

THE FRAMEWORKS GOVERNING SUBDIVISIONS IN ALGERIA

Nassira MESSAFRI* Ratiba Wided BIARA**

*) Doctor, Department of Architecture, Faculty of Technology, Mohammed Tahri University, BECHAR, ALGERIA,

e-mail: messafri.nassira@univ-bechar.dz

**) Professor, Department of Architecture, Faculty of Technology, Mohammed Tahri University, BECHAR, ALGERIA,

e-mail: biara.wided@univ-bechar.dz

SUMMARY

The subdivision has been, and remains, the dominant mode of growth in our conurbations. It is one of the most appropriate built environments, where the citizen participates in the construction effort. This truth is reflected in the growing number of subdivisions in the Algerian city, which are unfortunately of more or less questionable quality. The urban environment in subdivisions is constantly deteriorating, and the development of our towns using this form of operational urban planning runs counter to the directives of planning and urban development instruments, as well as management and control tools. This has led to a discrepancy between regulations and practice, due to the indifference of users and authorities to planning regulations.

In this research, we attempt to identify urban policies in Algeria by analysing the various stages in the development of spatial planning and urban management instruments, while at the same time clarifying to clarify the legal environment in which urban planning is practised, in order to assess their effectiveness in managing urban development and to identify any shortcomings hindering the application of these instruments, which are enforceable against third parties.

Key words: Subdivision, Urban policy, the regulatory framework, the contractual framework, Algeria.

INTRODUCTION

This research focuses generally on the politics of subdivisions in Algeria. It presents part of our theoretical research in the doctoral thesis entitled « *Le lotissement, quels leviers pour une fabrique qualifiée des espaces résidentiels* » (N. Messafri, 2023). It is divided into 03 sections, the first of which deals with the key concepts inherent in this theme, the situation and origins of residential subdivision in Algeria, and the place occupied by individual housing in the national housing stock. This is to highlight the importance of the relationship between individual housing and housing estates (which has become a perceptible practice). The second section outlines the development of subdivisions in both urban and land terms, and analyses urban policies in Algeria in chronological order. This makes it possible to identify the causes of urban problems and the errors made in the application of this policy.

Bearing in mind that the chronological evolution of land appropriation methods, and all urban policies, are closely linked to land management regimes, and their impact on space and the urban forms generated, including those of subdivisions.

Subdivisions are a branch of operational town planning, subject to town planning instruments (PDAU and POS) and town planning acts (permits and certificates). Its implementation involves a fairly large number of players. Subsequently, in section three, we will address the legal and administrative framework of the subdivision (to better analyze its provisions), we will examine the regulations intrinsic to the subdivision, before describing the contractual framework and its role in the various stages essential to the creation of a subdivision, whether by public players such as the wilaya, the municipality, the land agency or by private players such as subdivision developers, promoters and property cooperatives.

REPERTORY OF SIGNIFICATIONS

Subdivision: what does it mean?

In its 2010 edition, the Larousse dictionary defines a subdivision as the voluntary division of land into lots for the purpose of building houses. Notwithstanding, neither completely public, nor completely private, nor completely urban, nor completely rural, the subdivision a priori fits the image of a specific individual dwelling. However, this definition is not strict, as subdivisions can be built for purposes other than housing. For example, there are industrial and commercial subdivisions. It would therefore be wise to consider a subdivision as an operational development procedure that allows a private or public entity to divide a plot of land into more than two lots and develop it with a view to construction (Clairance Avocats, 2009). This is a simple procedure, usually implemented by the private sector, which the local authority seeks to control as much as possible in the interests of urban quality.

In the same vein, the definition provided by Algeria's Ministry of Town and Country Planning and Construction (M.A.T.U.C) stipulates that '*a subdivision is an urban planning procedure that enables the creation of an urban fabric by servicing, dividing up and granting the right to build to plots of land included in communal land reserves*'. It is one of the ways of responding to the urgent and growing demand for housing, 'subdivisions are often considered to be the poor cousins of town planning' (Ariella Masbouni, 2003).

Historically, the concept of subdivision is an old one and has been commonly used since the middle of the 19th century, even if older examples are often mentioned. 'The subdivision formula simply takes up the most traditional method of urban development' (G. Buer, 2008).

Sociologically speaking, we can distinguish three successive and distinct waves: the bourgeois subdivisions of the late nineteenth and early twentieth centuries, then the working-class subdivisions of the inter-war years, and finally the neo-villages for the middle classes of the 1970s.

Geographically speaking, subdivisions appear to be a procedure created by and for the urban environment, or at least for areas earmarked for urbanization. (Françoise Duboste, 2009).

Types of subdivisions

Subdivisions are distinguished by their legal nature as well as by their function (use).

