was built and implemented during the Fifties and the Sixties, in a quasi-similar way all over Europe.

Its conception was based on two key ideas:

- 1°) The **zoning of the various land uses** through a " top - down " system, strongly organized into a hierarchy of binding documents (plans and rules).
This planning system was supposed to answer the economic, social, and demographic needs for a limited period and accordingly had to be revised periodically.
- 2°) The **financing by the public authorities** (essentially the State) of the cost of the economic development and the subsequent urban expansion ³.

In broad outline, the efficiency of the toolbox set up by the Law of 1962 consisted essentially in a quite simple legal system. In all, the Law included "only" 88 articles and its objectives, defined in the first article, were summarized in three points:

*"The territorial development is conceived in an (1) **economic**, (2) **social** and (3) **aesthetic** perspective and with the aim of preserving intact the natural beauties of the country"*

¹ And in many cases, with the support of the land owners.

² Belgium is characterised by a particularly high level of accessibility whatever the place. It is due to different factors including : the small size of the country, the absence of physical constraints such as the topography, the particularly high density of the transport network used by a rather extensive range of means of transport, the very tight urban structure ... The general accessibility of workplaces was undoubtedly reinforced by the development of the use of cars and the further improvement of the roads network.

³ Including the growth of mobility and general equipment.

To reach these objectives, the Law also described a few important tools :

“The **Plan**⁴ is the tool used to fix the territorial planning at the national, regional, sector, and municipal levels”

In practice, the plans were binding documents of equivalent nature⁵, fixing the land uses with more or less precision according to their scale.

At the national level, one could find the so-called “*Regional plans*”⁶ and the “*Sector plans*”. These were conceived of as **binding plans** drawn at the scale of administrative subdivisions of the provinces existing then. They covered uniformly the whole Belgian territory (according to the regional projects) and divided it into potential urban development areas (so-called “building zones” essentially dedicated to housing and economic activities) on the one hand and “nature” areas (so-called “not building zones” devoted to agriculture, woods and other green/blue uses) on the other hand.

The local authorities were in charge of the so-called “*General plans*”⁷ and “*Local plans*”, drawn at the scale of a neighbourhood unit part of the municipal territory and conceived of as **executive binding plans** detailing the above “upper-level” zoning plans and in accordance with them.

At the same time, the Law introduced new procedures supervising the rights to build and establishing a common legal base for public control and intervention. Via these procedures, any urban development anywhere in Belgium was therefore subject, in principle, to homogeneous management and/or control. Generally, the decision leans on the above planning tools which should define the “**vision of the public authorities for good local development**”, even if this vision was a bit light, or even weak, consisting mainly in a survey of existing territorial constraints and capabilities.

According to the nature and the importance of the development, the politico-administrative level responsible for such management and control may vary (from national (provincial) to local), but the State clearly attributed itself effective supervision on the subordinate authorities via, as a last resort, approval as to the legal conformity of the projects. This subordination of the local authorities was also visible within the public inquiries during which the municipal authority was only an interlocutor in the same way as the simple citizen.

Finally, the Law planned the (eventually optional) creation of consultative organizations (1 national committee + 1 committee by created region + optional municipal committee for the 5 big Belgian cities as well as for cities of more than 10.000 inhabitants). These consultative committees were more or less headed by the central authority via the appointment of the members and the compulsory attendance of a delegate of the government.

