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Purchase of dunes: the first step towards nature restoration along the Flemish coast

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Abstract

In 1997 only 1022ha of the remaining 3800ha of coastal dunes was owned by the Flemish Region. The other 2778ha were mostly private property of real estate development firms, large landowners, individuals and, to a lesser degree, public owned by water collection companies, the Ministry of Defence and a couple of municipalities. The then public owned dunes of the Flemish Region were divided as follows among the different administrations of the Ministry of the Flemish Community: 522ha under competence of the Nature Division, 350ha under that of the Waterways and Coast Division and 150ha under that of the Forestry Division. Most of the areas owned by the Nature Division were already purchased between 1956 and 1990. Lack of personnel, funds and strategic perspective prevented the Flemish Region to pursue an active policy of land purchase along the coast. In 1996 an 'Acquisition Plan for the Coastal Dunes' was drawn up by the Group for Applied Ecology of the University of Antwerp under the supervision of the Nature Division. Parliamentary initiatives, following a political debate organised in the frame of the Life nature project 'ICCI', led to the creation of an 'instrument for the acquisition of coastal dunes' by decision of the Flemish government of 3 February 1998. Since 1998 the 'Instrument for the acquisition of coastal dunes' consists of two members of staff, that were added to the Nature Division, and a special article on the budget of the Flemish government. This budgetary article received an initial annual endowment of EUR 1,735,255 in 1998, EUR 3,222,616 in 1999 and EUR 4,462,083 for each year between 2000 and 2004. That initial endowment has been reduced to EUR 2,546,000 in 2005. A weakness in this financing system is that the possibly annually remaining budget cannot be transferred to the budget of the next year, so that no strategic fund can be built up. The active prospecting by the staff of the Acquisition Instrument has allowed the Nature Division to purchase 480ha of dunes between 1998 and 2004. Nearly all these acquisitions were realised with agreement of the former owner. In execution of the Decree of 21 October 1997 concerning Nature Conservation and the Natural Environment, the right of pre-emption of the Flemish Region has been introduced in most of the legally protected areas of Flanders. In the coastal zone however this right of pre-emption has not led to spectacular results, because of a very strongly fragmented property structure and high ground prices due to land speculation. Although the Acquisition Instrument has obtained very good results, a long way still has to be gone before the goal of public ownership of all remaining coastal dunes will be achieved. Essential improvements of the financial and legal instruments for the purchase of dunes should be the creation of a strategic financial fund, an actualisation of the since long outdated expropriation act and improvement of the right of pre-emption for conservation purposes to be able to fend off land speculation.

Keywords: Dune purchase; Budget; Nature Reserves; Property structure; Legal arsenal.

Context

Flanders has the most urbanised coastline of Europe, north of the Pyrenees and the Alps. In 1870 the total Belgian coastal dune and salt marsh area had a surface area of 6000ha of which today but 3800ha remain. Of this remaining dune surface area 2700ha are designated as 'green areas' in the framework of the spatial planning legislation and 1100ha, previously designated as urban, recreational, military or agricultural area, are protected within the framework of the decree on the protection of the coastal dunes of 14 July 1993. This remaining surface area of coastal dunes is spatially strongly fragmented into an archipelago of relatively small not-built-upon areas in an urban and suburban sea of buildings and roads. Nevertheless, the coastal dunes still possess a very important scientific value, due to the occurrence of coast-related gradients in their physical environment and a specific biological diversity that does not occur elsewhere in Flanders. In spite of the above mentioned legal protection of the remaining coastal dune areas, their littoral-related high biological diversity is still under great threat from:

- the further nibbling off of the remaining dune surface area by the expansion of the surrounding suburban gardens;
- the disturbing border effects on the too small remaining dune sites;
- the extinction of the traditional pastoral use of the coastal dunes;
- the lowering of the groundwater level by the extraction of groundwater for the supply of drinking water and by city sewers that have a draining effect;
- the increase of fall-down of pollutants and
- a too high recreational pressure.

The largest part of the remaining surface area of the dunes and salt marshes along the Flemish coast was designated as Special Protection Area (SPA) in execution of the 'European Bird Directive' 79/409/EEC and as Special Area of Conservation (SAC) in execution of the 'European Habitat Directive' 92/43/EEC. Thus, the maintenance and restoration of the biological diversity of the coastal natural areas by an appropriate management are an international responsibility for the Flemish regional authority.

