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Country: Belgium-Flanders

Summary:

MANAGEMENT

Owners and users of listed heritage are responsible for the passive and active conservation of their properties and can be sued if they neglect these tasks. Passive conservation stands for the general obligation to keep the location in good shape and the prohibition to mutilate, damage or destroy it or to any act negatively affecting its value. Active conservation stands for all the measures to be taken in order to keep the location in good shape: regular maintenance, occasional restoration, protection against theft, fire, ...

The Flemish government doesn't pro-actively monitor the conservational status of the Flemish heritage. The monitoring has to be carried out by the owners and users themselves, but they can seek assistance from heritage professionals or service organizations like Monument Watch Flanders.

When action is necessary, the owner has to start an application procedure in order to receive the (written) permit required for any listed heritage location (privately or government owned). Only temporary measures in response to emergencies can be carried out without a permit. Permits are granted on the basis of a more or less detailed application file or within the framework of larger building application procedures. Applications are handled by the Flanders heritage agency or officially delegated local authorities. Refusals can be revoked by the heritage minister in response to a formal appeal.

To pro-actively frame the conservation, improvement and restoration initiatives to be undertaken in a period of 20 years, heritage managers can draw up a heritage management plan, to be officially certified by the Flanders Heritage Agency.

Heritage management operations can be carried out by the owners themselves, but in some cases the involvement of certified professionals is required. A certificate is systematically required for archaeological research and metal detection, for architects and for building contractors. The certification of archaeologists, metal detection specialists and specific heritage entrepreneurs is handled by the Flanders Heritage Agency. More general specialists like architects and building contractors are certified following the specific procedures for their profession.

Private and public owners wishing to do so, can apply for financial support for the carrying out of certain heritage management tasks. The Flemish government grants financial support within the limits of the budget. In many cases a heritage management plan is required in order to receive funding.

INTEGRATION IN PLANNING POLICY

The new decree includes 2 instruments specifically designed to fit heritage management in planning policies:

(-) the Flemish government (inter-ministerial level) can decide to draw and officially recognize immovable heritage orientation plans for designated geographical areas or specific themes (e.g. heritage & social housing), in order to derive custom solutions for heritage management in the areas or cases concerned. Immovable heritage orientation plans can be revised. Immovable heritage orientation plans can be translated into an immovable heritage plan of action.

(-) Spatial planning authorities can decide to delimit heritage landscapes with specific planning regulations for the heritage aspects concerned.

The following heritage statutes have an impact on planning decisions and permits:

(-) For items in the officially established inventory of the built heritage: (1) (positive) exceptions on the general building energy norms, (2) (positive) exceptions on the norms for social housing, (3) demolition permits handled by local authorities have to be strongly motivated;

(-) For items in the officially established inventory of archaeological heritage: (1) general obligation of archaeological survey and delivery of an archaeological report by an officially recognized archaeologist, (2) depending on the findings of the report: full-scale excavation;

(-) For items in the officially established inventory of heritage trees and shrubs: permits handled by local authorities have to be strongly motivated;

(-) For listed items: compulsory consultation of the Flanders heritage agency or officially delegated local authorities. The complete demolition of listed heritage is absolutely forbidden. The instance handling the permit can choose to deviate from the heritage point of view, but this has to be strongly motivated.

Heritage has to be taken in consideration when environmental impact assessments are required. Specific directives have been issued in 2006 and are currently being updated.

Expand all

31A Balanced strategies for the protection, conservation and enhancement of heritage sites included in general planning policies

Yes

Approach (click to collaps)

Integrated Approach

Flemish government

3.1.B Specific regulations required in order to reconcile and combine the respective needs of heritage and development plans.

Yes

Approach (click to collaps)

Integrated Approach

Flemish government

3.1.C Known heritage sites ignored by the planning process

No

31D How categories are integrated into planning policy. Regulations for the different activities. Who provides regulatory advice

Monument

Changes in ground level

Non-biding advice

Changes in appearance

Non-biding advice

Townscape or villagescape

Changes in ground level	Non-biding advice
Changes in appearance	Non-biding advice
Demolition	Non-biding advice
New constructions	Non-biding advice
Changes in volume	Non-biding advice

Landscape

Changes in ground level	Non-biding advice
Changes in appearance	Non-biding advice
Changes in volume	Non-biding advice
New constructions	Non-biding advice
Demolition	Non-biding advice

inventorized architectural heritage

Demolition	Non-biding advice
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3.1.E Is information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without ..