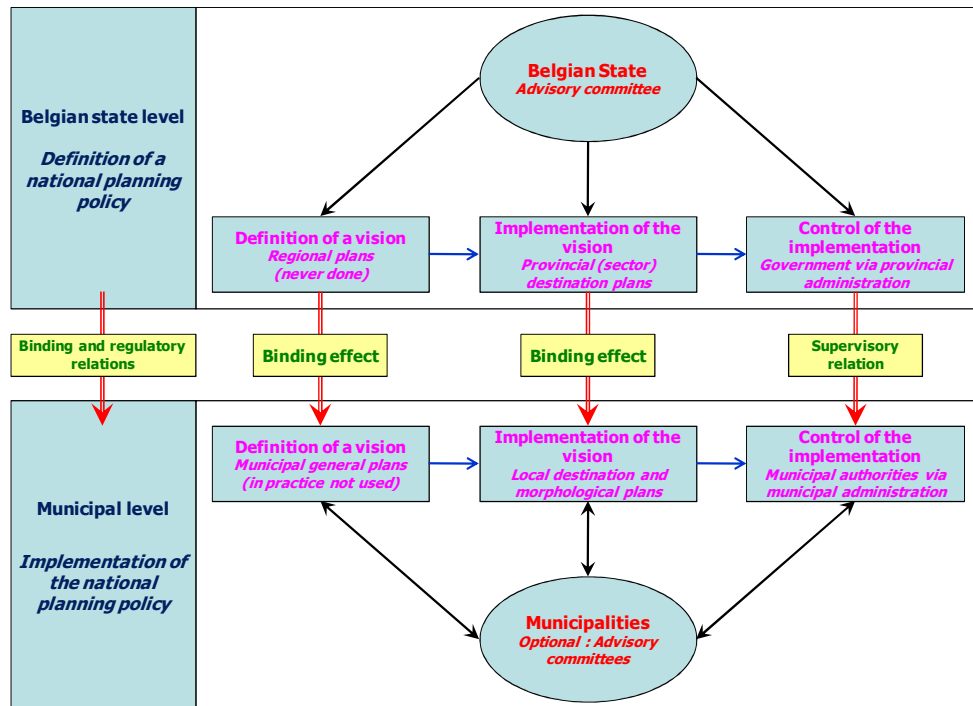
In broad outline, the system of planning of the territorial development thus appeared in the following way:

⁴ And regulation ...

⁵ King confers a binding effect on the regional, sector and municipal plans. All the prescriptions of the development plans, whatever they are graphical or not, have the same binding effect. The plans have legal value. They remain current until revision and substitution by other plans

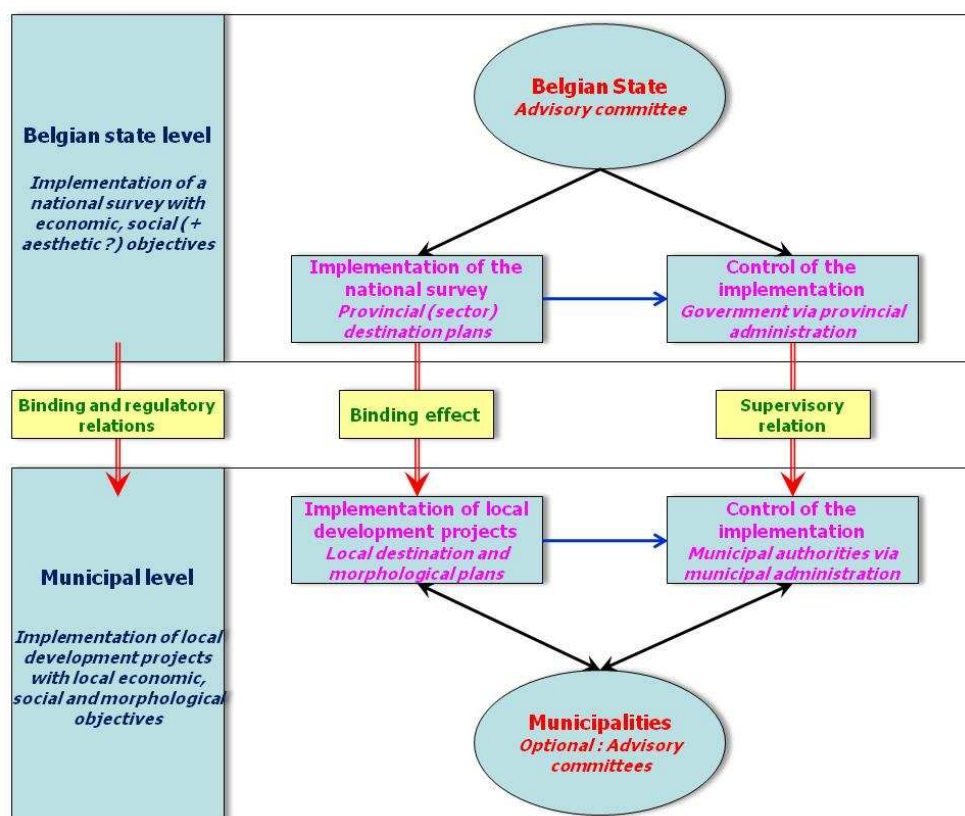
⁶ It had to define the “vision” of the territorial development. It was never drawn because the regional entities were never defined at that time

⁷ A mix between incentive and binding plans used to be drawn at the scale of the municipality. In fact very few of such plans were elaborated, partly because, due to the lack of “vision”, they were redundant with the sector plans.



Tab 1 : Theoretical architecture of the former Belgian planning system, fixed by the initial organic law on territorial development.