. By use

The use of a subdivision may therefore vary according to requirements:

a) Subdivisions for industrial or commercial use, and subdivisions for administrative use.

b) Housing or residential subdivisions: this is a very common form of town planning operation. It consists of drawing up a development plan which makes it possible to build individual housing on the lots, in accordance with the rules laid down in this area and subject to specific authorization.

It should be noted that residential subdivisions are part of development initiatives aimed at transforming land use and converting it into building plots. The urban fabric results from the interweaving of two rationales: that of the division of land into building plots and that of the layout of the roads serving them (D.Magin, P.Panerai, 1988).

This operation is a method of organization and not simply a division of a plot of land into equal, rectangular lots, on either side of a straight road, but appears to be a method of organization.

. According to legal status

In Algeria, subdivisions are either state-owned, i.e. social or promotional, or private.

a) State subdivision

At present, two bodies share the creation of subdivision operations: the land agency and the national housing improvement and development agency. Before the creation of the land agencies in 1990, subdivision was the responsibility of the APC, which was known as communal subdivision.

b) Social subdivision

A social subdivision is a subdivision built mainly by the land agency; the land on which it is built belongs either to the commune or to the estate. It is transferred to the land agency at a symbolic price and resold to private individuals also at a symbolic price without any profit, and its servicing is the responsibility of the State (the Department of Urban Planning, Architecture and Construction). The list of beneficiaries is sent to the APC land agency.

c) Promotional subdivision

The promotional subdivision is created either by a private individual or by the national housing improvement and development agency (AADL) and the land agency, in which case it is essentially private and may be state-owned. It is sold to the land agency at the market price

and resold to private individuals at a speculative price that depends on the position of the plot in relation to the roads, as well as its surface area. The applicant is responsible for servicing the plot.

d) Private subdivisions:

This is a subdivision where the land belongs to a private individual who is responsible for carrying out the servicing work prior to any deed of sale or promise of sale. The related development studies must be carried out by a design office.

SUBDIVISIONS IN ALGERIA, SITUATION AND GENESIS

Until independence, subdivisions represented a physical-spatial process of a development model, a new form of individual housing within the urban environment. However, following post-independence urban expansion and the ever-increasing need for housing, the residential subdivision became an operational tool, the one best suited to the local way of life and culture, and the one most in demand by the population. This model is proving to be a response to the new urban housing problems.

While at the start of the housing crisis, the collective housing program was a priority, the expected results have not been the same. Added to the country's socio-economic situation, construction technology, among other things, is often indecent.

This crisis was remedied in the 1970s with the introduction of subdivision programs and the provision of land for subdivision. From then on, plots of land were sold to private individuals. The first five-year plan (1980-1984) provided for the allocation of around 250,000 plots for private individual construction. This led to a reduction in illegal construction and the use of official communal housing estates.

During this period, Guerroudj (1980) notes that Algeria experienced a strong decade in terms of housing construction, during the 1980s, deliveries rose from 40,000 dwellings in 1980 to around 80,000 dwellings per year between 1985 and 1988, with a peak of 150,000 dwellings. Individual housing represented around 600,000 lots. However, it remains limited and is unable to meet the needs of the population, not to mention the amount of space it consumes.

Since the 1990s, with the liberalization of the land market by law no. 90-25 of 18 November 1990 on land policy, which put an end to communal land reserves, the State's responsibility for drawing up legal instruments and its encouragement of the private sector to supervise and control urban development operations have led to the creation of a large number of subdivisions in various forms and with different characteristics: promotional/social, privately/state-owned. These subdivisions are built by residents according to their financial means, with the State helping to make the plots serviced by installing drinking water supply pipes (AEP), sewage collectors and roads.

URBAN POLICIES IN ALGERIA

Urban policies in Algeria are strongly influenced by both the colonial heritage and the universal evolution of urban planning. This is why it is impossible to describe the history of urban planning in Algeria while ignoring the colonial fact.

This is why it is impossible to describe the history of town planning in Algeria without ignoring the colonial factor.

Urban policies in Algeria during French colonization 1830-1962

This period marked the end of Ottoman rule and the beginning of French rule. The French administration in Algeria applied French regulations with slight modifications to adapt them to local conditions.

Urban development policy before 1919 was characterized by the application of alignment plans and reserves, which were the main tool managing the development of towns. Its objectives were to;

- Fixing the alignments and widths of new streets and public spaces.
- Land reserves for public buildings.
- The demarcation of military easements.
- The creation of various subdivisions.

- Subdivisions and colonization: the form of subdivisions

The creation of the network of colonial towns in Algeria initially met military objectives. The military engineers were responsible for creating the housing estates, and they drew up the layout: public space, distribution of public facilities and space for private construction. Some constraints were imposed on owners, as well as a financial contribution. The military engineers defined the shape of the public space and left the owners in charge of the private space.

According to Aleth Picard, the layouts chosen for these subdivisions were characterized by three specific features.