3.1.E Information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without the permission of the authorities) due to development projects.

Approximate number of sites destroyed or severely damaged in the year

3.1.F Is information available on the number of heritage sites destroyed or severely damaged due to any of the activities listed

3.1.F Information available on the number of heritage sites destroyed or severely damaged due to the activities listed below, which are outside the spatial planning system but can impact on heritage sites (e.g. agriculture, natural erosion)

Please give the approximate number of sites affected per year and specify if other activities affect heritage in your context

3.1 Commentary

Commentary (click to collaps)

Integrated Approach

On January 1st 2015 a new general immovable heritage decree, bundling and updating all the legislation concerning the built heritage, landscapes and archaeology, has entered into force.

The new decree includes 2 instruments specifically designed to fit in planning policies:

(1) The Flemish government (inter-ministerial level) can decide to draw and officially recognize immovable heritage orientation plans for designated geographical areas or specific themes (e.g. heritage & social housing), in order to derive custom solutions for heritage management in the areas or cases concerned. Immovable heritage orientation plans can be revised. Immovable heritage orientation plans can be translated into an immovable heritage plan of action.

(2) (Spatial) planning authorities can decide to delimit heritage landscapes with specific planning regulations for the heritage aspects concerned.

The following heritage statutes have an impact on planning decisions and permits:

(1) For items in the officially established inventory of the built heritage: (-) (positive) exceptions on the general building energy norms, (-) (positive) exceptions on the norms for social housing, (-) demolition permits handled by local authorities have to be strongly motivated;

(2) For items in the officially established inventory of archaeological heritage: (-) general obligation of archaeological survey and delivery of an archaeological report by an officially recognized archaeologist, (-) depending on the findings of the report: full-scale excavation;

(3) For listed items: compulsory consultation of the Flanders heritage agency or officially delegated local authorities. The complete demolition of listed heritage is absolutely forbidden. The instance handling the decision or permit can choose to ignore the heritage point of view, but this has to be strongly motivated.

3.2.A For each category/level of heritage listed in 2.3, please indicate which party (state, owner or other) carries out conserv

Category and level: Monument

Conservation (click to collaps)

Regular maintenance

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

Category and level: Townscape/villagescape

Conservation (click to collaps)

Regular maintenance

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

**Can public authorities
can carry out
conservation on this
category if the owner
fails to do so?:**

Yes

Who pays?:

Owner

Restoration

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

**Can public authorities
can carry out
conservation on this
category if the owner
fails to do so?:**

Yes

Who pays?:

Owner

3.2.B Can owners or the regulatory body contract the conservation to other organisations?

3.2.B Owners or the regulatory body contracting the conservation to other organisations:

Yes

Are there general regulations for selecting contractors?:

Yes

Is there an official selection procedure for contractors?:

Yes

Do contractors require specific authorisation or accreditation to qualify?:

Yes

3.2.F What criteria are used to establish the priority for publicly funded works to the heritage?

Integrated approach

Urgency:

2

Budget:

1

Governmental decision:

2

Other criteria:

Criteria:

Type of project

Priority:

2

3.2.G Do permits or licences for archaeological work include specific conditions that include requirements to carry out non- des

3.2.G Do permits or licences for archaeological work include specific conditions that include requirements to

carry out non- destructive methods of investigation, such as those listed below, as part of the project? :

Yes

Preventative archaeology

32G Preventative archaeology:

**Preventative
archaeology:**

Field walking

Aerial photography

Photogrammetry and other detailed metric survey techniques

Geophysical survey

Non-preventative archaeology

32G Non-preventative archaeology:

**Non-preventative
archaeology:**

Field walking

Aerial photography

Photogrammetry and other detailed metric survey techniques

Geophysical survey

3.2.H Do permits or licences for excavation include specific requirements for the preservation, conservation and management of a

32H options:**Preventiv / rescue****excavation:**

Preservation

Conservation

Management

3.2.J Are there procedures in place for the conservation and maintenance of the archaeological heritage in situ?

Are there procedures in place for the conservation and maintenance of the archaeological heritage in situ?:

Yes

Please specify when these procedures are applicable:

3.2 Commentary

Commentary:

Commentary (click to collaps)

Integrated Approach

For public funding, priority is given to projects:

- (-) in application of certified heritage management plans or heritage management agreements;
- (-) with a physical urgency;
- (-) concerning the primary residence of the applicant;
- (-) co-financed by the European Union or other government agencies;
- (-) heritage management part of larger developments and not exceeding 1/3 of the total project cost.