In practice, by not creating the regional level, which was supposed to define the "vision" of the territorial development, the legislator still simplified the interrelations between documents and set up means of control.



Tab 2 : Effective architecture of the former Belgian planning system

Characteristics of today's planning system

In Belgium, for nearly 50 years, the territorial management system produced considerable results. It is out of the question to leave them untold. Nevertheless, things are changing, in Belgium like seemingly all over Europe.

At the beginning of the Eighties ⁸, the national Law of 1962 underwent a radical evolution parallel to the *institutional reforms of the State*. Since then, Belgium “lives” with three different regional legislations whose are evolving in an autonomous way, although, answering to new societal constraints, they all shifted gradually towards a planning model said to be “**strategic**” or “**participative**”.

A first reason for such a shift is found in the radical change in the role of the former European “centralised” states during the last quarter of the 20th century. The Belgian example is particularly demonstrative of such evolution, but is far from representing a marginal tendency. All over Europe, states have to deal with strong endogenous centrifugal forces : claim of autonomy from the subordinated entities, financial crisis and loss of confidence in public institutions which results in abandonment of responsibilities for the benefit of alternate operators (namely private), weakness of the notion of general interest leading to an increase and diversification of the critics with the perspective of public constraint ... These are common phenomena’s in every European country.

But these centrifugal forces are not only endogenous, they also exist at the supra-national level : European integration, economic and political games between blocs, and globalisation are accentuating the common trend of disintegration of the former role of the States.

A second reason is certainly the inability of the former “productivist” vision of the development to open in the new societal stakes, even if this former territorial management system may certainly claim certain efficiency, as we saw it. Among these new societal stakes one can quote :

- 1° *The need to manage simultaneously the short and the long term* outcomes with the goal to treat phenomena globally and transversely. It is a question of giving an answer to the problem posed by the management of the territorial development, namely :
 - Adapt the management not only to the endogenous cyclical changes, whose frequency is faster and faster, but also to effects inferred from phenomena originating away from the directly concerned territory.
 - Manage in the long term and in an intergenerational perspective by setting up coherent and sustainable structures which integrate the environmental, social, economic, and cultural parameters.
- 2° *The environmental revolution* which infers constraints of caution, economy, and possible reversibility in every intervention on the territory considered as a common heritage, not to compromise the potential of development for future generations ;
- 3° *The perpetual restructuring of the economy* (including agriculture) and the persistence of a permanent crisis state ;
- 4° *The demographic changes* (decline in the birthrate and ageing of the population) which require an adaptation of the conception of the territorial management still based on objectives of growth and performance ;
- 5° *The necessity of choices shared by all the actors*, considering the individual and collective aspirations in their identities and in enhanced self-determination. From this perspective, it is necessary to adopt an approach based on consensus and partnership, which is at present recognized as being the most effective way to reach the aimed objective. This implies :
 - A necessary consensus between the public actors (institutional or not) and between the public and private actors (investors, population);
 - An active partnership between these same actors so as to mobilize sufficient resources to compensate for the lack of public finance.

Considering such a general social and political evolution during that period, we passed then from the former “simple” top-down determinist public management system, mostly based on multi-year socio-economic planning and “linear” decision-making processes, involving few players and controlling few parameters, to the actual bottom-up “iterative” and “integrative” approaches, constituting a complex multileveled system which integrates a wide range of “partners” and parameters not treated on a hierarchical basis.

In this “strategic” planning system, it is necessary to define the main societal goals (“political” options) before to the development process itself. Therefore, the decision-making framework and the means have to be adapted constantly, in order to :

⁸ Special law for institutional reforms deepening the regionalization of the former “national State” (August 1980). Among others, the regions inherited exclusive responsibilities in the field of territorial planning and development.

- qualify the decision in an unstable real context ;
- optimize the action according to partial or intermediate objectives.

Such an evolution in which main topics are : participation, deliberative democracy, subsidiarity, public-private partnership ..., induces considerable changes in the way of envisaging the urban and territorial management system.

The following figure describes the actual general architecture of the system within each of the three regions⁹. Beyond the formal differences, the three systems translate the above mentioned evolution of the planning processes, from a deterministic model essentially based on “top-down” approaches (formally rigid and legally binding documents) to a strategic model formalizing flexible, iterative and negotiated "bottom-up" approaches (documents betting on the partnership rather than on the constraint).

