

**New planning instruments for urban development**  
The transition from traditional into a more facilitating approach to urban development projects



**Graduation Report – P5**

Author:  
Murat Mercan

*- This page is intentionally left blank -*

## Colophon

### Student Information

Student: Murat Mercan  
Student No.: 4487613  
E-mail: [m.mercan@student.tudelft.nl](mailto:m.mercan@student.tudelft.nl)



### Document Details

Graduation track: Urban Development Management  
Course: AR4R010 MBE Graduation Laboratory  
Document: P5 Report  
Date: 19<sup>th</sup> January 2021

### University

Delft University of Technology  
Architecture and the Built Environment  
Address: Julianalaan 134, 2628 BL Delft  
Department: Management in the Built Environment

### Supervisors

1. Mentor: Dr.mr. F.A.M. (Fred) Hobma  
2. Mentor: Dr. K.B.J. (Karel) Van den Berghe

### Graduation Internship

Firm: Brink Groep  
Supervisors: Tristan Kunen – Senior Manager  
Evelien de Wijs – Senior Consultant

## Preface

This thesis is the final result of in total one year of research for the master track Management in the Built Environment at the Faculty of Architecture – Delft University of Technology. This graduation thesis was carried out within the graduation laboratory of Urban Development Management, under the supervision of Dr.mr. F.A.M. (Fred) Hobma and Dr. K.B.J. (Karel) Van den Berghe.

This research focuses on the new (planning) instruments that are being used with urban area development projects in the Netherlands. The catalyst of this research is the New Environment and Planning Act (*Dutch: De Nieuwe Omgevingswet*) planned to go into effect in 2022. This research explains the accompanying transition from a traditional to a more facilitating approach to urban area development projects. The research takes into account (contemporary) legislation and regulations, procedures, (new) instruments and relationships between public and private parties. The aim has been to provide an overview and to clarify the framework of the new developments as a whole.

This would have been impossible without the guidance obtained. First and foremost, I would like to thank my main mentor Dr.mr. F.A.M. (Fred) Hobma and second mentor Dr. K.B.J. (Karel) Van den Berghe for their support, advice and patience during the process of this thesis. I have always had the opportunity to ask for help and advice which I experienced as gratifying. I appreciate their knowledge and experience in the field of urban development. Investigating a subject that is heavily underexposed in the literature and new to many has been a pleasure, thanks in part to the enthusiasm of my supervisors.

In addition, I would like to thank the firm Brink Groep for the facilitation of my research in the midst of a pandemic. They offered a progressive look and provided the necessary attention. Also, I want to thank everyone who contributed to the research with time and effort. The information received from them have contributed significantly to this thesis.

Finally, I would like to thank my parents and other family members for their unconditional support during my time as a student and throughout my graduation research. I can say with certainty that I could not have done it without them.

I hope that you will enjoy reading this thesis and that it will provide insights into the new instruments used or planned to be used in urban area development projects. It would be my pleasure if this graduation research could contribute to the future of the 'built environment' as a building block.

Your sincerely,

*Murat Mercan*

Delft, January 2021

## Abstract

The Netherlands is well-known for their long-standing tradition in spatial planning and growth management. Before the crisis of 2008, the municipalities carried out an active land policy in urban development projects, however this approach was not crisis-proof and is subject of change contemporarily. The new Environment and Planning Act expected to enter in force in 2022 plays a significant role in this. There is an ongoing transition from traditional into a more facilitating approach to urban development projects initiated from the government. This new approach offers room for initiatives from the market. However, it is not clear what the impact of these changes are and what it entails. The aim of this research is to clarify the framework of this facilitative approach and what it entails for the municipalities and project developers. In order to investigate this a literature review has been made in which the most important informal and formal procedures, instruments and documents have been described. The design of this research is qualitative. Based on document analysis, semi-structured interviews and multiple case studies a complete overview of the transition is given. This results in the definition of the context of urban development projects, legal and non-legal instruments used, practical experiences and relationship between parties involved. The goal is to map out the entire situation in the present and near future, which could be used as a guidance when the new Environment and Planning Law comes into effect.

**Key words:** Project development, instruments, phasing, legal, non-legal, municipality, project developer, decision-making, procedures.

# Executive Summary

## Introduction

The Netherlands is densely populated and one of the most urbanized countries in the world, with a long-standing tradition in spatial planning and growth management (Van der Valk, 2002). It is well known that the Netherlands have a broad history in urban development, which have been rapidly developed after the Second World War (Peek & Gehner, 2018, p.16). In addition, the Dutch planning system enjoys a strong international reputation (Roodbol-Mekkes, Van der Valk & Altes, 2012). The two concepts of spatial planning and urban development are strongly interrelated and affected by socio-economic factors and external processes (Hesperger et al., 2018).

This is reflected and could be verified by various external events in the past, which initiated changes in legislation, approaches and perspectives concerning the above-mentioned concepts. The global financial and economic crisis of 2008, in which both public and private resources became scarce, resulted in policymakers lowering the standards for regulation to promote new strategies and keep the available investments flowing (Ponzini, 2016). The crisis showed the weaknesses of planning systems and put pressure on their reform or reorientation (Ponzini, 2016). In short, both urban development and spatial planning are subject to change.

Urban development in the Netherlands can be defined as the integral development of a defined area with a mixed functional program, in which public and private actors initiate, design, realize and manage urban areas (Heurkens, 2009). However, it must be mentioned that the roles of the actors and their relationships have also changed over the years, due to the participation of more different actors and the dissatisfaction of the classical permitted planning (Hobma, 2005). The public actor with by far the most significance in this case is the municipality. The Dutch planning system gave the municipalities the real power, since they have the authority to issue building permits and supply land that is prepared for development. In addition, the local land-use plan of municipalities is the only spatial plan that is legally binding (Janssen-Jansen, 2016). However, in the last decades the traditional approach of municipalities regarding urban development is changing; from active to facilitating land policy.

Before the crisis of 2008, the municipalities in the Netherlands usually carried out an active land policy. By acting as landowner, municipalities can demand additional conditions from project developers interested in the land acquisition. However, this approach was not crisis-proof and the municipalities have suffered great losses (Buitelaar, 2010). This is mainly due to the risks an active land policy carries. It must be explicitly stated that the municipalities act as 'market parties' by acquiring and issuing land. The major disadvantage of this was experienced in the last crisis of 2008, which caused a drop in demand for land. This resulted in municipalities left behind with large portfolios on which they had to pay interest without making profit (figure 1).

