

Land development



PREFACE

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.

This brochure explains what land development implies these days, which are the different procedures, which land development tools can be applied and which is the role of the Flemish Land Agency, other Flemish authorities, the municipalities and provinces and private individuals in land development.

We hope you will enjoy reading this brochure!



Contents

1.	What does land development imply?	4
2.	The Different Procedures - From Planning to Implementation	6
2.1.	How does Track 1 (land development projects) work?	7
2.2.	How does Track 2 (other projects, plans and programmes) work?	10
2.3.	How does Track 3 (management vision) work?	12
3.	Tools from the tool box	13
3.1.	Development works	13
3.2.	Development works by virtue of the law	14
3.3.	Easements for a public use	15
3.4.	Compensation for loss of value of land	16
3.5.	Management agreement	16
3.6.	Compensation for services	17
3.7.	Acquisition	18
3.8.	Right of pre-emption	18
3.9.	Voluntary reparcelling	19
3.10.	Reparcelling by virtue of the law	20
3.11.	Exchange of use	21
3.12.	Reparcelling by virtue of the law with planning exchange	21
3.13.	Compensations at local land banks	22
3.14.	Voluntary business relocation	22
3.15.	Voluntary business closure	23
3.16.	Voluntary business conversion	23
3.17.	Obligation to buy	24
4.	The role of the Flemish Land Agency, the land commission, the municipalities and provinces, other Flemish authorities and private individuals in the context of land development	25
4.1.	The role of the Flemish Land Agency	25
4.2.	The role of the land commission	26
4.3.	The role of other Flemish authorities, the municipalities and the provinces	26
4.4.	The role of private individuals and private law bodies	26
5.	More information	27



1. What does land development imply?



Land development is aimed at the integrated organisation of areas in keeping with the uses (nature, agriculture, recreation, residential, etc.) designated to them on the basis of spatial planning.

What has changed following the introduction of the Flemish Parliament Act on Land Development?

- The **scope** of land development is now no longer restricted to designated uses of the open space.
- Compared to the former scope of land development, many **more tools** can now be used within the context of land development. The term 'tool box' refers to all of these tools, and contains:
 - Development works
 - Development works by virtue of the law
 - Easements for a public use
 - Compensation for loss of value of land
 - Management agreements
 - Compensation for services
 - Acquisition
 - Right of pre-emption
 - Voluntary land re-parcelling
 - Reparcelling by virtue of the law
 - Exchange of use
 - Reparcelling by virtue of the law with planning exchange
 - Compensations at local land banks
 - Voluntary business relocation
 - Voluntary business closure
 - Voluntary business conversion
 - Purchasing obligation

The different tools are explained in Chapter 3 "Tools from the Tool Box".

- These tools can be used in combination with each other. The decision on which tools will be used is reached following an assessment based on 4 different criteria: timely, qualitative and sustainable realisation, and support.
- These tools **cannot just be used to realise land development projects, but also to implement various government projects, plans and programmes** aimed at developing and managing a specific area. In addition the tools "management agreements" and "compensation for services" can also be used **to realise a management vision**. Three procedures ("tracks") are thus currently available to implement land development (see Chapter 2 "The Different Procedures - From Planning to Implementation").

- The establishment of **five land commissions**, namely one for each province.
 - The five land commissions are assigned to implement a number of tools from the tool box.
 - They have legal personality and are named after a province.
 - The members of the land commission are:
 - The chairman nominated by the Flemish Minister responsible for land development.
 - The secretary nominated by the Flemish Land Agency.
 - One member nominated by the Flemish Minister responsible for spatial planning.
 - One member nominated by the Flemish Minister responsible for finance and budget.
 - One member nominated by the Flemish Minister responsible for agricultural policy and sea fisheries.
 - One member nominated by the Flemish Minister responsible for public works.
 - Certain members of the capital damage commissions¹.
 - The initiator of a project, plan or programme or the person in charge of implementing the land development plan may give advice to the land commission.

