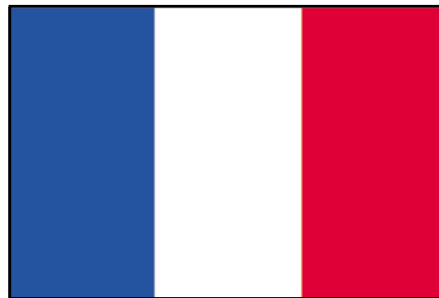


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Experience with brownfield regeneration from abroad

Part II - A Comparative Table



1. The Database and the Definitions of *Brownfields*

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
Definitions of brownfields	<i>Previously Developed Land = Brownfield</i> an area (<i>land</i>) originally occupied by a permanent building (except forest and agricultural structures) and connected to the stable infrastructure. The definition also includes courtyards linked to buildings (except open spaces, where building is not possible). PDL can be found both within settlements as well as outside. The definition includes buildings for defence, quarries and garbage dumps. (See the text for more information.)	There is no legislative definition of <i>friches industrielles</i> . The IAURIF definition from 1979 is used: an area designated mainly for industrial purposes, either built-up or not, which has not been used for more than a year. (The definition did not include inadequately used areas owned by state-owned companies such as SNCF, RATP and Port de Paris). <i>Friche</i> is either unoccupied or abandoned and activity has almost been finished, unlike in so-called destabilized land. This term has been used for those cases where the land has not been clearly abandoned.	The Flemish definition of brownfields does not comply with the English definition, but it corresponds to the American (USEPA) and Canadian ones. It refers to an abandoned or inadequately used industrial area or facility, whose further development is hampered by real or potential contamination. At the same time, the area has potential for development and further reutilization.	A questionable definition mostly relating to contaminated areas.
Existence of the brownfields database	<i>National Land Use Database - NLUD</i> , established in 1998.	There is no database of unused land on the state level. Surveys are run by towns or regions, and land mortgage banks (EPF) administer their own data. In 1983 the "national results" on the state of unused areas (20,000 ha.) were published. The data, based on various methods of counting, had been collected by the regions. The Rhone-Alpes region was not included in this survey.	A database of unoccupied buildings. A database of contaminated and potentially contaminated land.	No database of <i>brownfields</i> exists as land remains unused for a short time. In 1990 the area of <i>brownfields</i> was estimated to be from 9 to 11,000 ha. (The Ministry of Economy), with one third being in the largest cities: Amsterdam, Rotterdam and Zaanstad. <i>Brownfields</i> that have resulted from mining for sand and stone constitute a special category. This is not in contradiction, as brownfields are not identical with contaminated areas. Last year a survey of contaminated areas was finished in Holland and the number counted was 600,000.
The area covered by the database	England and Wales.	Regions or towns.	The region of Flanders.	
The content of the database	5 types of PDL, according to the level and the length of time for which it has not been used. Land is further evaluated according to 41 attributes, which take into consideration: geographical position, ownership, type of damage, previous use, physical, environmental or legislative obstacles, the status of regional planning (type of permission), market conditions, how long it has been abandoned.	Different, depending on who created it.	The database of unoccupied sites contains data on the owner, the length of time for which it has not been used and information about the existence of a development project. The register of polluted areas contains data on the owner, information about <i>remediation</i> plans, the cause of pollution (before or after 1995), seriousness of the pollution and existence of an order to carry out decontamination.	

The database administration	Office of the Deputy Prime Minister, English Partnership, Improvement and Development Agency (representing the interests of local authorities) and Ordnance Survey.	Towns, town associations or real estate institutions of EPF.	Contaminated brownfields are administered by OVAM. The database of unoccupied sites is administered by the Ministry for Planning.	
Minimum area, the length of being abandoned	More than 0.25 ha. 1 year	More than 0.5 ha. 1 year	Minimum area is not defined. A site is considered to be unused after one year of being abandoned.	
Use	The use of the database and the statistics aim at fulfilling the ruling of <i>Public Service Agreement</i> and goals of two policies: PPG3 – <i>Housing</i> , and PPG11 – <i>Regional Planning</i> . The statistics also monitor availability of land for housing. The results are compared with <i>Land Use Change Statistics</i> , which studies various types of transformation into functions like housing, and activities of other “ <i>hard end uses</i> ”. The statistics further evaluate the main legal, market and other obstacles to reutilization.	The database mostly serves for statistics and indirect planning (Ile-de-France), or as an offer of land for enterprise (ADERLY and the Lyon region), or as reference material for municipal land development policy (Lyon, EPF).	The database of unoccupied sites is used for computing taxes (higher tax burden with exceptions) and for statistical purposes. The database of available industrial areas and premises is used by regional politicians, for local landscape planning and to form strategies. The database of contaminated areas provides information and makes it possible to define who is obliged to decontaminate each area.	
Access to the database	Licensed public bodies have access to the database. The data is owned by the local authorities that have created it. Licenses will be issued both to public and private organizations.	Except IAURIF, the databases are not generally available, summarized data is published sometimes.	The database of unoccupied sites is not public.	
Data entry and evaluation	The data is provided by municipalities.	The inventory counting and evaluating IAURIF was done with an interval of 5 years. The output is a base map (1:50,000 or 1:25,000) and synoptic tables. (The area of the region: 120 km ²). Other databases can be more detailed or just one-off materials.	The database of unoccupied sites is evaluated annually. Municipalities are obliged to fill in data in the database on the basis of a decree on <i>Prevention of unoccupied industrial areas</i> from 1995.	
Other databases	<i>Register of Surplus Public Sector Land</i> is administered by English Partnership. The contributors are both public and semi-public organizations: National Defence, British Railways, NHS Estates, the Highways Department and coal mines. A new use within the public sector is sought for sites offered to the register. The register contains 850 locations with the total area of 2,800 ha.		A database of available land and premises for business enterprises.	The existing surveys concern contaminated land in 600,000 locations. There are two types of records: the first one is focused on territorial information on the issue, while the other one concentrates on recording risk factors connected with the problems, like contamination of soil, water and real estate.

