

Brownfields in Flanders

transversal policy and integrated area development

Overview

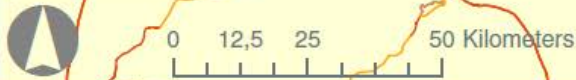
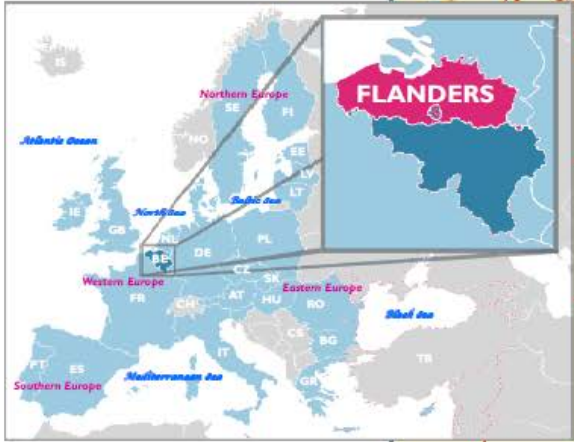
1. Flanders
2. Spatial evolution in Flanders
3. Brownfields
4. Brownfield covenants
5. Evaluation of policy and instrument
6. The future ?

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Flanders

Flanders in Belgium
and Europe



1. Flanders in figures

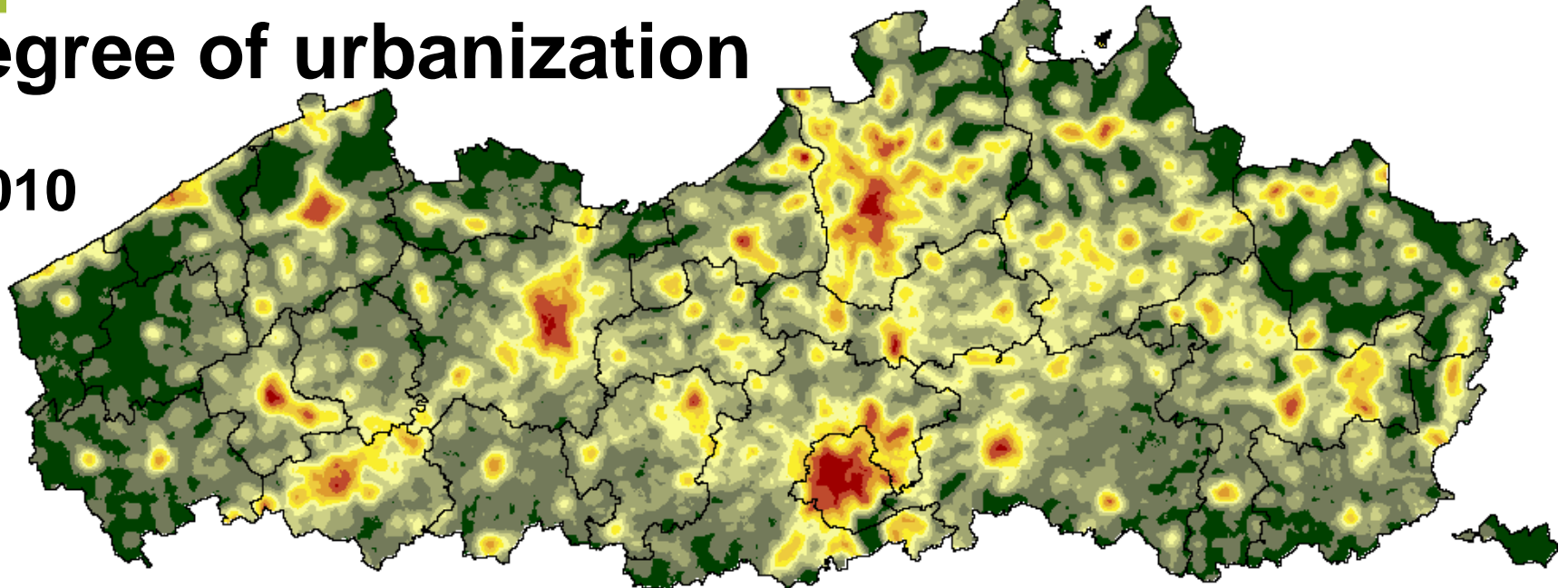
- 6,4 million people
- surface = 13.521 km² (473 inhabitants/km²):
 - 27% (3650 km²) = build area (2011) vs 11,6% in 1985 (Vito)
 - 13% = sealed soil (EU 5%; 2012)
 - 5,4 % = industrial area
 - 3,57% (482,8 km²) general (2013)
 - 1,6% (171 km²) seaports (2013)
 - 0,02% (3.000 ha or 30 km²) vacant and neglected industrial sites and buildings (sometimes with limited use)
- +/- 33.000 exploratory soil investigations executed (1995-2012) (>37% further investigation => 5.300 remediation's necessary)