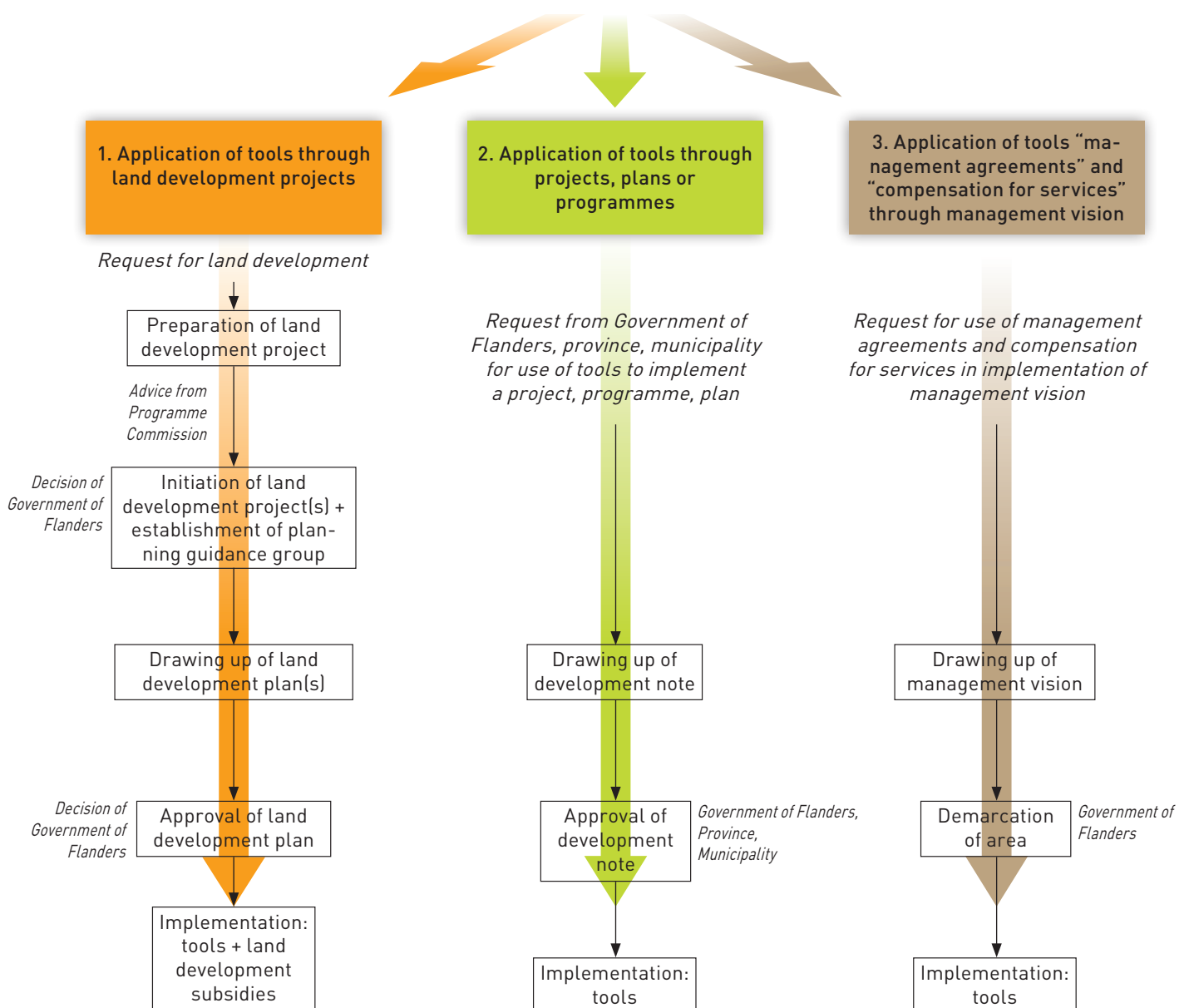
¹ More specifically the members who are appointed as experts in application of the Flemish Parliament Act of 27 March 2009 on the land and buildings policy on the nomination of the regional administration in charge of implementing agricultural and fisheries policy, and the regional administration in charge of implementing the policy regarding nature protection and the safeguarding of the natural environment and of the environmental policy of the capital damage commissions for the province concerned.



2. The Different Procedures From Planning to Implementation

Three “tracks” (procedures) are in place to implement land development:

In Track 1 the tools from the tool box are used to implement land development projects. In Track 2 the application of the tools is linked to the projects, plans and programmes of the Government of Flanders or the provinces and municipalities which are aimed at the development and management of a specific area. The purpose of Track 3 is to make very simple use of management tools, like the management agreements and the compensation for services, on the basis of a management vision.





2.1. How does Track 1 work? land development projects

A land development project can be initiated on the condition that it promotes the conservation, protection and development of the open space and is in line with the Government of Flanders' priorities. When several development issues are to be solved within one specific area, involving different partners and the pursuit of varying objectives (for instance, agriculture or nature objectives), a land development project may provide the solution.

The procedure for land development projects has remained practically unchanged, except that the Land Development Commission is replaced by a Programme Commission which gives advice on the initiation of new land development projects.

Procedure

The request for a land development project may originate from different partners who are actively engaged in the open space, like the provinces and municipalities. The Minister decides whether or not the **suitability and feasibility** of a land development project **should be examined** and, if so, orders the Flemish Land Agency to do so. This examination results in a land development project proposal. The **Programme Commission** gives advice on the proposal. It is the Government of Flanders that approves the land development project proposal and initiates the project. For each new land development project a **planning guidance group** is established.

In order to realise the land development project, the Flemish Land Agency will draw up one or more **land development plans** together with the planning guidance group. The Board

of Mayor and Aldermen organises a public consultation on the draft land development plan. The Board of Mayor and Aldermen and the Provincial Executive may advise the Flemish Land Agency on the draft land development plan. On the basis of the advisory opinions and the objections the Flemish Land Agency may adjust the land development plan, after having presented the proposal for adjustment to the planning guidance group. It is up to the Government of Flanders or the Minister to approve the land development plan.