		Brussels Région	Walloon Région	Flemish Région
General legal framework (Codex)		Code bruxellois d'Aménagement du Territoire (OOPU 1991 / COBAT 2004)	Code wallon de l'Aménagement du Territoire, de l'Urbanisme, du Patrimoine et de l'Energie (CWATU 1984 / CWATUP 1991 / CWATUPE 2009)	Vlaamse Codex Ruimtelijke Ordening (Décret de base 1999 / VCRO 2009)
Régional level	Strategic plans	Plan régional de développement (PRD)	Schéma de développement de l'espace régional (SDER)	Ruimtelijk Structuurplan Vlaanderen (RSV)
	Executive plans	Plan régional d'affectation du sol (PRAS)	Plans de secteur (PS)	Geswestplannen / Gewestelijke ruimtelijke uitvoeringsplannen (RUPs)
	Urbanistic rules	Règlement régional d'urbanisme (RRU)	Règlements généraux d'urbanisme (RGU - RRU - RGB)	Gewestelijke stedenbouwkundige verordeningen (GSV)
Provincial level	Strategic plans			Provinciaal ruimtelijk Structuurplan (PRS)
	Executive plans			Provinciaal ruimtelijke uitvoeringsplannen (RUPs)
	Urbanistic rules			Provinciale stedenbouwkundige verordeningen (PSV)
Municipal level	Strategic plans	Plan communal de développement (PCD)	Schéma de structure communal (SSC)	Gemeentelijk ruimtelijk Structuurplan (GRS)
	Executive plans	Plan particulier d'affectation du sol (PPAS)	Plan communal d'aménagement (PCA)	Bijzondere Plannen van Aanleg (BPA's) / Gemeentelijke ruimtelijke uitvoeringsplannen (RUPs)
	Urbanistic rules	Règlement communal d'urbanisme (RCU)	Règlement communal d'urbanisme (RCU)	Gemeentelijke stedenbouwkundige verordeningen (GSV)

Tab 3 : Territorial development and urban design in the Belgian federal state. General architecture of the system and main tools

Practically, the planning process lends itself three types of tools :

1. **Strategic plans** (more precisely “schemes”) expressing the political intentions on the territory that are more or less long term. They are elaborated either at the regional or local level (also provincial level in Flanders). They are tools for strategic orientation binding only the public authorities who elaborate them, as well as the eventual related authorities, for public investment. For the private operators, they constitute more or less a base for negotiation, according to the constraints arising from the (eventual) binding executive plans and regulations at the regional or local scale.
2. **Binding executive/destination plans** defining graphically and rather precisely the destination and/or the morphology of construction or equipment in a precise perimeter (sector, neighbourhood unit, ...).

⁹ In the Belgian federal system, “Region” means **autonomous federal entity**.

3. **Urbanistic rules** which are legal written documents, binding all the operators involved in territorial development, as the above executive plans. They constitute also a base for public control and intervention. Complementary to the plans, they describe morphology, texture, organisation ... of both territorial development and urban design.

We notice that, in spite of the regional autonomy characterizing the decision making process, the general structure of the planning system remains relatively similar from north to south with the exception of maintaining an intermediate provincial level in the Flemish Region as a potential public operator in the field of territorial development. Another difference is to be found in the usual terminology: In Brussels and in Flanders the term "Plan" sometimes means a strategic tool, sometimes a binding executive document. In Wallonia the term "scheme" is related to the strategic planning, "plan" being used for binding documents so that the terminology is not ambiguous.

However beyond appearances and due to local constraints, regions develop **specific approaches**, namely regarding their *political objectives and interactions between different territorial levels*.

In the **Walloon region**, the "*Code Wallon de l'Aménagement du Territoire, de l'Urbanisme, du Patrimoine et de l'Energie - CWATUPE*", that is to say the "*Walloon Codex for town planning*", has been reshaped several times since 1980¹⁰. The territorial development arises here essentially renewal of the urban fabric (old-fashioned housing stock, former industrial sites, ...) and redeployment of economic activities on new sites by taking advantage of relatively extended land reserves with regard to the other regions. Since the '80s, the regional policy statements repeat those themes.

In the **Brussels region**, the territorial stakes consist of allowing the permanent and sustainable evolution of the city on itself while controlling the fragile coexistence of urban functions, in particular between housing and administrative and economic activities. From this perspective, the "*Brussels Code for Town and Country Planning*" (COBAT), also stemming from the organic law of 1962, has replaced several scattered planning prescriptions (OOPU) adopted in August 1991 and groups them together. The COBAT was reorganized in 2009 to simplify building license procedures and the way to modify planning documents. This reorganization also aims at transferring the decision-making process in strategic projects from the municipality to the region.

