

WELCOME

P5 Presentation

10:45 – 12:30

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New Planning instruments for urban development

The transition from traditional into a more facilitating approach to urban development projects.

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Firm

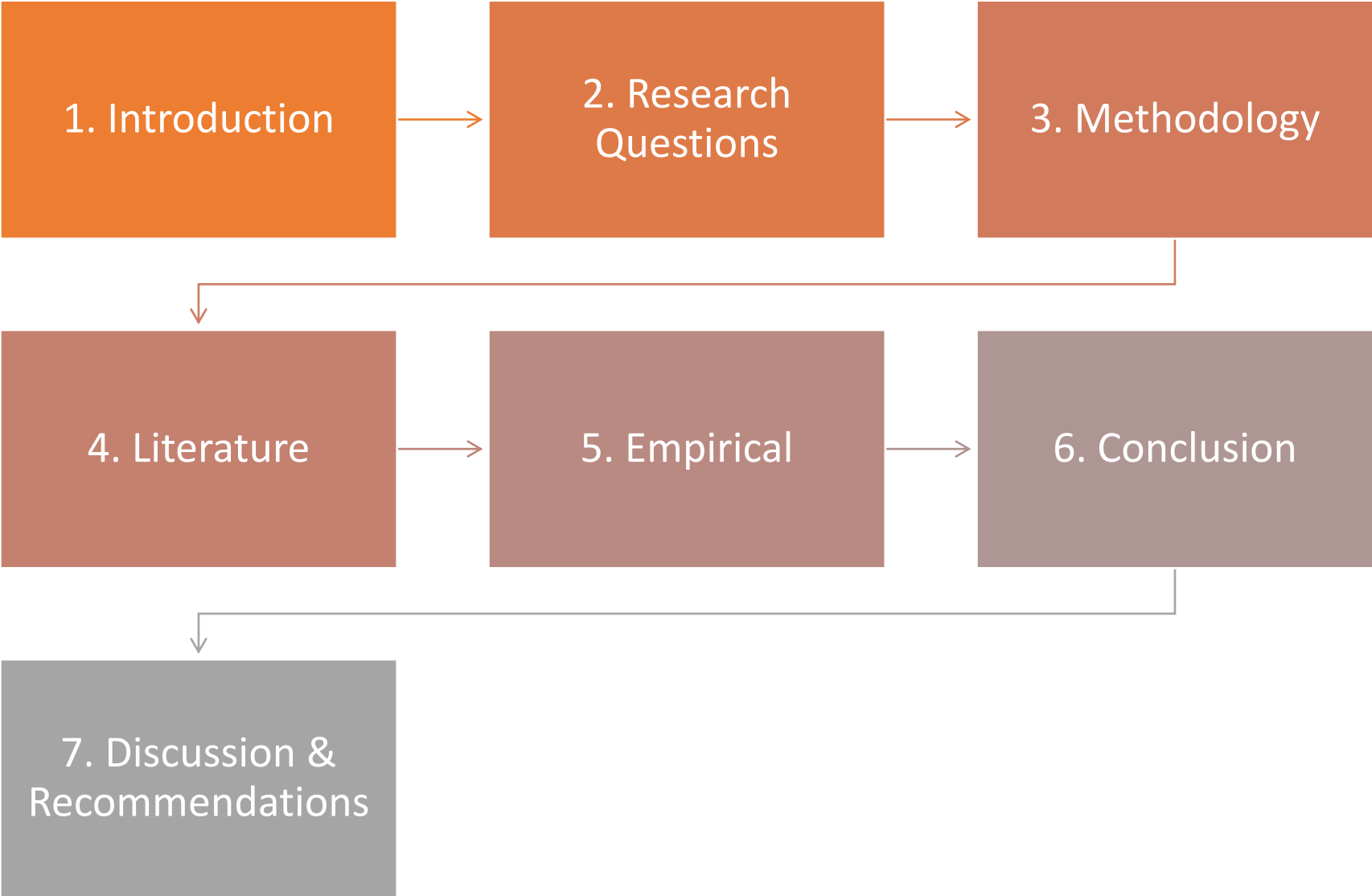
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Content



Core of Research



Procedural steps that have
been followed



Accompanying documents



Timeframe of development



Effects on quality, degree of
satisfaction & social
relationships



Introduction

Background Information

Key concepts

Spatial Planning & Urban development

- Enjoys strong international reputation
- First spatial planning in 1901 with 'Housing Act'
- Influenced by socio-economic factors and external processes (e.g. financial crisis 2008)

Who has the power?

→ Municipalities

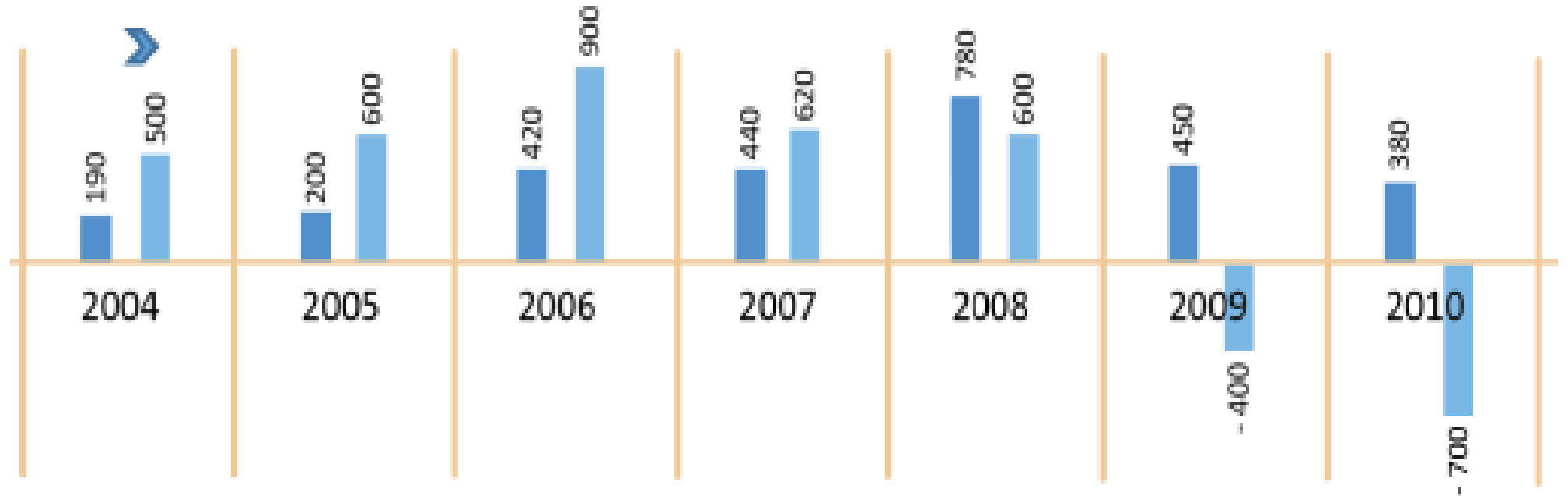
How?

→ Authority to issue building permits

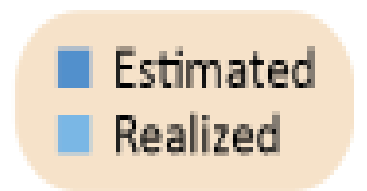
→ Establishment of Land-use Plan

→ Active Land Policy before the crisis

FIGURE 1 ➤ *Estimated and realized building site exploitation in the period 2004 – 2010 (Millions)*



Source: Buitelaar, 2012



Spatial Planning Act (Wro) established in 2008 gave municipalities more instruments to recover costs

- Less use of an **active** land policy
- Make more use of a **facilitating** land policy

The new Environment and Planning Act (2022) fits within the facilitating policy.

- More room for initiatives
- Invitation policy
- New instruments

Research motives

- Literature gap
- Changes in procedure, laws & regulations
- Clarification of the role of the municipality



Boundaries of facilitating framework &
Clarification of tangible products

Problem statement

- Approach of government is changing
 - Active → Facilitating
- This offers more room for initiatives

BUT

What does this entail in terms of procedures, laws and regulations?

+

what are the boundaries of a facilitating framework?