Subsidies for land development

In principle, land development is mostly financed with the partners' own resources. However, there is a possibility to allocate specific resources to provinces, municipalities, public law bodies, private law bodies and natural persons.

Examination of the suitability and feasibility of a land development project

- This examination includes at least a substantiation of the added value of the initiation of a land development project in a specific area, as well as a land development project proposal.
- This substantiation must demonstrate that the land development project satisfies the purpose of land development and complies with the policy conducted by the Government of Flanders, the province or the municipality in terms of the preservation, protection and development of functions and qualities of the open space and a land development project proposal.
- The land development project proposal contains the goals of the project, the territorial demarcation, a non-exhaustive overview of the partners involved in the implementation of the land development project and an estimation of the costs, indicating the method of funding.



Programme Commission

The Programme Commission replaces the former Land Development Commission.

Composition: Representatives of Government of Flanders departments and agencies, supplemented by representatives of municipalities and provinces.

Responsibilities:

- The Programme Commission advises the Government of Flanders on the initiation of new land development projects. In association with this it also advises the Government of Flanders on the territorial demarcation of the land development project.
- Apart from that, the Programme Commission has an advisory duty in the programming of land development projects. This is important for achieving an optimal alignment between needs, budgets and priorities. Drawing on its experience, the Programme Commission can also give advice to the Government of Flanders with regard to land development policy in Flanders.
- Finally, the Programme Commission closely monitors the progress of the different land development projects.

Planning guidance group

A planning guidance group is established for each land development project following the initiation of the project by the Government of Flanders.

Composition: Representatives of administrative authorities, municipalities and provinces and the different target groups involved in the land development project. The Minister responsible for land development determines which departments, agencies, provinces, municipalities and target groups will be involved in the land development project.

Responsibilities:

- The planning guidance group determines which land development plans are drawn up within the framework of the land development project and assists the Flemish Land Agency in drawing up the land development plan(s) from start to finish.
- Through a project call launched by the planning guidance group small-scale initiatives can already be carried out following the initiation of the land development project.



Land development plan

A land development plan contains at least the following elements:

- A description of the purpose of the land development plan and the intended measures.
- A comparative assessment of the tools.
- The demarcation of the area for which the land development plan is drawn up, with indication of the area where a specific tool is applied.
- Substantiated reasons for the application of a specific tool.
- If the tool "easement for a public use" is applied: the description of the public use for which the tool is applied.
- An implementation programme and a financing plan.

The land development plan is realised on the ground by the most suitable partners through application of the different tools.

The development plan Groene Velden was realised within the framework of the land development project Leie-Schelde. The area of approximately 17 ha was turned into a public green area with varied stretches of forest, more open grasslands and more humid areas. It is a place for local residents to enjoy and for nature to flourish.

2.2. How does Track 2 work? other projects, plans and programmes

In Track 2 the application of the tools is linked to the decision-making or implementation of various projects, plans and programmes of the Government of Flanders, provinces or municipalities, which are aimed at the development and management of a specific area.

Other authorities or partners (like for instance the Agency for Nature and Forests and the Flemish Environment Agency) as well can use the development tools from the tool box to realise certain objectives on the ground.

This may include, for instance, the installation of greenhouse cultivation zones, the creation of nature corridors or the restoration of natural banks. For large-scale infrastructural works as well, like the extension of the Flemish ports or the construction of missing links in the roads network, land mobility tools (like reparcelling by virtue of the law) can be used, including in view of complementary policy. In the past several procedures had to be implemented to that end (land development, exchange of use, local land bank, nature compensations, etc.) within one and the same area.

Procedure

The application of tools can be decided by the Government of Flanders or by the provincial or municipal level of government. To that end the body initiating the realisation of the project, plan or programme draws up a **development note** in consultation with the Flemish Land Agency. The Board of Mayor and Aldermen organises a public consultation on the draft development note. The Board of Mayor and Aldermen and/or the Provincial Executive may give advice on the draft development note. The initiating body can adjust the development note on the basis of the advisory opinions and objections. The decision-making regarding the development note

is preferably also integrated into the decision-making concerning the project, plan or programme. This may increase the support for the project, plan or programme and throw some light on the timing, efforts and tools applied for the implementation of the project. Possibly, no separate public consultation will have to take place.

The Government of Flanders, the provincial council or the municipal council approve the development note.

Funding

The initiator of the project, plan or programme is in charge of funding the implementation of the development note.



Tools from the tool box can also be used to carry out a spatial implementation plan. To improve access to the port of Zeebrugge a new set of rail tracks is constructed at Zwankendamme village. The spatial implementation plan "Zeehaven" (sea port) provides for a buffer zone between the new set of rail tracks and Zwankendamme village. The land required for this purpose was expropriated and the buffer zone will be created through development works as a green buffer which can also be used by hikers.