- The overall design of the settlement centre: the urban settlements built in Algeria were all preceded by an overall plan. Referred to as a 'town with a plan', the overall plan was determined by the layout of the enclosure and the design of the town within its boundaries.
- The distribution of the equipment ranges in the city and across the region: the second element concerns the range of equipment distributed across the city and the region according to precise rules. Each facility has a specific location within the city.
- The third element is specific to the colonial town, which comprises two districts, one civilian and the other military. These two entities operate on different principles, but must nevertheless be linked to each other.

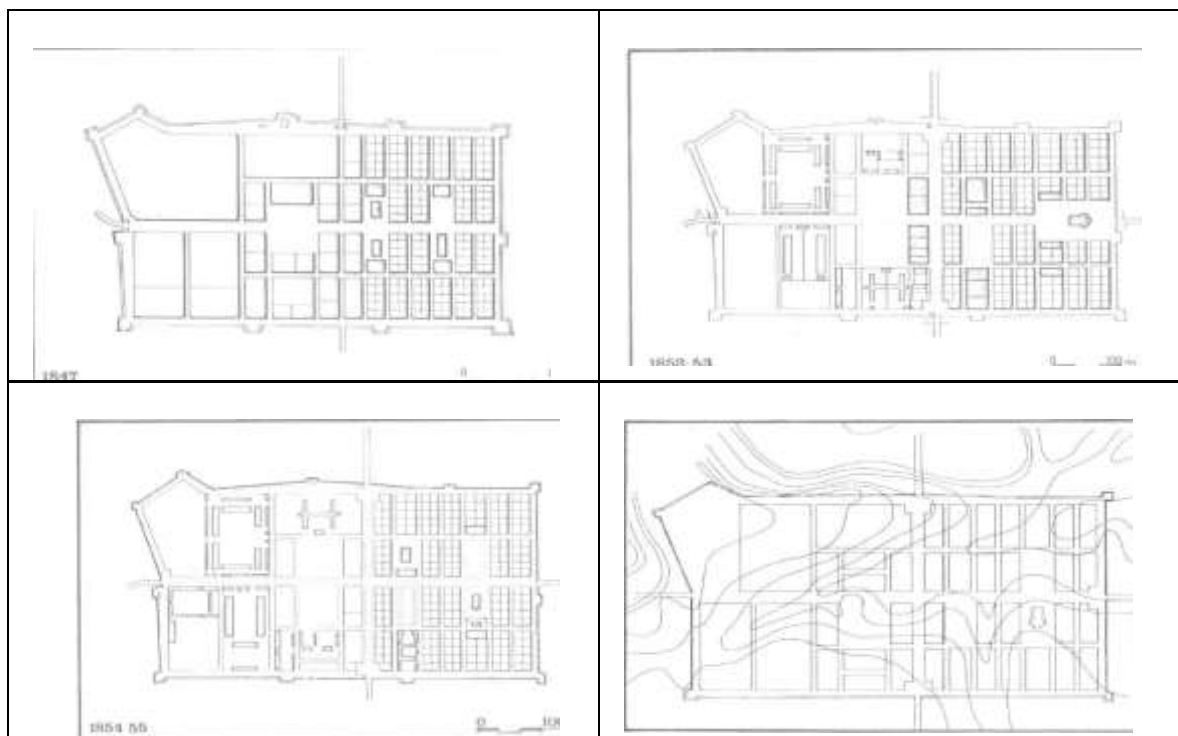


Figure1. Layout and relief of a subdivision at Sidi Belabès (1847-1855). **Source.** Picard Aleth. *Lotissements et colonisation: Algérie, 1830-1970*. In: *Villes en parallèle*, n°14, juin 1989. *La ville fragmentée. Le lotissement d'hier et d'aujourd'hui*. pp. 214-237.

URBAN POLICIES AFTER INDEPENDENCE

- The period before 1970: The main concern of the public authorities was to find urgent solutions to political, social and economic issues, by applying the town planning laws inherited from the colonial period (the 1958 law that France tried to apply in Algeria in 1960). This was done by ensuring that it was applied until 31 December 1962, the date on which a law was passed renewing French legislation, and by insisting that these texts were in line with the national situation following the promulgation on 24 August 1962 of a law on the protection and management of vacant property left unoccupied after the mass departure of the colonists. This situation (in terms of the application of French legislation, which lasted until 1973) was characterized by a freeze on land transactions, leading to moderate urbanization and stagnation in private construction. This led to a concentration on the state's agricultural sector, specifically on the fertile land in northern Algeria.

Independent Algeria inherited a deplorable socio-economic situation. Its leaders, busy seeking political stability, had not made housing a major concern. The housing stock left behind by colonialism was able to accommodate a large proportion of the Algerian population, but was still inadequate given the significant demographic growth that Algeria experienced.

Faced with this situation, in 1965 the Algerian authorities created the Interministerial Housing Commission, whose main objective was the systematic resumption and completion of all abandoned housing projects, given the lack of an urban development strategy.