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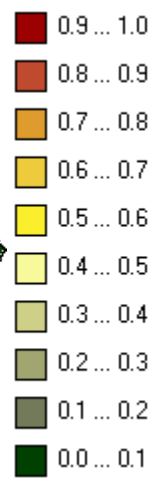
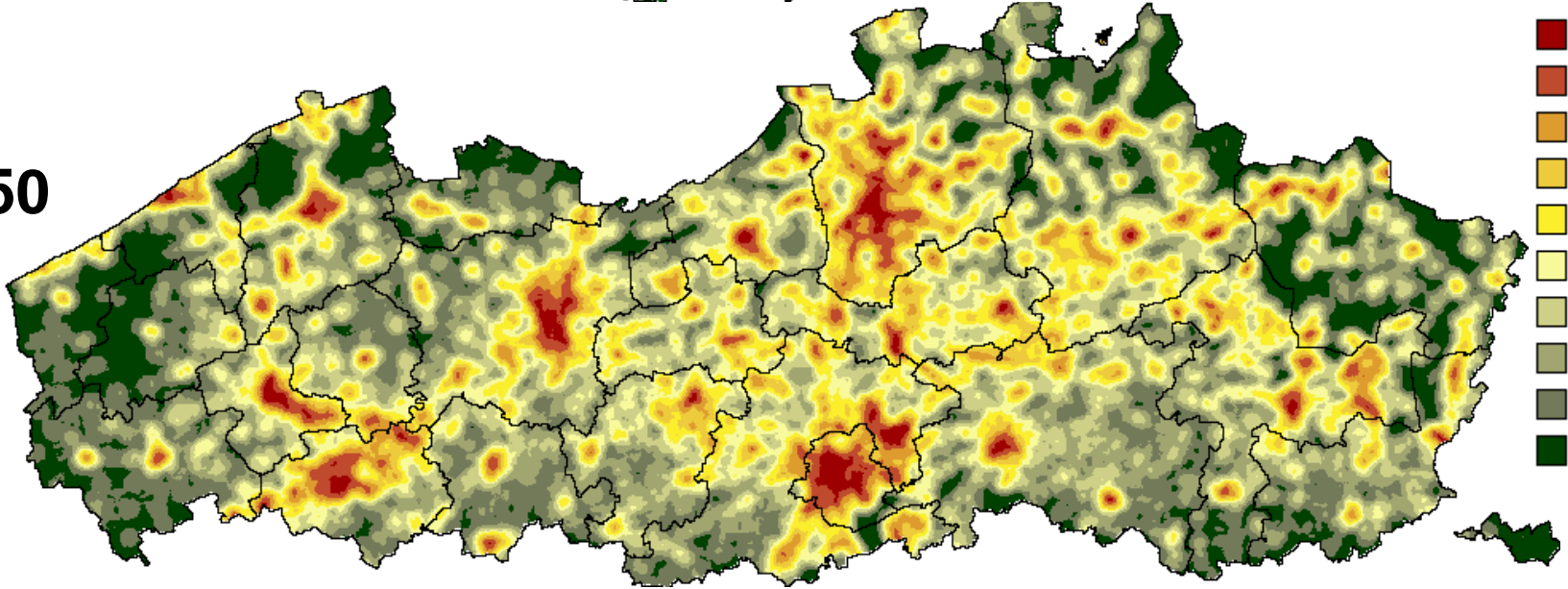
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Degree of urbanization

2010



2050



Growth urbanized area: 7 ha/day

(residential +/- 5 ha/day ; rest: +/- 2 ha/day) (Source: Vito, 2014)

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3. Brownfields in Flanders?

