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SESSION: General

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TITLE: My Property My Right: Uncovering the Strategies for Articulating Individual Project Needs to National Planning Legislation in Flanders (Belgium)

KEY WORDS: particularistic planning legislation, individual project needs, interest articulation

ABSTRACT:

Open space in Flanders (Northern part of Belgium) is scarce and fragmented. The region is just about the worst in Europe in terms of the degree of urban sprawl. Yet, ever since the 1962 Urban Planning Act, governments have been drafting plans to guarantee qualitative urban and rural development. In the 1970s, the national, then Belgian, government laid down a spatial framework for the assessment of building permits in the form of territory-wide land use plans for each square metre of land. Subsequently, in accordance with long-term visions in strategic plans, governments on both national (Flemish), provincial, and local level have changed the original zoning of land-uses through so-called implementation plans to cluster the growth of living, working, and other societal functions.

Flanders' national planning legislation, however, time and again has shown to regard private ownership and legal certainty as more important than translating strategic planning ambitions into land use plans. If land use plans restrict development too much, legislation offers at the same time a broad set of deviation rules. For instance, owners of constructions with a use that does not comply with the zoning in the land use plans have the fundamental right to renovate, rebuild or extend these constructions. Owners are even allowed to change the functional use of constructions into completely different uses that do not comply with the land use plans.

Research has already shown that the planning legislation in Flanders is the result of several path dependent political decisions (institutional framework). But what has not yet been studied, is which interplay of strategic coalitions and power relations incentivise legislative decision makers to do so (dialectical interaction of institutions with actors). As a case study, we have unfolded the decision-making process of rebuilding rights for constructions regardless of the zoning in the land use plans. To this end, we conducted (1) a document analysis of press articles and parliamentary reports in the run-up to the adoption of the Flemish Planning Decree of 18 May 1999, accompanied by (2) more than fifteen in-depth interviews with decisive actors, such as ministers, cabinet members, civil servants, and members of parliament (MPs).

This paper shows that interest groups, i.e. groups of individuals who are, knowingly or not, linked by particular bonds of concern or advantage, apply several access channels to articulate their individual project needs to key legislative decision makers. First strategy are the weekly consultation days of MPs, ministers, mayors, and alderpersons with citizens. Constituency service - the non-partisan, non-programmatic effort of elected policymakers to help and defend the particularistic interests of citizens in their constituency - has had a significant impact on the decision-making process. Next are the practices of associational interest groups, that have lobbied both MPs and government cabinets for an extension of their members' individual property rights. The final access channel consists of the mass media. By framing the constructions as illegal and/or extinguishable, they have created an amount of social unrest large enough to pressure decision makers for quick, generic solutions in legislation.