The purchase and subsequently the designation and management as nature reserves of the remaining coastal natural areas is the most appropriate way for the Flemish Region to implement this international responsibility, because of:

- the poor agricultural quality of dune soils;
- the very high scientific value and the fragility of the natural habitats that are typical for the natural environment of the coast, amongst which two priority habitats of the annex 1 of the European Habitat – Directive, more precisely 'Fixed coastal dunes with herbaceous vegetation' ("grey dunes") and 'Eu-Atlantic decalcified fixed dunes (Calluno-Ulicetea)';
- the rather radical character of the management measures that have to be taken to maintain or restore coastal habitats (removal of scrub and exotic tree-plantations, year-round grazing without additional nourishment, cutting off sods, removal of vegetation and soil-layers to restore sand-drift, demolition of abandoned buildings and roads etc.);
- the need of educational and recreational facilities in the coastal dunes that are visited by high numbers of tourists as well as by local inhabitants;

- the rather limited surface area of the remaining coastal dunes or the scarcity of the coastal dune – environment (3800ha is a smaller surface area than this of the Zonien forest near to the city of Brussels).

Review of the acquisition of dunes for nature conservation purposes between 1956 and 1997

The first series of acquisitions of coastal dunes for nature conservation aims by the national authority (at that time: the Belgian State) took place in the years 1956-1965. These land purchases concerned the area that was designated by royal decree in 1957 as the State Nature Reserve 'De Westhoek,' at De Panne, and the following expansions, with a total surface area of 346ha. Between 1965 and 1997 the Belgian State and its legal successor after the institutional reform, the Flemish Region, purchased 'de Hoge Blekker' at Koksijde (18ha, several acquisitions between 1980 and 1984), 'Hannecartbos' at Oostduinkerke (32ha in 1981), 'de Karthuizerduinen' at Oostduinkerke (6ha in 1983), 'de Houtsaegerduinen' at De Panne and Koksijde (80ha, several acquisitions between 1988 and 1990), the domain of the 'Children's home Georges Theunis' at Oostduinkerke (16ha in 1994), 'de IJzermonding' at Nieuwpoort (7ha, acquisitions between 1985 and 1989) and 'D'Heye' at Bredene (13ha, in 1997), all adding up to a total of 172ha. In the same period several smaller parcels with a total surface area of 4ha that are situated in different dune sites were also bought. In 1997 the property situation of the remaining coastal dune area (with a total superficies of 3800ha) consisted of:

- 522ha owned by the Flemish Region and managed by the Nature Division;
- 150ha owned by the Flemish Region, managed by the Forestry Division;
- 350ha owned by the Flemish Region, managed by the Waterways-Coast Division, competent for coastal defence;
- 2778ha that were property of essentially private owners and real estate firms, and to a lesser degree, also of other public owners such as the Ministry of Defence, water supply companies, municipalities etc.

To achieve that, within a term of about twenty years from 1997 on, the totality of the 2778ha remaining area of coastal dunes and salt marshes would be public property of the Flemish Region, annually a surface area of 139ha should be purchased. Since between 1965 and 1997 only 176ha of dunes have been acquired, the annual rate of dune acquisitions in this period was 5.5ha (= 176ha/32 years). As the enumeration of historical acquisitions given above shows, we see that in reality the purchase-rate then had a much more erratic character, because of the fact that some years a 'large' piece of land could be bought when the opportunity offered itself and other years there were no acquisitions at all. The very slow progression of the acquisition of coastal dunes by successively the Belgian State and the Flemish Region during the period 1965-1997 had several causes:

- the lack of active prospecting by the competent services of the public authority towards landowners who were prepared to sell their property;
- the lack of financial means of the competent services of the public authority;
- the strong real estate speculation by a lot of landowners and developers, resulting in a general lesser readiness to sell land for reasonable prices.