Objectives

- Make clear reasoning behind transition
- Clarify tangible products → non legal & legal
- Outline boundaries of framework
- Interpretations of public and private parties

Ultimate goal

Map out the entire situation in the present and near future

Research Questions

“What will the transition from traditional into a more facilitating procedure of the municipalities concerning urban development projects entail for the project developers and municipalities with prospect to the ‘Nieuwe Omgevingswet?’”

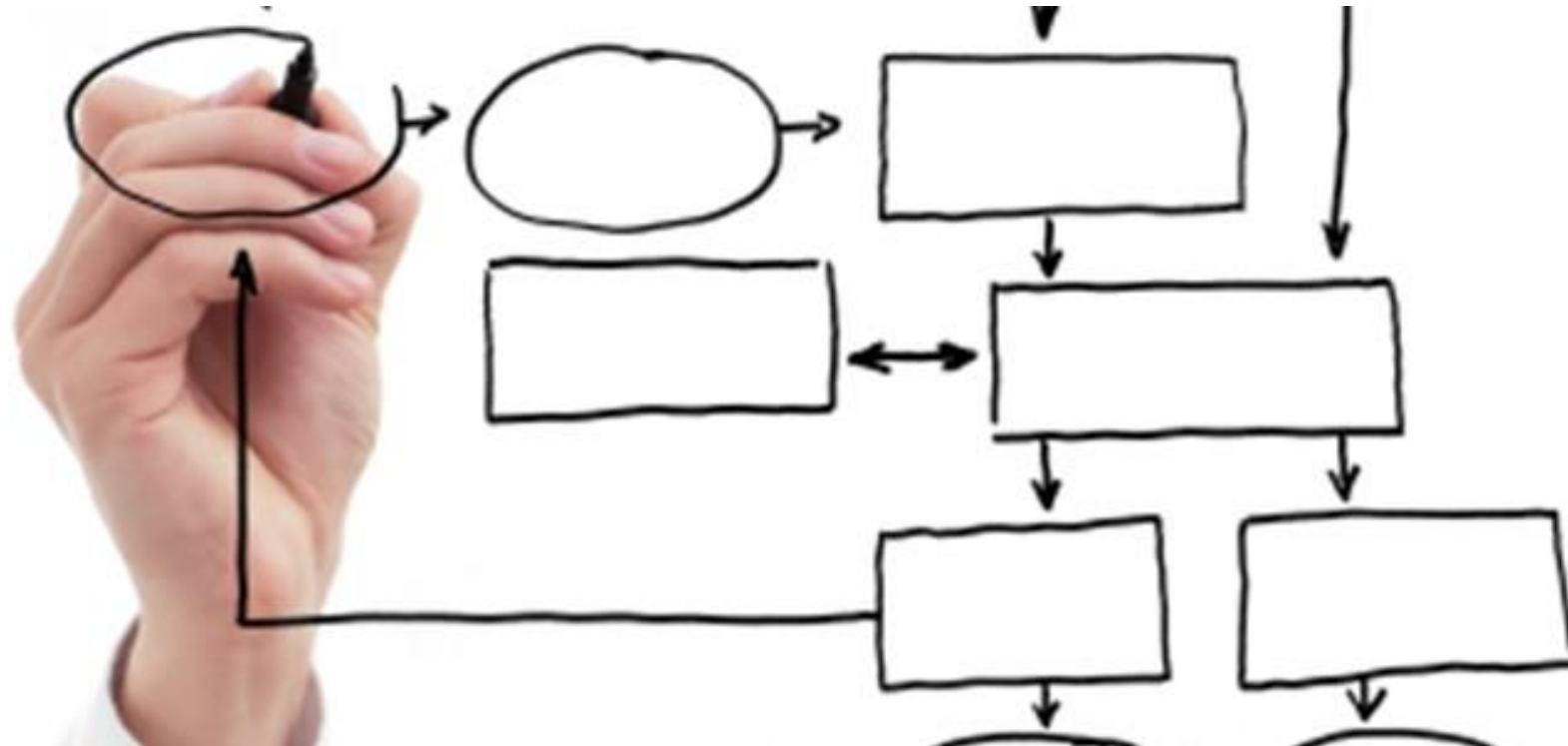
Sub questions:

- Context of urban development
- Traditional procedure and instruments
- Reasoning behind transition
- New instruments & practical experiences
- Relationship between private & public parties



1. What is the **context** of urban development projects in the Netherlands in terms of **procedures**?
2. What are the **traditional procedures** in urban development projects and which **legal and extra-legal instruments** are involved?
3. What is the **reasoning behind the transition into more facilitating procedures** (in relation to the 'Nieuwe Omgevingswet')?
4. Which **new instruments** are planned to be used or have been used already in urban development projects? What are **practical experiences** with these instruments?
5. What **influence** do the **new instruments** have on the **experiences** between project **developers & municipalities**, both positive and negative and how do they **deal** with these?

Methodology



Type of Study

Methodological approach → qualitative

Goal is to explore social interactions, systems and processes.
→ descriptive and exploratory → characteristics of parties
& instruments