2. The State and its Attitude to Regeneration

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
(Integrated) policies partly focused on brownfields regeneration	The initial material of urban policies is the <i>White Paper: Our Towns and Cities: the Future: Delivering an Urban Renaissance</i> , inspired by 150 recommendations of Urban Task Force. PPG 3 <i>Housing</i> based on the principles of <i>Public Service Agreement</i> , PPG3 approved in 2000 requires building 60% of new housing on PDL by the year 2008. PPG11 <i>Regional Planning</i> with a requirement to recultivate 1,000 ha. of <i>brownfields</i> per year, in order that the total area of brownfields is decreased by 5% by 2004 and by 17% by 2010. <i>Sustainable Communities Plan</i> is the document on the basis of which the strategy of regenerating brownfields has been worked out.	No policy or state strategy is focused specially on the regeneration of <i>friches</i> . Raport Lacaze (1983) can be considered to be a kind of policy, but its significance has been lost since the decentralization. After 1990 <i>Friches</i> became one of the subchapters and goals of town regeneration (<i>renouvellement urbain</i>) policy.	There are roughly three policies concerning <i>brownfields</i> regeneration: the town regeneration policy, the prevention of abandoned industrial sites policy (a decree from 1995) and the land decontamination policy (a decree from 1995). The decontamination policy is aimed at removing historical burdens by the year 2036 and in urgent cases by 2006.	The regeneration of <i>brownfields</i> is dealt with by environmental policies, area planning and urban regeneration. From the point of view of area planning it is the VINEX policy (the fourth document on area planning), focused on urban regeneration. The policy was approved in 1990 and amended in 1997. Another state policy is the development of large cities - <i>Big Cities</i> (4 large cities and 21 middle-sized towns), launched in 1994 and modified for the period 1999-2004. The goals of this policy relate to regeneration of urban development.
The responsible ministry	ODPM - Office of the Deputy Prime Minister in the year 2002. The responsibilities of the ministry include, among other things: regional planning, regional development, housing, sustainable development of municipalities, urban policies, local government and the unit of social exclusion (green belt land).	The ministries of Equipement and Ville.	Various Flemish authorities (sometimes referred to as ministries) are responsible for the policies: Landscape Planning and Housing (these are under one ministry), Economy and Environment. The policies affect the following areas: town reconstruction, development of industry, planning and decontamination of soil.	The working out of the policies is directed by the Ministry of Housing, Territorial Planning and Environment - VROM – with the participation of other ministries.
The goals of policies concerning brownfields	The goals contained in the White Paper: <ul style="list-style-type: none"> • the best use of brownfields is for new housing, • to keep the inhabitants in towns or to return them there, • to do away with low standard of living and inaccessibility of opportunities in some parts of towns, • to support local opportunities for the development of its economy, • to make living in towns attractive, stable and practical. 	See the goals of town policy (<i>politique de la ville</i>), mainly the use of <i>friches</i> for new activities. According to the law on town planning (SRU), the goal is to limit urbanization on the periphery of agglomerations.	The policy of landscape planning – see point 8. The policy of town restoration – not found. The policy of soil decontamination: to do away with historical burdens by the year 2036.	The VINEX policy is built on a strategy of compact towns. The priority focused on sustainable development has goals concerning contaminated soil. On the basis of agreements between the state and regions, the policy defines so-called VINEX <i>locations</i> , or zones for the concentrated building of housing and other services. No information has been acquired about the restructuring zones among those locations.

THE STATE OR REGIONAL BROWNFIELDS POLICY		<i>Friches</i> remain a problem only in originally industrial regions, mainly Nord-Pas-de-Calais and Lorraine. These regions create their own strategies for the regeneration of <i>friches</i> .		None of the present policies is specially focused on <i>brownfields</i> . A note: brownfields as contaminated soil.
Name	<i>Towards a National Brownfield Strategy.</i>	Regional EPF work out multi-year plans.	A project in the form of a Decree on the Brownfields Development.	The third plan of environmental policy (NEPP3 - VROM) prepared the conditions for legislative changes in the field of soil decontamination and supported increasing government expenditure for these purposes.
Approved	The national strategy is being prepared.	The planning period corresponds to the European one, which is 2000-2006	Approved by the Flemish government before 2004, but it was not passed by the Parliament after the elections.	The policy was modified in 1997. Further modifications are being prepared.
Territorial validity	England and Wales.	Nord-Pas-de- Calais a Lorraine.	The whole region of Flanders.	The whole of the Netherlands.
The main policy goals	The main goal of the strategy is to find solutions for increasing PDL absorption, mainly in the categories defined as 2-4.	The main goal is to return the land to the market. First the development potential is evaluated. Plots with small potential are cultivated or administered as land reserves. Strategic locations are prepared for strategic investors.	The main goals were: <ul style="list-style-type: none"> • improving the quality of the environment of the places, • lowering the pressure on <i>greenfields</i>, • economic and social development of the neighbouring area. 	The goal of the policies are: <ul style="list-style-type: none"> • to do away with the soil contamination risk within 25 years.
The basic philosophy	The philosophy of the strategy is to stimulate low demand markets both by motivating the private sector (decreasing the cost for "abnormality", increasing the value of the implemented programme), and the public sector (to set an example, to improve the image of the locations). For more information see the text.	The philosophy of regional strategies is to return the land to the market.	The basic philosophy of the strategy is to offer brownfields for business and industrial activities.	See the Policies for the Contaminated Soil.
The responsible managing body	English Partnership functions as a "special advisor of the Deputy Prime Minister for brownfields issues" and therefore it is responsible for working out of the national strategy and for recommendations.	EPF	No ministry has been appointed as the leading player. A working group presented a project to the Government to be approved in the form of a law. It has been passed and if it also successfully goes through the Belgian parliament, it could be launched irrespective of further acceptance by federal ministries (for more see Tax Tools).	
Executive bodies		EPF in cooperation with local authority.	Local government and public agencies.	

