

Harmonie – Provinciesite RUP case

On 20 December 2013, the Council of State has ordered that execution of the decisions of the municipal council and the deputation of Antwerp be suspended until the Provinciehuis-Harmonie RUP [Ruimtelijke Uitvoeringsplan = Spatial Implementation Plan] is definitively determined, in so far as the RUP converts the coach house and the grass field in the Harmoniepark into building land. While awaiting the ruling on the nullification of the RUP, these parcels therefore remain respectively a zone for community facilities and a green zone. The Council of State confirms that prima facie the Ruimtelijk Structuurplan Antwerpen (RSA = Spatial Structure Plan Antwerp) posits the preservation of urban parks. This applies for all parts of a park, not just the natural elements. When the RUP takes a part of the park so as to be able to erect an apartment building there, it departs from the controlling provisions of the RSA. The Council of State therefore believes that the justification given by the RUP for departing from the RSA is not prima facie sufficient. The arguments concerning the reserved gable of the building at Harmoniestraat 29 were found not to be relevant because that building lies outside of the park zone. The arguments concerning the improvement of the northern part of the park do not justify elimination of a substantial share of the southern part. The Council of State then dealt with the argument that 2 hectares of additional green are supposedly being added around the new Provincial Building. The Council of State confirms that there is absolutely no guarantee in the RUP concerning the minimum surface area that must be laid out as accessible green space on that site (i.e. the Provincial House site). City and Province can now file a brief for continuation within thirty days. The Schoups firm is counsellor of the Harmoniepark neighbourhood committee.

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