In the **Flemish region**, the territorial narrowness and the aim to protect agriculture and rare natural open spaces that remain constitutes a constant concern in Flanders since the Sixties and the economic boom¹¹. The decree about territorial planning "*Het Decreet houdende de organisatie van de ruimtelijke ordening – HET DECREET 1999*" was recently reshaped (September 2009), in relation with the coming into effect of new options concerning the "*Land and Real Estate Policy of Flanders*", notably the obligation to update a register of plots at the municipal level (history of delivered building licences per plot and/or survey of not built plots within the potential building zone). It is henceforth entitled "*Vlaamse Codex Ruimtelijke Ordening*".

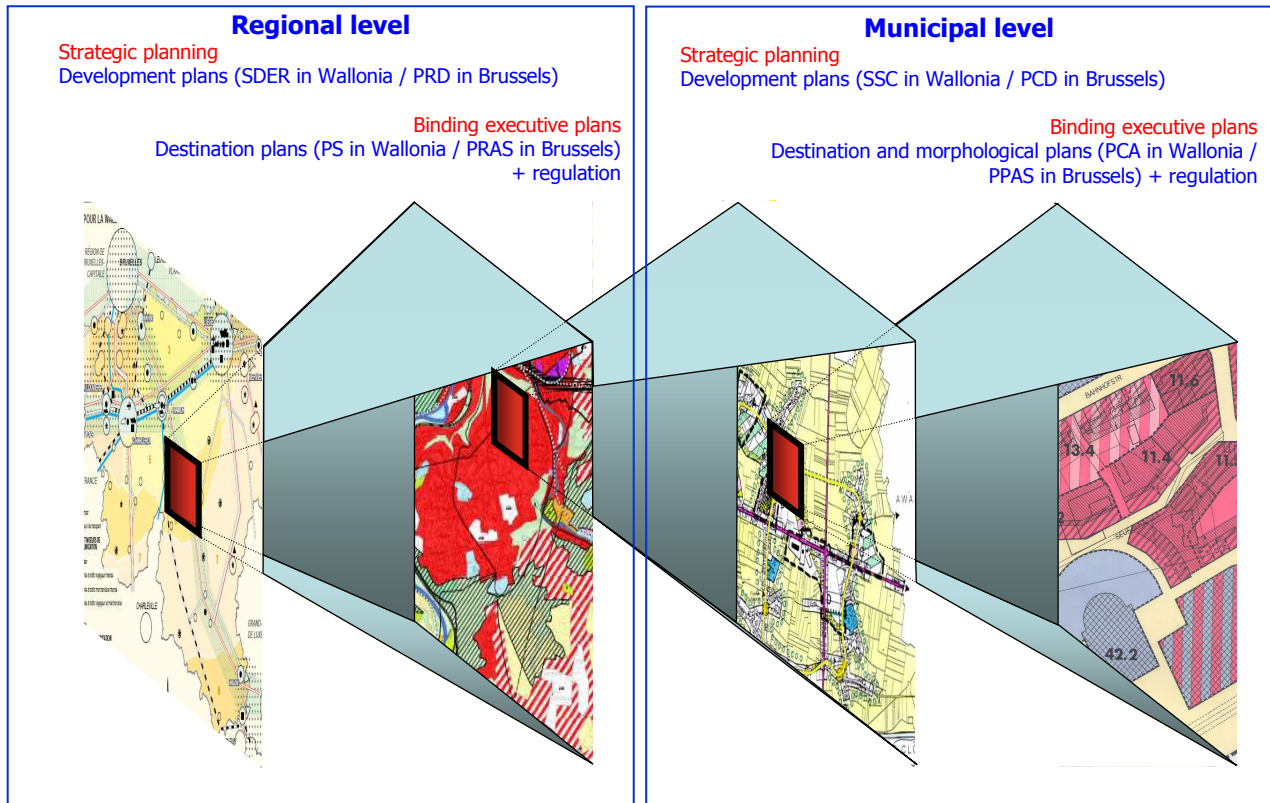
Regarding the *interactions between territorial levels* in each region, differences are particularly perceptible in the interfaces between documents, notably between Brussels and Wallonia on one side and Flanders on the other.

¹⁰ Among the most significant modifications, we shall quote for example the decree of 1989, about decentralization and participation, the deep reorganization of the whole legislation in 1997, the decree about optimization in 2002, the decree about economic development and administrative simplification (RESA) in 2005, the second decree RESA in 2007, the third decree RESA in May 2009

¹¹ Let's remember that the Law of 1962, and the sector plans in particular, originally answered a strong request of the Flemish farmers' syndicates (boerenbond) which saw the means to dike as the pressure of urbanization on the agricultural grounds. In this respect, the sector plans have doubtless been the best shield in a period of deep transformations of agricultural practices, weakening this sector more than others.

