

Article Title:

Planning and Urban Development Tools as a Regulatory Mechanism in the Field of Urbanism

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Abstract:

The Algerian legislator embodied the idea of urban planning in Law No. 90-29 on planning and urban development by creating urban development tools, particularly the Master Plan for Planning and Urban Development (MPDUP) and the Land Use Plan (LUP). These tools serve as instruments of spatial planning and urban management, aiming to protect sensitive sites, archaeological areas, forests, and agricultural lands.

Keywords: Planning and development tools, Master Plan for Planning and Urban Development, Land Use Plan.

Introduction:

Unplanned and chaotic urban expansion in major cities has created major and complex environmental problems. To control this urban expansion, planning and development tools were created as a fundamental pillar in the field of urbanism in Algeria and other countries. These tools are of great importance, as they address everything related to the urban and environmental setting in order to resolve many problems. They ensure that the process of urban development is successfully completed by surveying and creating a land base that guides this process in

accordance with legal land mobilization tools, in order to prevent unregulated construction and the inappropriate siting of urban projects, which often leads to chaotic depletion of land.

Local planning and development tools, according to Article 10 of Law No. 90-29 on planning and development, consist of the Master Plan for Planning and Urban Development (MPDUP) and the Land Use Plan (LUP). Once approved by the competent authorities, these plans constitute the reference documents for all land interventions and become binding on all institutions located within the municipality.

On this basis, the following problem arises: **How did the Algerian legislator regulate planning and development tools, and to what extent has it succeeded in organizing urbanism through these instruments?**

To answer this question, the subject will be divided into two sections:

- Section One will study the Master Plan for Planning and Urban Development.
- Section Two will be devoted to the Land Use Plan.

Section One: The Master Plan for Planning and Urban Development

The Algerian legislator established the Master Plan for Planning and Urban Development in Law No. 90-29 on planning and development, as amended and supplemented, specifically in Articles 16–30 of Chapter Three, Section Two, entitled *Urban Development Tools*. Its detailed provisions were set out in implementing texts, particularly Executive Decree No. 91-177, which determines the procedures for preparing, approving, and detailing the related documents, as amended and supplemented.

Therefore, it is necessary to address the concept of the Master Plan (Subsection One), and the subjects and procedures of its preparation and approval (Subsection Two).

Subsection One: The Concept of the Master Plan for Planning and Urban Development

The Master Plan is of great importance, as it contributes to the rational use of land. It will be defined in Part One, and its objectives will be presented in Part Two.

Part One: Definition of the Master Plan

The Master Plan for Urban Development is defined as:

“It organizes the urban settlement within its natural environmental framework, regulates its relationship with all neighboring urban centers, and outlines the boundaries and prospects for future expansion as a cell of the national urban and architectural fabric. It is a long-term planning tool with the authority to estimate urbanization needs for a period of 15 to 20 years.”

The Algerian legislator defined it in Article 16 of Law No. 90-29, as amended and supplemented:

“The Master Plan for Planning and Urban Development is a tool for spatial planning and urban management. It sets out the fundamental guidelines for urban planning of the concerned municipality or municipalities, taking into account planning schemes and development plans, and establishes the reference framework for the Land Use Plan.”

The Master Plan consists of a guiding report and reference graphical documents.

Part Two: Objectives of the Master Plan

The objectives for which the Master Plan is established can be summarized as follows:

- **Protecting agricultural lands** in light of continuous population growth and the frequent violation of legal standards.
- **Protecting the environment and natural resources**, as emphasized by the legislator, since national development requires a balance between economic growth and environmental protection, ensuring quality of life for citizens, through strict application of prior authorization and environmental impact assessment principles.

- **Defining the fundamental orientations of urban planning** for the concerned municipality or municipalities, based on general regional planning tools and development plans. It also sets the conditions for rational use of economic resources, the deadlines for implementing Land Use Plans, and identifies major public facilities (roads, healthcare, sports, and educational institutions, as well as water supply and sanitation infrastructure).

Subsection Two: Subjects and Procedures of Preparation and Approval of the Master Plan

Part One: Subjects of the Master Plan

According to Article 19 of Law No. 90-29, the Master Plan divides the area of one or several municipalities into four sectors:

1. **Built-up sectors** – including all occupied land, even if not fully serviced, along with collective buildings, green spaces, gardens, and urban forests requiring renewal and protection.
2. **Sectors programmed for development** – allocated for short- and medium-term urbanization (about ten years), sensitive areas prone to speculation and unregulated construction, requiring administrative control.
3. **Future development sectors** – lands reserved for long-term urbanization (about twenty years), where construction is restricted to specific cases (agricultural renewal, public facilities, national interest projects, municipal needs authorized by the Wali).
4. **Non-developable sectors** – areas unsuitable for construction due to their nature (high-value farmland, mining quarries, public forests, coastal zones, flood-prone or geologically unstable areas).

Part Two: Procedures of Preparation and Approval

Preparation of the Master Plan is initiated by the municipal council president and proceeds through: deliberations, involvement of public institutions, consultation with stakeholders (commerce, agriculture, professional bodies, associations), a public inquiry (45 days), and final approval.

Approval depends on population size:

- By **the Wali (Governor)** for municipalities under 200,000 inhabitants.
- By **the Minister of Urbanism** (possibly with other ministers) for municipalities of 200,000–500,000 inhabitants.
- By **Executive Decree** based on a ministerial report for municipalities over 500,000 inhabitants.