Are priority locations defined?	The strategy does not relate to specific locations, but distinguishes between regions with high growth and regions with low demand.	There are defined the ZFU - <i>Zone Sensible Urbaine</i> - as part of the state policies.	The strategy first selected five pilot projects. However, territorial priorities have not been defined.	
How is cooperation among ministries arranged?	With respect to its structure, ODPM is responsible for the cooperation of the sectors of planning, building of housing, regional development and local government. Other participants from the Environmental Ministry DEFRA, Environmental Agency, Housing Corporation, <i>Local Government association</i> , RDA and representatives of the private sector (in the form of Igloo Regeneration) are members of the <i>Steering Committee</i> .	There are various governmental advisory or executive bodies to deal with the questions of urban policies and territorial development: DIV- <i>Délégation interministérielle a la ville</i> , DATAR- <i>Délégation a l'aménagement du territoire</i> , CNV- <i>Conseil national des villes</i> , CIV- <i>Comité interministériel des villes</i> .	A working group called <i>Task Force</i> mediates cooperation among offices of the ministries. Establishing a Brownfields Coordination Centre has been considered in order to implement the project.	
How is the implementation of the policy supported?	The strategy has not been approved yet and there are no instructions concerning its direct implementation.	Mainly multi-year planning and agreements between the state and the regions or towns guarantee implementations of regional strategies.	With the new government, the outcome of the project and the law is unclear.	
Notes			Federal ministries do not interfere with the activities of Flemish authorities in any way. The authorities work within the limits of competencies defined by laws.	

3. The State Support of Regeneration

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
Integrated programmes for brownfields regeneration	In 2003 the <i>Communities Plan</i> was launched, which is a long-term programme for the period 2002/03 - 2005/06 focused on sustainable development of both urban and rural settlements. The goal is to support the building of flats (mainly affordable) in four growth categories and in regions with low demand, and to improve the quality of public spaces with the focus on preferential development of <i>brownfields</i> .	Integrated financing exists within the framework of urban policies (<i>politiques de la ville</i>). The regeneration of <i>friches</i> is not a priority of these policies. At present, a newly approved regeneration policy with unified financing and a single agency (<i>Agence nationale pour la rénovation urbaine-ANRU</i>) is being prepared.	No to <i>brownfields</i> .	The regeneration of <i>brownfields</i> does not appear on its own in grant programmes for urban regeneration. Most of the costs connected with financing regeneration were or still are covered from programmes for urban development or regeneration. In 2000 there was introduced an integrated subsidy programme, Investment <i>Budget for Urban renewal</i> - ISV. This programme follows the above-mentioned policies of area planning and <i>Big Cities</i> . BELSTATO, a fund of urban regeneration, co-finances individual programmes and local projects (see further).
Sources of subsidies	Budget.	State finances are divided within the framework of five-year agreements CPER. These are coordinated with subsidies from the structural funds. In addition there also exist several specialized funds for economic, social and territorial development. The state also participates on building of important infrastructures.	The source for individual subsidy programmes are government budgets. Some projects can win subsidies from European Structural Funds for goal 2 and subsidy from the Urban II and Interreg III initiatives.	The ISV package includes subsidy programmes of four ministries (VROM, Agriculture, Management of Nature and Fishing, and Economy). A special addition is a subsidy for the decontamination of soil. BELSTATO – a state fund.
Which ministry is in charge of the programme?	ODPM	The ministries <i>Equipeement</i> and <i>de la Ville</i> in cooperation with others.	See individual programmes.	VROM
Possible applicants for a subsidy	Mostly PPP.	Regions, urban associations and their organizations.	Both public and private sectors, according to the type of programme.	For partnership projects of private and public sectors.
Programme budget	£ 22 billion.	The so-called town contracts (<i>contrat de ville</i>) are agreements that mainly concern urban regeneration. 247 contracts have been signed for the period 2000-2006. In the year 2000 public expenditure reached the sum of EUR 5.5 billion. In <i>contrat de ville</i> are included big urbanistic projects, mostly regeneration or rehabilitation.	EUR 25 million for land decontamination, EUR 21 million for the prevention of abandoned business sites, EUR 25 million for urban rehabilitation.	

Other individual subsidy programmes	National Coalfields Programme. Land Restoration Trust.	Contributions for EPF and regions and contributions from the state funds should be added to the above-mentioned.	There are individual subsidy programmes for: (i) demolition of unoccupied buildings and purchasing property with unoccupied buildings, (ii) drawing up studies and local planning documentation, (iii) building infrastructure for the preparation of industrial zones, (iv) urban regeneration - this includes integrated projects focused mainly on residential areas. The principle of the subsidies is to create PPP projects with 40% private funding.	(i) Key project – nation-wide strategic projects of settlements development, transport, environment and economy. The projects are announced by the government. They are based on the PPP principle and "diagonal" coordination of the preparation and implementation (vertical on the government level and horizontal among sectors and partners). (ii) Supportive programme for intensive space use. (iii) Quality of localities, a programme designated for VINEX locations. (iv) BEVER (contaminated land, see chapt. 4.9) and others.
Which areas of activities are covered?	Purchasing land. Land recultivation.	Activities focused mainly on economic and social goals.	The whole region of Flanders.	Either only strategic locations or the whole territory.
Are there regional differences?	Yes, there is a distinction between growing and poverty-stricken regions.	The <i>renouveau urbain</i> policy and the programme will be implemented simultaneously in 751 ZSU (<i>Zone Sensible Urbaine</i>).	No.	Yes, with a focus on strategic locations (towns).
FISCAL TOOLS				
Have any special tools been created?	Introduction of a tax deduction up to 150% of the decontamination costs. There are fines on dilapidated premises and a tax on unoccupied housing units.	A special fiscal tool, TSE (<i>taxe spéciale d'équipement</i>), has been introduced for the regeneration of <i>friches</i> , which represents increasing local taxes roughly by 1%. Its revenue is the source of financing EPF. A SRU law introduced a possibility for the municipalities to increase the tax on leaving idle the land designated for development. In the Ile-de-France region there was used a short-term tool of granting tax privileges to <i>friches</i> regeneration by decreasing the stamp duty (the tax on conveyance of real estates). This was done for administrative purposes. For ZF see further.	Yes – a tax for keeping business premises unoccupied. If renovation projects for the relevant real estates are registered, the owner is exempt from tax for 2 years. 80% of the yield from the tax goes to a special regional fund focused on the implementation of the prevention programme, and 20% remain in the municipalities. In 1997 a tax on unoccupied housing units was introduced.	No information is available. For land decontamination tools see part 9.