Development note

A development note contains at least the following elements:

- A description of the options from the project, plan or programme and the intended measures.
- A comparative assessment between the tools.
- The indication or demarcation of the area where a tool is applied.
- Substantiated reasons for the application of a specific tool.
- If the tool "easement for a public use" is applied: the description of the public use for which the tool is applied.
- An implementation programme and a financing plan.

To realise the development plan "Parkbos Gent", around 175 ha of land must be purchased. Most of this land is currently being used for agricultural purposes. The land is acquired via a local land bank.





2.3. How does Track 3 work? management vision

Through Track 3 management tools (management agreements and the compensation for services) can be very easily used on the basis of a management vision.

Management vision

A management vision includes among other things:

- A description of the objectives and measures for which management agreements and compensations for services are used.
- Expected results.
- A description of the packages of management agreements and compensations for services that can be concluded respectively paid for the implementation of the management vision.
- Substantiated reasons for the application of the tools.

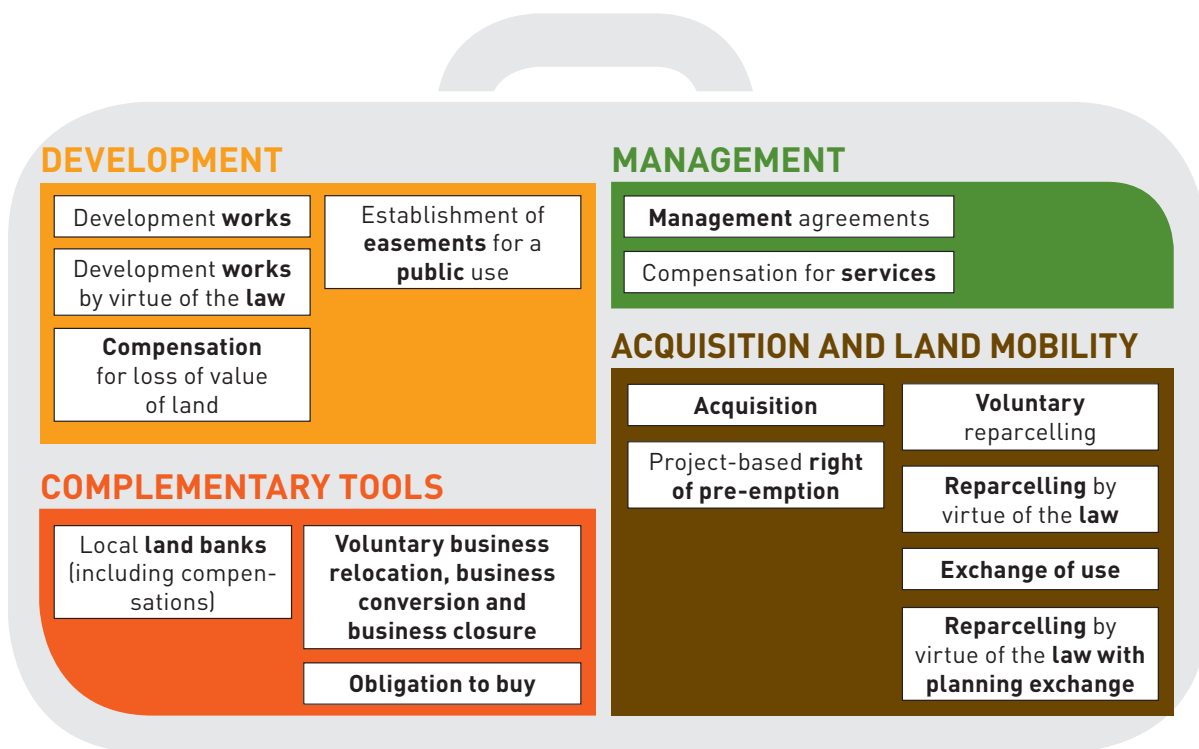
Procedure

The areas are specified by the Government of Flanders on the basis of a management vision which is delivered either by the Government of Flanders, an administrative authority or a private law body which aims to manage or protect the landscape, nature or the environment



3. Tools from the tool box

The tool box contains both existing and new tools. The existing tools were “picked up” from land development, land consolidation, nature development or other sectoral legislation, like development works, reparcelling and exchange of use. New tools include, for instance, reparcelling by virtue of the law with planning exchange and the compensation for services. Some tools are voluntary, others compulsory. By bringing the different tools together, they can be used in a coordinated and balanced manner.



3.1. Development works

What? Development works encompass all kinds of works executed for the implementation of a land development plan (Track 1) or development note (Track 2): works to preserve the landscape, nature development, integrated water management, creating access to parcels, recreational measures, etc.

Objective? To offer the possibility of executing works in a coordinated manner to realise measures from the land development plan or the development note.

Conditions? The land development plan or development note specifies who will execute the works. This may be both public authorities and private individuals.