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



Source: Buitelaar, 2012

this is going to change through the new Environment and Planning Act expected to enter into force in 2022 (Rijksoverheid, 2007). The government wants to simplify and merge spatial development rules in which the land-use plans will be replaced by an environmental plan for the entire municipality offering more flexibility. A facilitating land policy implies that municipalities will no longer act as 'market parties' but set the framework for the development. In this way the associated risks are transferred to third parties (e.g. project developers). In addition, it offers the opportunity to make use of available expertise and creativity from the market. In practice there are no 'hard' forms of land policy; all types of land policy are somewhere on the sliding scale between the two extreme forms described in the paragraphs above. However, it can be said that there is an ongoing transition from active to facilitating land policy in general

## Research Motives

This research has been carried out for various reasons. First, the literature gap on the transition from traditional into a more facilitating approach of the government when it comes to project developments and what it actually entails in terms of procedures, laws and regulations.

Most often subcomponents are described or investigated by academics. The tangible products that connects public and private parties is often missing or not clearly explained, while these can clarify the reasoning behind some changes or implementations of new procedures and/or systems.

Secondly, the uncertainty created by the changes in procedure, laws and regulations. Municipalities and project developers indicate that there are still many bottlenecks and uncertainties about the new Environment and Planning Act, which emphasizes the facilitating role of the municipalities (Hilhorst, 2019).

Finally, the clarification of the role of the municipality and its facilitating policy. There is an ongoing shift towards the increasing influence from the market and citizens, which in management philosophy is recognized as 'from government towards governance or network governance'.

## Problem Statements & Objectives

The problem statement:

"The approach of the government in urban development projects in the Netherlands is changing in which the municipalities have the most significant task, *offering space for initiatives from the market – project developers - through a facilitating policy instead of active interference*. However, it is not clear what this transition entails in terms of procedures, laws and regulations and what the boundaries are of the facilitating framework. This is a result of lack in practical knowledge and tangible products."

The objectives of this research are:

"To make clear what the reasoning behind the transition towards a more facilitating approach is and to clarify the tangible products, in this case the instruments that are deployed to bring private and public parties to an agreement about urban development projects, in legal and non-legal sense. This will outline the boundaries of the framework which are initially missing. It is important to examine the interpretations of both parties in order to avoid conflicts in the near future. The ultimate goal is to map out the entire situation in the present and near future, which could be used as a guidance when the new Environment and Planning Law comes into effect."

## Research Output

### Motives

The goal of the research is to make clear what the facilitative approach of municipalities in urban development projects entail compared to their traditional approach before the crisis of 2008. In today's literature, this is not completely described.

Often sub elements are explained, which are therefore difficult to understand. This clarification is important and can be used as guidance when the new Environment and Planning Law comes into effect.

The traditional approach will be compared with the new approach with the help of defining the (legal) instruments. Practical experience will show whether there are differences between theory and practice.

## Scope

The scope of this research lays within the boundaries of the Dutch Spatial Planning Act, legal and non-legal instruments used to regulate urban development projects, the power of the municipalities regarding urban development projects and the relationships between public and private parties.

## Research Questions

The main research question derived from the problem statement earlier mentioned is as follows:

*“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

1. What is the context of urban development projects in the Netherlands in terms of procedures?
2. What is the traditional procedure 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 does the new instruments have on the experiences between project developers and municipalities, both positive and negative and how do they deal with these?

The sub questions are designed in such way that the entire process of transition is going to be described. The sub questions can be divided into three categories: traditional – transition – facilitative.

In practice there is not one specific procedure for both traditional and new urban development, both categories have variants and are also part of a sliding scale. To facilitate the research ‘traditional’ and ‘new’ have been placed analytically opposite each other, because roughly speaking they differ, and this research focuses on the extreme variants

## Methodology

The methodological approach of this research is qualitative, research that traditionally does not make use of numbers or statistics. It is used to explore social interactions, systems and processes (IWH, 2011).

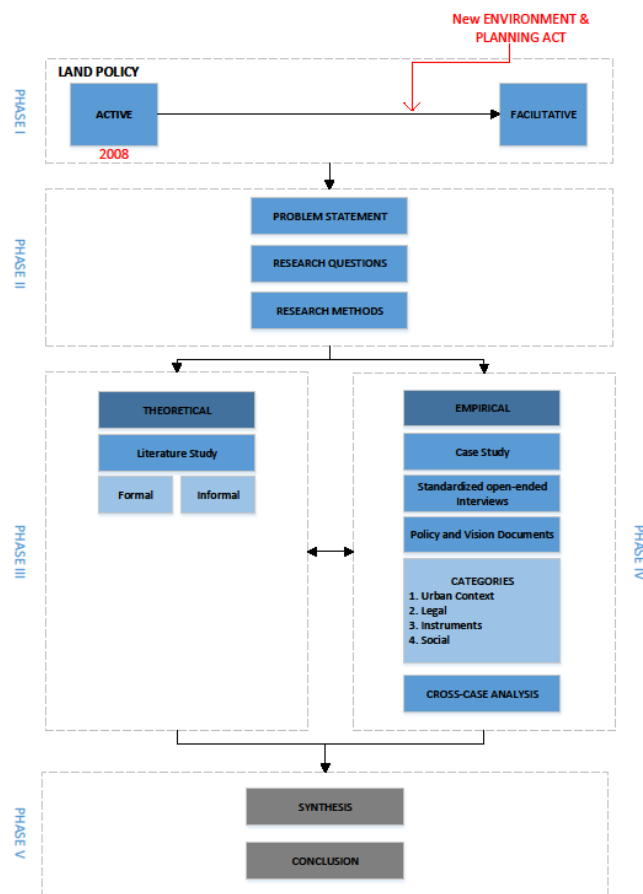
This means that this research is descriptive and explorative in nature, because characteristics of parties and instruments is going to be analyzed aiming to understand potential problems and provide insights.

## Research Design

Figure 2 illustrates the research design. The introduction, research output and research questions form the structure of this research, theoretically and empirically.



FIGURE 2 ➤ Research Design (own illustration)



The research design described in phases

Phase 1 – The context of this research is formed by the transition from an active land policy into a facilitative one.

Phase 2 – After the formulation of the problem statement, the main questions and corresponding sub-questions follow.

Phase 3 – The literature study will collect and described the existing institutional content in terms of procedures, laws and regulations and (legal) instruments.

Phase 4 - In the empirical part of this research in total three methods will be used; case-studies, standardized open-ended interviews and policy and vision documents analysis.

Phase 5 - The findings will be elaborated and used as input to formulate a conclusion.

## Methods

In this research various methods of qualitative data collection will be used. The combination of methods will increase the credibility of the evidence.