Which other tools have been proposed?	No <i>greenfield tax</i> is being considered. Modifications have been recommended for the stamp duty, also decreasing VAT for work and services related to regeneration from 17.5 % to 5%, and letting local authorities keep a larger part of tax on housing and business (<i>Council and Business Tax</i>). For further proposals, see UTF.	A real estate tax based on the market value has been considered for a long time.	The proposed Development of Brownfields project considered further tax relieves.	
Are they applied only in defined geographical locations?	No.	There are 44 special zones in France with tax relieves (<i>zones franches</i>). Businesses in those areas are exempt from business tax (<i>taxe professionnelle</i>) for 5 years. The state compensates municipalities for the lost profit from this tax, which constitutes local income. We have not found out what the actual number of ZF in <i>friches</i> is.	No.	

4. European Funds

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
How large is the territory that receives support for goal 1?	Cornwall & Isles of Sicily, South Yorkshire, Merseyside (England) and West Wales & The Valleys in the period 2000 - 2006. A transition regime exists for the Highlands & Islands in Scotland and for Northern Ireland, which will lose their claim to support for goal 1. Roughly 25% of the territory.	Only overseas <i>departements</i> are entitled to support for goal 1 from the structural funds.	It probably does not exist.	No information is available, but there is probably no support for goal 1.
How large is the territory that receives support for goal 2?	It is estimated to be roughly 25% of the UK territory.	The territory that will receive support for goal 2 is extensive and represents 19 mil. inhabitants (30%). Structural funds are part of CPER for the 2000-2006 period. According to the programme document, most funding will be focused on urban regeneration projects.	Small territory.	
How many projects within the URBAN initiative exist?	The URBAN initiative is subsidised with 117 million. In the future, the URBAN initiative will remain the only source of the structural funds.	9 towns have been selected for the URBAN II initiative. The volume of resources for the 2000-2006 period represents EUR 102 mil. The funding covers 50% of operation costs in the regions entitled to support for goal 2. Gradually the URBAN initiative will become the only source, which will substitute goal 2.	The towns of Antwerp and Gent.	
Other European initiatives	Interreg Leader, Equal.	Interreg.	Interreg III.	
The significance of European funds	Quite significant, especially for the affected regions.	European funds represented essential help for the originally industrial regions and their EPF, mainly in the past years.	Rather small, but the evaluation depends on individual projects.	
Which activities are financed from the European funds?	European funds for regeneration are coordinated by English Partnership and serve to its activities.	In the case of EPF, these are all the activities related to their operation except for those, which are in contradiction to the principles that apply to European funds.		

5. Other Special Regeneration Tools

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
State agencies	English Partnership – a state urban regeneration agency. URC <i>Urban Regeneration Companies</i> are independent organizations with the participation of national, regional, local and private sector representatives. URC are financed from public sources of the member institutions: RDA, local authorities and EP. RDA are regional development agencies predominantly focused on economic development.	Large urban regeneration operations are often managed by state agencies EPA (<i>Etablissement public d'aménagement</i>). EPF <i>Etablissement public foncier</i> are another important state tool for administration and pre-preparation of abandoned land for further use.	In Belgium there are no state development agencies. The <i>Intercommunalities</i> in Flanders have a long tradition; these are development companies which can have mixed financing from private and public sources. For more, see point 7.	The state does not establish agencies against the will of local governments. State agencies deal, among other things, with land consolidation.
Their geographical sphere of activity	EP is active throughout UK. URC works locally. RDA works on a regional level.	Only in those places, where a decision was made by a state decree. EPA Roubaix, Euroméditerranée and Plaine St. Denis. There are 5 EPFs, the largest being in Lorraine and Nord-Pas-de-Calais.	0	
Types of activities	Preparation of <i>brownfields</i> for new development is the principal activity of EP. EP is an exclusive advisory body of the Deputy Prime Minister in regeneration issues. In cooperation with RDA it prepares the subsidized projects. Pilot projects include mainly Central Milton Keynes and Barkling Riverside in the Thames Gateway. Projects already implemented include e.g. Millennium in Greenwich. EP is the administrator of NLUD, a coordinator of <i>National Coalfields Programme</i> , <i>Land Restoration Trust</i> and a creator of <i>National Brownfield Strategy</i> .	EPA can have competencies in landscape planning and they can use the tool of expropriation or call option. Their activities are mainly focused preparation of projects, land, and their sales to investors.	0	
	URC have no special powers, but they can be authorized to execute expropriation of land. Their main goals are communication, mediation of private sector participation and strategic approach.	EPF have competencies in managing land policies and preparation, but without the implementation of infrastructures. EPF have no responsibility for planning, but they can apply the tool of expropriation or call option. They cooperate with municipalities, which arrange the development plans and the landscape documentation. Together they work out strategies of land development and communicate with strategic investors.		
The number of agencies	14 URC		0	
Do they work only in problem areas?	URC are established in problem areas.		0	