At the time, housing policy was geared towards continuing with abandoned programs. As a result, the authorities, having thought about providing housing in relatively sufficient quantity, had not thought about providing it in satisfactory quality, even in terms of the most basic conveniences, as these were not considered a priority.

Local authorities operated according to rules inherited from the colonial regime, and the commune had no administrative, economic, financial or human assembly essential to its development. Faced with this situation, the Revolutionary Council deemed it essential to undertake the reform of the communal institution, and laid down the fundamental principles in the Charter of October 1966.

- **The 1970-1990 period:** the main sectors that shaped the Algerian landscape during this period, and which were the real players in spatial planning, were industry, infrastructure, health, education and housing, which is where the crux of the problem lies. After a considerable delay in the production of urban housing, from the second half of the 1970s onwards, the state took charge of almost all housing programs, in the form of large subdivisions or allotments. This exclusively programmatic approach to housing and the denial of the existence of the unplanned sector could not satisfy a growing urban population (Saidouni. M, 2000). The result was disjointed, ill-equipped living spaces that were permanent building sites within cities.

This new policy, which requires the creation of allotments and housing cooperatives, sets up a new local communal (AFL) or inter-communal land agency to provide technical and legal assistance to the APCs. In line with communal land reserves, the APC has an exclusive monopoly on the creation of allotments and the allocation of plots of land. The land agency then takes on the technical and legal tasks of assisting with the sale of the land, the transfer of ownership, the acquisition of the allotment permit, the servicing and assistance to purchasers in setting up their buildings.

The circular⁷⁷ calls on the APCs to take all necessary and urgent steps to achieve an average target of 200 building lots per year, to be sold to private individuals in accordance with the procedure laid down in standard specifications. The limits of technical management skills in the task of developing land have resulted in unhealthy, inconvenient and, above all, unfinished neighborhoods. Technical support, through the creation of a communal land agency, was not enough.

In terms of design, the urban typification of the housing estates created and the architectural typification of the house were used through a catalogue of standard cell plans, which were offered free of charge to the purchasers of the plots.

Next, the procedure for issuing building permits as quickly as possible was simplified to meet demand within the limits of the design offices that existed at the time, using the standard plan.

In addition, the capacity for development varies from one commune to another, and some communes have exceeded the average target of 200 plots per year.

This action to create subdivisions has conquered the ZHUN sectors. These are areas of land created and produced by technical and financial measures of the State sector to accommodate a collective social housing stock. Faced with a clear new State policy encouraging the creation of subdivisions, local authorities have seized the opportunity to divert urbanized areas for (serviced) subdivisions.

The objective of this operation as a control tool is to:

- rebalance the urban fabric spread across the entire country, by controlling urban growth through the provision of subdivisions in small towns in the interior of the country.
- Eliminating regional disparities and balancing the social distribution between town and country by granting building land with all socio-cultural facilities in both town and country.

- **Since 1990:** the urban crisis in Algerian towns and cities is reflected in their overly rapid growth, which is driving them out of control. To explain this situation, several factors have been blamed, mainly demographic growth, which has put pressure on urban areas in terms of housing and social facilities. The rural exodus is also cited as a factor in this situation, despite the implementation of the socialist villages policy to keep rural populations in their birthplaces.

Faced with this situation, a series of important laws and texts were passed in 1990, particularly those concerning land, planning and urban development, to counter the errors of the previous policy.

Urban land management and regulation bodies:

In 1986, the political authorities came to their senses and realized that local authorities could no longer monopolize land management and regulation alone. They had to entrust this task to an organization that worked on their behalf and for its own account, known as a 'land agency'.

LEGAL, REGULATORY AND CONTRACTUAL FRAMEWORK FOR SUBDIVISIONS

Evolution of the legal and regulatory framework for subdivisions in Algeria

The legal framework governing the regulation of subdivisions in Algeria has undergone several stages. There were two main periods: the first during the colonial period and the second after independence.

Legal framework governing the regulation of subdivisions during the colonial period

This period was a landmark in the history of town planning and development.

In terms of town planning law, two tools were put in place: the generalization of planning permission and the new system of authorization and special regulations for managing subdivision operations.

Firstly, the application of the Cornudet law of 14 March 1919 instituting the 'Development, embellishment and extension plan' (PAEE), did not take effect in Algeria until the decree of 05/01/1922. Subsequently, the law reflecting the birth of the modern urban planning movement following the context of metropolitan France and the local situation, the texts governing urban planning law were adapted in Algeria after the Second World War.

Law no. 55-900 of 7 July 1955 introduced all the texts relating to town planning, which were implemented in Algeria by the decrees of 6 September 1960, after being amended to apply them to the Algerian situation. They stipulated the application of the town planning laws in

force in France, and in particular the introduction of 'Master Town Planning Plans' and 'Detailed Town Planning Plans'.