### Literature Study

First, the existing institutional content in terms of procedures, laws and regulations and (legal) instruments is going to be collected by means of a literature study. This will help to elicit the meaning; gain understand and develop empirical knowledge about the topic.

## Case Studies

Another method that is going to be used in this research are case studies. they are also useful in providing answers to 'How?' and 'Why?'. In order to make the comparison, two types of cases will be examined: retrospective and prospective. Retrospective study is needed to compare the other prospective cases.

## Standardized open-ended interviews

The last method is standardized open-ended interviews. The aim of this method is to gather textual data that could give insight information about the earlier mentioned documents and experiences regarding the case studies. Standardized open-ended interviews are chosen in order to facilitate the comparison between the selected cases.

The results obtained from the different methods used will be compared and analyzed in the synthesis. The case studies will be analyzed by making use of a cross-case analysis first.

## Literature

In the introductory chapter of this research it is stated that there is an ongoing shift from active to facilitating approach of urban development, which is initiated by the government of the Netherlands. 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 crisis of 2008 has influenced the way in which local authorities deal with this informal phase. The procedures have been redesigned and are more in line with the new Environment and Planning Act. This is largely due to the complexity of the informal phase.

In this research the phasing from the book '*Zo werkt gebiedsontwikkeling: handboek voor studie en praktijk*' (Zeeuw, 2018) most closely resembles the document published by the *Ministry of the Interior and Kingdom Relations* called '*Reiswijzer area development 2019*', in addition it forms a summarized whole of table 1. So, in this research these two documents will be used as the basis for this study.

## Informal Phase

The informal phase is characterized by the non-legal status of the procedures used. In other words, this means that the elements and or instruments that form part of this phase does not have a legal status. In this phase, it is the government (especially the municipality) that sets the framework for urban area development based on various documents, in which specific characteristics of the area are considered. 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.

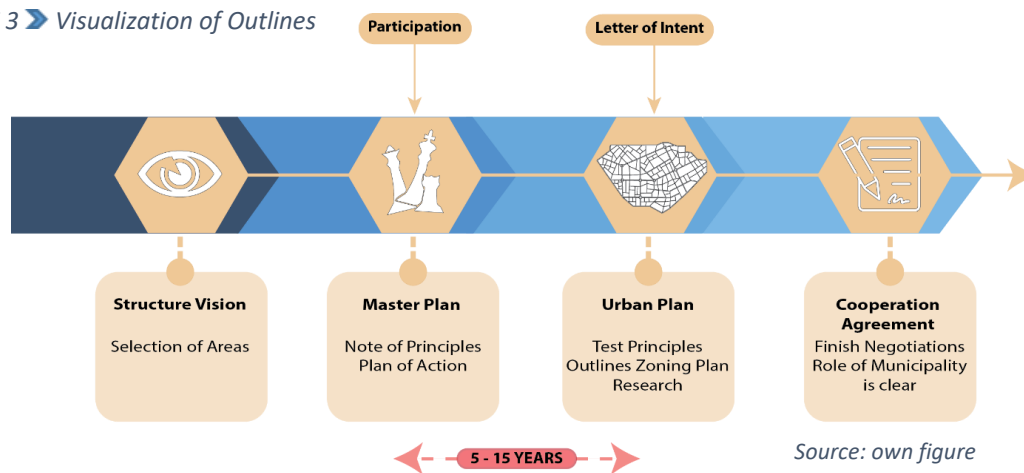
The municipality plays the leading role in this phase, because it is responsible for drawing up and following the planning instruments and procedures. Factors that belong to this informal phase are, for example, research, planning, adjustment of the research, adjustment of planning, political opinion-making and elections and administrative relationships.

TABLE 2 > Phasing used in research

		Literature	
		Zo werkt gebiedsontwikkeling (Zeeuw, 2018)	Reiswijzer area development 2019 (BZK, 2019)
Phasing	Informal	Initiative & Exploration	Initiation
		Planning & Conditioning	Feasibility
	Formal	Elaboration & Project Development	Feasibility
		Real Estate Development & Construction	Commitment & Construction

Source:  
own  
figure

FIGURE 3 Visualization of Outlines



### Structural Vision

To determine the spatial policy of an area most municipalities work with one or more Structural Concepts. The Structural Vision is a strategic policy document on spatial and functional developments within the municipality (Rijksoverheid, n.d.). This document is concerned with the broad outline of the intended spatial developments and spatial policy in conjunction with, for example the policy in the field of economy, recreation and the like. The Structural Vision is not legally binding for others than the municipality itself. The drafting of the Structural Vision is a lengthy process, which has a negative effect on the length of urban development.

### Master Plan

The Master Plan is a concretization of a selected area from the Structural Vision. The Master Plan is a closer look at the ambitions of the parties at area level and what they want to achieve with the intended developments. It helps to manage cohesion between function in the area by bringing the interests of different parties together to create value for those involved (De Boer, 2014). This document is also form-free and not legally binding for others. The participation process is most often reflected in documents, in which the action plan for the realization of the Master Plan is described.

### Municipal Procedures

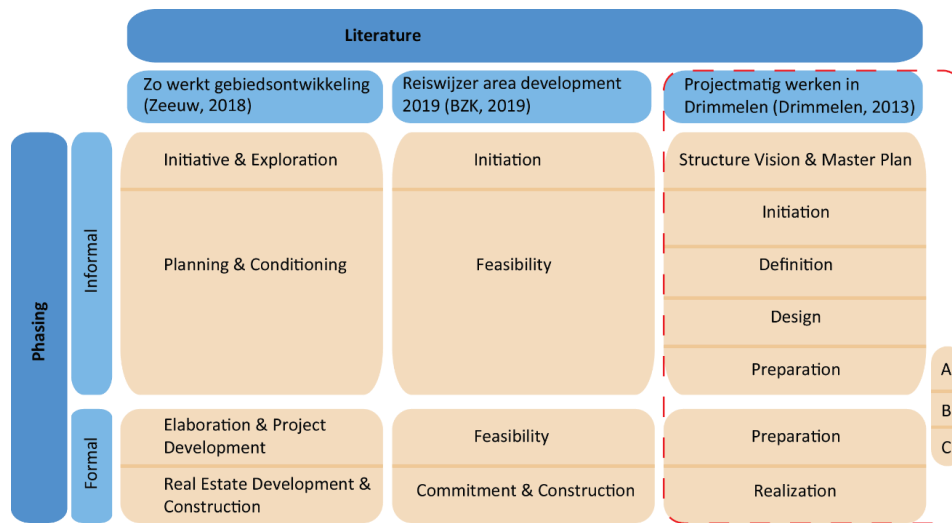
The Municipal Procedures of urban development are complex and differ per municipality. In addition, it is often that these Municipal Procedures are not described since they are part of the informal phase. This makes it difficult to formulate a clear structure. Nevertheless, it is important to make an attempt to formulate these procedures in order to facilitate this research. The decentralized nature of the municipality within the Dutch government must be considered, which means that each municipality can give its own interpretation to these procedures.