6. Regions and their Attitude to Regeneration

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
Especially affected regions	Cornwall & Isles of Sicily, South Yorkshire, Merseyside (England) and West Wales & The Valleys, see goal 1.	Nord-Pas-de-Calais, Lorraine and Rhone Alpes.	Former mining regions.	The province of Limburg (mining) was originally mainly affected by the problem of brownfields. The problem of urban regeneration, however, mainly applies to big cities, therefore the present state policies focus on the relations between towns and their regions.
Special powers of regional governments	In the field of regeneration, the powers are insignificant.	Regions have powers in planning (they draw up regional plans, which, however, are not binding) and the regional and economic development; in the environmental area they share powers with the decentralized state authorities represented by the Prefect. The Prefect decides when special measures have to be introduced in the area (<i>servitudes d'utilité publique</i>) – and announces to the municipalities the decisions concerning public interest projects (<i>Projet d'intérêt général -PIG</i>).	In Belgium it is the provinces that have the function of lower administration bodies. Flemish provinces have responsibility for planning, environmental protection and housing.	Provinces have the authority in the environmental area and predominantly play the role of supervisory bodies. They can work out their own plans of area development, which, however, are not generally binding. Vertical coordination among administration bodies is the basis of planning activities in Holland, as well as efforts to reach an agreement.
Financial sources of regions for regeneration	Redistributed state resources and European funds.	Regions have their own income (with continuing decentralization their income grows along with their powers) and they share funding regeneration operations administered by local authorities as well as by the state. Further, they co-finance EPF activities on their territory.		Provinces have very few own resources. They redistribute state subsidies to small municipalities.
Forms of regional cooperation in regeneration	Financial participation.	Regions can establish their own development companies, or have representatives in urban mixed companies. E.g. in Lyon, a significant part of landscape development and regeneration operations is managed by a mixed regional company, SERL (<i>Société d'économie mixte de la région lyonnaise</i>).	In regeneration issues, provinces function as partners or issue permits. They can be members of intercommunal societies.	They participate as partners in the regeneration projects.

7. Towns, Villages and their Attitude to Regeneration

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
Is regeneration a political issue?	Yes.	Regeneration is an important political agenda, mainly because of social issues. Moreover, politicians are educated in urbanism.	As the notion of <i>brownfield</i> is unclear, a better term would be urban regeneration.	Regeneration has been a topical issue for at least two decades.
How is regeneration managed in small towns and villages?	In some cases (e.g. Manchester), regeneration is managed in cooperation with local governments.	Small villages can join urban or local municipalities. Even large cities, like Lyon Lille or Marseille, are associations of municipalities. If a village has no local plan, it is the prefect (the state) who makes the decisions.	Intercommunal agencies.	Intercommunal cooperation is applied when common issues have to be solved (e.g. restructuring of mining industry into new activities).
To what degree is regeneration co-funded from local budget?	Municipal budget does not play an important role in projects. Local governments share funding in more extensive regeneration projects as members and financial partners of development organizations in <i>joint ventures</i> .	The percentage of co-funding landscape regeneration projects from the municipal budget depends on the type of management of each operation: direct management (the highest share), semi-public developer, or a private developer (minimum share). In general, the share is significant.	From case to case.	The main contribution of municipalities in project implementation is providing loans. They fund only a small part of costs from their budgets. State funding covers the rest.
Are subsidies important for the implementation of regeneration projects?	Local governments are the main applicants for public funding of regeneration. Their success in winning grants determines success of the planned regeneration process.	This depends on the size of the municipality and on the type of project (commercial or non-commercial). The state plays a significant part in execution of large public infrastructures (the university, a motorway, etc.) or participates in the operation, for instance indirectly through the state development bank (CDC). The state also indirectly participates in regional development by building social housing. If the state grants loans or subsidies, the project must be coordinated with the state's requirements.	Funding is important for project implementation, but only selected projects receive funding. The subsidy usually comprises certain percentage of costs of individual project activities.	Yes. A number of subsidies are distributed in a blanket manner. 25 towns receive a package of subsidies, which they have the discretion to allocate to specific projects. However, multi-year action plans are subject to governmental approval. There are individual grants for some other programmes. It is similar with soil decontamination.
Are subsidies granted to specific projects?	Subsidy applications must fulfil the conditions of strategic and integrated approach, the form of partnership and co-funding.	Both versions exist – there is funding of specific projects as well as blanket distribution of funds.	Projects must meet the selection criteria. In urban regeneration projects it is 40% share of private capital.	Grants are awarded to those projects which cannot be implemented on a break-even basis.
Is support secured for several years?	Yes, from 5 to 7 years.	Yes, 5 years and more.	No.	Multi-year planning and funding is guaranteed. What has become apparent is a need to work with longer-term plans, up to the year 2030, which naturally must be based on research into market development.
Cooperation of local authorities with state agencies	Local governments are becoming more and more involved in this cooperation.	If a state-managed project is being implemented within the town territory, the town is represented in the administrative board of the development company.	This is not the case.	Municipalities actively cooperate with the state and the province.

Which local revenues are most affected by the regeneration?	<i>Business and Housing Tax.</i>	Fiscal motivation of municipalities lies in the growth of company tax (<i>taxe professionnelle</i>), which grows with the added value of local activity and with the value of the company's real estate property. Even housing is advantageous, especially of those inhabitants who are taxpayers. Last but not least, municipalities are interested in new construction because of the rates (property tax), mainly in built-up areas.		The traditional business tax.
How many towns have their own development agencies for regeneration?	There are 14 URC; the number of <i>joint ventures</i> is unknown.	A great number. Towns found their own development companies, mostly mixed SEM (<i>société d'économie mixte</i>).	The largest regeneration agencies are in Antwerp and Gent.	In urban regeneration it is mostly the partnership principle, which is applied. The municipality enters into a <i>joint-venture</i> with the private sector.
Does private sector participate in those agencies?	Private sector is frequently a majority participant of joint ventures.	It is obligatory that public sector participation in SEM must be over 50 %. SEM can be established to run one particular project, or generally to manage all projects in the town. Members of SEM are mostly semi-public organizations (the railways) and banks (the state CDC).	Not in the case of the quoted agencies. Otherwise, the public sector participation in SEM must be over 50%.	Yes.
Forms of local authorities participation in regeneration projects	The basic responsibility of local governments lies in preparation and approving of local plans and issuing contracts. In attractive locations municipalities can negotiate with the developers either the <i>planning obligation</i> , or different forms of participation in providing utilities.	In addition to the responsibility for planning, this can have the a form of complete development activity, which means preparation and sale of land. The town can directly administer the operations through appropriate bodies, e.g. town development. If a mixed SEM company runs the project, the town usually gives the company a loan and shares the costs for public facilities, which exceed the budget for the operation. In case the operation is entrusted to a specific private entity, the town can also contribute by carrying out the construction of utilities.	The main activities of regeneration agencies include purchasing and providing utilities as well as local planning.	The towns traditionally purchased and provided utilities in most areas (80%), which were later sold to developers and building cooperatives. This tradition is now changing. In exceptional conditions, municipalities can award their own grants, for instance for localization of companies. The main means of urban development is providing utilities and take care of the environment.
		SEM or the town can apply the first option or expropriate the required land.	Note: Intercommunal agencies, which have a long tradition in Belgium, can assume different functions – the provision of water and gas supply, cable TV, health services, or garbage disposal. <i>Intecommunalities</i> in Antwerp and in Gent also deal with regeneration.	

