

PRESS RELEASE

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Report to the Flemish Parliament

Preventing damage in flood-prone areas

Research by the Court of Audit showed that Flemish government has developed preventive actions against possible damage from flooding, but that many actions remain unimplemented. For signal areas, where water and buildings may come into conflict with each other, spatial repurposing offers more certainty for the water system. However, by mid-2022, 13 years after the first initiatives were taken, few reallocations had been realised.

Introduction

Floods are natural phenomena that cannot be completely prevented, partly because rivers need space to get rid of excess precipitation. However, the chance of damage can be limited, for example by adapting buildings or preserving the undeveloped character of flood-prone areas.

Preventive policies

Flanders wants to tackle the flooding problem as much as possible upstream, with the so-called three-stage strategy, aimed at retaining, storing and discharging water. This strategy is part of a so-called multi-layer flood risk management, which stands for a combination of measures in the field of protection, prevention and preparedness, and a shared responsibility between governments and private actors to implement the measures. The principles of water policy are reflected in spatial planning policy.

Since 2010, Flanders has drawn up a river basin management plan every six years to implement water policy. The plan contains an extensive analysis of river basins, objectives and the measures to be taken to achieve good status in river basins by 2027. The 2016-2021 plan included eleven generic actions for the whole of Flanders specifically aimed at flooding, but did not specify which actions had to be realized in the short term. The follow-up of the plan in 2021 showed that all generic actions had started. The 2022-2027 plan largely repeats the same actions, but an addendum will be added. The new plan this time does establish priorities between generic actions, but a time frame with intermediate objectives in the short and medium term is still missing.

Signal areas

Signal areas are not yet developed areas with a hard spatial destination (such as residential and industrial areas) that also have a function in tackling flooding, because they can flood or because they act as natural sponges. In those areas, conflicts can therefore arise between buildings and water. In 2009, Flemish Government mapped out this problem for the first time. In 2012, it has instructed the Minister of Spatial Planning to determine the signal areas and to link them to a follow-up process in order to retain their water storage capacity.

In the 2014-2017 period, Flemish Government took a starting decision for 235 signal areas. In its decision, it indicated which government should take the solution initiative (region, province or municipality) and what solutions entailed, in concrete terms either stricter water testing without spatial repurposing whenever permits are applied for, repurposing with a (new) spatial implementation plan (SIP), or a designation as a water-sensitive open space area (WSOSA). Each of those solutions has advantages and disadvantages.

To carry out a water test, the water test card must be consulted, which indicates whether and from whom advice should be sought. However, in mid-2022, that card only took into account flooding from rivers and not flooding from the sea or from intense precipitation, nor the expected future climate. The water test is a fairly complex instrument, because compliance with the advice and permit conditions must be followed up. Permits are sometimes issued despite unfavourable advice. The Environment Department stated it always appeals when necessary, although in practice appeals rarely occur.

The SIP layout is also quite complex, because various possible spatial destinations have to be considered. At the beginning of 2022, 31 SIPs had been identified as signal areas that had to remain (partly) construction free according to the start decision. Redesignation implies the redesignating government can be ordered to pay planning compensation to owners who can no longer build on their land. Flemish government subsidizes municipalities and provinces for 60% of that fee, but by mid-2022 none of them had as yet applied for subsidies.

Partly because repurposing via SIPs did not yield hoped-for results, a third option was developed in 2018: designation as WSOSA. In a WSOSA, hard spatial destination can no longer be realized and open space prevails. Flemish Government links the WSOSA designation to the new *instrument decree*, which will provide for a different owner's fee in case of redesignation. The Construction Shift Taskforce has calculated the cost of this new owner's fee to increase from 33 million euros up to 122 to 489 million euros. The decree had not yet been finally approved by the end of 2022. Consequently, not a single WSOSA has yet been identified.

Response of the minister

The minister indicated she has placed the theme high on the agenda from the start of the legislature. After ratification of the instrument decree, which is currently being discussed in Flemish Parliament, she will continue to designate WSOSAs.

Information for the press

The Court of Audit exerts an external control on the financial operations of the Federal State, the Communities, the Regions and the provinces. It contributes to improving public governance by transmitting to the parliamentary assemblies, to the managers and to the audited services any useful and reliable information resulting from a contradictory examination. As a collateral body of the Parliament, the Court performs its missions independently of the authorities it controls.

The audit report on *Preventing damage in flood-prone areas* has been sent to the Flemish Parliament. The full version and this press release can be found on the Court's website: www.courttofaudit.be.