The Brussels and Walloon planning systems are somehow " **models with a zoom effect** ".

- At the highest level, regional strategic plans define the regional objectives in territorial development;
- Regional executive plans then fix the general destination (urbanizable or not urbanizable area) of every plot of land on the regional territory ¹²;
- In accordance to the regional plans (strategic and executive), strategic municipal plans may detail the options and the destinations fixed at the regional level ¹³;
- At the finest scale, binding executive municipal plans may formalize these options and eventually refine the regional executive plans.



The planning system in Wallonia and in Brussels: a model with a "zoom effect"

The Flemish system can be described as " **patchwork model** ". All the levels of public authority (regional / provincial / municipal) intervene on every portion of the territory, both in terms of political strategy (via the *Ruimtelijke Structuurplannen*) and for executive aspects (via executive plans - *ruimtelijke uitvoeringsplannen* - and urbanistic regulation - *stedenbouwkundige verordeningen*-).

The idea hiding behind this system is that every administrative level can in theory, by virtue of the principle of subsidiarity, assume an "autonomous" ¹⁴ development policy for spatial elements from its own appropriate jurisdiction (infrastructure, equipment). In this case, the expected administrative level assumes responsibility for its own policy and also has to find the financial means to implement it. To avoid the gap with regard to rules ensuing prior national law, the eventual former binding plans are in effect as long as new executive plans are not substituted for them. In its distribution, the Flemish territory is regulated by a mosaic of planning documents which may overlap in various scales, evoking the image of a patchwork.

¹² In theory, at each level, the executive plans should be secondary to the planning options defined within the strategic plans. In fact, the first ones, if they exist, were often in effect long before the second ones, so problems of coherence may occur. It's particularly the case at the regional level, where strategic planning dates from mid '90s, while executive plans entered mostly in force within the '70s. Until now, the system adapted itself via multiple partial updates. Some ask however the question of a global revision of the executive plans, which seems very difficult politically and financially.

¹³ In the Brussels region, no municipality has elaborated any strategic municipal plan, so that the PRD is currently the only strategic document. In Wallonia, about 50 municipalities (out of a total of 262) have a strategic plan.

¹⁴ In fact this autonomy is limited : the options of subordinate administrative level can not contradict the strategy defined at upper level.

Flemish region

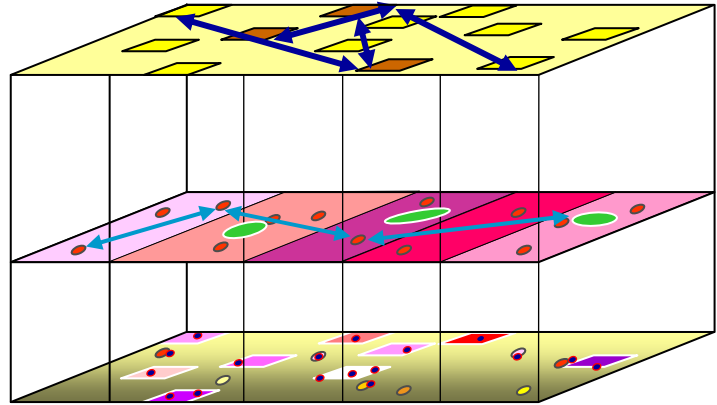
- Strategic planning : regional structural plan
- Executive binding plans and regulations (regional concerns)

Provinces

- Strategic planning : provincial structural plan
- Executive binding plans and regulations (provincial concerns)

Municipalities

- Strategic planning : municipal structural plan
- Executive binding plans and regulations (municipal concerns)



The planning system in Flanders: a "patchwork effect"

Challenges in a near future

In summary, the evolution of the territorial management system described above carries on :