Data Collection



Urban



Legal

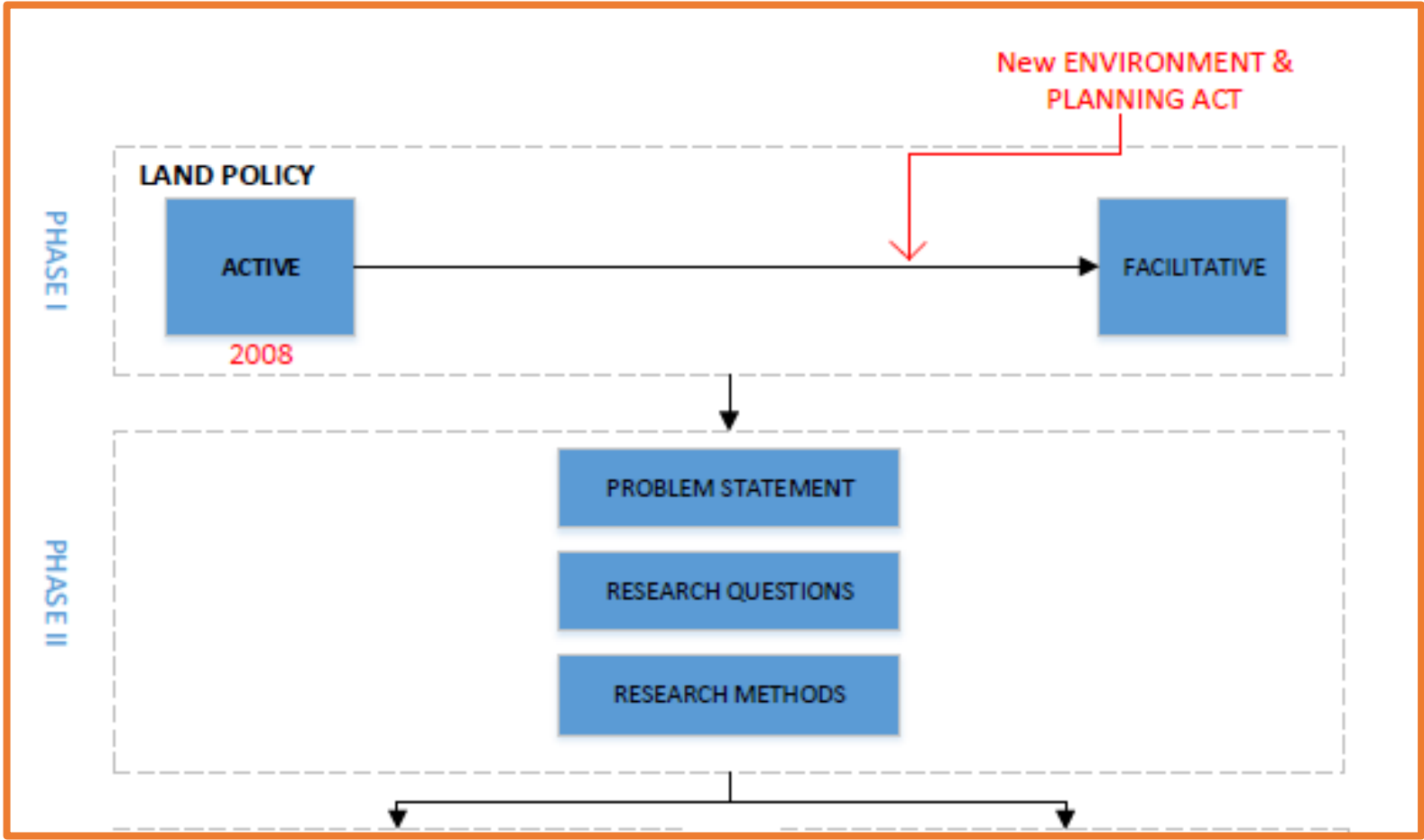
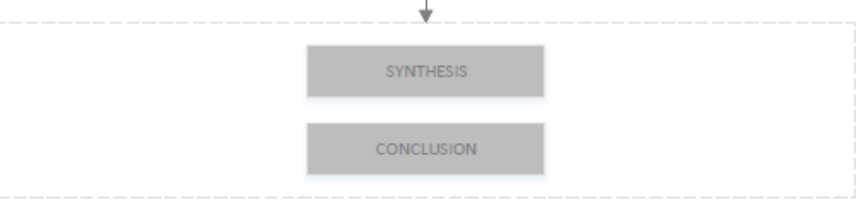
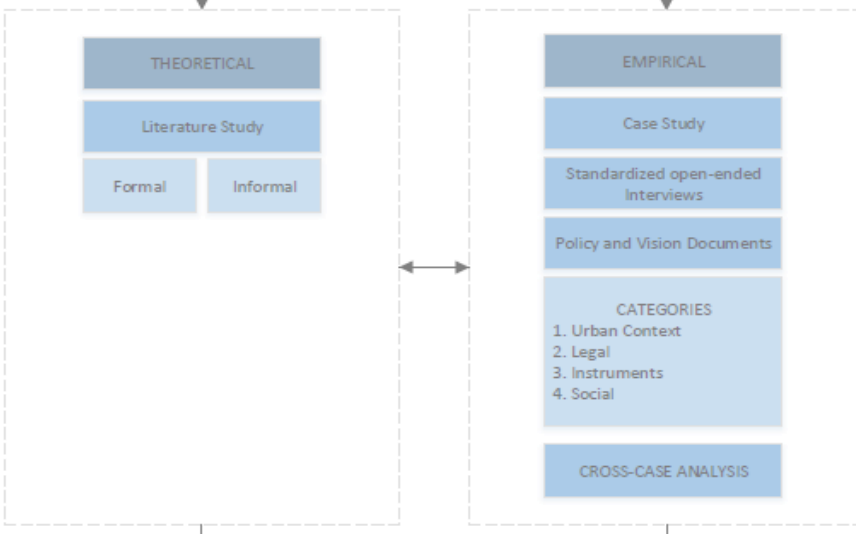
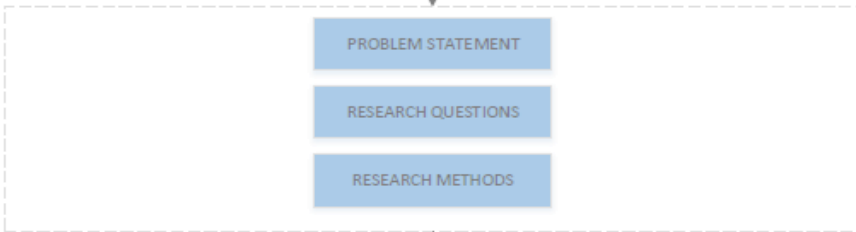


Instruments



Social

New ENVIRONMENT & PLANNING ACT



Type of Study

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Categories

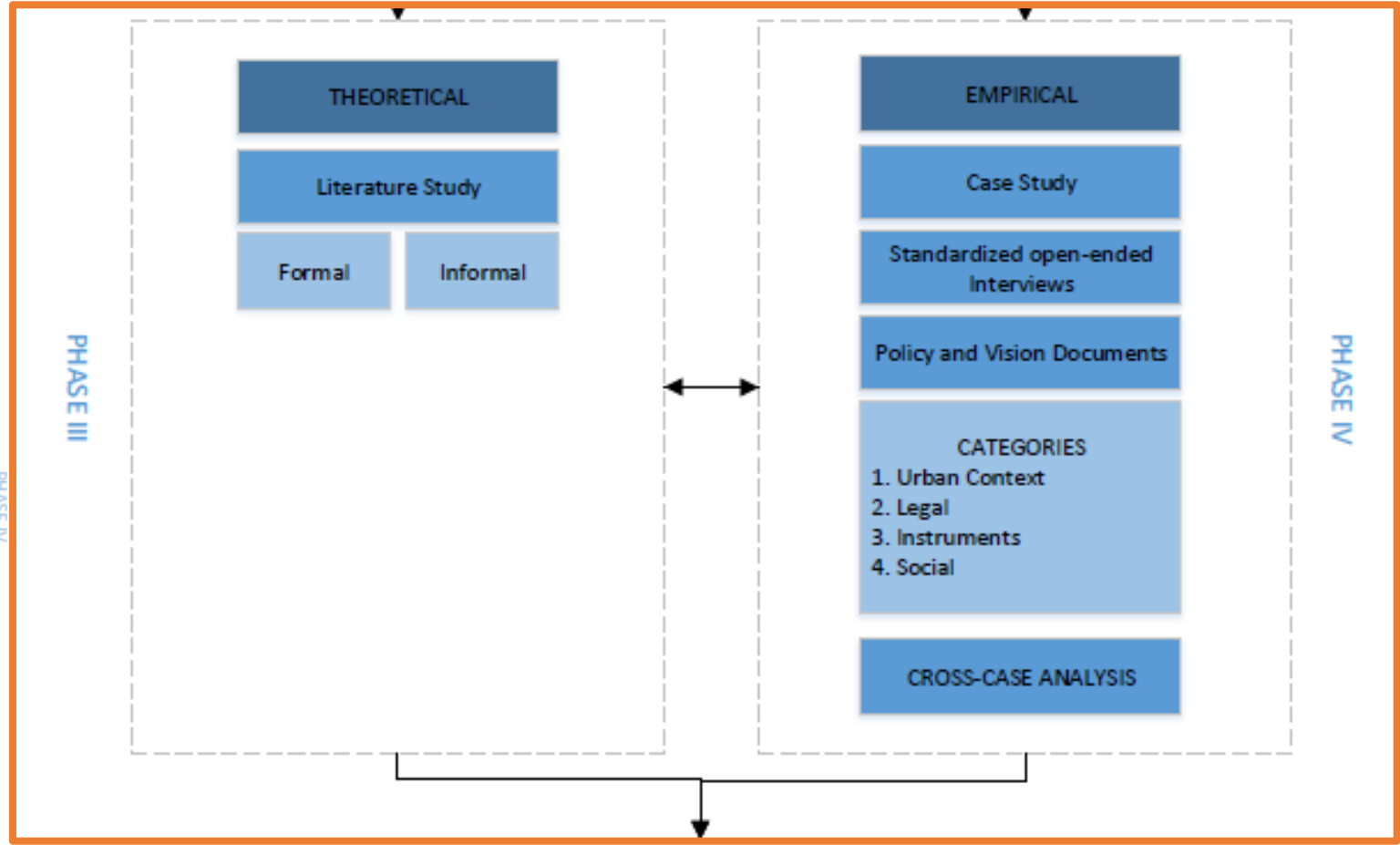
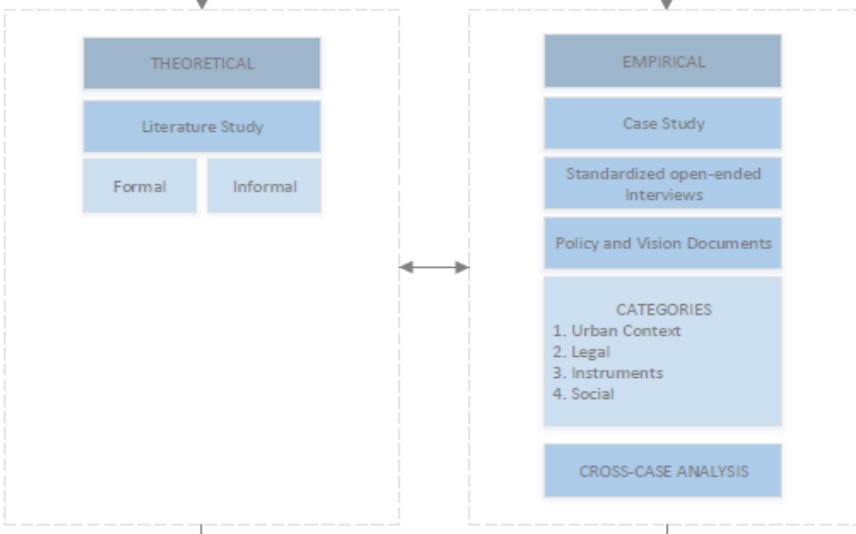
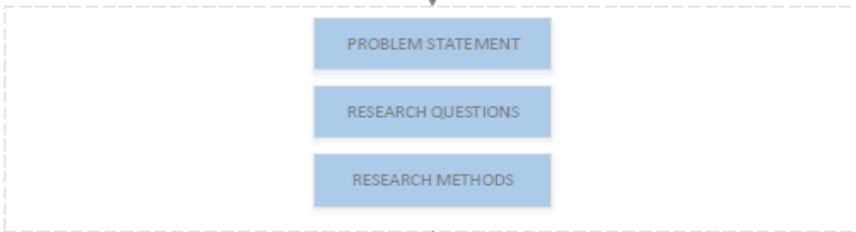
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Research Design