Acquisition Instrument for the Coastal Dunes

The need for a more determined policy of purchase of coastal dunes was the subject of a symposium that was organised in April 1997 in the context of the Life Nature project 'Integral Coastal Conservation Initiative' (ICCI). A comparison between the slow progress in dune purchase by the Flemish Region in Flanders (at that time) with the impressive achievements of the French state-institution 'Conservatoire de l'Espace Littoral et des Rivages Lacustres' in France was then the object of a debate between representatives of different political parties. This symposium led members of the Flemish Parliament of different political parties to introduce a legal proposal to create an acquisition instrument for the maritime dune region. This parliamentary initiative had as a consequence that the Flemish government decided on 3 February 1998 to reserve a special article on its annual budget on behalf of the purchase of land in the maritime dune region. The financial endowments of that 'dune acquisition'-article amounted to:

in 1998: 70.000.000 Belgian francs, equivalent of EUR 1,735,254.67;

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after budget control BEF 130,000,000, equivalent of EUR 3,222,615.82;

in 2000: BEF 180,000,000, equivalent of EUR 4,462,083;45
after budget control BEF 110,500,000, equivalent of EUR 2,739,223.45;

in 2001: BEF 180,000,000, equivalent of EUR 4,462,083.45
after budget control BEF 86,000,000, equivalent of EUR 2,131,884.31;

in 2002: EUR 4,462,000.00
after budget control EUR 6,747,000

in 2003: EUR 4,462,000.00
after budget control EUR 1,428,000

in 2004: .EUR 4,529,000.00
after budget control EUR 2,600,000

in 2005: EUR 2,546,000.00

The effectively allocated amounts are:

in 1998: BEF 70,000,000, equivalent of EUR 1,735,254.67;
in 1999: BEF 119,193,683, equivalent of EUR 2,954,734.22;
in 2000: BEF 86,200,000, equivalent of EUR 2,136,842.18;
in 2001: BEF 83,700,000, equivalent of EUR 2,074,868.80;
in 2002: EUR 6,715,267.00;
in 2003: EUR 1,192,034.12;
in 2004: EUR 2,598,760.07;

As the opportunities for voluntary acquisition are quite variable from year to year, some years the financial endowment can by far not be completely used, while other years it is far from sufficient to financially cover especially 'large' (and expensive) acquisitions, such as, for example, the purchase in 2002 of 'the Zwindunes and polders', with a total surface area of 222ha. The decision of the Flemish government of 3 February 1998 postulated that a regulation had to be worked out to permit the transfer of the annual balance between the endowment and the effectively allocated amount from one budget year to the following one. Such a regulation would have allowed to build up a strategic financial fund. However this part of the above-mentioned decision of the Flemish government was never executed.

The acquisition instrument for the coastal dunes consists, besides of an article on the budget of the Flemish government, also of an administrative entity, counting two members of staff, within the Coastal Conservation Unit of the Nature Division of the Ministry of the Flemish Community. These two members of staff are charged with:

- prospecting towards as well as negotiating with the sale-willing landowners;
- giving instructions to the acquisition committee of the Ministry of Finance that is competent for the appraisal of land value and the drawing up of the deeds of sale;
- the preparation and follow up of the administrative files for the provision of the financial funds that are necessary for the purchases;
- the preparation and follow up of the ministerial orders to designate the purchased grounds as Flemish Regional Nature Reserve and the ministerial orders for the approval of the management plans of these new nature reserves;
- the preparation and follow up of the files concerning the indemnity claims of landowners whose former building land is no longer suitable for building because of the construction ban in the frame of the decree on the protection of the coastal dunes of 14 July 1993.

To help establish the priority for purchase of the remaining dune sites, the Acquisition Instrument has two scientific reference works at its disposal:

- the 'Ecosystem Perspective for the Flemish Coast' (Provoost *et al.*, 1996) that gives orientations for possible nature development and
- the 'Acquisition Plan for the Coastal Dunes and Adjacent Areas along the Flemish Coast' (De Loose *et al.*, 1996) that contains a priority classification of the dune areas, based on scientific criteria.

Achievements of the Acquisition Instrument for the Coastal Dunes

Thanks to the reserved endowments and specialised staff of the Acquisition Instrument for the Coastal Dunes, the Nature Division of the Flemish Regional Authority acquired 480ha of dunes during the period 1998-2004. This means that the rate of dune acquisition has increased from an annual average purchased surface area of 5.5ha during the period 1965-1997 to about 69ha during the period 1998-2004 (Fig. 1. Coastal dunes purchased by the Ministry of the Flemish community and managed by the nature division, from 1956 up to 2004 inclusive; map 1a-c, cf. end of paper).

