Institute: Urban management techniques

University of Oum El Bouaghi

Module: Initiation to town planning 2

Course N **08**: **The new instruments of town planning in Algeria since 1990**

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**Introduction**

* The state had complete control over planning and public investments, which caused problems. In the 1980s, this system ended as the state lost its monopoly and the socialist model was no longer viable.

After the events of October 1988 and the adoption of the new constitution in 1989, political and socio-economic reforms were introduced in the country.

* Within this framework, a new legislative and regulatory instrumentation has been established since 1990, breaking away from the national experience that persisted for the last three decades in the field of planning and urbanism.
* To improve the quality of urban space, this new approach is based on a law (Law 90/25) related to land policy and outlines the technical and legal framework for managing land heritage. The law was later amended by Ordinance 95/26 to include tools for intervention by the government and public organizations.
* **The law n° 90/29 of December 1, 1990, concerning planning and urbanism** introduced the new town planning instruments including:

**1/ PDAU** (**master plan for development and urbanism** or

**2/ POS (land occupation plan)**

The implementation of the law concerning planning and urbanism is governed by executive **development and urban planning master plan.**decrees:

**-Decree n° 91/176 of March 28, 1991,** establishing the procedures for the processing and issuance of the urban planning certificate, the subdivision permit, the parceling certificate, the building permit, the compliance certificate, and the demolition permit.

**-Decree n° 91/177 of March 28, 1991,** establishing the procedures for the development and approval of the master plan for development and urbanism and the content of the related documents.

**-Decree n° 91/178 of March 28, 1991**, establishing the procedures for the development and approval of the land use plan and the content of the related documents.

**Common features of Master Plans for Development and Urbanism (P.D.A.U) and**

**Land Use Plans (P.O.S)**

* The urban planning instruments are preceded by land planning and sustainable development instruments. For the national territory, these include:
* the National Territorial Development Plan (N.T.D.P),
* The Coastal Development Master Plan, and the Land Protection and Desertification Control Master Plan. For the regional territory
* Regional Development Plans (R.D.P).
* The Metropolitan Area Development Master Plans (M.A.D.M) replace the wilaya territory development plans for the metropolitan areas defined by the national territorial development plan.
* The wilaya territory is covered by the Wilaya Territorial Development Plans (W.T.D.P).
* They are legally enforced for both the public and private sectors(No land use or construction can be carried out in contradiction with urban planning regulations under penalty of sanctions)
* The urban planning instruments are established at the initiative of the president of the municipality and under his responsibility. They are a legal obligation, designed in the general interest."

**Law 90-29. Article 10**

The PDUA, like the POS, are instruments of urban planning and management.

**Law 90-29. Article 1**

* The planning and urban development instruments establish the fundamental development

guidelines for the territories concerned and determine the forecasts and urban planning rules.

* They specifically define the conditions to rationalize the use of space, preserve agricultural activities, protect sensitive areas, sites, landscapes, and to preserve land reserved for economic activities and general interest constructions to meet present and future needs in terms of collective facilities, services, activities, and housing.
* **They also define the conditions for development and construction in prevention of natural risks.**

**L. 90-29. Art. 13**

* The PDAU and the POS consider the programs of the State, local authorities, and those of their establishments and public services. The assumption of these programs can be partially achieved by defining the adequate conditions to be met for obtaining the subdivision permit.

**L. 90-29. Art. 12**

* The PDUA and the POS may concern an association of municipalities presenting a community of economic and social interests, a municipality, or for the POS, a part of a municipality (Article 12).
* In the case of an association of municipalities, the intervention areas of the PDUA or POS are determined by the wali territorially upon proposal of the president of the municipal people's assembly. When the territories of the municipalities fall under different wilayas, the intervention areas of the PDUA and POS are jointly determined by the minister responsible for urban planning and the minister responsible for local authorities.

**L. 90-29. Art. 40 -**

* In the context of implementing planning and urban development instruments, the municipality may establish a land portfolio for the purpose of satisfying its land needs for construction. (The Law **No. 91-11 of April 27, 1991**, concerning the modalities of expropriation for public utility purposes).

**Development and Urban Planning Master Plan.**

**Definition**:

The Master Plan for Development and Urban Planning (PDUA is a spatial planning and urban management tool that sets out the fundamental guidelines for the development of the territory of the concerned municipality(ies).

This instrument is essential for the development of the local community, playing an important role in rationalising land use and forecasting it to meet present and future needs.

**Objectives**

Determines the general land use across the entire territory of one or several municipalities by sector.

Defines the expansion of human settlements, the location of services and activities, and the nature and placement of major facilities and infrastructure.

Determine intervention zones within urban fabrics and areas to be protected.

Define new urbanisation sectors to address the population's needs for housing, facilities, and employment.

Preserve and enhance the environment and natural resources.

Delimit and regulate high-risk areas.

Determine the intervention perimeters of POS with the relevant terms of reference.

**Territorial division and specific prescriptions (urbanization sectors) (Article 19)**

The master plan for development and urban planning (PDUA) divides the territory it relates to into sectors. These sectors are defined in four (04) categories and determined as follows:

**1/ Urbanized sectors (SU)**

**2/ Sectors for future urbanization (SAU)**

**3/ Future urbanization sectors (SUF)**

**4/ non-urbanisable sectors (SNU)**

* The sectors are continuous fractions of the municipal territory for which general land uses and urbanisation deadlines are provided in the cases of the first three (03) categories of sectors defined above, called urbaniation sectors.
* The PDUA must determine the intervention perimeters of POS with the relevant terms of reference by identifying the intervention zones within existing urban fabrics and those of areas to be protected.

**1/ Urbanised sectors (SU) - Article 20:**

Urbanised sectors are areas with clustered constructions, along with their housing spaces, facilities and activities, green spaces, vacant lots, urban parks, and forests. These areas are intended to serve these clustered constructions.

Urbanised sectors also include parts of the urbanised territory to be renovated, restored, and protected.

**2/ Sectors for future urbanization (SAU) - Article 21:**

Include lands intended to be urbanised in the short and medium terms, within a horizon of ten (10) years, according to the priority order established by the master plan for development and urban planning (PDUA).

As soon as the scheduled deadline for the urbanization of a sector has arrived, subdivision and building permits must be granted.

**3/ Sectors for future urbanization (SUF) - Article 22:**

Sectors for future urbanisation include lands intended for urbanisation in the long term, within a horizon of twenty (20) years, according to the deadlines established by the master plan for development and urban planning.

All lands located in sectors for future urbanisation are subject to a temporary servitude of non-building. This servitude is lifted at the scheduled deadlines only for lands falling within the scope of an approved land use plan.

**However, the following are allowed in these sectors:**

Renovation, replacement, or extension of dwellings related to the viability of agricultural exploitation,

Constructions and installations necessary for collective facilities and the implementation of operations of national interest,

Constructions justified by the interest of the municipality and duly authorized by the Wali upon motivated request from the president of the municipal people's assembly after consultation with the municipal people's assembly.

**Non-urbaniable sectors (SNU) - Article 23:**

Non-urbanisable sectors are those in which building rights may be established but regulated to limited extents, compatible with the overall economy of the territories in these sectors.

Building rights are strictly limited to what is necessary for fulfilling the sector's purpose if construction is necessary. Otherwise, all construction may be prohibited.