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Methods

New ENVIRONMENT & PLANNING ACT

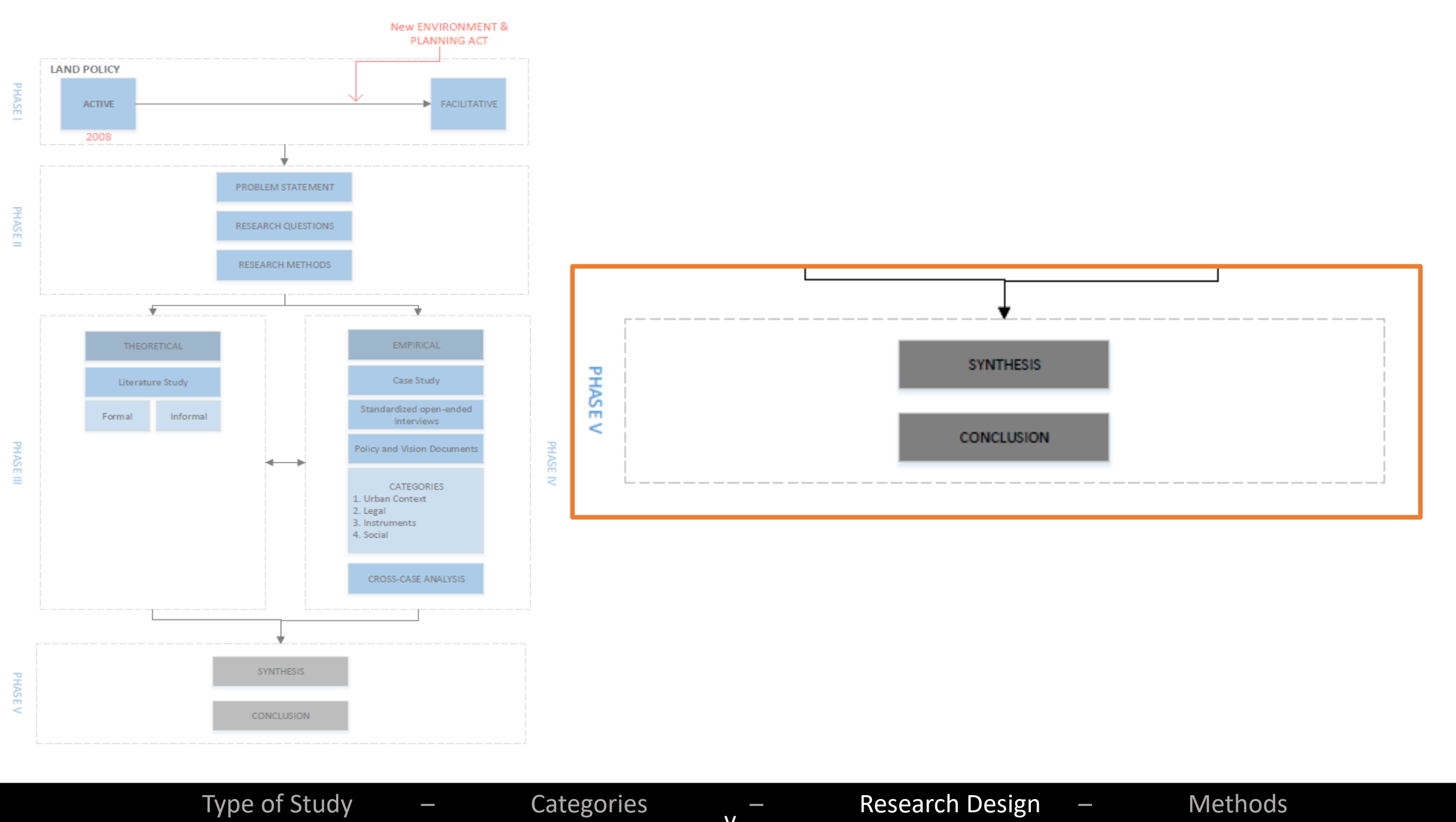


Type of Study

Categories

Research Design

Methods



Methods



Literature Review



Case Studies



Standardized open-ended interviews

Literature Review

Complexity & Phasing

Informal Phase

- Structural Vision
- Master Plan
- Municipal Procedures

Formal Phase

- Land-use Plan
- Deviation Land-use Plan
- Crisis & Recovery Act
- Environment & Planning Act



Complexity

The procedures that municipalities use for urban development can be divided into two categories; legal and non-legal. The non-legal phase or otherwise mentioned informal phase of urban development takes a lot of time compared to the legal or otherwise mentioned formal phase (Sorel et al., 2011).

The phases are difficult to distinguish!