Evolution of the legal and regulatory framework for subdivisions after independence

- The law of 31 December 1962 renewing French legislation:

After independence, our country opted for the renewal of French legislation by the law of 31/12/1962.

This situation, which continued until 1973, was characterized by a freeze on land transactions, leading to moderate urbanization and stagnation in private construction.

- Ordinance of 26 February 1974 on the creation of land reserves for the benefit of municipalities:

This order relates to the establishment of land reserves for the benefit of communes. Article 2 of this order stipulates that communal land reserves are made up of: 'Land of any kind, owned by the State, local authorities or private individuals, which must be included within the urban development perimeter'.

The creation of subdivisions by private individuals is prohibited, as are all land transactions between private individuals.

-Law of 6 February 1982 on building and subdivision permits:

This law relates to BUILDING PERMITS and SUBDIVISION PERMITS. The law of 6 February broadened the scope of planning permission. Planning permission is required for all construction or development work located within the urbanization perimeter and extension zones, i.e. the main town of a commune, urban centers, built-up areas with more than 2,500 inhabitants and those with fewer than 2,500 inhabitants but which are likely to be extended.

It was not until 1985 that planning permission was required for all buildings, whatever their location, type or use, with the exception of buildings belonging to the Ministry of Defence.

These measures were particularly aimed at protecting agricultural land. Another important measure taken in 1982 was to extend responsibility for developing housing estates to all economic operators in the state sector, rather than just the municipality.

The withdrawal of the State in 1989 led to the promulgation of new laws on land ownership, town planning and building regulations.

-The law of 18 November 1990 on land policy:

The law of 18 November 1990 on land management is of key importance in terms of land legislation and forms of land management and production.

Indeed, the monopoly on land transactions in urban areas, instituted in favour of the communes by the ordinance of 26 September 1974, has been abolished.

This land policy law established a free land market, which local authorities had to regulate using the following regulatory instruments:

- The right of pre-emption.
- Expropriation in the public interest.
- Advance purchase of land on the land market by the land management and regulation body.
- Out-of-court acquisition of public land from the land registry.
- Taxation.

As a result, the municipality no longer directly manages land reserves and is required to set up local urban land management and regulation agencies.

The role of local urban land management and regulation agencies is to:

- To acquire on behalf of the local authority any property or property rights intended for urban development.
- Implement land regulation and subdivision promotion operations.
- Assist local authority bodies in the preparation, development and implementation of urban planning instruments.

- Law 90-29 of 1990 on town and country planning:

This law introduced a distinction between two categories of town planning scheme: The Master Development and Town Planning Scheme (PDAU) and the Land Use Plan (P.O.S). The aim of the former is to specify and develop the guidelines adopted for the municipality concerned and the planning areas, and to deduce from them the actions and rules for land use in the municipality.

The second sets out detailed land use and construction rights. As a result, any subdivision must comply with the provisions of the P.O.S. and the descriptions in the P.D.A.U.

Town planning documents relating to subdivisions

The subdivision Permit:

A subdivision permit is a planning document issued by the planning authorities and required for any operation involving the division of one or more properties into two or more lots, regardless of location.

Once the subdivision permit has been granted, the beneficiary must carry out the work required to make the subdivision operational (installation of water distribution networks, sewerage, public lighting and parking areas).

The successful completion of all these works will enable the developer to obtain the certificate of conformity, which is a prerequisite for the sale of the lot.

- Attestation of the conformity and completion of the works:

‘On completion of the servicing and development work, the beneficiary of the subdivision

permit applies to the president of the People's Communal Assembly of the subdivision for the issue of a servicing certificate attesting to their compliance and completion' (Decrees 15-19A23).

Building Permits:

The law on development and town planning has introduced new provisions on the form and conditions for issuing permits. It is therefore required that:

- Applicants for planning permission must provide a copy of the deed of ownership of the land concerned. This deed of ownership has subsequently been replaced by the administrative deed issued by the local authority concerned, particularly for buildings erected on subdivisions within the local authority's land reserves.

Demolition Permits:

This was not introduced until after the promulgation of law no. 90/29. It is required for any partial or total demolition of a building located in a listed site or in the process of being listed, as well as for adjoining buildings, or buildings that are in danger of ruin and represent a public hazard. The demolition permit file must contain the relevant plans, location plans, massing plans, inventories of the premises to be demolished and an expert's report.

The planning certificate and information sheet:

This is an optional planning document, issued in advance. It sets out building rights in accordance with town planning instruments, as well as any active or passive easements on the land, services and present and future infrastructures. 'The information sheet is a document that is used for information purposes only and in no way replaces the planning certificate. (Decrees 15-19 A2)

Certificat of Morcellement :

This is an optional planning document, issued in advance. It is requested for the division of a built property into two or more lots intended for construction within the limits compatible with the approved documents, i.e. the specifications, the POS and PDAU regulations, or the general planning and development rules.