Before 1999...

no specific Brownfield policy, only thematic linked initiatives, ea.:

- 'war' against vacancy and dilapidation - decree vacancy charge (22/12/1995)
- Decree on soil remediation (22/2/1995) (Ovam) (investigation and remediation polluted soils)

After 1999 ...

Policy :

- Term “Brownfield” in policy documents (environment *and* economics) (1999-2004, 2004-2009, 2009-2014, ...)

Leverage project:

- Ovam and strategic project Brownfields (2000-2004, participant former EU Cabernet project))

Decree:

- Brownfield decree
 - experimental & temporary 2007 – 2009
 - since 2009 regular policy
- Brownfield covenant



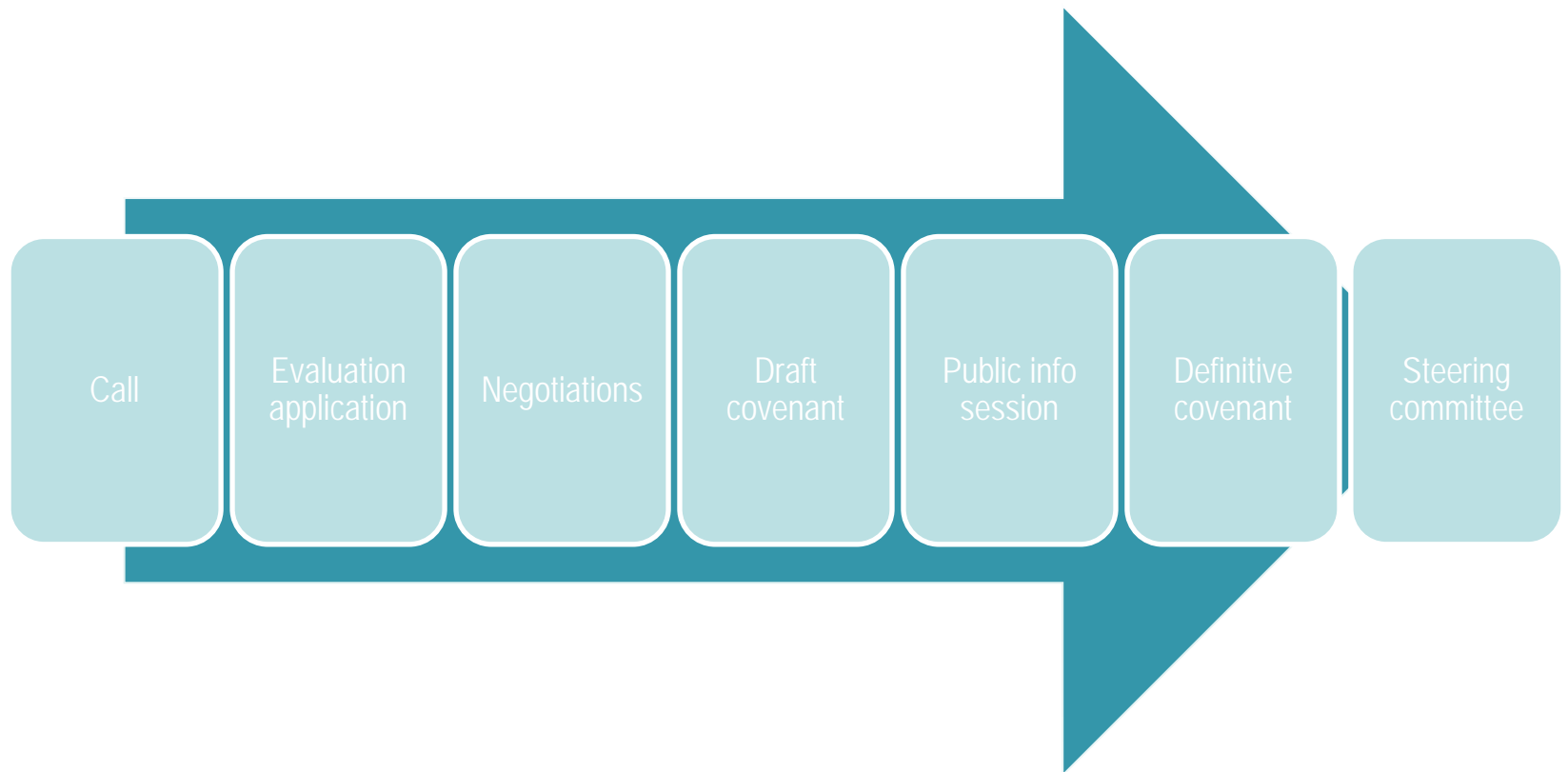
Brownfield decree

Definition of Brownfield (as in the decree):