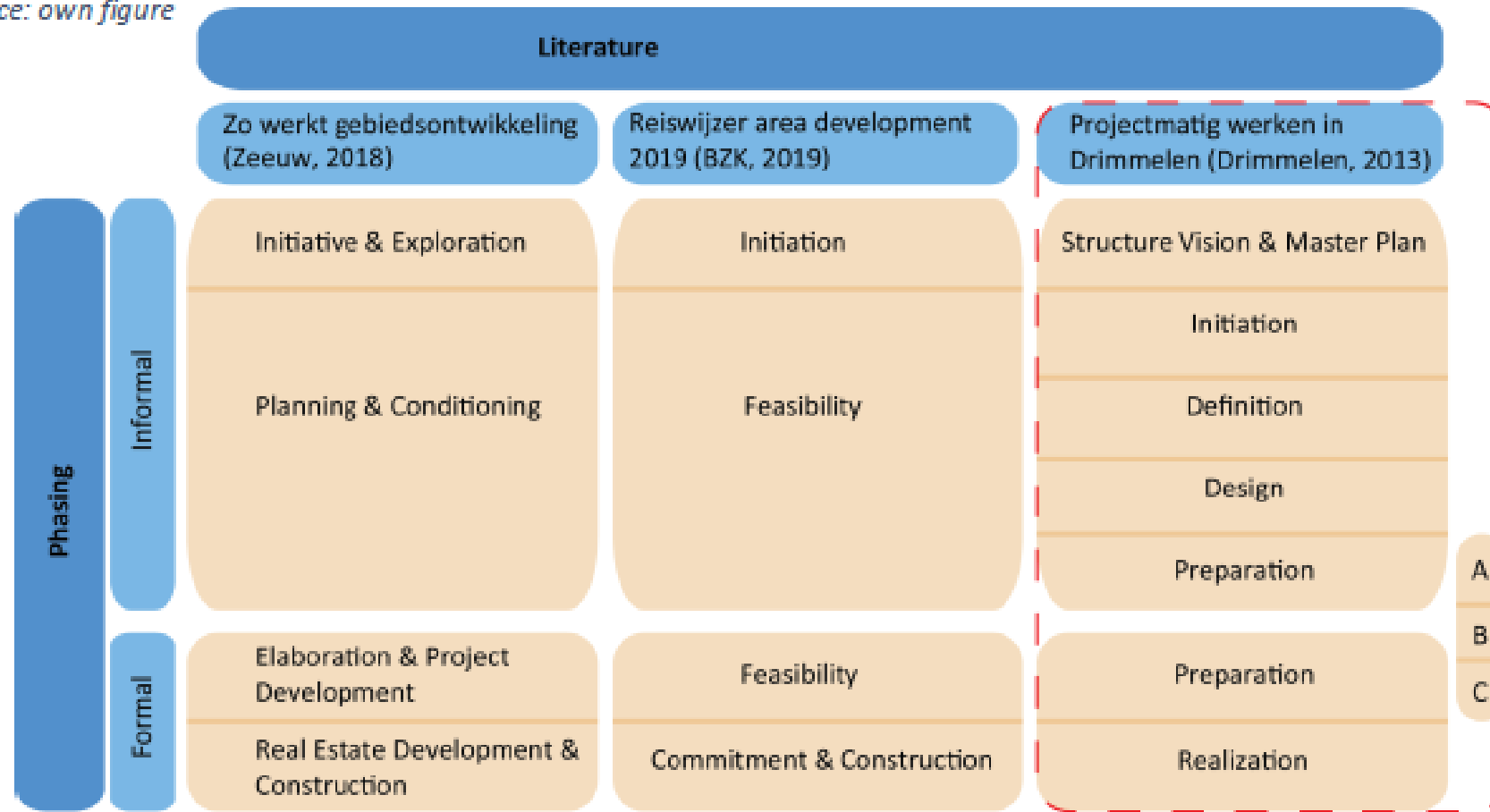
TABLE 1 ➤ *Difference in urban development phases according to literature*

NEN2574: 1993	Gehner (2011)	Peiser & Hamilton (2012)	Van Gool (2013)	Miles (2015)	Peek & Gehner (2018)
Program	Initiation phase	Feasibility and acquisition	Initiation phase	Idea inception	Initiation
Design	Development phase	Design	Contract phase	Idea refinement	Feasibility
Elaborate		Finance		Contract negotiation	Commitment
Construct	Realization phase	Construction	Construction phase	Formal commitment	Construction
Management & Operation	Management or Operation phase	Marketing and leasing		Completion and formal opening	
		Operations and management	Property, asset, and portfolio management	Exploitation	

Source: Peek & Gehner, 2018

TABLE 3 ➔ *Phasing of Municipal Procedures*

Source: own figure

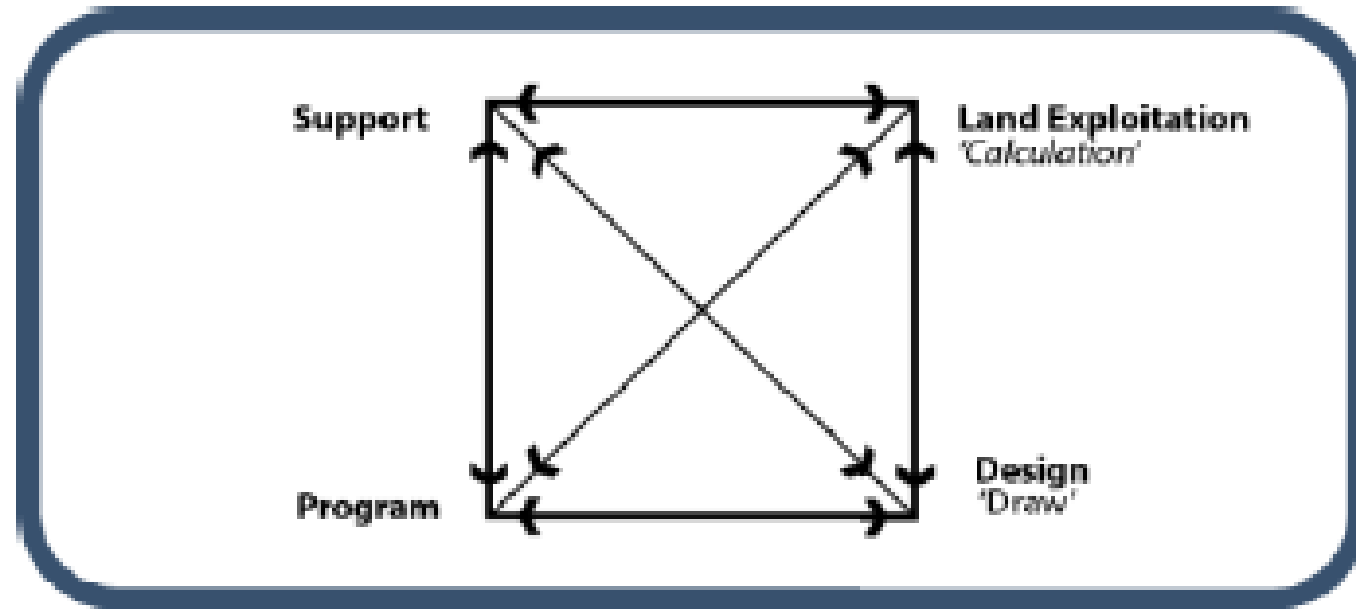


Informal Phase

The informal phase is characterized by the non-legal status of the procedures used.

An important side note is that these procedures and documents are described in the Dutch Spatial Planning Act. However, these are not legally binding for others than the municipality itself.

FIGURE 3 ➤ Activities before zoning plan



Source: Sorel et al., 2011

FIGURE 3 ► Visualization of Outlines



Source: own figure

FIGURE 5 Initiation Phase

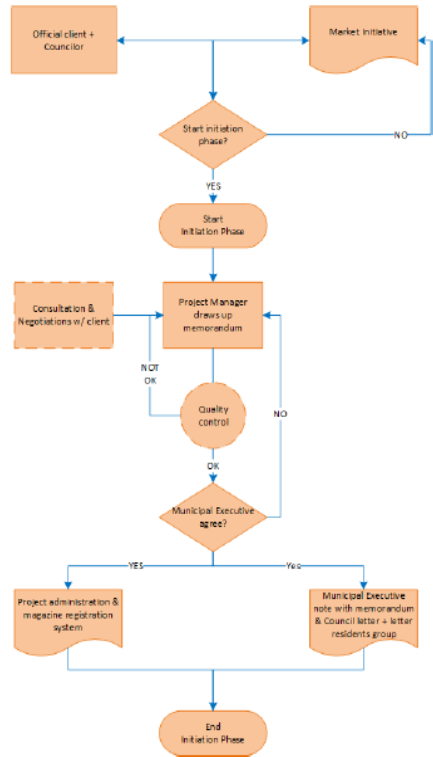
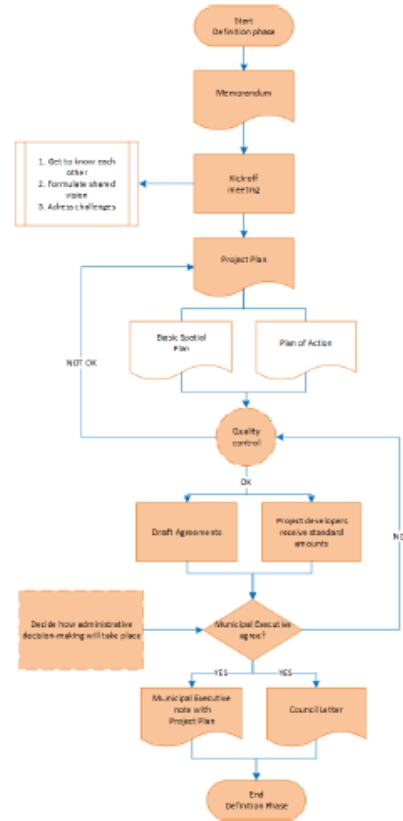
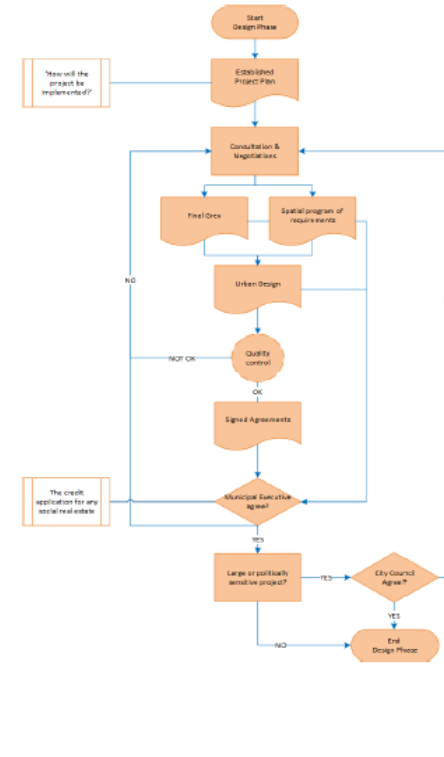