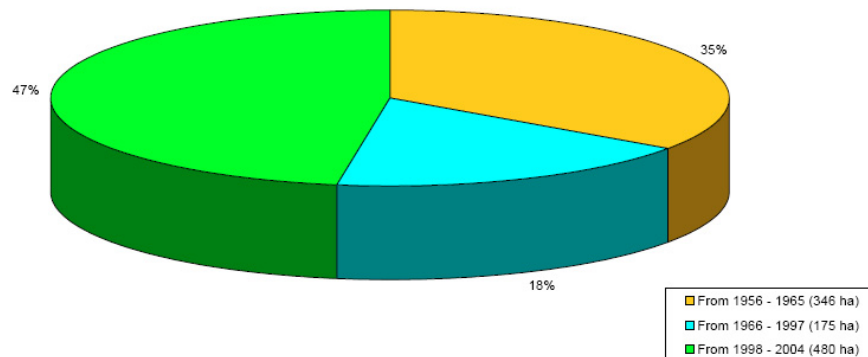


Fig. 1. Coastal dunes purchased by the Ministry of the Flemish community and managed by the nature division, from 1956 up to 2004 inclusive (situation 01/01/2005).

From a patrimonial and managerial point of view essential land acquisitions that were finalised in the period 1998-2004 are (in order of their geographical location, from west to east, rounded off figures of superficies):

- expansion of the domain ‘De Westhoek’, at De Panne: 22ha;
- acquisition and expansion of ‘Het Garzebekeveld’, at De Panne: 15ha;
- acquisition of ‘De Duinzoom Oosthoek’, at De Panne: 20ha;
- expansion of the domain ‘De Houtsaegerduinen’ with ‘Kerkepannebos’, at De Panne en Koksijde: 7ha;
- acquisition of ‘De Fluihoek’, at Koksijde: 13ha;
- acquisition of ‘De Noordduinen’, at Koksijde: 45ha;
- acquisitions in ‘De Doornpanne’, at Koksijde: 12ha;
- acquisitions in ‘Het Schipgat’, at Koksijde: 14ha;
- expansion of the domain ‘Ter Yde’, at Koksijde, Oostduinkerke: 40ha;
- acquisition in ‘Labeurhoek’, at Koksijde, Oostduinkerke: 8ha;
- acquisition of the domain Groenendijk (former wastewater treatment plant), at Nieuwpoort: 5ha;
- expansion of the domain ‘De Ijzermondig’ by acquisition of the former military harbour of Lombardsijde, at Nieuwpoort: 29ha;
- expansion of the domain ‘D’Heye’, at Bredene: 8ha;
- acquisition of ‘De Zwinduinen en -polders’, at Knokke: 222ha.

The conclusion about the results of the Acquisition Instrument for the Coastal Dunes is that since its creation in 1998 a huge progress has been made in the purchase policy of

the Flemish Region and the expansion of her public domain along the coast. (Situation on 01/01/2005: Fig. 2. Property structure of the coastal dunes; map 2a-c, cf. end of paper).

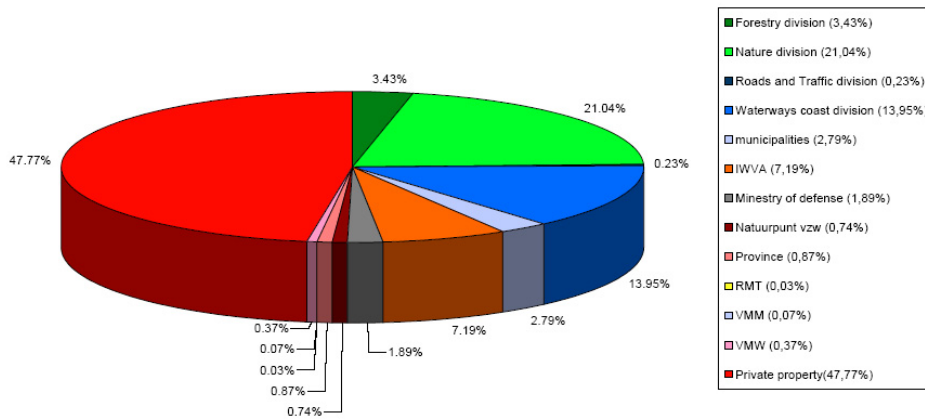


Fig. 2. Property structure of the coastal dunes (situation 01/01/2005).