“A Brownfield is the whole of neglected and underutilized grounds, who have been affected in a way, that they only can be reused by means of structural measures”

- a facilitating framework for the redevelopment of Brownfield sites
- provides a contract between the Flemish Government, actors and other directing parties, called the brownfield covenant

Proces



Brownfield covenant

- civil law based contract (more efforts obligation than obligation of result)
- between
 - Flemish Government (ministers sign covenant!)
 - Actors
 - project developers (very often with special private brownfield funds)
 - landowners
 - funders
 - Directing parties/directors
 - municipalities/provinces
 - licensing governments
 - subsidizing governments



Contains descriptions/agreements on:

- content of the project
- status of land ownership
- fasing and duration project
- mutual commitments between all/some parties
- modalities concerning changes, transfers between, admission of new or resigning of existing partners
- role steering committee
- reporting and communication obligations,
- remedial and sanctioning measures
- ...

Benefits?

- Financial: abating obstacles of property transfer
 - Exemption financial securities remediation OVAM
 - Suspension/exemption registration rights
 - Suspension/exemption plan benefits (change of spatial allocation from industrial to residential).
 - Increased subsidies up to 85% for the infrastructure works on public parts of the industrial site
 - Suspension vacancy tax
 - Prolonged use of subsidies for demolition
 - ...



Benefits?

- Proces: One-stop shop for
 - General questions concerning brownfield development in Flanders
 - Project application (calls)
 - Organization multi stakeholder platform,
 - Support negotiations
 - General follow up Brownfield covenants in project steering committees
- Proces: Negotiator
 - For each project a negotiator is appointed
 - Negotiates and/or mediates (start to steering committee)



Sites in Flanders & types of projects

- Industrial, mixed and pure residential projects
- Preference for residential: even with stricter remediation values and a higher development cost, a risk based remediation often makes very profitable projects possible
- In Flanders a brownfield is by definition economically viable (a blackfield needs governmental financial support) BUT because of thresholds (mobility, access problem, ownership, ...) there is often still too much risk for the developer => need of governmental intervention
- A lot of projects are situated in and at the border of the municipalities/cities
- Temporary use of sites in a long-during (remediation and/or) redevelopment is possible (urban agriculture, recreation, culture, ...)

Before development...



Den Draad, Gent (www.Re-Vive.re)



Site, Lokeren (www.Santerra.be)



Barco site, Kortrijk (www.PSR.eu)



De Molens, Vilvoorde (www.PSR.eu)

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4. Brownfield covenant in use

Transversal action and policy

Brownfield decree is very small and can only work because its reliance on other existing and adopted legislation for soil and spatial planning etc.

Call for projects

- Minimal 1/year, open call with sometimes extra conditions on the project type
- Private partners must have proven ownership and control over 70% of the project areas at the moment of application
- Project must fit in the foreseen spatial planning (now or near future) and has the support of the municipality



Structure

Brownfieldcel

= Board advising Flemish Government about the admitted projects, the negotiations, closing of the covenants and the follow up of some projects

Members are:

- 3 leading officers (responsible for department of economy, soil and waste agency, department spatial development)
- 2 experts, one is chairman
- 3 negotiators
- 1 secretary (Enterprise Flanders – one shop shop)