FIGURE 7 Definition Phase



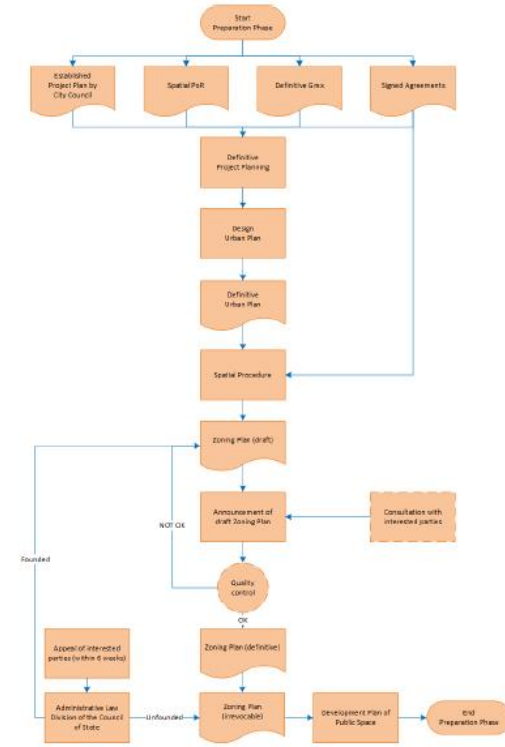
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FIGURE 8 Design Phase



Source: own figure

FIGURE 9 Preparation Phase



Source: own figure

Formal Phase

The formal phase is characterized by the legal status of the procedures used. The **municipalities have the most power in Dutch spatial planning**, since the statutory powers concerned with planning and building regulations are allocated to a single governmental body. Besides, this power comes to the fore when issuing a **building permit**, which is given by the Municipal Executive (*art. 2.4, § 1, Environmental Licensing [General Provisions] Act*). This makes the **Land-use Plan one of the most important instruments**.

- **Land-use Plan**

- Obligation to elaborate
- Authority to amendment
- Deviation within Plan

- **Deviation Land-use Plan**

- **Crisis & Recovery Act**

FIGURE 10 Procedure Land-use Plan

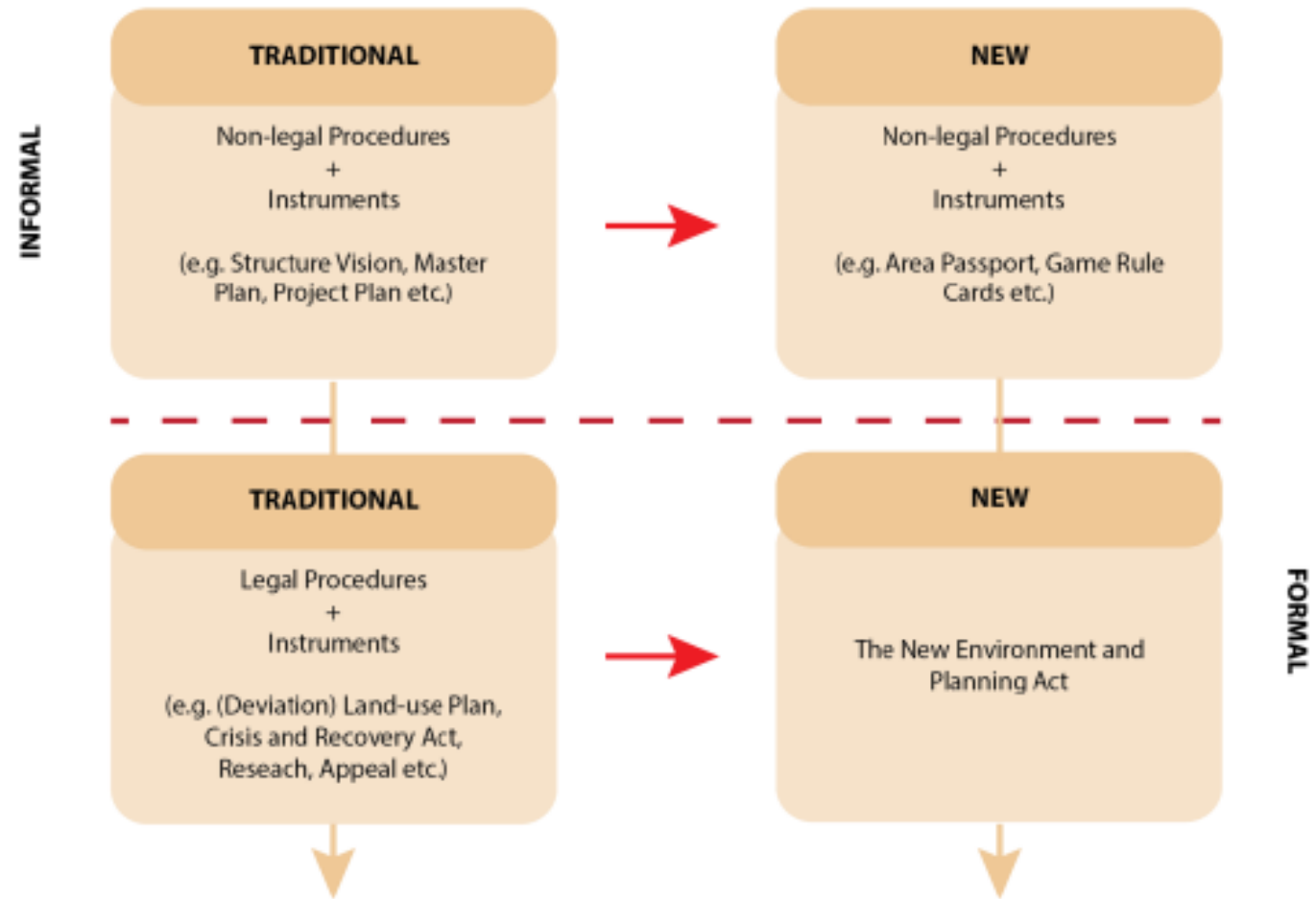


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New Environment & Planning Act

- Environmental Vision
- The Program
- Environmental Plan
- The Environmental Permit
- Project Procedure