Apart from individual applications, the Flemish government supports a limited nominatim list of major heritage development projects (eg. the big cathedrals, mining sites, ...).

Archaeological Heritage

The Flemish legislation stimulates the in situ conservation of archaeological heritage. The Flanders government agency tries to monitor the probability of archaeological presence in the field, by drawing inventories (the Central Archaeological Inventory, which maps archaeological finds, and the inventory of archaeological zones, which maps archaeological presence) and indicating 'archeology-free' areas. In case an archeologically valuable area is to be developed, the developer has to run through a process of archaeological follow-up and research. If possible, digging-up the heritage is avoided. Coincidental finds have to be reported and finds have to be properly stored.

3.3.A Is maintenance guided by a specific policy?

3.3.A Is maintenance guided by a specific policy?:

Yes

Approach:

Integrated approach

Archaeological heritage

Architectural Heritage

Landscape heritage

3.3.B Is there a monitoring system in place?

Is there a monitoring system in place?:

Yes

Approach:

Integrated approach

Archaeological heritage

Architectural Heritage

Landscape heritage

3.3.C Who is responsible for the maintenance of the heritage (both the categories/levels previously listed in Theme 2.3 and unprotected heritage) and is this enforceable?

Heritage categories:

Heritage category	Who is responsible?	Enforceable?
Unprotected heritage	Owner	No
Unprotected heritage	Owner	
monuments	Owner	Yes
town and villagescapes	Owner	Yes
Landscapes	Owner	Yes
archaeological sites	Owner	Yes

3.3.D If maintenance is the responsibility of owners, but they fail to do it, are there measures in place for public authorities to intervene, ultimately involving compulsory purchase or expropriation?

If maintenance is the responsibility of owners, but they fail to do it, are there measures in place for public authorities to intervene, ultimately involving compulsory purchase or expropriation?:

Yes

Please estimate this budget::

3.3 Commentary

Commentary:

Commentary (click to collaps)

Integrated Approach

On January 1st 2015 a new general immovable heritage decree, bundling and updating all the legislation concerning the built heritage, landscapes and archaeology, has entered into force.

In application of the new decree, the offender is always financially responsible for the restoration of the damage caused by neglect or conscious actions. The necessary measures can be enforced by law courts or the governmental heritage inspection agency. In extreme cases the government can act on behalf of the offender, afterwards presenting him the restoration bill.

3.4.A Are there specific policies on use and re-use of heritage?

Are there specific policies on use and re-use of heritage?:

Yes

Approach:

Architectural Heritage

3.4.B Is there a policy covering the development of 'Management Plans'?

Is there a policy covering the development of Management Plans?:

Yes

Approach:

Integrated approach

Archaeological heritage

Architectural Heritage

Landscape heritage

3.4.C Are there specific regulations which cover consolidation and reconstruction?

Are there specific regulations which cover consolidation and reconstruction?:

Yes

Approach:

Integrated approach

Archaeological heritage

Architectural Heritage

Landscape heritage

3.4.D Is there a specific policy on insertion of contemporary creative works?

Is there a specific policy on insertion of contemporary creative works?:

No

3.5.A Is responsibility for post-disaster⁵⁵ action to sustain/maintain heritage (both the categories listed in theme 2.3 and unprotected heritage) allocated to anyone?

If yes, who is responsible and is this enforceable?:

3.6.A Is there a transversal policy on sustainable development?

Is there a transversal policy on sustainable development?:

Yes

3.6.B Is heritage a specific theme or actor within the policy, or is heritage indirectly connected to sustainable development?

Is heritage a specific theme or actor within the policy, or is heritage indirectly connected to sustainable development?:

Yes

3.6. C Is sustainable development a policy responsibility within the governmental organisation(s) responsible for heritage?

Is sustainable development a policy responsibility within the governmental organisation(s) responsible for heritage?:

Yes

3.6.D Is the legislation for the protection of the natural environment separate from that for heritage protection?

Is the legislation for the protection of the natural environment separate from that for heritage protection?:

Yes

3.6.E Are there regulations that require Environmental Impact Assessments (EIAs) and/or Strategic Environmental Assessments (SEAs) to be carried out?

Are there regulations that require Environmental Impact Assessments (EIAs) and/or Strategic Environmental Assessments (SEAs) to be carried out?:

Yes

If yes, which aspects of heritage?:

Integrated approach

Archaeological heritage

Architectural Heritage

Landscape heritage

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