In the interconnecting area Desteldonk-Noord (area between Ghent port area and Desteldonk) development works were carried out to realise 4.5 ha of marsh vegetation. To that end, more than 50,000 m³ of land were excavated to be used for the realisation of a buffer verge.

3.2. Development works by virtue of the law


What?

- Development works that can be executed without the consent of the person who has rights in personam or rights in rem to the land.
- Development works concern landscape preservation, nature development, recreation, nature education, water management, environmental improvements, ecological engineering, the improvement of agricultural structures and the conservation of archaeological and culture-historical remains, or constitute works to watercourses, roads and road patterns and earthworks.
- If these works cause a permanent loss of value of the property or use, there will be a right to compensation for the loss of value of the land.

Objective? To offer the possibility of executing works in the public interest without the owner's consent.

Conditions?

- Development works by virtue of the law can only be executed by public authorities.
- The execution of the works serves the public interest.
- The execution and the body executing the works have been specified in the land development plan or the development note.




A buffer strip was constructed along the "Oude Kale" brook.

3.3. Easements for a public use

What?

- An easement for a public use places permanent restrictions on the right to private property, in view of the public interest, like for instance controlled flooding or keeping a necessary access open.
- There are two types of easements for a public use:
 - easements for a public use that are aimed at maintaining development works by virtue of the law,
 - other easements for a public use which have nothing to do with the aforementioned development works and which are aimed at landscape conservation, nature development, recreation, mobility, nature education, water management, environmental improvements, improvements of the agricultural structure or the conservation of archaeological and culture-historical remains.


Objective? Easements for a public use provide an alternative for expropriation.



In this case an easement for a public use was established for the realisation of a recreational hiking network. This easement regulates the passage across the parcel.

Conditions?

- Easements that are aimed at maintaining development works by virtue of the law are established by separate decree establishing easements, following the execution of the development works concerned.
- The other easements are established by decree establishing the land development plan or the development note. The public use is clearly specified in the land development plan or the development note.



An easement for a public use can be established here for the preservation of the water storage capacity in alluvial plains. As a result of this easement, owners must allow their parcels to flood at regular intervals.

3.4. Compensation for loss of value of land

What?

- If the execution of development works by virtue of the law or the establishment of easements for a public use result in a loss of value of the land, compensation must be paid for this.
- The land commission determines the compensation for the loss of value of land.
- The body which is to pay this compensation is specified in the land development plan or the development note.

Objective? To pay one-off compensation to owners and users for development measures or easements which cause a permanent loss of use or property value.

Conditions?

- The regular sales value or use value of land has decreased as a result of the execution of development works by virtue of the law or the establishment of an easement for a public use.
- If the compensation for the loss of value of land is aimed at specific environmental or nature objectives, this can only be compensated if a higher quality for environment and nature is achieved than the basic quality for environment and nature.

3.5. Management agreement

What?

- An agreement through which a (group of) user(s) of a piece of land voluntarily commits to carrying out one or more management measures which have been defined in advance during a specific term.
- Each public authority can conclude a management agreement with a land user.
- The (group of) user(s) receives an annual compensation for this which is in proportion to the efforts made, the loss of income, if any, and the associated transaction costs.
- The Flemish Land Agency concludes management agreements on behalf of the government.

Objective? To flexibly offer management measures to be implemented on a voluntary basis and which contribute to the realisation of the set objectives.

Conditions? A management agreement for the implementation of management measures can be concluded if the management measures and the area have been included in an approved land development plan or development note, or have been announced by decree laying down a management vision for a specific area. If the management compensation is aimed at specific environmental or nature objectives, this can only be compensated if a higher quality for environment and nature is achieved than the basic quality for environment and nature.



Open grassland complex with recently mown and unmown grasslands, with in the middle artificially constructed pools and a plas-dras, i.e. a temporary inundation of part of the parcel.

copyright RLLK

In the agricultural area of the valley of the Zwarte Beek between Lummen (Meldert) and Halen (Zelem) 19 farmers (cf 2013) have concluded a management agreement. Together they manage a unit of almost 100 ha in a meadow bird-friendly way. They created parcel edges along watercourses, for instance, which have caused herbaceous strips to arise that attract insects. The latter in their turn serve as food for the meadow-bird chicks. The constructed pools as well attract meadow birds which preserve wet areas, as a result of which they can continue to look for food in the soil. Arable land has been converted to grassland and is managed together with the available grasslands by applying a later mowing date or allowing less grazing during the rearing season.

3.6. Compensation for services

What?

- A compensation to a (group of) user(s) for delivering an additional management service.
- This service is the result of imposed management or an imposed development.
- A compensation for services can be allocated by each public authority.
- Compensations for services are allocated by the Flemish Land Agency on behalf of the government.

Objective? If, following imposed management or an imposed development, an additional management service is to be delivered, an annual compensation can be allocated for this service.

Conditions?