Certificate of Conformity:

This is an optional planning document issued in advance. It is required once the work has been completed, and is issued by the person who issued the building permit, i.e. the mayor or wali. It is the equivalent of a permit to live in for dwellings, just as it authorizes the admission and reception of the public for industrial and commercial establishments.

Rules for compliance of buildings and their completion (law 08-15 of 20/07/2008):

Declaration of building compliance: procedures for implementing the declaration of building compliance dictated by law 08/15 of 20 July 2008, laying down the rules for building compliance and completion. This law has great potential to change the image of our towns and cities.

It's a kind of catch-up examination for the authorities in charge of urban planning. Nevertheless, its application on the ground remains a question mark for citizens and

construction professionals alike, as the building situation we have inherited is simply the result of the consequences of the ‘non-application’ of existing laws. The country as a whole is suffering as a result of the incoherence and aggressiveness of the built environment. A very large number of homes have remained unfinished for years, and this will be declared depending on the case studied.

THE SPECIFICATIONS AND RULES OF THE SUBDIVISION

The production of the built environment in the subdivision is governed by two main documents

The specifications;

The subdivisions regulations.

These two documents have different objectives and distinct areas of application: the first, which is mandatory, sets out the conditions that must precede the acquisition of land lots, and the second, which is optional, sets out the rules governing the chosen urban form.

The specifications are an administrative document that includes detailed town planning regulations specific to each site. Once approved, it sets out the obligations and administrative and functional easements of general interest imposed on the development, as well as the conditions under which buildings must be erected. It also lays down the maintenance of properties, plantations, green spaces and fences. It can only be amended after a public interest enquiry and approval by the local authorities.

It is divided into three parts: general provisions, obligations of the developer and purchaser, and special provisions.

It is divided into three parts: general provisions, obligations of the developer and purchaser, and special provisions.

A. General provisions:

They describe the site to be subdivided, including its location, number, boundaries, surface area and references, and define the scope of the site and its subdivision, in particular the lot numbers, their number and their surface areas. They also stipulate that the developer and the subdivided party must comply with the clauses of the specifications,

B. Obligations:

- Work to be carried out by the developer: The developer is responsible for carrying out all work relating to roads, water supply, drainage, rainwater evacuation, fire protection, electricity, gas and telecommunications. It must also be responsible for preserving public spaces and green areas.

- Work to be carried out by the purchaser: The purchaser is responsible for all roadworks within the boundaries of his or her property, and may not start work on his or her home until he or she has obtained planning permission.

He is legally responsible for any breaches of these rules.

C. Specific Provisions:

- Town planning and architectural requirements: Densities and volumes in subdivisions are expressed respectively by the floor area coefficient (CES) for horizontal extensions and the floor area coefficient (COS) for vertical extensions.

CONTRACTUAL FRAMEWORK

The process of producing a subdivision involves a fairly large number of development stakeholders:

The local population, the landowners, the purchaser of the plot, the house builder (often the purchaser), the developer (communal land agency or APC 'the commune'), private cooperatives, social builders (OPGI), the state: MATUC, wilaya daïra, DIE, other ministries, economic and banking agents, the development designer: public or private design office, the house designer (private individual, architect, etc.), government technical services (various ministries, etc.), national companies, private companies, notaries, surveyors, etc.

Even in small municipalities and even in the case of relatively small projects, most of these players are involved to varying degrees.

The phases of the operation and the role of the players

The main phases of the operation are as follows:

Elected representatives define urban policy and initiate operations, the public contracting authority buys the land, commissions and pays for studies and works, and finally sells the serviced plots, the project manager studies the project and manages the works.

Local Planning Phase

- The Role of Elected Representatives:

Over the last few years, we have come to realize that local planning policy is a key factor in improving the quality of development and encourages the development of the expertise of project managers. Demands are increasing, and elected representatives have a responsibility to meet these demands.

They define a local urban development policy that is integrated with the master urban plans and coordinated with regional and local planning. They have the option of calling on other players or supervising their interventions, taking into account concerns about respect for the site, urban image and overall costs.

Elected representatives are required to take a position on the distribution of roles between the other players, and in particular to determine the scale of their involvement. On the basis of their urban policy objectives, they determine the sites to be developed, the scale of operations and the type of operational project management they want. It is also up to them to set the objectives of the allotment project, in terms of the number of lots, the cost per serviced lot, and the level of services to be provided, while ensuring that they fit in with the general concerns of the municipality:

- Technical problems (traffic, drainage, environment, landscape, etc.).
- Housing and equipment needs.
- Land situation.
- The local authority's financial resources.
- Promotion and development of the municipality.