The purpose of this document is to divide the work in manageable blocks. Each phase/block ends with the determination by the Mayor and City Council Members of the phase document to be delivered. These blocks are represented by the document in the following sub phases:

1. Initiation phase
2. Definition phase
3. Design phase
4. Preparation phase
  - a. Urban Plan
  - b. Spatial procedure
  - c. Public space design plan
5. Realization phase
6. Follow-up phase

TABLE 3 ➤ Phasing of Municipal Procedures

Source: own figure



### Formal Phase

The formal phase is characterized by the legal status of the procedures used. This means that the procedures, instruments and other elements that form part of this phase have legal status. The core of this section is formed by Dutch Spatial Planning Act part of the Environmental Law. The emphasis lays on the Land-use Plan, deviation from Land-use Plan, the Crisis and Recovery Act and the new Environment and Planning Act.

### Land-use Plan

The Land-use Plan is the only legally binding spatial plan in urban area development. In the Land-use Plan the use and construction options of an area are specified. The municipality is obliged to have up-to-date Land-use Plan for their entire territory. The Land-use Plan consists out of three parts:

1. The Land-use Map
2. The instructions
3. Explanatory Notes

### Deviation Land-use Plan

A building permit is not granted if it is in conflict with the Land-use Plan of the designated area. Besides, there are several ways to bring flexibility into the Land-use Plan. However, this is not enough. It is often the case that deviation from the Land-use Plan is necessary. This could be the case if a Land-use Plan is aged or the municipality wants to welcome a big building project. If this is the case, deviation from the Land-use Plan offers outcome. It implies that an environmental permit is granted for deviation. This environmental permit is not granted for a building project, but to deviate from the Land-use Plan (art. 2.1, para. 1, under c, Environmental Licensing [General Provisions] Act.) (Hobma, 2016).

### Crisis and Recovery Act

This act contains legal arrangements to simplify and speed up decision-making in urban development projects and infrastructure projects (Hobma, 2016). The Crisis and Recovery Act was a respond to the financial and economic crisis of 2008. The intention of the act was to carry out urban development projects without any delay caused by legal procedures after the crisis was over (Verschuuren, 2011). The Crisis and Recovery Act made it possible for municipalities and project developers to experiment with the Environment and Planning Act, since it fits in well with the plans to simplify environmental law. Municipalities that have experimented with the establishment of a Land-use Plan with a broadened scope for the entire territory is the most interesting result that this act has produced.

## Environment and Planning Act

The main characteristics of this act come forward in the formal phase of urban development, but certainly also exerts pressure on the required changes in the informal decision-making a planning phase, in other words informal phase. The approach of the new Environment and Planning Act is not sectoral, but integral.

The Environment and Planning act offers five key instruments for managing and utilizing the physical environment of the municipality. The law in its entirety will not be detailed in this research, as this is not the core of this research. It is, however, important to highlight and explain the five instruments that form the pillars of this new law for the municipality. In this way, the instruments can be compared at a later stage with the traditional procedures, instruments described earlier. The five core instruments are:

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

## Empirical

In this section, the case studies conducted, and the accompanying interviews will be elaborated.

### Case Studies

1. Katendrecht, Rotterdam

Katendrecht serves as a baseline for this research. The area has been developed through quite traditional planning.

2. Klein Plaspoelpolder, Leidschendam-Voorburg

The area development in Klein Plaspoelpolder makes use of a Game Rule Cards. One of the new instruments used in spatial planning and urban development.

3. Junopark, Den Haag (Binckhorst)

Junopark is part of the area development Binckhorst in The Hague. Junopark is being designed by making use of an Area Passport.

### Interviews

The standardized open-ended interviews are conducted with a representative of both public and private parties in order to obtain information and insights in the cases selected. An approach has been chosen in which all responsible parties are asked to same questions, with a minimal difference between the questions posed to public and private parties.

The formulated questions are derived from the four categories established in section 4.2. These are *Urban Context, Legal, Instruments & Social*.

### Results of Case Studies

The cases have been analyzed by making use of a cross-case analysis. The aim of the analysis is to produce a synthesized outcome.

It turns out that theory and practice do not match. Urban area development is tailor-made. It must be clear in advance what the characteristics are of the area in question, what the working method will be, when a dialogue must be held, and which instruments will be used.

## Conclusion

The traditional procedure of urban area developments is complex, the phasing is difficult to distinguish, and a change in the program, design, support, land exploitation and the environmental law provisions means that if a change occurs in one of the activities the other ones also have to be checked.

With this transition from traditional into a more facilitating approach and the new Environment and Planning Act, the environmental law provisions are almost completely changed. So, this affects the program, design, support and land exploitation directly. These matters together form the common thread of an urban area development. The literature and empirical study confirm this claim.

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, urban area development will completely be redesigned, which will be noticeable in everything that has to do with it. Briefly, let's take the lessons learned and make this a topic of discussion. Perhaps, we can prevent today's challenges or difficulties in the near future. Not to forget, the law will take effect in a year.

## Discussion & Recommendations

The aim of this research is to fill the existing literature gap on this topic and clarify the framework of this facilitative approach. Most often subcomponents regarding this topic has been described or investigated. So, the literature on this topic was scarce. This was also expected, since the new law is not in effect yet and the new instruments used only occur in a number of projects. An attempt has been made to describe the transition and how this can be traced back into practice.

The literature study provided answers on the first three sub questions. The findings indicate that urban context is complex. This is one of the main reasons to initiate the transition. Very interesting is that figure 4 is used to answer the main research question. This shows that the environmental law provisions, or in other words environmental framework is key in urban area developments. Without having a clear perspective of this framework, it is difficult to succeed with an urban area development. This is evident from both the literature and the case studies.

The cases show that if the instruments are not properly coordinated with each other, or if the instruments are not used as theoretically described, it could create all kinds of challenges in practice. In addition, it is important to shape these instruments in consultation.

The case studies conducted provided insights in how the theory is implemented in practice. It turns out that most procedures and instruments are used as has been described in the literature. However, the Crisis and Recovery Act is being used as another instrument to guarantee that the ambitions and conditions of the municipality are met. In the literature this function is not assigned to this act, at least it is not described in that way. This again shows that the theory and practice do not match.