8. The Legislation of Territorial Planning and Land Development Policy

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
			Note: Flanders has its own legislation of territorial planning, which differs from that in the other two regions, Walloon and Brussels.	
Is the concept of brownfields defined in regional planning legislation?	Yes, see the definitions from PPG 3 stated above. (PPG are not a law, but “ <i>material consideration</i> ” that the planning bodies must conform to during their activities and in their decision-making).	The concept of <i>friche</i> is not defined in urbanistic legislation (<i>Code de l’urbanisme</i>).	The concept of <i>brownfield</i> is not defined in planning legislation.	The <i>brownfields</i> concept is probably not defined by the law for area planning.
Which methods in planning are used to restrict development in greenfields?	PPG3 introduces in planning and permitting development a method called <i>sequential testing</i> . The principle is that before new land is designated for housing (or before a project is approved), the planning board must make sure that no <i>brownfields</i> are available and suitable.	The legislation, the SRU law, introduced a limitation of “ <i>périurbanisation</i> ” in the form of limiting the development of municipalities within the radius of agglomerations (15 km). This tool is still a subject of discussion and criticism, because it resulted in growth of prices of land in great distance from agglomerations. Otherwise, designation of new areas for building must correspond to demographic and economic analyses.	According to regional policy of land development it is obligatory to build 60% of new housing in locations designated for building (defining the boundaries of these areas has its own regulations). If this law is derogated, it is necessary to prove demographic and other circumstances leading to occupying new land. Governing bodies authorize individual decisions and all kinds of local plans. A framework regional plan has been approved for the whole Flanders, with a functional delimitation of land, which is binding for lower territorial planning documentation. The limitation of the scope of industrial areas in this regional plan is stimulated by regeneration of unused areas.	The limitation of urbanization outside large town settlements is based on the compact town policy of the 80s. This policy is supported by the Law on Area Planning and in practice its application is respected. Towns do not succumb to pressure and plans of governing bodies, but initiate changes in their concepts. In Dutch planning there is a strict hierarchy of plans and supervision of governing bodies. Articles 11 and 19 of the Law on Planning are rather controversial, because they introduce both flexibility as well as legal uncertainty in procurement of regional planning and technical documentation and the approval process.
Are brownfields marked in regional planning documentation?		Unused areas, like development zones (graphically and semantically defined areas in the framework plans - SCOT).	No.	?
Are regeneration zones in regional planning documentation?	No.	There is a functional definition of regeneration zones in local plans and there can be defined a territorial boundary to implement regeneration, mostly in the form of ZAC procedure.	Regeneration zones are marked in regulatory plans.	?

Does any special legislation apply to regeneration zones?	No.	Legislation offers several operational tools (procedures), which define the preparation and the progress of development or regeneration operations implementation in defined zones. ZAC (<i>zone d'aménagement concertée</i>) mostly applies to regeneration in central areas of towns, while in less compact areas so-called parcelling (<i>lotissement</i>) is applied. There are other tools for degraded built-up inhabited areas. For more information, see the text.	?	The law does not contain any special procedures for the implementation of regeneration operations. Today's procedures have developed from a tradition, where the municipality first prepared the land by providing the utilities, and then it became a cooperation partner of a private entity executing the specific operations. A link to real demand is traditional in Dutch planning.
When is regeneration of public benefit?	Regeneration is in public interest.	A project can be awarded the status of public benefit (<i>déclaration d'utilité publique</i>) in order to be expropriated, if this is ruled by the Prefect on the basis of a public survey. The projects must mostly include a housing programme.	If they are included in the local plan or in a binding strategic plan. Expropriation can be applied in order to implement the goals of the local plan.	The expropriation right is included in a special legislation and in <i>Urban Renewal Act</i> and its scope is wide. Apart from other purposes, it can be carried out for the sake of planning, renewal and plan implementation (<i>betemmingsplan</i>), housing, as well as decontamination of soil. A prerequisite of the expropriation approval by the Province and by the Crown is public interest, the project <i>feasibility</i> and the costs.
Is expropriation used in regeneration operations?	Yes, but only as an extreme solution. The expropriation tool is being considered for the needs of regeneration.	Expropriation is an extreme solution, which is both costly and time consuming. It is applied in cases of apparent speculation or opposition of the owners hindering the project implementation.	Yes, exceptionally. The municipality can decide to expropriate real estate that has not been used for more than 2 years.	Law is not often applied, as the owners mostly agree to sell the property by mutual agreement.
How is the compensation for the expropriated real estate set?	The market value of the real estate.	The compensation for the expropriation amounts to the market price, which is set by comparing previous sales of property in the vicinity. A special judge, <i>juge d'expropriation</i> , determines the price. This includes lost profit costs as well as costs for moving.	Market value. Note: The local planning system makes it possible to compensate even in case the price of a particular real estate decreases due to the planning permission. Compensation is granted only if increasing of the value of the site was considered (an existing project or a planned sale).	The price for the expropriated land represents a double amount of the market price. This price is offered by mutual consent prior to the sale, so the owners prefer the saved time.
Other tools for land consolidation		Pre-emptive right (<i>droit de préemption</i>) exists, but it is applied more frequently in urban land development policy than in regeneration operations. A transfer of the planning permission (<i>transfer de COS</i>) is legally possible, but not used.		Pre-emptive right exists, but it is not used much for regeneration. Extending its application to <i>greenfields</i> is being considered to suit the goals of land development policy.
Other types of land ownership	Long-term lease and hire-purchase of land.	Commonly used methods include sale of planning permission, hire-purchase, long-term lease or " <i>datation en paiement</i> " (transferring the payment for a piece of land until it is really sold). The last method is very successful in projects in areas with expensive land.		Long-term leases and hire-purchase of land are common in the Netherlands. There is not enough additional information available. There is no information about land reassembly and land swaps schemes, which probably exists.