- The requested additional service for which a compensation for services is allocated is included in an approved land development plan or development note or was announced by decree laying down a management vision for a specific area.
- If the compensation for services is aimed at specific environmental or nature objectives, this can only be compensated if a higher quality for environment and nature is achieved than the basic quality for environment and nature.



The requested service delivered here by the users of the parcel is the maintenance of the footpath. These users receive a compensation for delivering this service.

3.7. Acquisition

What?

- Acquisition means the purchase of immovable property.
- This can be done either amicably or through expropriation.
- To realise the purpose of a land development project the Government of Flanders may authorise the Flemish Land Agency to purchase immovable property through expropriation.

Objective? To have sufficient land for the execution of projects.

Conditions? The body which, in view of the realisation of the goal of a project, plan or programme, is charged with acquiring the land, can only expropriate land if it is legally authorised to do so.

3.8. Right of pre-emption

What? In order to realise the purpose of a land development project or a project, plan or programme, a right of pre-emption² can be established. The Government of Flanders defines the zones where the right of pre-emption applies. If the government exercises the right of pre-emption, it makes the acquisition instead of the prospective buyer. This right of pre-emption is offered to the Flemish Land Bank.

Objective? To build up a land reserve which can be used to realise projects.

Conditions?

- The cadastral information of the parcels to which the right of pre-emption applies is laid down in the land development plan or development note.
- The period during which the right of pre-emption is valid is also laid down in the land development plan or development note.

² The Flemish Parliament Act of 25 May 2007 on the harmonisation of procedures of rights of pre-emption applies to this right of pre-emption.

3.9. Voluntary reparcelling

What?

- The voluntary amalgamation of pieces of land from different users and owners, in order to reparcel and redistribute them by deed.
- This is done by means of a written agreement between all owners and users, in which they agree to amalgamate the immovable property belonging to them, to reparcel the resulting land in a specific way and to redistribute it between them by deed.
- The Flemish Land Agency offers assistance in drawing up the agreement.

Objective? To quickly and easily reparcel land.

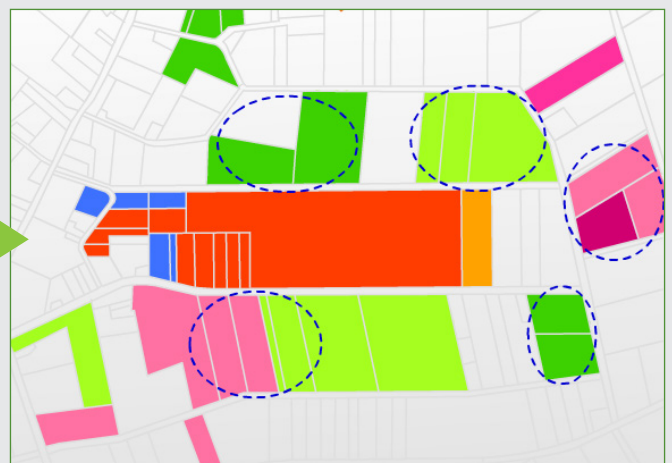
Conditions?

- All owners and users must agree.
- At least two parcels must be involved.

These are parcel plans of a voluntary reparcelling (before and after). The colours show that the different parcels of the various users are less fragmented after the voluntary reparcelling.



Before reparcelling



After reparcelling

3.10. Reparcelling by virtue of the law

What? Amalgamating pieces of land from different users and owners, in order to subsequently reparcel and redistribute them by deed. Contrary to voluntary reparcelling (see earlier), reparcelling by virtue of the law is imposed by the government. The land commission is in charge of objectively determining the different contributions and the redistribution of land.

Objective? A more optimal use of land.

Conditions?

- The total exchange value of an owner's new parcels equals the total exchange value of his former parcels.
- The total use value of an owner's new parcels equals the total use value of his former parcels.

Exchange value

The exchange value is determined on the basis of:

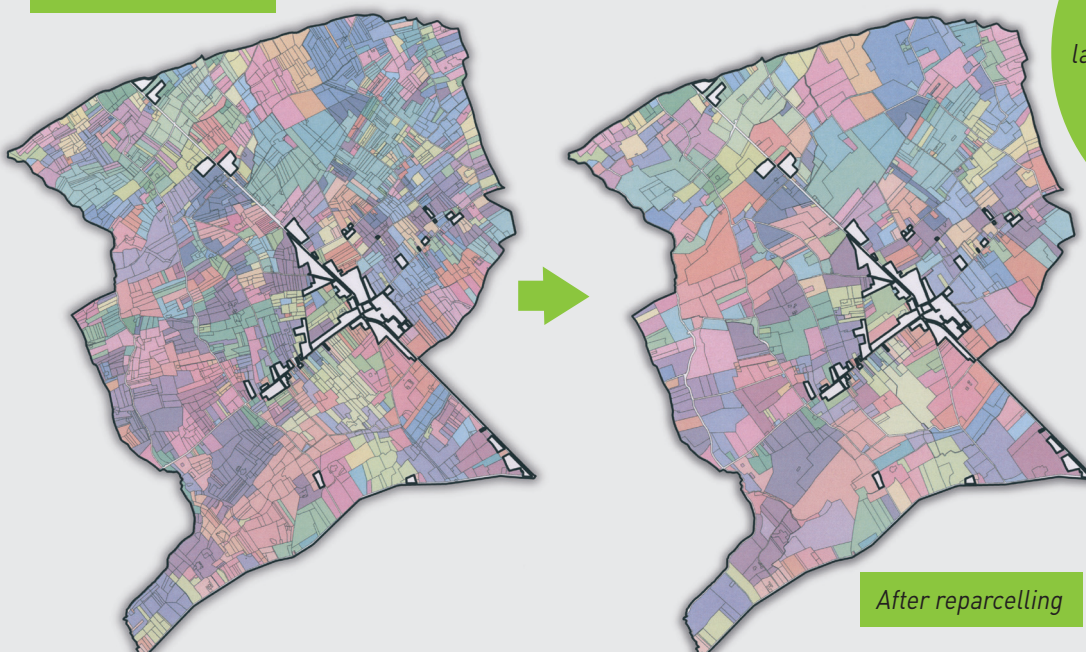
- surface area
- location
- the designated use applicable in the spatial planning
- available structures
- cultural value
- the existence of a lease or easements.

Use value

The use value is determined on the basis of the suitability of the parcel for the current land use. In this context account is taken of:

- soil condition
- drainage category
- the applicable statutory restrictions on the use, such as fertilisation standards.

Prior to reparcelling



After reparcelling

In the Woesten land consolidation project reparcelling is carried out by virtue of the law. As a result, the users have to work on average 3 larger parcels instead of 8 smaller parcels.

The construction of the A11 in West Flanders cuts right through agricultural land. As a result of the exchange of use the parcels are re-arranged. Subsequently, the parcels used by one single farmer are now all situated on the same side of the A11.



3.11. Exchange of use

What?

- Exchanging only the use of land.
- An exchange of use is always followed by reparcelling by virtue of the law.
- The land commission is responsible for determining the different contributions and the redistribution of land.

Objective? To accelerate the exchange of use in the context of a reparcelling operation that is taking place by virtue of the law.

Conditions? An exchange of use must always be part of a reparcelling operation by virtue of the law.

3.12. Reparcelling by virtue of the law with planning exchange

What?

- Exchanging property and use and reparcelling parcels combined with an exchange of designated uses.
- The land commission is in charge of objectively determining the different contributions and the redistribution of land.
- Reparcelling by virtue of the law is further integrated into the procedure for drawing up a spatial implementation plan.

Objective? A better and more balanced use of land.

Conditions?

- The body responsible for drawing up a spatial implementation plan defines the area within the planning area of the spatial implementation plan that is eligible for reparcelling by virtue of the law with a planning exchange.
- The contribution, redistribution and financial settlement are part of the preliminary draft of spatial implementation plan.

This is an example of an area where it would be possible to use reparcelling by virtue of the law with a planning exchange. This unbuilt industrial area is situated in a flood-prone area and could be exchanged with a higher situated area.



3.13. Compensations at local land banks³

What? In order to support the operation of a local land bank the Flemish Land Bank can allocate compensations to owners and/or users. This is always done at the request of a body taking the initiative for a project that has a great impact on the open space and its use. There are three types of compensations at local land banks:

1. The compensation for owners. An extra compensation can be given to owners who sell their land to the Flemish Land Bank.
2. The compensation for users. They receive a compensation for having stopped using the land.
3. The lease acceptance compensation. Owners receive a compensation for accepting leaseholders on their land.

Objective?

- To make compensating land available for affected owners and users as an alternative for the compulsory acquisition of the intended land.
- To release land sooner from ownership and use.

Conditions?

- There is a compulsory acquisition of a zone within the land development project or the project, plan or programme.
- A local land bank agreement is concluded between the Flemish Land Bank and the authority initiating the project which has a great impact on the open space and its use.

3.14. Voluntary business relocation

What? A voluntary business relocation is the voluntary transfer of a business to an area where it can develop sustainably. In order to facilitate a voluntary business relocation the user of a business may apply for a compensation for voluntary business relocation with the land commission.

Objective? To offer the user of a business the opportunity to locate in an area where it can develop sustainably.

Conditions?

- The presence of the business constitutes a direct impediment to the realisation of the land development project or the project, plan or programme
- or
- the viability of the existing business operation is seriously jeopardised by the realisation of the land development project or the project, plan or programme.

³ The purpose of a local land bank is to make compensating land available for affected owners and users as an alternative for the enforced acquisition of the intended land.

3.15. Voluntary business closure

What? A voluntary business closure is the voluntary and premature discontinuation of all commercial agricultural activities by the user of that farm business. The user can apply for a compensation for voluntary business closure with the land commission.

Objective? To offer the user of a farm business the possibility of prematurely discontinuing the agricultural activities.