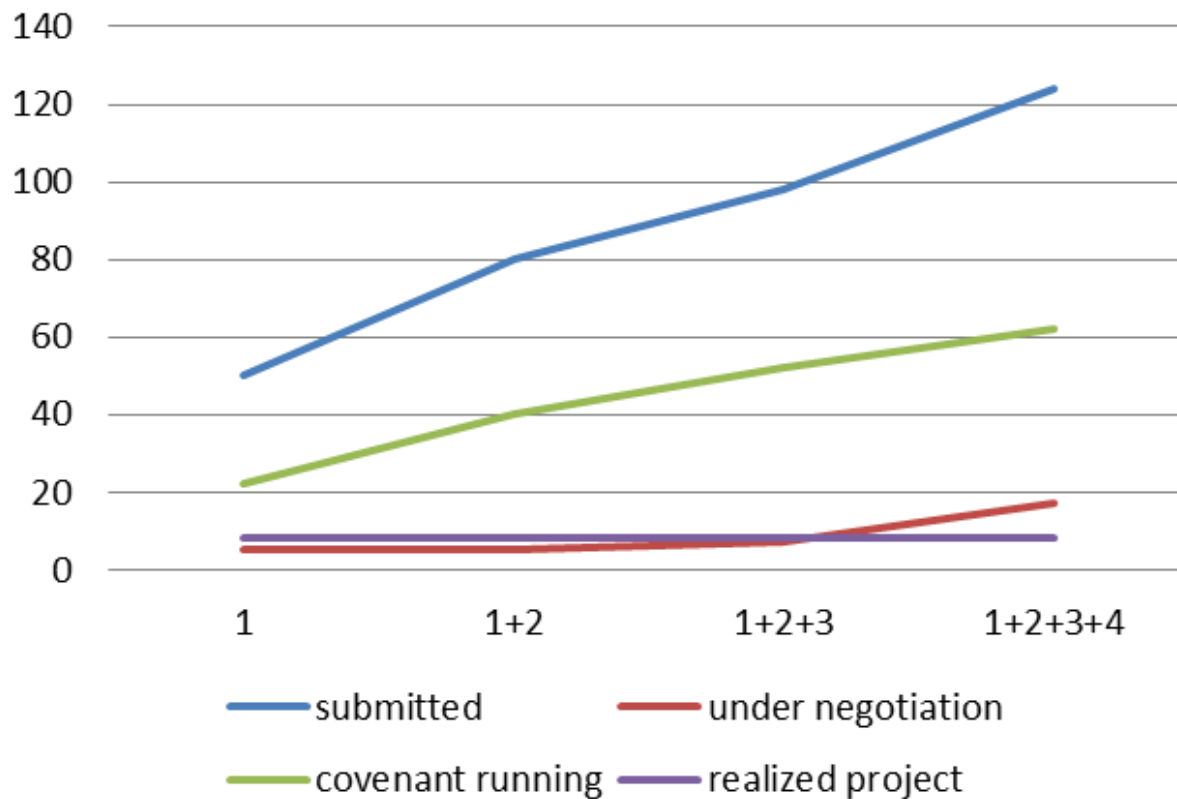
Note:

- Three *negotiators* (experienced officers, partially exempt from regular duties)
- *Enterprise Flanders* – one-stop shop, process manager and administrative support + secretary to Brownfieldcel