- The *delegation of responsibilities* from a centralised authority towards subordinate levels of authority, in application of the principle of **subsidiarity**. It offers a solution to the problem caused by the integration of the so called "top-down" and "bottom-up" approaches to a project-oriented organisational system ;
- The *decompartamentalization of the sector-based policies* and of *the administrative practices* with respect to the principle of **proportionality**, dealing with mixed approaches between the departments which manage various facets of town and country development : mobility and transport systems, environmental purposes, housing, economy, leisure, health, ...;
- The *participation of civil society and the recognition of the role of lobbies* by **consultation** and **dialogue** in order to answer their expectations, by inserting some representatives into diverse advisory committees asked to enlighten the decisions-makers ;
- The *search for formulae for shared responsibility* via the conclusion of (public-private) **partnerships** , supposed to guarantee better efficiency in management and financing of development operations. Considering the financial limitations regarding public policies, such formulae are supposed to allow the public authorities to pursue their generic mission which would be, in this case, limited to the control of development ;
- The *concern for the environmental dimension* of development through the concept of **sustainable development** integrating economic, social, and environmental dimensions into the search for long-term balances. Notably, territorial development is subject to a double environmental evaluation ¹⁵ by virtue of European directives.

Those are the main characteristics of the new paradigm in urban and territorial planning. But this new approach in the planning system also leads to new problems.

The strategic planning appears fundamentally as a "**holistic**" approach and is **necessarily complex**. It is such complexity which constitutes the main advantage of this model of planning but also, doubtless, the most dreadful difficulty to manage in the contemporary territorial development process.

Indeed, as long as it is manageable, this complex approach of the territorial project certainly allows to end in richer results than would the traditional deterministic approach, in particular as regards :

- The adaptability of the project, in particular for the consideration of the new constraints of sustainable development ;
- The originality and adequacy of answers with regard to contemporary expectations by means of the permanent evaluation and negotiation with a protagonists' wide range;
- The profit-sharing of these actors in authorizing a transfer of the implementation responsibilities on a widened base and therefore guaranteeing a better acceptability of the project.

¹⁵ Focus here on the transposition of the 2002 directive said "Plan - Program" imposing a formal analysis and environmental evaluation not only on a defined project but also on its possible alternatives, simultaneously within the process of development and in possible redundancy with regard to a later impact study accompanying the implementation process.

On the other hand, the complexity that is not mastered can return the totally ineffective decision-making and become an insuperable handicap compromising any attempt of realizing of the development project goals.

The complexity of the strategic planning process marks at several stages:

1. In stage of elaboration of the project ;
2. In stage of negotiation ;
3. In stage of control.

As regards the phase of elaboration of the project, the objectives of the territorial development, fixed in the first article of the Law, considerably widened since 1962. The current Law stipulates :

*“The territory of the Walloon Region is a common heritage of its inhabitants. The Region and the other public authorities, each within the framework of its skills and in coordination with the Region, are administrators and are answerable for the town and land planning. They meet in a sustainable way the **social, economic, energy needs**, as well as the **mobility, patrimonial and environmental needs** of the community by the qualitative management of the living environment, by the rational use of the ground and its resources, by the energy performance of the urbanization and the buildings and by the preservation and the development of the cultural, natural and landscaped heritage.”*

Such an extension of the field of development generated an enormous diversification of tools. Of course next to the classic tools that are the destination and morphological binding plans and the literal regulations allowing the implementation of policies, we find now all the strategic planning sector expressing itself essentially by means of structural schemes. But such “basic” documents constitute only a very reduced part of the whole planning and existing implementation tools.

These additional tools can be classified in three categories:

1. *Additional tools specifically delegated by the territorial planning policy.* They have a more or less “operational” vocation. Their objectives consist of the precise definition and/or supervision of particular interventions by public authorities. As an example, let’s mention within the Walloon CWATUPE :
 - Management and control tools : essentially procedures relevant to building licences
 - Evaluation reports (urbanistic and environmental evaluations)
 - Land property tools (land consolidation, long lease, expropriation, ...)
 - Tools specifically supervising tourist equipment (resorts and weekend residential parks)
 - Tools and procedures related to urban renewal (revitalization, renovation, ...)
 - Tools relative to patrimonial protection and restoration
 - Tools relative to energy performance of the buildings
 - ...
2. *Tools not specifically delegated by territorial planning policy.* Evidently, the strategic planning system involves and coordinates a wide range of policies (economy, housing, environment, agriculture, mobility ...) developing each their own tools. Let’s mention for example :
 - Mobility and transport planning ;
 - Agriculture and forestry development plans ;
 - Equipment and sanitary plans (sewage, accessibility, fight against the floods...) ;
 - Patrimonial protection or enhancement policies (buildings, sites, landscapes, ...) ;
 - Economic development policies and the implementation of any linked equipment such as industrial, craft and commercial parks ;
 - Social housing development plans ;
 - ...
3. *Tools resulting from a transverse or technical approach*, without explicit integration in a defined legal-administrative frame. These procedures may nevertheless have a significant territorial impact. For example :
 - Generic reflections such as city development projects, intermunicipal or cross-border cooperation plans, master plans and diverse incentive schemes ... ;
 - Financial incentives : the tax system, the bonuses and subsidies as well as the financial expenses related to territorial development ;
 - Statistics (socio-economy, mobility ...) and geographical information: land surveys, topographic measurement, aerial photos ... ;
 - Sociology via public information and participation procedures : collection of information, public inquiries
 - ...
 - ...