First step towards management

The Coastal Conservation Unit of the Nature Division of the Flemish regional authority is competent not only for the purchase of natural areas, but also for the legal designation of public owned land as Flemish Regional Nature Reserve and the planning as well as the execution of the management of these nature reserves. From the moment that the purchased parcels of land constitute a large enough and coherent area of several hectares, the Nature Division starts to draw up a management plan. After having been the object of discussion in the management committee of the nature reserve and having received the legally obligatory advise of the Flemish High Council for Nature Conservation, these management plans have to be approved by order of the Flemish minister competent for nature conservation.

Table I. Review of the domains in the maritime dune region that stand under the care of the Nature Division, whether or not they (already) have the legal status of Flemish Regional Nature Reserve (FNR) (cf. map 3a-c, end of paper) – phase of planning and execution of management (situation 01/01/2005)

Name of the domain and municipality	Management Plan	Phase of execution of management plan
De Westhoek at De Panne 340ha 27a 31ca FNR: Yes - MO of designation: 08/29/1957 MO of extension: 12/14/2001	Yes approved by MO of 05/09/1996	Completely executed (partially co-funded by Life-project ICCI)
De Houtsaegerduinen at De Panne and Koksijde 86ha 18a 42ca FNR: Yes - MO of designation: 12/27/1989 MO of extension: 12/14/2001	Yes approved by MO of 05/09/1996	Completely executed (partially co-funded by Life-project ICCI)
Duinzoom Oosthoek at De Panne 19ha 10a 21ca FNR: Yes - MO of designation: 07/23/2001	In elaboration	A nature arrangement project was executed on the field
The three above mentioned Nature reserves were consolidated into a new one known as De Duinen en Bossen van De Panne at De Panne and Koksijde and subsequently extended 539ha 03a 40ca MO of consolidation : 05/24/2004 MO of extension: 07/13/2004	In elaboration	-
Several domains at De Panne managed by the Nature Division: 21ha 43a 10ca FNR: Not yet	Not yet	Urgency measures taken
Belvédère at Koksijde 6ha 94a 06ca FNR: Yes - MO of designation: 05/21/1999	Yes approved by MO of 09/04/2000	Completely executed
De Noordduinen at Koksijde (59ha 21a 73ca) 13ha 63a 13ca FNR: Yes - MO of designation: 11/12/2002 45 ha 58 a 60 ca FNR: Not yet (purchased in 2004)	Not yet	A Nature Arrangement Project is in execution

Name of the domain and municipality	Management Plan	Phase of execution of management plan
Het Schipgat, De Doornpanne en De Hoge Blekker at Koksijde (46ha 59a 59ca) 43ha 53a 16ca FNR: Yes - MO of designation: 05/21/1999 MO of extension: 04/03/2000 MO of extension: 12/14/2001 3ha 06a 41ca FNR: Not yet (purchased after 2001)	Yes approved by MO of 12/27/2001	In execution
Ter Yde at Koksijde (65 ha 65 a 63 ca) 59ha 07a 91ca FNR: Yes - MO of designation: 10/29/1998 MO of extension: 09/27/2001 6ha 57a 72ca FNR: Not yet (purchased after 2001)	Yes approved by MO of 06/25/2003	In execution (co-funded by the Life-projects ICCI and FEYDRA)
Hannecartbos at Koksijde 31ha 88a 35ca FNR: Yes - MO of designation: 02/01/1989 25 a FNR: No	Yes Approved by MO of 06/10/1999 (co-funded by the Life-project ICCI)	In execution (co-funded by the Life-project FEYDRA)
De Labeurhoek at Koksijde 8ha 06a 20ca FNR: Not yet (purchased in 2004)	Not yet	-
Several dune parcels at Koksijde: 92a 35ca FNR: Not yet	Not yet	-
De Simliduinen at Nieuwpoort 49a 67ca FNR: Not yet	Not yet	-
Groenendijk at Nieuwpoort 4ha 96a 55ca FNR: Not yet (purchased in 2002)	Not yet	Nature restoration works in execution (Co-funded by Life-project FEYDRA)
De IJzermondig at Nieuwpoort 127ha 88a 16ca FNR: Yes - MO of designation: 03/03/1999	In elaboration	Nature restoration works completely execution (Co-funded by Life-project ICCI)