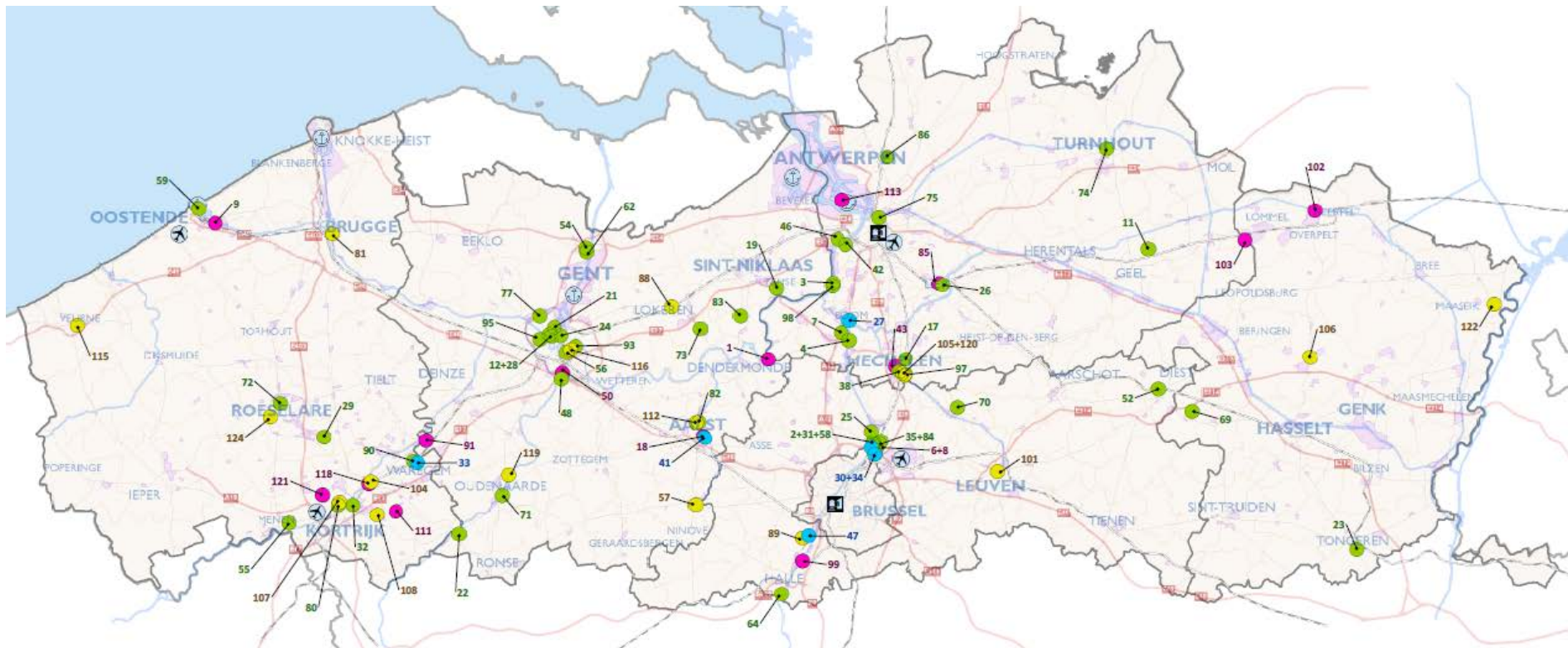
Some results

- 5 calls: 2008 ->2014 (since 2012 minimal 1 call/year)
- 135 projects applications submitted
 - 70 brownfieldcovenants (8 projects realized)
 - total area almost 1000 ha (250 ha to add <1year)
 - size varies between approx.0,5 ha to 130 ha
- 2014: policy evaluation

cumulated projects over 4 calls (Sept 2014)



The spread of the projects



After development...



Den Draad, Gent (Re-Vive)
(www.dendraad.be)





Barco site, Kortrijk (PSR)

www.psr.eu/nl/projecten/barcobrkortrijk



De Molens, Villovoorde (PSR)

<http://www.psr.eu/nl/projecten/4-fonteinenbr-de-molens-de-vaert-villovoorde>

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5. Some conclusions and lessons learned

Has policy and instrument worked? Would site still be developed without decree and covenant?

Good practice

- After an interim evaluation in 2012, more security was build in the decree concerning sufficient ownership project area => success rate up
- Project must be a combined/integrated remediation and area development, otherwise difficult to manage in different stages
- Benefits do trigger
- Vertical and transversal integration of policy and implementation works => differentiated support policy
- Policy created awareness and influenced market
- ...

5. Some conclusions and lessons learned

Working points

- Preserve similarity treatment and support all projects vs being flexible and tailor made => need to anchor the process?
- Clarity about role and statute different partners in process
- Burden vs benefit: role of Flemish Government
- Sometimes need for better and stricter control on made appointments
- Current problem savings government => need for prioritization?
- Lack of quality control realization
- Raise awareness to go from 2 => 3 dimensional thinking (above and below ground)
- Differentiation in calls based on geographical or socio-economic context (GIS exercise?)
- Measuring leverage effect on market (raised employment, ...)