The new Environment and 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. However, this research could well serve as a basis for further studies.

## Recommendations

### Further Research

- Conduct same research after the new Environment and Planning 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

### Practice

- Open communication
- Adhere to the rules set
- Do not interfere, unless asked for
- Consultation
- Align instruments

## TABLE OF CONTENT

Colophon

Abstract

<b>1. Introduction</b> .....	<b>21</b>
1.1. Background information .....	21
1.2. Research motives .....	23
1.3. Problem statement and Objectives .....	24
<b>2. Research Output</b> .....	<b>26</b>
2.1. Research Motives .....	26
2.2. Research Scope .....	26
2.3. Deliverables.....	26
2.4. Scientific & Practical Relevance .....	27
2.5. Audiences & Dissemination .....	27
<b>3. Research Questions</b> .....	<b>29</b>
3.1. Research Questions .....	29
3.2. Sub-questions .....	29
<b>4. Methodology</b> .....	<b>31</b>
4.1. Type of Study .....	31
4.2. Data Collection.....	31
4.3. Research Design .....	32
4.4. Methods .....	35
4.4.1. Literature Review .....	35
4.4.2. Case Studies .....	35
4.4.3. Standardized open-ended Interview .....	37
4.5. Interview Protocol .....	37
4.6. Graduation Internship .....	38
4.7. Synthesis.....	38
4.8. Ethical Consideration .....	38
<b>5. Literature</b> .....	<b>39</b>
5.1. Complexity & Phases of urban development.....	39
5.2. Informal phase .....	40
5.2.1 Structural Vision – ‘Structuurvisie’ .....	42
5.2.2. Master Plan.....	42
5.2.3. Municipal Procedures .....	43



5.3.	Formal phase.....	54
5.3.1.	Land-use Plan .....	54
5.3.2.	Deviation Land-use Plan.....	57
5.3.3.	Crisis and Recovery Act.....	58
5.4.	Environment and Planning Act .....	58
5.5.	Synthesis of Literature Review.....	63
<b>6.</b>	<b>Empirical .....</b>	<b>66</b>
6.1.	Case Studies .....	66
6.2.	Interviews .....	67
<b>7.1.</b>	<b>CASE I – Katendrecht, Rotterdam .....</b>	<b>70</b>
A.	Introduction.....	70
B.	Data Collection.....	71
C.	Municipality .....	71
D.	Heijmans N.V. ....	71
E.	Urban Context .....	72
F.	Legal.....	73
G.	Instruments .....	73
H.	Social.....	74
I.	Duration .....	74
<b>7.2.</b>	<b>CASE II – Klein Plaspolder, Leidschendam-Voorburg .....</b>	<b>76</b>
A.	Introduction.....	76
B.	Data Collection.....	77
C.	Municipality .....	77
D.	BPD .....	78
E.	Urban Context .....	79
F.	Legal.....	80
G.	Instruments .....	81
H.	Social.....	81
I.	Duration .....	82
<b>7.3</b>	<b>CASE III – Junopark, Den Haag (Binckhorst) .....</b>	<b>84</b>
A.	Introduction.....	84
B.	Data Collection.....	85
C.	Municipality .....	86
D.	BPD .....	86
E.	Urban Context .....	87

F. Legal.....	89
G. Instruments .....	90
H. Social.....	91
I. Duration.....	91
7.4 Cross-case Analysis and Synthesis .....	92
7.4.1. Cross-case analysis overview .....	93
7.4.2. Elaboration & Synthesis.....	94
7.4.3. Lessons Learned .....	96
<b>8. Conclusion .....</b>	<b>98</b>
8.1. Answering the sub questions .....	98
8.2. Answering the main question .....	101
<b>9. Discussion &amp; Recommendations.....</b>	<b>102</b>
9.1. Problem statement and Research Motives .....	102
9.2. Main Findings.....	102
9.3. Validity and generalizability .....	103
9.4. Limitations.....	103
9.5. Recommendations .....	104
<b>10. Reflection.....</b>	<b>106</b>
10.1. Research Topic & Process .....	106
10.2. Scientific & Practical Relevance .....	107
10.3. Reflection on methods used .....	107
10.4. Reflection on findings & conclusion .....	108
10.5. Position of Research Topic .....	108

**References**

**List of Figures & Tables**

**Appendix I.**

**Appendix II.**

**Appendix III. – Case II**

**Appendix IV. – Case III**

*- This page is intentionally left blank -*

*- This page is intentionally left blank -*

# 1. Introduction

This research investigates the planning instruments used in urban development projects in the Netherlands, by which the focus lays on the transition from traditional planning instruments into new planning instruments with a more facilitating role for the governmental bodies. This chapter introduces the built environment of the Netherlands by providing background information about the concepts of urban development and spatial planning. Thereafter, the motivation to conduct this research, together with the resulting problem statement and objectives will be discussed. The problem statement forms the common thread throughout this report.

## 1.1. Background information

The Netherlands is densely populated and one of the most urbanized countries in the world, with a long-standing tradition in spatial planning and growth management (Van der Valk, 2002). It is well known that the Netherlands have a broad history in urban development, which have been rapidly developed after the Second World War (Peek & Gehner, 2018, p.16). In addition, the Dutch planning system enjoys a strong international reputation (Roodbol-Mekkes, Van der Valk & Altes, 2012). The two concepts of spatial planning and urban development are strongly interrelated and affected by socio-economic factors and external processes (Hesperger et al., 2018).

This is reflected and could be verified by various external events in the past, which initiated changes in legislation, approaches and perspectives concerning the above-mentioned concepts. The industrial revolution, which took place in the second half of the 19<sup>th</sup> century in the Netherlands, caused population growth in cities since farmers left the countryside in order to improve their poor living conditions (Alpkokin, Kuriyama & Hayashi, 2004). This could be seen as the beginning of the history of modern spatial planning in the Netherlands, since first spatial planning at local level was made obligatory for municipals with the enactment of the 'Housing Act' in 1901 (Alpkokin et al., 2004). A more recent event is the global financial and economic crisis of 2008, when both public and private resources became scarce, which resulted in policymakers lowering the standards for regulation to promote new strategies and keep the available investments flowing (Ponzini, 2016). The crisis showed the weaknesses of planning systems and put pressure on their reform or reorientation (Ponzini, 2016). In short, both urban development and spatial planning are subject to change.

