

# In Search For The Implementation Gap In Planning. An Analysis Of The Emergence Of Exemption Rules In National Legislation In Flanders (Belgium)

**Tristan Claus** (Ku Leuven Faculty Of Architecture), **Hans Leinfelder** (Ku Leuven Faculty Of Architecture)

*Since the 1990s, national (regional in a federal state), provincial, and local governments in Flanders have been developing strategic documents with long-term ambitions to preserve open space. For the implementation of these ambitions, several land use plans approved by the three governmental levels allocated zones to agriculture, nature, and forest. Simultaneously, however, the Flemish government has systematically extended exemption rules for every residential dwelling situated in these non-residential zones (i.e. non-conforming dwellings). It is a symptom of what Albrechts (2006) calls the gap between strategic ambitions and the daily planning practice. Where one might expect that this implementation gap emerges quite unintendedly, we argue that it is the result of deliberate decisions that have gradually articulated the private interests of landowners into planning legislation.*

*This contribution delves into the origins of the implementation gap in Flemish planning policy, focusing on the legislative periods of 1995-1999 and 1999-2004. Since then, every non-conforming dwelling can be renovated, extended, or even completely rebuilt (Sebreghts, 2001). Following Torfing's (2007) approach to analysing governance networks, we have unravelled the complex network of actors involved in these subsequent legislative decisions. This was done through an analysis of press documents, policy documents, and interviews with mayors, ministers, cabinet members, government officials, and interest group representatives from these periods. Each of these actors was assigned a role (Biesanz and Biesanz, 1973), after which we examined how these roles interacted with each other in the decision-making processes (Scharpf, 1997).*

*During the 1995-1999 legislative period, a Christian Democrat-led government approved the strategic Spatial Structure Plan for Flanders. During this process, however, the private interests of landowners were already articulated behind the scenes. Prompted by images of illegal dwellings being demolished in the media, landowners began to voice their concerns to their mayors, who acted as brokers in defending their interests in interactions with members of the government and parliament. Some of these mayors were dual mandate holders as they were also members of parliament. In addition, the Farmers' Union, as an interest group, wanted to increase the value of vacant farmsteads as potential residential property. They too had insiders in parliament and the cabinets of ministers. As a result, changes in planning legislation allowed for non-conforming dwellings to be completely rebuilt, albeit as a temporary measure pending a change of the land use plans.*

*Next, during the 1999-2004 legislative period, the issue of non-conformity became much more prominent in the public debate. After a new government led by the Liberal Party took office, it dawned on the landowners that without a planning initiative, non-conforming dwellings could no longer be substantially converted. Hence, they mobilised themselves as a new interest group. This time, the brokers joined forces, as mayors began to raise the issue through cabinet visits and media appearances. The issue reached its peak during the 2000 local elections when the idea was spread that all non-conforming dwellings would be demolished by the government, as it had been done with the illegal ones. Under this pressure, the Liberal Party leader finally made a breakthrough, announcing in the media a proposal to change the temporary measure into a permanent right for non-conforming dwellings to be renovated, extended, or rebuilt.*

*The main conclusion of this analysis is that the articulation of landowners' private interests into planning legislation is very much an incremental process. Each relaxation in favour of landowners paved the way for further concessions. The process continues, even until the moment when both landowners and policymakers lose sight of the original strategic goal of preserving open space. Understanding these processes is therefore crucial for addressing the implementation gap in planning policy.*

**Keywords :** implementation gap, non-conformity, actor-role interactions



**AESOP ANNUAL CONGRESS**  
PARIS, JULY 8-12, 2024

# **GAME CHANGER?** **PLANNING FOR JUST AND SUSTAINABLE** **URBAN REGIONS**