FIGURE 9 Literature Review



Source: own figure

Empirical

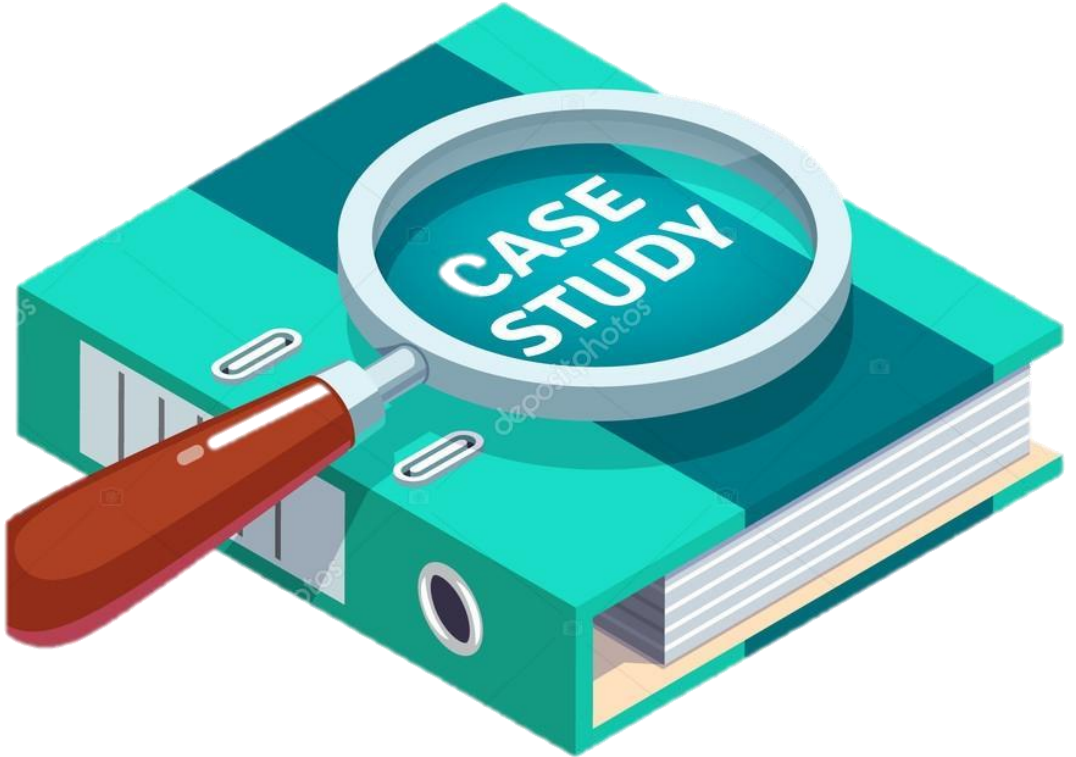


TABLE 4 Overview of interviewed representatives per case

CASE 1 – Katendrecht, Rotterdam			
Interviewee	Name	Organization	Function
1A		Municipality of Rotterdam	Project Manager
1B		Heijmans N.V.	Director Heijmans Vastgoed
CASE 2 – Klein Plaspolder, Leidschendam-Voorburg			
Interviewee	Name	Organization	Function
2A		Municipality of Leidschendam-Voorburg	Program Manager
2B		BPD	Sr. Development Manager
CASE 3 – Junopark, Den Haag			
Interviewee	Name	Organization	Function
3A		Municipality of Den Haag	Sr. Program Manager
3B		BPD	Director Area Development

Source: own figure

Case Criteria

- Located in different municipalities.
- Labelled as ‘area development’.
- More than two parties must be involved
- Prospective cases must be sufficiently developed to make an analysis, comparison and conclusion.
- Prospective cases → ‘spelregelkaarten’ and one with ‘gebiedspaspoort’.
- Retrospective case → Active Land Policy
- Possible to conduct interviews

Cases

1. Katendrecht, Rotterdam
2. Klein Plaspoelpolder, Leidschen-dam Voorburg
3. Het Junopark (The Binckhorst), The Hague







Cases

- Katendrecht is *baseline* → Traditional
- Klein Plaspolder & Junopark (Binckhorst) → Facilitative

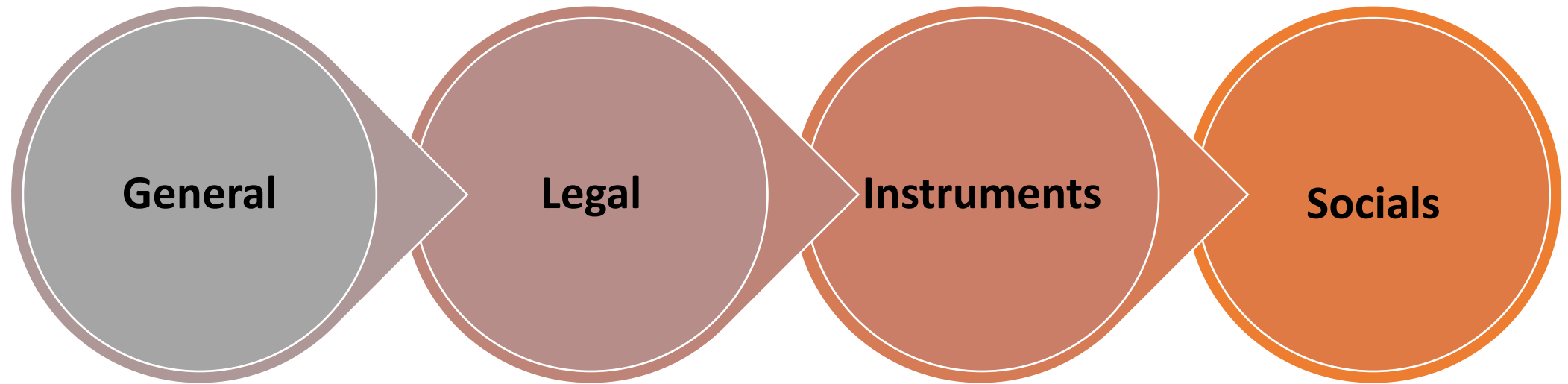
- The cases were examined based on the categories that were determined in advance.

TABLE 5 Cross-case table

Urban Development	Katendrecht,	Klein Plaspolder	Het Junopark
1. Municipality	Rotterdam	Leidschendam- Voorburg	The Hague (Binckhorst)
2. Size of total area	100 Ha	11 Ha	130 Ha
3. Status	Completed	Ongoing	Ongoing
4. Type of area development	Traditional	Organic	Organic
5. Public Party - Strategy - Land Policy	Consultation Active	Invitation Policy Facilitative	Invitation Policy Facilitative
6. Private Party - Strategy	Heijmans Consultation	BPD Draft Plan	BPD Early involved
7. Legal - Land-use Plan - Policy Framework	Land-use Plan Spatial Planning Act	Land-use Plan+ Crisis and Recovery Act	Land-use Plan+ Crisis and Recovery Act
8. Instruments - Formal - Informal	Structure Vision Master Plan Lan-use Plan Urban Plan Cooperation Agreement Marketing & Branding Instruments	Structure Vision Master Plan Intention Letter GreX Anterior Agreement Land-use Plan+ Game Rule Cards Development Vision	Structure Vision Master Plan Environmental Plan Intention Letter Land-use Plan+ GreX Area Passports Reservation System
9. Social - Negotiations - Obstacles - Key factors	Commitment Size of Area Non-standardization & formalization of instruments	Flexible Partial secrecy of GreX Innovative attitude Decision-making	N/A Environmental Plan Reservation System Size of Area Environmental Plan Attitude of Municipality
10. Grades - Public - Private	8 8	8,5 8	7 6,5

Source: own figure

Cross-Case Analysis



Cross-Case Analysis

General

- Size of Urban Area Developments
- Type of Development
- Consultation → Katendrecht
- Case II & III → Organic, developed in phases
- Flexibility and risk that instruments do not fit properly

Cross-Case Analysis

Legal

- Land-use Plan used as safeguard by municipalities
- Crisis & Recovery Act
 - Land-use Plan+
- Spatial Planning Act (Wro) – new Environment & Planning Act
 - Used next to each other
 - Instruments used (Environmental Plan)

Cross-Case Analysis

Instruments

FORMAL

Largely same in all the cases.

INFORMAL

Game Rule Cards & Area Passport
Assessment Framework
Structure

Cross-Case Analysis

Social

- **Negotiations**
- **Obstacles**
- **Key Factors**

Lessons Learned

- **Legal** → number of parties involved, consultation yes/no, Crisis and Recovery Act
- **Instruments** → Different characteristics, coordination of instruments used
- **Social** → Invitation policy

Statement:

“Theory and Practice do not match.”

Conclusion



Sub Questions

1. What is the **context** of urban development projects in the Netherlands in terms of **procedures**?

ANSWER: Phrasing is difficult to distinguish, municipal procedures could differ, decision-making is complex

Sub Questions

2. What are the **traditional procedures** in urban development projects and which **legal and extra-legal instruments** are involved?

ANSWER: Extensive, legally binding for municipality (informal), unilaterally made by municipality, Land-use Plan most important.