Urban development in the Netherlands can be defined as the integral development of a defined area with a mixed functional program, in which public and private actors initiate, design, realize and manage urban areas (Heurkens, 2009). However, it must be mentioned that the roles of the actors and their relationships have also changed over the years, due to the participation of more different actors and the dissatisfaction of the classical permitted planning (Hobma, 2005). The public actor with by far the most significance in this case is the municipality. The Dutch planning system gave the municipalities the real power, since they have the authority to issue building permits and supply land that is prepared for development. In addition, the local land-use plan of municipalities is the only spatial plan that is legally binding (Janssen-Jansen, 2016). However, in the last decades the traditional approach of municipalities regarding urban development is changing; from active to facilitating land policy.

With purely active land policy, the municipality carries out all phases of land development. This means that the purchase of the plots and any buildings, demolition, site preparation and making ready to live, up to and including issuing building plots is the responsibility of the municipality. In the case of facilitating land policy, the area of interest is mainly owned by market parties that, within the municipal preconditions, carry out the development tasks and take all the risks. The municipality is a facilitator of this land development (De Zeeuw, 2018).

Before the crisis of 2008, the municipalities in the Netherlands usually carried out an active land policy. The municipalities acted as market parties by acquiring land which were later issued to project developers to achieve policy goals, alongside traditional planning tools such as land-use plans which is part of the Spatial Planning Act (Wro). Accordingly, municipalities that carry out an active land policy have more control in the process of urban development. By acting as landowner, municipalities can demand additional conditions from project developers interested in the land acquisition. For example, land transactions could require that developers apply for an environmental permit to build within a certain time frame. In short, an active land policy offers the municipality a set of instruments not only through public law, but through private law (Buitelaar, 2015). However, this approach was not crisis-proof and the municipalities have suffered great losses (Buitelaar, 2010).

This is mainly due to the risks an active land policy carries. It must be explicitly stated that the municipalities act as ‘market parties’ by acquiring and issuing land. The major disadvantage of this was experienced in the last crisis of 2008, which caused a drop in demand for land. This resulted in municipalities left behind with large portfolios on which they had to pay interest without making profit (figure 1).

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



Source: Buitelaar, 2012

At national level there are various laws that influence the land policy to be pursued by municipalities. The most important one is The Spatial Planning Act (Wro), established in 2008. The introduction of this act gave municipalities more instruments to recover costs, which resulted in less need for strategic acquisition of land. In practice it appears that municipalities make less use of an active land policy (BZK, 2019, p.35). The Spatial Planning Act (Wro) sets down in a coherent approach how spatial plans of the national, regional and local governments are to be affected in the Netherlands regarding the division between living, working, recreation, mobility and water (Rijksoverheid, 2017). This means that spatial planning is still a governmental concern, which involves various claims against the physical environment that have to be weighed against each other in order to come to choices

regarding the design and management of that environment (Struiksma, 2007, p.1). Spatial planning policy and its implementation are, in so far as possible, shaped at municipal levels as mentioned before by making use of land-use plans.

However, this is going to change through the new Environment and Planning Act expected to enter into force in 2022 (Rijksoverheid, 2007). The government wants to simplify and merge spatial development rules in which the land-use plans will be replaced by an environmental plan for the entire municipality offering more flexibility. The intention is to offer more room for initiatives arising from the market by means of an 'invitation policy' aimed at developers. In this respect, authorities determine in broad terms where spatial changes are or are not desirable with a view to long-term forecasts and values to be protected. So, the authorities, in this case municipalities, shape the framework of urban development projects in which public and private parties are responsible for the implementation of the spatial policy (Van Rooy, 2011). This makes invitation policy part of organic area development. The society and/or project developer in question decides the fulfilment of the area. This is in line with the trend towards a facilitating approach of urban development (Muñoz Gielen, 2014).

The new Environment and Planning act introduces new instruments for municipalities to fulfill their facilitating role and give more space for initiatives of project developers. A major change with significant impact on both public and private parties, with in particular the municipality and project developers. A facilitating land policy implies that municipalities will no longer act as 'market parties' but set the framework for the development. In this way the associated risks are transferred to third parties (e.g. project developers). In addition, it offers the opportunity to make use of available expertise and creativity from the market.

In practice there are no 'hard' forms of land policy; all types of land policy are somewhere on the sliding scale between the two extreme forms described in the paragraphs above. However, it can be said that there is an ongoing transition from active to facilitating land policy in general. This means that an active land policy could still be implemented by the municipalities, but it is less popular. In this research, the other forms will be left out of consideration, unless necessary.

## 1.2. Research motives

This research has been carried out for various reasons. First, the literature gap on the transition from traditional into a more facilitating approach of the government when it comes to project developments and what it actually entails in terms of procedures, laws and regulations. Most often subcomponents are described or investigated by academics, such as the effect of the crisis on the planning systems (Ponzini, 2016), changing role of public and private parties (Heurkens, 2009) and the history of the Dutch planning system (Lodder et al., 2014). The tangible products that connects public and private parties is often missing or not clearly explained, while these can clarify the reasoning behind some changes or implementations of new procedures and/or systems. The term 'tangible products' means the non-legal and legal documents and/or instruments used in the urban development of areas. This is going to be elaborated in the following chapters.

Secondly, the uncertainty created by the changes in procedure, laws and regulations. It can be said that the construction and building industry is conservative compared to others (Kolltveita, 2004). In addition, municipalities and project developers indicate that there are

still many bottlenecks and uncertainties about the new Environment and Planning Act, which emphasizes the facilitating role of the municipalities (Hilhorst, 2019). It is a recent development with major impact expectations that have not yet been examined. Besides, an unambiguous definition of facilitating land policy cannot be given. Sometimes the municipality adopts a more 'active' attitude, other times a more passive attitude in the conduction of an urban development in facilitative sense (Platform 31, 2014). This makes it more complex.

Finally, the clarification of the role of the municipality and its facilitating policy. There is an ongoing shift towards the increasing influence from the market and citizens, which in management philosophy is recognized as 'from government towards governance or network governance'. In this philosophy the collaboration between public and private actors and their stakeholders is needed to solve problems and create opportunities (Heurkens, 2009). The facilitating role of the municipality in urban development projects plays a significant role in this. However, the question arises if this role is interpreted in the right way by all the parties involved and whether the boundaries of the framework for a facilitating policy are clear and recognizable. Otherwise, this can result in conflicts while smooth collaboration is preferred in the realization of urban development projects whose purpose is to have a coherent approach to the physical environment (Roels, 2013). This is also apparent from the attitude of the municipalities, most often they take a wait-and-see role when it comes to market initiatives nowadays (Van Rhee, 2015).