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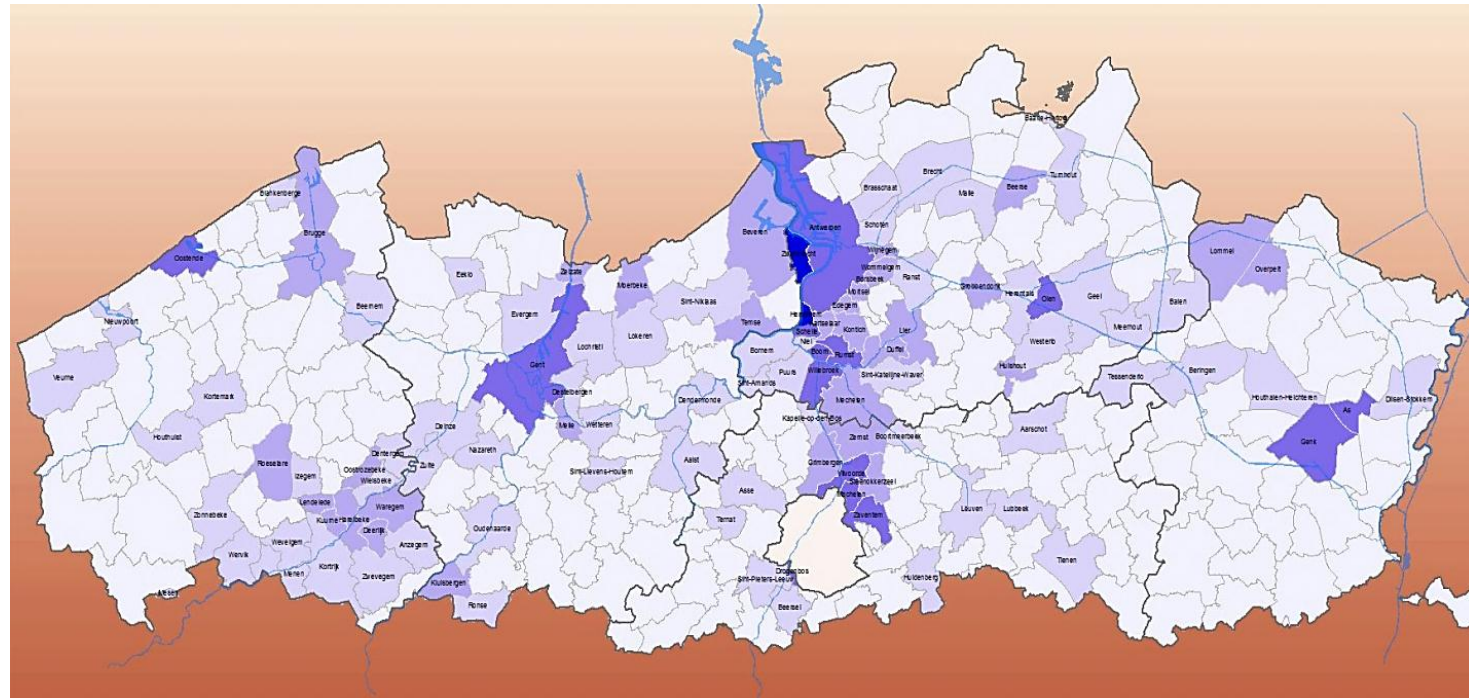
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6. The future

- Shift without law changes
 - Be creative with procurements (e.g. build in criteria for sustainability, ...)
 - Need for more stable law vs subsidies
 - Divide projects in easy administrative projects (less complex) and complex projects with need for a negotiator (differentiation call?)
- Law changes needed
 - Shorten turnarounds process, changes in the process but also in permits
 - Implementing several organic grown processes => legal certainty
 - Anchor transversal operation

- Relevant others:

- Sustainability (Flemish translation Breeam communities 2012)
- BTM : site management of industrial terrains (e.g. avoiding aging sites)
- Brownfields in broader economical and architectural view (project Flemish Architect)
- Market and changes in economy (services in stead of products, eg leasing business models)
- GIS inventory exercise of brownfields => new areas of attention?



Coloration: areas with 2 to 4 hits on 'brownfield' criteria vs total area of municipality => areas of attention inventoried surface = approx. 3900 ha

Contact

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Interesting projects:

www.tondelier.be

www.oudedokken.be

www.eilandzwijnaarde.be

www.terranovalzate.be

www.baelskaai.be

www.dendraad.be

www.pierkornel.be

www.sogent.be