The programming and design phase:

This is an operational phase, which may be the responsibility of the local authorities themselves (self-management), or may be carried out under the local authority's supervision by an operator (land agency, etc.), or by a private developer, etc. These different types of intervention may be combined on the same project for reasons of financial balance or program.

The main roles of the operational project manager are to :

- Define its social, technical, financial and other objectives in consultation with the local authority.
- Gather all the relevant information.
- Solicit the person best placed to obtain the information.
- Provide the necessary information, documents, information and tools to the parties involved, the contact person and the project managers.
- Entrust assessment and feasibility studies.
 - Make the choice.
 - Define hierarchies.
 - Approve studies and reports (administrative and technical files).
 - Prepare the operating conditions (coordination framework, working group with the various departments concerned).
 - Monitor implementation, distinguishing between roles and responsibilities.
 - Plan and prepare for the transition to subsequent management of the.

Subdivision Design:

The general design of the development is based on the site data and the pre-existing urban environment. (A. Zucchelli, 1984),

Design tasks are carried out by design offices, which may have different statuses: APC technical services, government design offices, or private architects and design offices. These tasks correspond to two main phases, the design and implementation of the subdivision operation, with the main stages given below:

- Preliminary studies and project design (urban planning and technical studies).
- Preparation of the development file (allotment permit, see attached circular).
- Preparation of the execution file (and consultation file for companies) including the written documents: administrative specifications, technical specifications, price list and quantity surveys for the works to be carried out.
- Working drawings of the works to be carried out.
- Assistance with the works contract (preparing contracts, analysing tenders, selecting companies, awarding contracts).
- Site supervision.
- Coordination of the various parties involved.
- Site planning and scheduling.

Construction phase: In this phase of residential developments, the residents are the owners of their homes, and sometimes even take on the role of project manager. They design and build their own homes.

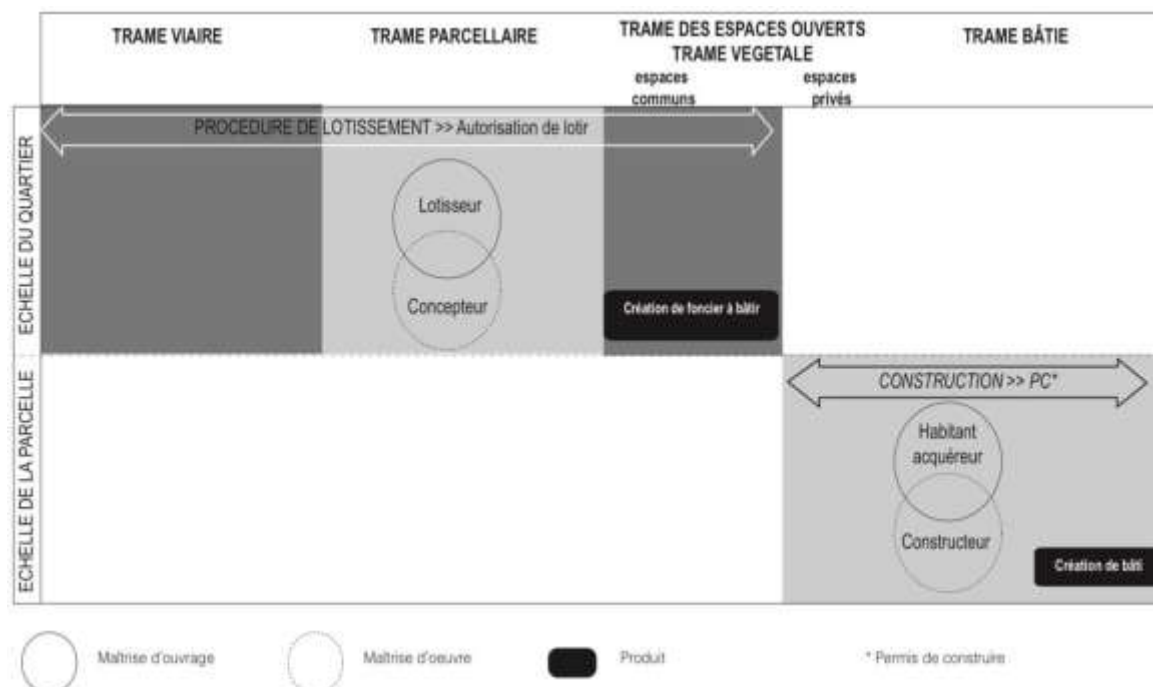


Figure 2: Subdivisions: discontinuity in the design of the urban fabric and segmentation of functions in the creation of space. Source: Harmann Lou, 2017.

These modus operandi are based on a principle of discontinuity via a phenomenon of ‘deferred composition’ between the planning phase and the construction phase (Figure 2).

This fragmentation in urban design is a problem because it leads to a disjunction in terms of scale: while the production of land for building refers to the scale of the neighborhood (in the sense of the operation), the construction of buildings is carried out by individual project owners on the scale of the plot.