Summarized, the ongoing transition from government towards governance is not expressed in tangible products which could help in clarifying the reasoning behind the ongoing changes. It should also be mentioned that it is about an industry characterized by a conservative attitude. Uncertainties in changing procedures, laws and regulations give way to different interpretations, while smooth co-operation is desired. Clear boundaries of a facilitating approach carried out by municipalities is missing, which could result in conflicts.

### 1.3. Problem statement and Objectives

The motives and background information, which initiated this research are defined in the problem statement as follows:

"The approach of the government in urban development projects in the Netherlands is changing in which the municipalities have the most significant task, *offering space for initiatives from the market – project developers - through a facilitating policy instead of active interference*. However, it is not clear what this transition entails in terms of procedures, laws and regulations and what the boundaries are of the facilitating framework. This is a result of lack in practical knowledge and tangible products."

As mentioned before, municipalities could still make use of an active land policy. However, this form of land policy is less popular due to the crisis which resulted in great losses. The ongoing transition from active to facilitating land policy has resulted in a situational attitude of various municipalities concerning their land policy. This causes uncertainties among the parties involved, they often must wait and see what the municipality will do with a particular location (Kes, Mouser & Have, 2019). A magnifying factor for the problem statement.

It is important to state the objectives of this research together with the problem statement, because they are interrelated. In addition, the objectives highlight the purpose of this research.



The objectives of this research are:

“To make clear what the reasoning behind the transition towards a more facilitating approach is and to clarify the tangible products, in this case the instruments that are deployed to bring private and public parties to an agreement about urban development projects, in legal and non-legal sense. This will outline the boundaries of the framework which are initially missing. It is important to examine the interpretations of both parties in order to avoid conflicts in the near future. The ultimate goal is to map out the entire situation in the present and near future, which could be used as a guidance when the new Environment and Planning Law comes into effect.”

## 2. Research Output

In the introduction the motivation to conduct this research and the resulting problem statement and objectives have been discussed. In this chapter the expected research output will be discussed. This consists out of the following: goal of the research, the scope, expected deliverables, academic and practical relevance. To conclude the dissemination of the research and audiences will be described.

### 2.1. Research Motives

The goal of the research is to make clear what the facilitative approach of municipalities in urban development projects entail compared to their traditional approach before the crisis of 2008. In today's literature, this is not completely described. Often sub elements are explained, which are therefore difficult to understand. This clarification is important and can be used as guidance when the new Environment and Planning Law comes into effect.

The measure of progress that is needed to get to this goal is to map the transition of municipalities towards a more facilitating approach. At the moment, the boundaries of the framework in which the municipalities and project developers take part is vague. In addition, literature shows that the interpretations differ. The traditional approach will be compared with the new approach with the help of defining the (legal) instruments. Practical experience will show whether there are differences between theory and practice. However, it is important to keep in mind that a development and spatial planning process is almost always custom-made looking at the characteristics of the environment, policies and parties involved. As already mentioned, there are no 'hard' forms of a land policy. The sliding scale, in which different approaches can be used, makes it harsh to cover all possibilities. It is more relevant to discuss the reasoning and the challenges in the near future.

### 2.2. Research Scope

The scope of this research lays within the boundaries of the Dutch Spatial Planning Act, legal and non-legal instruments used to regulate urban development projects, the power of the municipalities regarding urban development projects and the relationships between public and private parties. The new Environment and Planning act, which is going to be discussed, broadens the scope of this research and could be seen as the catalysator. In addition, as the research progresses, it will opt an analytical perspective, in which the 'old' will be compared with the 'new' approach.

### 2.3. Deliverables

The deliverables of this research are expected to give a comprehensive overview and definition of all the legislations, procedures, instruments and boundaries of urban development projects in the 'old' and 'new' approach. The outlines of the facilitative approach, opt after the crisis of 2008, are not clear. This puts pressure on the relationships between public and private parties. These outlines are even more blurred by the new Environment and Planning Act.

In other words, there will be a comparison between the traditional and facilitative approach, in which the context of urban development projects is of importance.

This context is expected to change in the coming years, which makes the deliverables of this research of great importance.

In order to provide this comprehensive overview, the following has to be described:

- Context definition of urban development projects in the Netherlands.
- Applicability of (non) legal instruments.
- Practical experiences of municipalities and project developers regarding instruments in relation to context of urban development.
- Outlines of facilitative framework with prospect to the new Environment and Planning Act
- Relationship between municipality and project developers.

## 2.4. Scientific & Practical Relevance

The relevance of this research can be described in both scientific and social means. The scientific relevance of this research is about filling the gap in the literature and merging the subcomponents described in research papers. In this way, it will become easier to identify both internal and external factors that may have influence in the later stage of the facilitative approach of municipalities in which room for initiatives are offered for project developers. In addition, it will be easier to assess projects on a scientific basis and to give recommendations for the future. It could be that changes will be needed in the process, which are difficult to trace in the current situation. Also, there is no comprehensive overview of the used and new instruments in the changing approach of municipalities, which also effect private parties. A lot has been written about spatial planning and urban development, two concepts which are highly interwoven with each other. It could be that the changes in legislation and procedures could cause a shift in the relationship of these two concepts and in their fulfilment.

The physical environment is a direct result of the decisions made earlier in the process, based on the legislation, procedures, instruments and willingness of the parties involved. This means that it is important to look how this can be improved. The facilitative approach of municipalities is an attempt to improve to physical environment, since it turned out that the traditional way of working was not crisis-proof. The intended changes in spatial planning and urban development, which led to an 'invitation policy' are about solving difficulties and exploiting opportunities by collaboration. It is often the case that theory does not connect seamlessly with practice. However, the general practice with all its changes, including the new law, is still in the future, this research will use the possible practical examples to see whether it meets the new needs of the built environment.

## 2.5 Audiences & Dissemination

The dissemination of the research findings will be by publication and presentation for interested parties. It is expected that it is of great interest for both project developers and smaller municipalities in the near future. The audience of this research will initially be the top five municipalities in the Netherland, the larger project developers. Often, they are the first to take the lead in following and implementing major legislative changes. Also, they are the first to conduct pilots to see if it is effective or not. It will also be of high value for consultancy companies in the field of construction and project development.

These kinds of companies often times provide project developers and municipalities about the approach and attitude they should adopt, this is crucial especially in the initiative phase in which the negotiations take part. The aim is to contribute to the formulation of the framework in which the tasks of both parties is clear and understandable

## 3. Research Questions

The previous chapter discussed the problem statement, objectives and relevance of this research with the help of background information, which is crucial in understanding the research topic. In this chapter the research questions are going to be discussed. First, the main research question and sub questions derived from the problem statement are going to be elaborated. The following chapter will discuss the methodological approach in order to answer the questions.