Name of the domain and municipality	Management Plan	Phase of execution of management plan
Dunes of the military domain 'Kamp Kwartier Lombardsijde' at Nieuwpoort 30ha FNR: No	Yes	In execution
De Schuddebeurze at Middelkerke 4a 48ca FNR: No	Not yet	Urgency measures taken
D'Heye at Bredene and De Haan (21ha 12a 16a) 13ha 16a 38ca FNR: Yes - MO of designation: 07/08/1998 7ha 95a 78ca FNR: Not yet (recently purchased)	Yes approved by MO of 04/03/2000	In execution
De Baai van Heist at Knokke Heist 57ha FNR: Yes - MO of designation: 10/22/1997	Yes approved by MO of 07/13/2000	Completely executed
De Sashul en de Vuurtorenweiden at Knokke-Heist 17ha 12a 06ca FNR: No	Nature development plan was elaborated (1998)	The development plan was completely executed
De Zwinduinen en -polders at Knokke-Heist (222ha 11a 46ca) 221ha 68a 49ca FNR: Yes - MO of indication: 12/02/2003 42a 97ca	In elaboration	Urgency measures taken

This table shows clearly that since the creation of a special staff unit in 1998 the planning and execution of the management of the Flemish Regional Nature Reserves along the coast keeps pace with the purchase of land. In 2004 the municipality of De Panne entrusted the management of the nature domain 'Oosthoekduinen' that she owns (about 60ha) to the care of the Nature Division of the Flemish regional authority. As the management plans for the regional nature reserves 'De Westhoek' and 'De Houtsagerduinen' have already been completely executed, the above mentioned municipal domain, as well as both given nature reserves and other nature domains owned by the Flemish Region on the territory of De Panne were legally united by ministerial order of 24 May 2004 in the Flemish Regional Nature Reserve 'De Duinen en Bossen

van De Panne' (meaning 'The Dunes and Woods of De Panne'), with a total surface area of 539ha. For a technical description of the management of the regional nature reserves we refer to Herrier *et al.*, 2005 and Leten *et al.*, 2005).

Difficulties concerning the acquisition of the coastal dunes along the Flemish coast

Highly fragmented property structure

During the years 1930-1950 several important dune areas, especially on the territory of the municipalities Oostduinkerke and Nieuwpoort, were divided by real estate developers into numerous small lots, that subsequently were sold as housing estates to private individuals. Many of these private allocations never got a regular grant from the competent authorities and became totally obsolete after the Law of 29 March 1962 on the Town and Country Planning came into effect. These dune sites, that only had been allocated on paper, were afterwards designated as 'nature areas' on the zoning plans. They often also received international protection statuses in the frame of the European Bird- and Habitat-directives. Of course the highly fragmented property structure of the concerned dune sites makes their acquisition by the Flemish Region very difficult, given the fact that every single parcel has to be purchased separately so that negotiations with hundreds of different private owners are necessary. To give an idea of this difficulty, the example can be mentioned of one site with a surface area of only 32ha that is divided into 244 lots owned by 334 different individuals.

Persistence of real estate speculation

The coast is also from a tourist point of view the most important region of Flanders and this fact has its consequences on the real estate market. Although all remaining coastal dune areas are now legally protected, speculations about possibilities for real estate development persist among some private dune owners. These speculations involve that the readiness of dune owners to sell their dunes to public authorities for reasonable prices is limited. Real estate speculations have even been wrongly encouraged by the recent general liberalisation of the restrictions on building possibilities in rural areas, though the regulations on this point in 'spatially fragile areas', such as 'nature areas', 'protected dune areas' and 'agricultural areas of importance for the dunes', remained unchanged and very restrictive. Nevertheless some people are willing to pay high prices for small dune farmhouses or to enlarge their back-gardens with a parcel of dunes. Luckily the legislation prohibits the alteration of dune vegetation and those who have purchased one (or more) dune parcel(s) to enlarge their back-gardens should be aware of all the legal obligations as a result of the different protection statuses. Nevertheless speculation has a bad influence on the prices of land so that the average price for protected coastal dunes often amounts to the double of this for woodland or even agricultural land in the interior of the country.