Sub Questions

3. What is the reasoning behind the transition into more facilitating procures (in relation to the 'Nieuwe Omgevingswet'?)

ANSWER: Crisis of 2008 is initiator, complexity, traditional is rigid, less participation, speed-up decision-making

Easier & Flexible in Nature

Sub Questions

4. Which **new instruments** are planned to be used or have been used already in urban development projects? What are **practical experiences** with these instruments?

ANSWER: Game Rule Cards, Area Passport, in line with new Act, practice does not match theory, no legal status

Sub Questions

5. What **influence** does the **new instruments** have on the **experiences** between project **developers & municipalities**, both positive and negative and how do they **deal** with these?

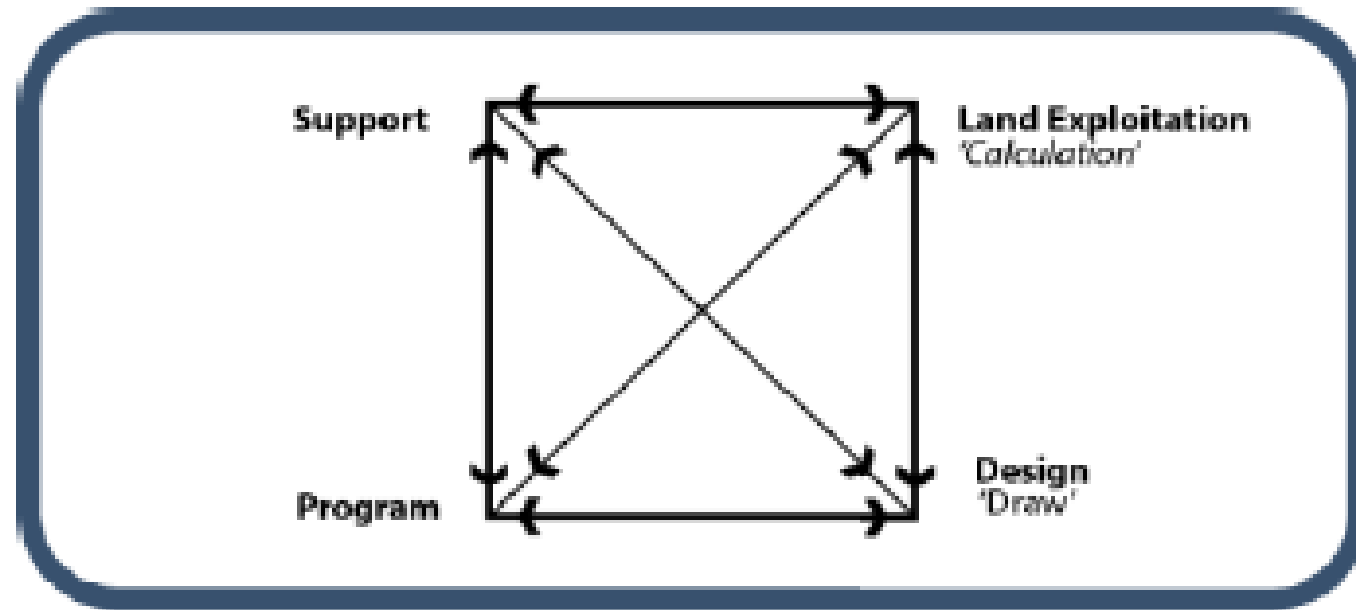
ANSWER: Both parties adopt new way of working due to instruments, innovative, most tasks conducted by private party.

Main Question

“What will the transition from traditional into a more facilitating procedure of the municipalities concerning urban development projects entail for the project developers and municipalities with prospect to the ‘Nieuwe Omgevingswet?’”

Main Question

FIGURE 3 ➤ Activities before zoning plan



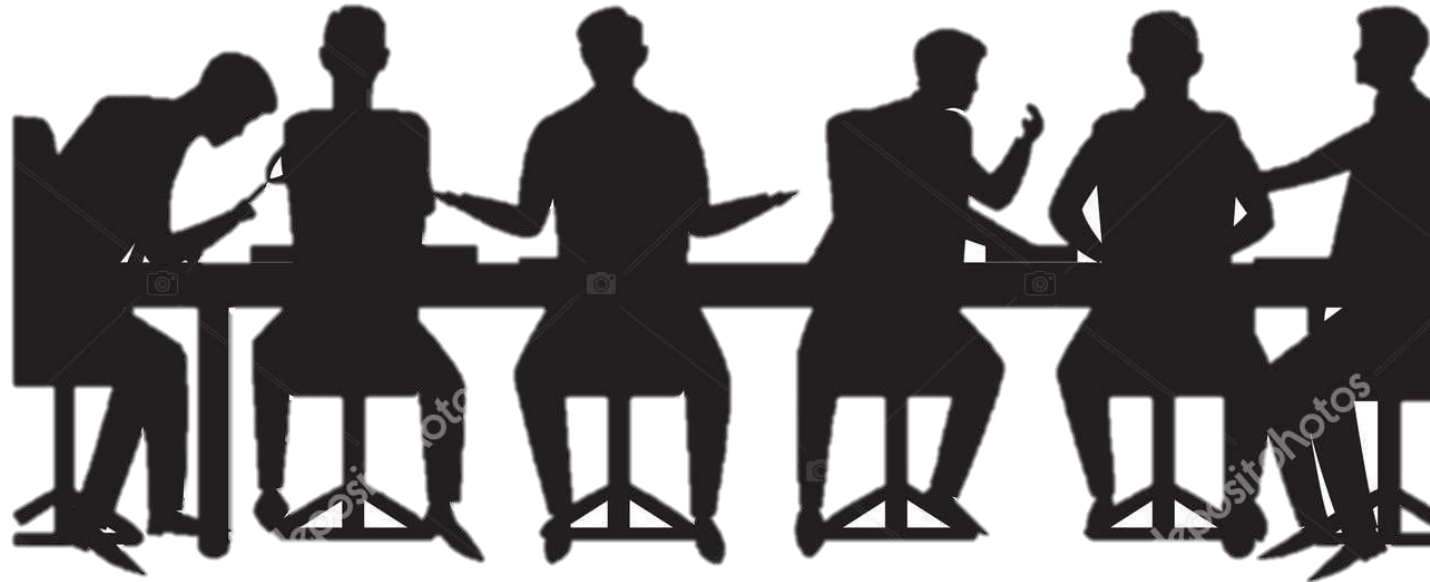
Source: Sorel et al., 2011

Main Question

Answer: The *program* is formed by the ambitions, visions and requirements for an area. This is translated into a *design*, taking into account the *land exploitation*. There must also be sufficient **support** for the plans, both public and private, to implement it. These activities must fit within the framework of the *environmental law provision*. This framework is already changing significantly due to the ongoing transition from traditional into a more facilitating approach. The advent of the new act will finalize this.

So, the transition entails different issues in all the matters described above, for both public and private. It appears that theory and practice do not yet match. This can be explained by the fact that the environmental law provisions change, which results in significant changes in all the corresponding fields.

Discussion & Recommendations



Main findings

- *Mismatch between theory and practice.*
- *Framework is reflected in the conclusion.*
- *No coordination between instruments.*
- *Takes time no process the transition.*

“Ultimately it is about culture that needs to change, perhaps one of the most difficult human-invented subjects. It is about history and the Netherlands has a rich history when it comes to planning. “

Limitations

- *Scarce literature*
- *New Instruments not widely used*
- *(almost) no information about the negotiations.*
- Assumptions & expectations

“The new Environment & Planning Act should first come into effect in order to monitor whether there is a significant difference in the decision-making process and the time required to complete a development. “

Recommendations

- Conduct same research after the new act comes into effect
- Conducting more interviews on different levels
- More case studies
- Looking at possibilities for quantitative data
- Comparing the Dutch planning system with a foreign one

Recommendations

- Open communication
- Adhere to the rules set
- No changes after the rules have been set
- Consultation
- Align instruments
- Room for negotiation
- Take into account political and economical changes that could occur
- Include in the parental document that a planning instrument is going to be used
- Determine relevant questions regarding the area and answer them in advance
- Create a visual overview

IT IS A GAME!