The lack of control over the final urban form that this implies is often cited as a problem by urban planners.

CONCLUSION

Despite the considerable efforts made to date by the public authorities in terms of day-to-day management, despite the existence of a panoply of legislative and regulatory tools, and even despite the development of urban planning instruments intended to provide solutions to urban problems, the city continues to develop without any real improvement in the quality of life or the quality of the built environment, without any economic basis, gradually losing its identity markers and thoughtlessly consuming its land potential.

A reading of these instruments and regulatory documents governing the subdivision operation leads us to deduce the following:

The regulatory documents, i.e. the detailed town planning regulations and the specifications, are ambiguous and vague when it comes to attributing the desired architectural and town planning quality to subdivisions

The content of the specifications is very inadequate: the obligation to set back from the lot boundary is an absolute rule, and the few recommendations (boundary wall, facade, type of roofing) are not contractually binding; on the contrary, they are most often perceived as optional and modifiable.

The specifications are reduced to a regulatory document that is necessary and mandatory for the production of the subdivision and its built environment, but which in no way commits the allotment developer or, above all, the allotted to complying with its clauses.

On the other hand, the regulatory instruments, in particular the subdivision permit and the building permit, are clear down to the smallest detail and can be described as tools for managing and orientating the space and, above all, if they are respected, can give the town the urban and architectural harmony required by its managers and desired by its inhabitants.

The production process for a subdivision involves a fairly large number of development players, and these players are becoming increasingly involved without any improvement in the overall quality of the product. But it has turned out that the approach from the creation of the subdivision to construction is linear, with programming, design, administrative compliance, completion and management, in a process where each person's part ends when the other's part begins. This leads to a feeling of confusion of roles and a lack of coordination of interventions.

For this type of housing, the users themselves have become 'designers', in some cases out of financial necessity and in others by choice, and have given themselves the right to make constant changes to their homes. The architect has not found his place as the link in the middle of this whole chain, and his intervention is mostly limited to giving a legal character to the procedure, rather than as the bearer of an architectural act.

REFERENCES

- Ariella Masbounji, (2003) 'Faire la ville avec les lotissements' in collaboration with Frédérique de Gravelaine. Bauer, G. (1979). *Un Urbanisme pour les maisons*. France : Amazon
- Françoise Duboste, (2009) « le lotissement plante urbain en milieu rural ». *Études rurales*, 118-119 pp. 177-196
- Guerroudj, T. (1980). *La procédure du ZHUN*. Oran, Algérie : Carnets géographiques de l'Ouest, Rapport sur la ville algérienne ou devenir urbain du pays.
- Herrmann, L. (2017), *Fabriquer la ville avec les lotissements : une qualification possible de la production ordinaire des espaces urbains contemporains ?* PhD thesis in Geography, planning and urban development, the University of Lausanne, Lyon.
- Magin D., Panerai P. (1988) *Le temps de la ville*, Presses de l'Ecole d'architecture de Versailles, Versailles
- Masbounji A. (2008) *Faire la ville avec les lotissements*, Le Moniteur, Meeddat, Paris.
- Messaïri N., (2023) *Le lotissement, quels leviers pour une fabrique qualifiée des espaces résidentiels* - Doctoral thesis, Université Mohamed Khider - Biskra.
- Messaïri N., (2013) *Le lotissement, Enjeu de la qualité urbaine, architecturale et environnementale -le cas de la ville de Bechar-* Magister Thesis, University of Bechar, Bechar.
- Ministère de l'urbanisme et de construction, « l'aménagement des lotissements Recommandations », OPU, Alger.
- Picard Aleth. *Lotissements et colonisation : Algérie, 1830-1970*. In : *Villes en parallèle*, n°14, juin 1989. *La ville fragmentée. Le lotissement d'hier et d'aujourd'hui*. pp. 214-237
- Saidouni M. (2000) *Éléments d'une introduction à l'urbanisme*, édition Casbah, Algérie.
- Zucchelli Alberto, (1984), « Introduction à l'urbanisme opérationnel et à la composition urbaine » volume 03, Office de publication universitaire, Alger.

LEGISLATIVE TEXTS

- [01] Law no. 90-25 of 18 November 1990, on land policy.
- [02] The Cornudet Act of 14 March 1919 instituting the 'Development, Improvement and Extension Plan'.
- [03] Act no. 55-900 of 7 July 1955 introduced all the texts relating to town planning.
- [04] Order of 26 February 1974 on the creation of land reserves for the benefit of municipalities.
- [05] Law of 6 February 1982 on building and subdivision permits
- [06] Law 90-29 of 1990 on urban planning and development
- [07] Executive decree no. 15-19 of 25 January 2015 laying down. The procedures for examining and issuing town planning documents).
- [08] Law 08/15 of 20 July 2008, laying down the rules for bringing buildings into compliance and completing them.