



CONCERTED ACTION ON BROWNFIELD AND ECONOMIC  
REGENERATION NETWORK

## State of the Art – Country Profile BELGIUM - Flanders

### INTRODUCTION

This country profile was produced as a part of a study commissioned by English Partnerships (EP) at the request of the Office of the Deputy Prime Minister (ODPM) to review current Brownfield policies and practices in Europe. The study was conducted by Parkman Environment, together with Sheffield Hallam University, Judith Lowe (an independent consultant) and the University of Nottingham.

CABERNET Members played a major role in providing country specific information for this study through responses to questionnaires and interviews. Collation of the information was coordinated by the EP/ODPM Study Research Group, lead by Judith Lowe. As a result of the substantial involvement of Network in the study and to ensure that the information remains relevant, CABERNET Members will periodically update the 'State of the Art – Country Profile' Information Sheets and use these as a Network resource.

If you would like to comment on this State of the Art – Country Profile or contribute information, please contact the CABERNET Office.

### STATE OF THE ART – BELGIUM Flanders

#### 1 – CONTEXT

##### 1.1 Definition

*"The term brownfield is not defined in Flemish legislation".* Brownfields are abandoned (idled) or under-used (former) industrial facilities or sites where expansion or development is complicated by the occurrence of (potential) soil contamination or soil threatening activities, but have an active potential for re-use and development in the broadest sense (OVAM report, January 2001).

**Within the brownfields concept there is also a view of 'blackfields' (heavily contaminated sites) compared with greyfields.**

##### 1.2 Policy focus

*"The ministers competent for Environment, Economy and Urban planning, started in 2000 a strategic project on brownfield (re)development. The main goals of this program are:*

- *the environmental improvement of the sites themselves;*
- *the reduction in 'development pressure' on greenfields;*
- *the economic and social regeneration of the surrounding areas.*

*A task force is responsible for overseeing efforts to redevelop brownfields statewide. The major responsibilities are to evaluate the legal framework and practical procedures, and make recommendations on ways to better promote the brownfield development.”*

**There is a policy review at present, in particular a proposal to develop and implement a new funding mechanism. This includes a steering committee bringing together government agencies.**

## **2 BACKGROUND**

### **2.1 Type of Site**

**“The actual number and size of brownfields in Flanders is not exactly known, but the problem of brownfields in Flanders is as important as elsewhere. Brownfields are not attractive for investors due to the high legal, environmental and financial risks. The use of ‘clean’ industrial land is cheaper and easier. 4000 unoccupied business accommodation sites are known, however not all of these are contaminated, and only a part of these can be considered as brownfields”.**

*“In 1981, the Public Waste Agency of Flanders (OVAM), which is the competent authority for soil remediation, began actions that resulted in the closure of about 250 landfills. In the mid 1980s 10 large sites were selected for remediation. At the beginning of the 1990s, OVAM started a comprehensive inventory of potentially polluted sites. To date, about 6.500 former industrial and landfill sites are listed.*

**The soil remediation policy in Flanders is based on a tiered approach. The first step was a preliminary investigation that gave a distinction between contaminated and non-contaminated sites. From this comprehensive inventory of 970 sites, nearly half of these posed a risk (489 sites) and required further investigation. 223 sites have been thoroughly investigated of which 94 sites presented a serious risk and remediation is necessary. 60 remediation projects are already approved by OVAM.**

**10.000 reports on soil contamination have been filed at OVAM to date, as a result of the Soil Remediation Decree (22/2/95). In 40% of these cases contamination was present and a 2 investigation was ordered. 1917 risk assessments have been completed, resulting in 801 sites where a remediation project is needed. In 446 cases, a remediation plan has been introduced by OVAM (figures to the end of 1999).”**

**CLARINET also found that:**

**“Based upon the criteria as used by the USEPA, about 30 sites can be considered as brownfield, the largest sites of which are the former coal-mines. 1.600 ha of these areas have been assessed and remediated between 1993 and 2.000, with special employment measures established.”**

### **2.2 Administrative Responsibilities**

*“OVAM, the Public Waste Agency of Flanders, is the responsible body for the environmental aspects of brownfields. OVAM has a number of tasks concerning waste management including prevention, recycling, imposing environmental taxation, raising awareness etc. Following the waste decree (article 21/§2,c) and the amendments to this article since 1990, OVAM can also act to enforce the elimination of the waste from enterprises, contaminated soils and disused industrial installations, if it presents a risk to the public and environmental health. After a suitable procedure of declaration of default conducted by OVAM or the Flemish Ministry, the party is declared in default where they have omitted to undertake the measures imposed, or to carry-out the works prescribed within the required period or time. In such a case, the work is*

*prefinanced by OVAM from a special fund constituted on the basis of environmental taxation. Afterwards legal action is taken to recover the expenses from the liable party. Apart from OVAM, local authorities (provincial governors and mayors) and the civil protection administration also have the power to take remedial action in specific cases of pollution. In certain other cases the courts may also impose action regarding soil remediation.”*

**GOM – regional development organisation**  
**AROHM – Spatial planning agency**  
**Administration of economy**  
**Regional Housing Agency (responsible for social housing)**

## **2.3 Market**

**Brownfield regeneration projects are funded by a mix of public and private funds. Brownfield regeneration is achieved mainly through direct intervention, with some PPP.**

**All types of reuse would be possible, the underlying purpose for type of reuse:**

*“Some sites have been identified as being of particular interest to the regional government and flexibility of use may be permitted if it is necessary to make development economically viable.”*

*“There are no public financial stimulations for redevelopment for use as open space or leisure and it is not likely to find any private investor who is willing to invest in this kind of charity.”*

*“A feasibility study gives concepts for the redevelopment which could be every use which is useful and appropriate for the site and its neighbourhood.”*