Conditions?

- The presence of the business constitutes a direct impediment to the realisation of the land development project or the project, plan or programme
- or
- the viability of the existing business operation is seriously jeopardised by the realisation of the land development project or the project, plan or programme.

3.16. Voluntary business conversion

What? A voluntary company conversion is the conversion of a commercial business to, for instance, a business with a smaller surface area or a business where the commercial agricultural activity has been harmonised with the objectives of the land development project or the objectives of the plan, project or programme. The user can apply for a compensation for voluntary business conversion with the land commission.

Objective? To offer the user of a farm business the opportunity to re-orient to a business which is compatible with the objectives of the land development project or the project, plan or programme.

Conditions?

- The presence of the business in its current condition constitutes a direct impediment to the realisation of the land development project or the project, plan or programme
- or
- the viability of the existing business operation is seriously jeopardised by the realisation of the land development project or the project, plan or programme.

3.17. Obligation to buy

What? The obligation of the government to buy immovable property (land and/or buildings) that is offered for sale by an owner.

Objective? To give owners the right to put their immovable property up for sale and receive a fair price for it.

Conditions?

- The immovable property decreases substantially in value following the implementation of the land development project or the project, plan or programme
- or
- the viability of the existing business operation is seriously jeopardised.

4. The role of the Flemish Land Agency, the land commission, the municipalities and provinces, other Flemish authorities and private individuals in the context of land development

4.1. The role of the Flemish Land Agency

The Flemish Land Agency plays a key role in the implementation of land development.

The Flemish Land Agency:

- studies the requests and problems put forward by various initiating bodies;
- advises which track can be used;
- monitors the quality of the planning;
- participates in the actual realisation on the ground through the application of the different tools from the tool box;
- holds the secretariat of the land commissions.

Track 1

The Flemish Land Agency:

- examines the suitability and feasibility of a land development project;
- draws up the land development plans;
- holds the secretariat of the Programme Commission and the planning guidance group;
- organises consultation, gives information and regulates participation;
- can acquire land and execute development works on the ground.

Track 2

The Flemish Land Agency:

- assists the initiating body in drawing up the development note;
- approves a provincial or municipal development note and submits the note for approval to the Government of Flanders when tools are used that have a great impact on ownership and use of land;
- can also conduct a number of preparatory studies at the request of the initiating body, like for instance an agricultural impact report, and draw up the development note;
- can also organise consultation and the provision of information upon request.

Track 3

The Flemish Land Agency can deliver a management vision for a specific area. If another administrative authority or a private law body which is aimed at the management or protection of the landscape, nature or environment delivers a management vision, it will do so in consultation with the Flemish Land Agency. The Flemish Land Agency also regulates the publication of the management vision. It acts on behalf of authorities in the conclusion and monitoring of management agreements and in the payment and monitoring of compensations for services.

4.2. The role of the land commission

The land commissions are assigned the more executive tasks. They carry out reparcelling operations by virtue of the law, possibly combined with a planning exchange. Furthermore, the land commissions determine the compensations for loss of value of land and the compensations for voluntary business relocation, business closure and business conversion. The Flemish Land Agency holds the secretariat of the land commissions.

4.3. The role of other Flemish authorities, the municipalities and the provinces

The other Flemish authorities, the municipalities and the provinces themselves can take the initiative to use tools from the tool box for their projects, plans and programmes. As initiating bodies they draw up the development note and make sure the required preparatory research is done.

The municipalities organise the public consultation for each land development project or other project, plan or programme on their territory.

The provinces give advice on the land development plans and development notes drawn up on their territory.

4.4. The role of private individuals and private law bodies

Private individuals and private law bodies are given the opportunity to voluntarily participate in land development projects and other projects, plans and programmes. A number of tools from the Flemish Parliament Act, like development works and management agreements, have been developed in such a way that they can also be used by private individuals.



5. More information

VLM Centrale diensten (Flemish Land Agency Central Unit)

Hilde Van Leirsberghe, Head of Project Support Unit
hilde.vanleirsberghe@vlm.be - 02 543 73 55

VLM Regio West (Flemish Land Agency Region West)

- Information about current projects:
Klaas De Smet, Project Realisation Manager
klaas.desmet@vlm.be - 0494 56 49 82
- New requests:
Martin De Pelsmaecker, Head of Countryside and Development Unit
martin.depelsmaecker@vlm.be - 0494 56 48 48

VLM Regio Oost (Flemish Land Agency Region East)

- Information about current projects:
Ilse Van Dienderen, Project Realisation Manager
ilse.vandienderen@vlm.be - 0494 56 49 68
- New requests:
Els Abts, Head of Countryside and Development Unit
els.abts@vlm.be - 0473 59 95 58

www.vlm.be

Colophon

Editor

Flemish Land Agency

Responsible editor:

ir. Toon Denys
Managing Director
Gulden Vlieslaan 72, 1060 Brussel

Oktober 2014