Shortcomings in the legal arsenal for purchase of coastal dunes

Weakness of the right of pre-emption

Since the delimitation of on the one hand the expansion zones of several existing Flemish Regional Nature Reserves in 1999 and on the other hand the Flemish Ecological Network (Dutch abbreviation: VEN) in 2003, most of the legally protected coastal dune areas are subjected to the right of pre-emption of the Flemish Region by virtue of the Decree of 21 October 1997 on Nature Conservation and the Natural Environment. The right of pre-emption of the Flemish Region is exercised by the Flemish Land Agency (Dutch abbreviation: VLM) after advice of the Nature Division. Although the largest part of the dunes between the French border and Westende falls under the field of application of the right of pre-emption, in a period of five years since 1999, no more than seven parcels scattered over four separate dune sites with a total surface area of only 2.7ha have been acquired by means of the mentioned legal instrument. The main cause of this limited success of the right of pre-emption is the fact that most of the dune parcels that are the object of transactions concern rather small lots containing (former farm-) houses or other buildings or otherwise lots adjacent to buildings. Therefore the offered prices are often speculatively high. It is also to be regretted that the areas that have been designated as ‘agricultural area of importance for the dunes’ in the frame of the decrees on the protection of the dunes, are not subjected to the right of pre-emption of the Flemish Region. These areas concern the part of the Maritime Dune Region where the land prices are still relatively low and where the right of pre-emption would have had the highest chance of success. The agricultural importance of the poor sandy soils of these areas is in most cases marginal and still further declining or even extinct, so that the desirability of a change of the spatial destination from ‘agricultural’ to ‘nature area’ seems quite obvious. At present the area of application of the right of pre-emption for nature conservation purposes is restricted to ‘green areas’ and ‘protected dune areas’ that are situated within the Flemish Ecological Network. Nevertheless it is necessary to widen that field of application to all areas that are protected in execution of the decrees on the protection of the dunes, also those situated outside the Flemish Ecological Network.

Obsolete legal frame for expropriation procedures

The article 41 §1 of the decree of 21 October 1997 on Nature Conservation and the Natural Environment gives the legal opportunity to the Flemish Region and the Municipalities to expropriate real estate for nature conservation purposes. Since the fragmentation of the property structure and a lack of sell-readiness of the dune owners are two main obstacles for the rapid acquisition of some dune areas that have a high priority of acquisition, it is then often asked why the Flemish Region does not utilise that expropriation instrument more to facilitate her dune purchase policy. The main reason for the restraint of the Flemish Region to use the expropriation instrument on behalf of nature conservation is the absence of an appropriate legal frame for expropriation procedures. The procedure laid down in the original Law of 17 April 1835 (sic) on the expropriation in the public interest is so intricate that she has fallen in general disuse. Furthermore, this procedure is not much use for nature conservation purposes as she

implies a concrete plan of the works that has to be subjected to a preliminary public inquiry, while the acquisition of a nature site in the short term not always aims at the execution of works. The more recent Law of 26 July 1962 concerning expropriations in the public interest and concessions for the building of motorways (sic) requires great urgency as a condition for application. This 'great urgency' of expropriations on behalf of nature conservation has often been successfully contested by the lawyers of expropriated landowners before court. Besides nature conservation also other matters of public interest (social housing, public works,...) have the need of a more appropriate legal frame for expropriation procedures. To solve this problem, an initiative on the level of the federal legislator has to be taken.

Conclusions

The creation in 1998 of the Acquisition Instrument for the Coastal Dunes within the Nature Division of the Ministry of the Flemish Community has resulted in the expansion of the Flemish regional public domain along the coast with 480ha in seven years. This means that an enormous increase of the rate of dune acquisition has occurred from an annual average of 5.5ha during the period 1965-1997 or 13ha during the period 1956-1997, to an annual average of 69ha during the period 1998-2004. In spite of this large increase in surface area that has to be managed by the Coastal Conservation Unit of the Nature Division, the planning and execution of the management of the Flemish Regional Nature Reserves along the coast keeps pace with that increase. Hopefully these encouraging results will lead the Flemish government to continue its coastal dune purchase policy by maintaining the necessary financial means and staff. However there is still a long way to go before all the coastal dunes and salt marshes that today still are private property or military training ground will be definitively set safe as public domain. In this respect, improvements of the expropriation legislation and the right of pre-emption for nature conservation purposes could prove useful.

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