*“New land use is determined on [an] individual basis, depending on location, contamination level, existence of reusing project. Regional preference goes to mixed use projects (efficient land use) but all kinds of uses are possible.”*

## **3 INSTRUMENTS**

### **3.1 Financial**

*“The Decree on unoccupied business accommodation, levies taxes on unoccupied manufacturing space”. In the case where renovation (including remediation) is planned, exemption from the tax on unoccupied manufacturing space is given, for a maximum of 2 years.*

**SOCIAL IMPULS fund. (no details)**

**Fiscal or other public grants or subsidies are available, including grants for demolition and purchase of unoccupied business facilities (from ARHOHM) and the OVAM ‘site law’, special financing if strategic economic importance or heavily contaminated.**

### **3.2 Land Use and Development Control**

**Recent changes in the organisation of Town and Country Planning, have resulted in a spatial planning system that covers the whole region of Flanders. Zones reserved for industry, farmland, housing, etc., are well defined. This plan has resulted in restricted areas for industrial purposes and has therefore stimulated the remediation of contaminated sites.”**

### 3.3 Environmental Requirements

#### Soil Remediation Decree 1995

*“[The Public Waste Agency of Flanders, OVAM, has responsibility under the Soil Remediation Decree<sup>1</sup>]. The Flemish Decree contains a number of key ideas which address new ways of handling land contamination (including solid land and groundwater):*

- *A register of polluted sites and the opportunity to request a soil certificate, including an extract from the register;*
- *A distinction between historic and new soil pollution;*
- *A distinction between obligation and liability for remediation.”*

According to the Decree on Soil Remediation contaminated land can only be transferred after:

- A remediation plan has been handed in by OVAM (the Public Waste Agency of Flanders),
- A financial guarantee is given to cover the costs of the remediation works,
- An obligation towards OVAM to remediate the site is made.

In specific circumstances, exemptions can be made by the Flemish government.”

## 4 OTHER INFLUENCES

**“A project is currently running (under the authority of OVAM) to develop a decision support system for ‘Active Soil Management’ integration aspects as well as skills for project management. The aim is to generate advice for precautionary measures and land use limitations based on risk assessment, allowing the adjustment of the use of the site to the actual risks caused by soil pollution. As well as prohibiting certain activities on the site, the activities that are still possible without risks are also indicated, along with measures that can be undertaken to allow certain activities pending remediation of the site.”**

As a result of the Soil Remediation Decree a register of soil pollution and soil remediation serves as a database for policy decisions. As the register of polluted land is open to the public, potential buyers of polluted sites can gain important information about the land. The soil certificate, an extract of the register for a specified ground, gives information concerning:

- The identity of the owner and user of the ground;
- The presence in the register;
- The existing investigations or soil remediation plans;
- The origin of the soil pollution (historical or new);
- The seriousness of the pollution; and
- The presence of a clean-up obligation.

## 5 TECHNICAL APPROACHES AND TOOLS

No information

## 6 OBSTACLES AND GAPS

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<sup>1</sup> Information concerning the Soil Remediation Decree 1995 obtained from [www.ovam.be](http://www.ovam.be)

- *“Two years of exemption from taxes for site vacancy is usually too short to finish the procedure of soil remediation following the Decree on Soil Remediation.*
- *Soil remediation is a complex issue and a lot of industries, citizens and stakeholders need more information and support to deal with it. Better and quicker decisions can be made if communication is optimised.*
- *A specialised institute for brownfield development does not exist at present. This means that the different parties (owners of polluted sites, investors, remediation firms, governmental agencies) can not collaborate easily.*
- *Brownfield development is also a broader issue than remediation of a contaminated site and currently there is not much expertise in this matter. Actions are taken on different levels, but there is seldom an integrated approach.*
- *The Soil Remediation Decree has had an important impact on the transfer of land and the control of industrial facilities. Still, abandoned sites seem to escape this legal system because there is no exploitation or sale. Due to soil pollution, these sites often remain disused or under-used and no action related to the above mentioned legislation will be taken in the near future.”*

## **7 EFFECTIVENESS OF POLICY**

***“No ....the redevelopment of sites or companies filing for bankruptcy is difficult due to the complex nature of brownfield projects one can make a distinction of sites between ‘market conform brownfields’ and ‘non-market conform brownfields’ [the former group can be redeveloped through market forces, whereas the second group require intervention]”***

***“Yes ..... several actors are working together to deal with problems that occur.”***

***“More and more responsible authorities accept their role... sites are addressed in a more integrated manner, but it takes some time to find the experience in this matter”.***

## COUNTRY PROFILE FORMAT

This country profile has been prepared from the CLARINET report (<http://www.clarinet.at/library/brownfields.pdf>), supplementary literature review and responses to the EP / ODPM study questionnaire.

Information sources are indicated in the text as follows:

*Italics:* CLARINET Annex 1  
Normal text: From legislative review  
**Bold:** From questionnaires  
**Bold italic:** Specific quotes from questionnaire returns.

The aim of this country profile is to provide an accessible and comparable reference. Although the focus has been to identify directly relevant information to the issues of redevelopment of Brownfields, some of the information is more indirectly related (in particular information on policies dealing with contamination or on prevention of dereliction or contamination). This has been included to some extent for the completeness of the wider picture. However, not all the information in the CLARINET report has been included, as some has clearly been superseded or is not relevant in this context.

Information is transcribed directly, with only very limited editing to clarify the underlying language used. It should be noted that the information is unlikely to provide a complete, or fully accurate, picture of each country.

This country profile will be periodically revised and updated by CABERNET.

The information is presented, where available, in the following structure:

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## STATE OF THE ART

**Belgium Flanders**

**1<sup>st</sup> DRAFT**

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