9. The Environment and Soil Contamination

	ENGLAND	FRANCE	BELGIUM - FLANDERS	THE NETHERLANDS
Legislation referring to contaminated soil and to decontamination	The policy of local planning, PPG23 <i>Planning and Pollution Control</i> (1994), concerns the attitude of public administration to the management of contaminated areas. Another directive for planning is PPG10 <i>Planning and Waste Management</i> .	An act from 1976, <i>Installations classes</i> , is today included in the article L. 511-517 of the <i>Code de l'environnement</i> . Laws were further modified by government decrees from 1992 and mainly by a decree of Dec 3 rd , 1993. Further legislation includes acts on waste, article L. 541 <i>Code de l'environnement</i> and water acts in L. 210-1 and 218-80 CoE). For more information see the text.	The main legislation dealing with contaminated soil is a decree on decontamination of soil from 1995. The environmental legislature is not integrated; there are only regulations concerning individual components of the environment (air, water, soil, etc.).	The basic legislation is the <i>Soil Protection Act</i> (WBB) 1994, amended with: (i) A regulation concerning the target values and intervention values for soil decontamination (2000). (ii) A government decision concerning a functionally-oriented and cost-effective approach to contaminated soil. (iii) A methodical manual "How to deal with contaminated extracted soil".
	The main legislation applying to the definition, identification and dealing with contamination is incorporated in <i>Part II</i> (partly also I) of the <i>Environnemental Protection Act</i> from the year 1990.			
	A definition of contaminated soil is incorporated in the Circular 02/2000 " <i>Contaminated Land</i> ", with the decision of the government on the policy in this particular area, a description of the acts and legal instructions for their application.			
	Another document is <i>Contaminated Land Regulations</i> (2000) describing various procedures and special places, public registers, notification of decontamination and appeals. Then there are more specialized <i>Water Resources Act</i> (1991), <i>Water Industry Act</i> (1991), which also define decontamination criteria. Building on contaminated soil is regulated by <i>Building Regulations</i> 1991.			

Functioning of the principle "the polluter pays"	The principle is not always observed. Often it is the developer who takes over the responsibility for the decontamination.	The "polluter pays" principle is valid and widespread; it can also relate to the land owner. Extending the responsibility all the way to the shareholders of the company is being considered, which threatens the municipalities that have bought or expropriated the land. At the same time, the municipalities bear legal responsibility for the decisions issued, or as the case may be, for planning permissions issued on land which was being decontaminated.	The "polluter pays" principle has been extended to the land owner. The obligation to decontaminate soil does not apply to those owners to whom the burden has been transferred.	The "polluter pays" principle is the basic approach, which can be extended to the owner in case of a project implementation. In such cases, the principle of sharing the funding and risk with the state should be applied. The legislation distinguishes between the responsibility for contamination existing before 1987 and after. In cases of new contamination, postponing decontamination work is not possible.
Who is indicated as the responsible person if the polluter is not found?		If the originator of the contamination is not found, the responsibility is extended to the land owner. There was introduced the notion of innocent owner. Extending responsibility to the parent company of the one that caused the contamination and terminated its activities is being considered. The <i>Orphelin</i> areas are taken over by the state, whose ADEME agency is authorized to run the process of doing away with risks or decontamination.	If the originator of the contamination cannot be identified, it is the land owner who bears responsibility for the decontamination, or the tenant, or the supervisory firm of the company operating on the land. In cases of historical contamination it is obligatory to decontaminate only if it has been officially ordered. The law recognizes the notion of <i>innocent owner</i> , who can be a person that has bought the land without knowing about the contamination burden. Further, an innocent owner can also be a person who bought the land before 1993, was informed about the burden, but did not use the land for commercial purposes.	
Public costs for decontamination of soil.	Soil decontamination was traditionally funded from the Derelict Land Grant. Now these activities are covered by the English Partnership programmes.	The annual budget for decontamination of the <i>orphelins</i> (orphan areas) reaches EUR 14 million. However, the real needs are around EUR 80 million. The procedure is determined according to the risk that the areas represent.	It is mainly the definition of innocent owner that causes the burden for public funding to be very high. Between 1999 and 2004, the annual spending on decontamination reached EUR 25 million. The 2005 budget, however, has been drastically cut to EUR 5 million.	Special funds for soil decontamination have been reserved within the framework of VINEX <i>covenants</i> policy (an agreement between the state and other government participants) for the period 1995-2005 (EUR 408 million) in BEVER project. Another subject of funding is BSB Trust – voluntary agreements between the state and companies on soil decontamination procedures.
The funding sources of these decontaminations.	The state budget, European funds.	The funding comes from the state budget and from the waste disposal tax. European funds often participate in these activities.	The government budget	

The authority responsible for making decisions and carrying out inspections relating to the decontamination of land.	The territorial planning bodies and the Environmental Agency.	The state decides through the Prefect about individual cases. The state decentralized offices (DRIRE) help to set the decontamination limits.	OVAM – the Flemish agency for waste disposal.	
Is the future use of the site taken into account before decontamination?	Yes.	According to the amended legislation the future use of the site is taken into account when the decontamination limits are set.	The future use of the site can, but does not have to, be taken into consideration before the soil decontamination.	Yes, see the distinguishing into the housing and recreation category, agricultural land and natural functions.
Is the degree of decontamination defined on the basis of risk evaluation?	Yes. The instructions for the risk evaluation are published by the Environmental Agency, which is also engaged in further research.	Yes.	The decontamination limits equal the level above which contamination endangers human health or the environment. OVAM has introduced 4 options to define these levels in soil; they are defined according to categories of land use.	Decontamination standards have been set for the housing and recreation functions, while agricultural and natural functions allow individual approach. Standards cannot be defined for mobile decontaminations.
Are optimum decontamination costs taken into consideration?	Yes, from case to case.	According to the act on <i>installations classées</i> , the owner or the polluter is obligated to reconstitute the site, which means for industrial use. However, the contract may define a different standard, if there is agreement among the parties (the municipality, the state, the site owner, and the operator of the original activity) regarding the funding of the decontamination for a more sensitive future use.	Optimum costs are taken into consideration before the decision on decontamination is made (BATNEEC).	The fundamental principle is functionally oriented decontamination for reasonable costs.
Is there a database of contaminated areas?	No.	BASOL records truly contaminated and already decontaminated areas. The register is administered by the Ministry of Ecology.	OVAM administers the database of contaminated areas.	According to the last inventory count, there are 600,000 contaminated locations.
Is there a database of potentially contaminated areas?	Historical inventories are being created.	BASIAS represents an inventory of potentially contaminated locations. It has been processed on the basis of survey of archives and it should serve as a source for the municipalities preparing the regeneration projects. The inventory contains information on historical activities that have taken place in the particular location from 1770 to 1970; the probability of contamination risk can be derived from these materials. The number of potentially contaminated locations is estimated at 200,000.	OVAM administers the database as well as potentially contaminated areas.	