The approved plan is made available to the public and transmitted to the Minister of Urbanism, the Minister of Local Authorities, the concerned provincial councils, state services, chambers of commerce, and chambers of agriculture.

Section Two: The Land Use Plan

The Algerian legislator regulated the Land Use Plan under Law No. 90-29 on planning and development, as amended, in Articles 31–38, with its preparation and approval procedures set out in Executive Decree No. 91-178, as amended and supplemented.

Subsection One: Concept of the Land Use Plan

The Land Use Plan is the second tool introduced by Law No. 90-29, complementing the Master Plan. It operates within the framework of the Master Plan's guidelines, defining detailed rights of land use and construction. It is mandatory for every municipality or part thereof.

Article 31 of Law No. 90-29 states:

“The Land Use Plan defines in detail, within the framework of the Master Plan’s guidelines, the rights of land use and construction.”

Subsection Two: Objectives of the Land Use Plan

According to Article 31 of Law No. 90-29, its objectives are:

- Defining in detail the urban form, organization, building rights, and land use for the relevant sectors or areas.
- Determining minimum and maximum volumes of construction allowed (in square meters or cubic meters) and specifying building types and uses.
- Setting rules regarding the external appearance of buildings.
- Identifying public spaces, green areas, sites for public facilities, and traffic networks.
- Defining easements.
- Specifying neighborhoods, streets, monuments, and areas requiring protection, renewal, or repair.
- Identifying agricultural lands requiring preservation.

In addition to other objectives stipulated in Article 18 of Executive Decree No. 91-178, which defines the procedures for preparing Land Use Plans and approving them, as well as the content of the related documents.

Section Two: Stages of Preparing the Land Use Plan

The Land Use Plan, when being prepared, goes through two stages: the preparation stage, which we will discuss in the first subsection, and the approval stage, which we will explain in the second subsection.

Subsection One: Procedures for Preparing the Land Use Plan

The Land Use Plan is prepared through a deliberation of the concerned Municipal People’s Assembly or the relevant Municipal People’s Assemblies. The deliberation is submitted to the regionally competent Wali (Governor) and published for one month at the headquarters of the relevant Municipal People’s Assembly.

The decision that defines the boundaries of the area covered by the Land Use Plan is issued by the Wali if the concerned territory belongs to a single Wilaya, or jointly by the Minister of Urban Planning and the Minister of Local Authorities if the concerned territory belongs to multiple Wilayas, as stipulated in Article 04 of Executive Decree No. 91-178, mentioned above. The President of the Municipal People’s Assembly, the Presidents of the relevant Municipal People’s Assemblies, or the inter-communal public institution shall notify in writing the Presidents of the Chambers of Commerce, the Chambers of Agriculture, the professional organizations, and the local associations of residents of the decision to prepare the Land Use Plan. They are given a period of fifteen (15) days to declare whether they wish to participate in preparing the plan. After the expiration of this period, the President of the Municipal People’s Assembly issues a decision specifying the list of public administrations, bodies, public institutions, or associations that requested to be consulted regarding the draft plan. This decision is published for one month at the headquarters of the Municipal People’s Assembly and notified to the concerned administrations, which then have sixty (60) days to provide their opinions and observations. Silence is deemed as approval.

The approved draft plan is subject to a public inquiry lasting sixty (60) days. The President of the Municipal People’s Assembly issues a decision to this effect, which is published at the headquarters of the relevant Municipal People’s Assembly or Assemblies for the entire duration of the public inquiry. A copy of the decision is sent to the regionally competent Wali.

The inquiry register is closed after the expiration of the period of fifteen (15) days, based on the signature of the appointed investigator, and is then sent to the President of the Municipal People's Assembly along with the inquiry file and its results.

Subsection Two: Approval of the Land Use Plan

The Land Use Plan is approved by the Municipal People's Assembly through deliberation, after obtaining the opinion of the Wali. The plan is then transmitted to the regionally competent Wali, the State services in charge of urban planning at the Wilaya level, the Chamber of Commerce, and the Chamber of Agriculture. It is then made available to the public through a decision issued by the President of the Municipal People's Assembly, accompanied by the list of written documents and data that make up the file.

The Land Use Plan may only be revised if the following conditions are met:

- If, within the prescribed timeframe for its completion, only one-third of the permitted urban construction has been realized.
- If the existing built framework is in a state of ruin or has aged to the point that renewal is required.
- If the built framework has suffered deterioration due to natural phenomena.
- If, after a period of five years from its approval, the majority of property owners representing at least half of the construction rights defined by the applicable Land Use Plan request it.
- If the establishment of a project of national interest requires it.

Conclusion

From the above, we conclude that the planning and development tools represented by the Master Plan for Development and Urban Planning (MPDUP) and the Land Use Plan (LUP) are effective instruments of urban intervention. They aim to protect the environment, natural resources, archaeological sites, forests, and agricultural lands. Every municipality or part thereof must be covered by these tools, as they serve to solve issues of land ownership and urbanization effectively, avoiding disorder and the arbitrary consumption of land. They also define the shape of future development, identify needs, and work to achieve them.

Finally, it can be said that the intervention of the administration to enforce these tools represents fairness towards the environment and the rights of future generations to a clean life. These tools protect and preserve natural wealth. No license or certificate in the field of urban planning can be granted unless it complies with the standards defined in the two plans. The Land Use Plan is therefore a complementary tool to the Master Plan for Development and Urban Planning in the field of urban planning.

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