Furthermore, the procedures of strategic planning are by definition iterative processes, imposing a constant evaluation of the authority's choices. This evaluation is itself a complex process because it is both a self-assessment (see transposition of European directives on environmental evaluations plans-programs) and an external assessment (see impact studies at project's stage and public inquiries procedures which are connected with them).

The complexity of the procedures and the wide variety of tools, each with its own sector-based objectives, brings to the light the question of coherence and of compatibility not only between various policies but also between procedures and tools in the context of ever more frequent court proceedings in order to settle the inevitable conflicts of interests. Evidently such an increase involves higher risks of imbroglios which may contribute to the abandonment of the project. So, the administrative procedures are certainly heavier, but they are also conceptually and technically more sophisticated and thus more expensive in time and means. They risk, if we are not careful, weakening the decision-making process more than strengthening it by dissolving it in the jurisdictional scrubland, the only result being the expression of truisms leading to the confirmation of *de facto* situations.

Concerning the negotiation process, the **number of actors**, both private and public, is growing substantially. It doubtless complicates the interactions between them, still each one pursues its own objectives, different from the other's. If it has ever existed, a large open negotiation may contribute to the death of a clearly expressed project on the territory.

Furthermore, formulae of public-private partnerships often contribute to blurring the traditional dialectic between the public authority as a guardian of the general interest and the private bodies worried about maximizing their particular interests, rather than to giving responsibilities to each of the partners through a just sharing of charges and profits.

From this perspective, paradoxically with regard to the fixed objectives of strategic planning, the evolution of territorial development seems more and more based on competition and gathering of short-term opportunities replacing the former concepts of territorial cooperation and mid / long term planning.

The result is a big distrust between the actors involved in the project (whatever they are : public authorities, private investors, but also simple "users" and lobbies defending partisan interests), while the partnership formulae were in principle supposed "to oil cogs". Therefore, there is a real risk to have to manage introverted assertions of one's identity or selfish motionless positions of systematic refusal of any evolution.

Concerning the process of control, we see a real inflation of the legal frame supposed to supervise the increasingly complex procedures evoked above. For instance, the Walloon CWATUPE actually counts more than 600 articles¹⁶ plus many transitory and annulling measures. And the rhythm of modifications and additions, far from calming down, tends rather to accelerate these last years¹⁷, creating a general juridical insecurity at all administrative levels, which again inhibits every actor.

This "natural" complexity is amplified by the specificities of the Belgian institutional architecture. We saw that Belgium is a small country with multiple authoritative and administrative levels. Over that, some **semi-public Belgian bodies** (intermunicipal operators, universities, railroad companies, responsables of technical networks, ...) overlap the territorial skills of democratic assemblies. It further complicates an institutional architecture already fairly split. In such a situation, the responsibilities of each are often notably reduced by necessity, even sometimes redundant. Moreover, the necessity to constitute **political majorities** from rival parties each pursuing their own objectives, doesn't improve the coherence and legibility of a territorial project pulled between multiple incompatible or contradictory interests and deprived of clearly recognizable options. The result may be inhibition of any potential investor considering the difficulty and the duration of many territorial development projects.

In conclusion, it could be said that strategic planning brings without doubt necessary flexibility into the planning process. Indeed, the process is supposed to involve a wide range of actors, taking care to encourage every project improving the general quality of life and social welfare. These should be finally the purpose and the social justification of any territorial development project.

¹⁶ From a total of 88 articles in the former national Law, as already mentioned.

¹⁷ The Law remained relatively stable until the decentralization (1980), that is to say during about twenty years. Since then, the big legislative reforms succeed one another, at once for endogenous reasons (change of policies, adaptation after evaluation) but also in a very significant way for exogenous reasons (transcription of European statutory devices in particular); See above for Wallonia the important reforms of 1989, 1997, 2002, 2005, 2007, 2009.

However, two frequent excesses of the strategic planning are to be avoided : such a process cannot be overshadowed by excessive complex procedures on one hand and, on the other hand, it cannot lead to complete deregulation by dismissing public authorities.

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