Is contamination recorded in land registres or cadastres?	No.	No, but notaries public mostly have this information.	The existence of contamination is not recorded in the cadastres. However, the Soil Decontamination Decree introduces an important principle: a contamination survey must be done prior to each transfer of property. Possible findings must be recorded in OVAM inventories.	It has been proposed that the remaining burden should be recorded in the land information system or in the cadastre.
Can a contaminated site be sold?	Yes.	Contaminated land can be sold. Legal documents allow the transfer of responsibility for contamination. Prior to selling <i>installations classées</i> , contamination survey must be done. The polluter's responsibility is unlimited in time.	If a survey has been done and contamination has been identified, (possibly risk has been assessed or a decontamination plan has been worked out), it is possible to transfer the site, with appropriate guarantees. These guarantees are recorded in the cadastre.	
What kind of guarantees is subsequently required?	Individual contractual guarantees, guarantees included in the purchase contract.	For new <i>installation classées</i> the Prefect can require financial collateral for cleaning up the area after the activity is finished.	Financial collateral is paid by the buyer for funding the clean-up operation before the sale. Paying the collateral is checked by OVAM.	
When can decontamination be ordered?	Financial collateral is deposited for the decontamination of the area to be funded after activities are terminated.	Financial collateral is deposited for the decontamination of the area to be funded after activities are terminated. The Prefect can order decontamination even before activity in <i>installation classée</i> is terminated. However, a preliminary risk study cannot be ordered on the basis of a mere speculation.	Decontamination of the site can be ordered in case of health risk or risk to nature, or before the property transfer.	

10. The Private Sector and the Public

	ENGLAND	FRANCIE	BELGIUM - FLANDERS	THE NETHERLANDS
THE GREATEST OWNERS OF UNUSED LAND	The private sector predominates.	The army released more than 200 ha. of urban land and the profit from the sales reached FRS 3 billion. The railway enterprises – the metro (RATP), the railway (SNCF) and the railways department (RFF) assume the position of strategic partner in urban projects. Mining companies have mostly transferred their property to development companies. Gasworks (GDF).	Great owners of contaminated and unused land include: the railways, the gasworks, the army, textile companies and ironworks.	No information is available for the whole paragraph.
Motivation or support for the reutilization of land	Great public owners are urged by the government to hand over the unneeded land sites. British Railways, the Army, the Highway Department and other organizations have responded to this appeal.	Public and semi-public owners focus on increasing the value of their property, rather than just selling it. They become partners of urban societies or they establish their own developers' branches. E.g. the Renault company in Boulogne Billancourt decontaminates in an exemplary manner sites in order to sell them to the town. GDF has concluded a special contract with the state with the survey timetable, risk elimination and decontamination of required sites.		
What most determines passive behaviour of brownfields owners?	With private owners it is the absence of market and sometimes even subsidies.	Absence of market, speculation.	Among other things it is the lack of information.	
DEVELOPERS				
Are there specialized brownfields developers?	Yes.	Some building developers are considering specializing in regeneration. Up to now they have preferred building outside city centres, or buying sites prepared by towns within ZAC.	Yes.	
What type of projects do they prefer?	Developing companies specializing in regeneration exist. Yet 70% of developers do not like buying contaminated areas and do not want to keep contaminated land in land mortgage banks. 70% of developers prefer projects where grants do not apply. Even costs of decontamination are discouraging and there is no downward trend. The situation deteriorated after land protection standards were toughened.			
Drawbacks of public support for developers	Uncertainty, lack of transparency.	Mostly they don't are not entitled to subsidies.		

Methods of overcoming brownfield projects risks.				
BANKING SECTOR				
Are there specialized public development banks?		There is a special state development bank (CDC - <i>Caisse des Dépôts et Consignations</i>), which is often a member of local SEM and an advisory body. CDC is a partner of urban policies programme and provides funding of a part of the costs from their own resources and loans.	Yes. Public agencies function as regional investment companies.	
Specialized products for regeneration projects.		Advantageous loans.	?	
INSURANCE COMPANIES				
Are there special products for the regeneration projects?		There is a special insurance for developers. New products applicable to liability for decontamination are being prepared.	?	
GENERAL PUBLIC				
What are the main public interests in regeneration?	Great interest of public in regeneration in the following areas: economy, social factors and the environment.	Various civil initiatives often come into being around urban projects; they strive to influence the decision-making process concerning projects and often bring legal action against administrative decisions (e.g. planning permissions). However, legislation has limited the participation of citizen-action organizations and now only those organizations that meet certain legal conditions can participate in the planning process. Their activities often have political overtones.		
How is general public informed about public events and projects?	There is enough information on the Internet. Other information is mediated by the non-profit sector.			
TRAINING				
Target groups of training programmes.	Mainly workers in public administration.	Training is mostly intended for local administration workers.		
Who offers the training?	UTF navrhoval zřízení Regional Resource Centres for Urban Development.	Training specialized in regeneration is provided as part of postgraduate studies, training of public administration officials or in workshops and courses organized by private consulting organizations.		