### 3.1. Research Questions

The main research question derived from the problem statement earlier mentioned is as follows:

*“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’?”*

### 3.2. Sub-questions

The main research questions are divided in five sub questions:

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

The purpose of this sub-question is to gain knowledge about circumstances which must be considered in urban development and spatial planning projects. Otherwise, it is difficult to understand why changes have been made and how they support the intended improvements in the development of the built environment.

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

In order to be able to level with the upcoming legislative changes, it is important to know how the traditional procedure with the accompanying instruments works.

3. What is the reasoning behind the transition into more facilitating procedures (in relation to the ‘Nieuwe Omgevingswet’)?

The reasoning behind the transition is briefly described in the introduction. However, the great losses in the crisis are not the only reason. After mapping out the entire reasoning, it can be discussed if the response is correct.

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?

A couple of new instruments have been introduced in the previous years, which are supposedly in line with the facilitative approach of municipalities. The practical experiences of municipalities and project developers with these instruments will provide insight into their functioning.

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

Various parties are involved in urban project development. Making use of new instruments is expected to have impact on the relationships between public and private parties. This means that new experiences are gained in the collaboration of public and private parties. It is therefore relevant to investigate what these new experiences are, how the parties deal with it and what caused it. In other words, the new developments influence their acting and negotiations. Analytically, these parties are opposed to each other. A win-win situation will eventually have to come out.

The sub questions are designed in such way that the entire process of transition is going to be described. The sub questions can be divided into three categories: traditional – transition – facilitative.

In practice there is not one specific procedure for both traditional and new urban development, both categories have variants and are also part of a sliding scale. To facilitate the research 'traditional' and 'new' have been placed analytically opposite each other, because roughly speaking they differ, and this research focuses on the extreme variants. The first two questions will investigate the traditional approach of urban development projects in the Netherlands in terms of legal instruments and procedures before the crisis of 2008. As described in the previous chapter, it turned out that the policy of that time was not resistant against economically bad times. The third question will thoroughly describe the reasoning behind the transition into more facilitating procedures and the adopted proposal of the new Environment and Planning Act. This act is in line with the facilitating approach of the municipalities and supports and stimulates this approach. This question connects the first part with the second one. The last two questions will look at the changes that belong to the facilitating approach with the help of practical experiences. In addition, the impact of the new produce on the relationships between public and private parties, in this case the municipality and project developers, is going to be discussed. In short, the entire process of transition will be discussed from begin to end. In this way it will be easier to understand why and how this came into effect, this will help to make a proper comparison between the two different procedures.

## 4. Methodology

In this chapter, the methodological approach of this research is going to be elaborated. The type of study, design of the research, data collection and used methods will be discussed.

### 4.1. Type of Study

The methodological approach of this research is qualitative, research that traditionally does not make use of numbers or statistics. It is used to explore social interactions, systems and processes (IWH, 2011). In this research the changing approach of the municipalities in terms of procedures and laws and regulations is going to be elaborated together with their effect on the relationship between them and project developers. This means that this research is descriptive and explorative in nature, because characteristics of parties and instruments is going to be analyzed aiming to understand potential problems and provide insights. The goal is to fill the existing literature gap with qualitative obtained data.

### 4.2. Data Collection

The data that is going to be collected for this research can be divided into 4 categories. The categories are derived from the research questions mentioned in the previous sections. These categories are: Urban Context, Legal, Instruments, Social. The data collection of these categories will be done by making use of different methods. It is expected that all the methods used will provide data that can be used throughout the research.

#### **Urban Context**

The data collection for the urban context is done through a literature review. The context of urban development will shape the research and serve as a filter for the information obtained. If the information falls outside the definition of the urban context, it will be eliminated. Also, it will help to understand why certain changes were needed.

#### **Legal**

The legal category will be substantiated by a literature study and document analysis. The legal side of an urban development projects is mostly experienced as complex. This made it indispensable to redesign the legislation regarding urban development. This means that the boundaries of the legal framework are changing, which is in-line with the facilitative approach that must lead to an 'invitation policy'. However, the mismatch between practice and theory must be considered. This is also expected to emerge in interviews with professionals in the field.

#### **Instruments**

Various instruments are used to bring private and public parties to an agreement in urban development projects. These instruments are set by different variables and do not always have a legal status. Yet, they have an important role in shaping the urban development project and granting an environment permit by the municipality. In the previous years, new instruments have been used that are not formed according to a certain protocol, they are free of form. This makes it difficult to determine the outlines. This will be examined by document analysis of existing institutional content.

## Social

The social aspect will be examined based on standardized open-ended interviews with professionals. The implementation of the new instruments and new Environment and Planning Act is expected to influence the relationship between private and public parties.

### 4.3. Research Design

Figure 2 illustrates the research design. The introduction, research output and research questions form the structure of this research, theoretically and empirically. In the previous section the categories derived from the research questions have been elaborated. These categories will be put into effect in this research. The preliminary research shows that the market in which the research is carried out is conservative compared to others, and there is also a mismatch between theory and practice. Therefore, there will be a clear distinction between theory and empirical research.

To elaborate, the preliminary research showed that there is a formal and informal part in urban development. This can be traced back to the aforementioned laws and regulations, in which the municipalities have a clear position through both public and private law. Keeping in mind that an active land policy is almost a required input to establish this position. However, there is also an ongoing transition into a more facilitative approach of urban development, in which room is left for market initiatives. In other words, an invitation policy. The position of the municipality is redesigned by the new Environment and Planning Act, that most likely will enter force in 2022. The informal part of urban development is also subject to this. The informal phase is about the (municipal) procedures, the provision of a framework by new instruments, and negotiations. To understand what the effect is in practice, the theory has to be examined first.

The empirical part of this research is going to be investigated by cases and interviews and subjected to the categories formulated in the previous section. These categories facilitate comparison and assessment between the cases. It is expected that the categories will be featured in the literature review and will therefore be of value in the preparation of the empirical research. In this way, both research methods are linked with each other. It will serve as a bridge from theory to practice. To put it in another way, the research design can be interpreted in phases.

The research design described in phases.

Phase 1 - The context of this research is formed by the transition from an active land policy into a facilitative one. The announcement of the new Environment and Planning Act increases the need for research, together with the new instruments. The economic crisis of 2008 is the initiator of this transition.

Phase 2 - After the formulation of the problem statement, the main questions and corresponding sub-questions follow. These determine the research methods going to be used.

Phase 3 - The literature study will collect and describe the existing institutional content in terms of procedures, laws and regulations and (legal) instruments. In this theoretical part a distinction has been made, formal and informal phase of urban development projects.

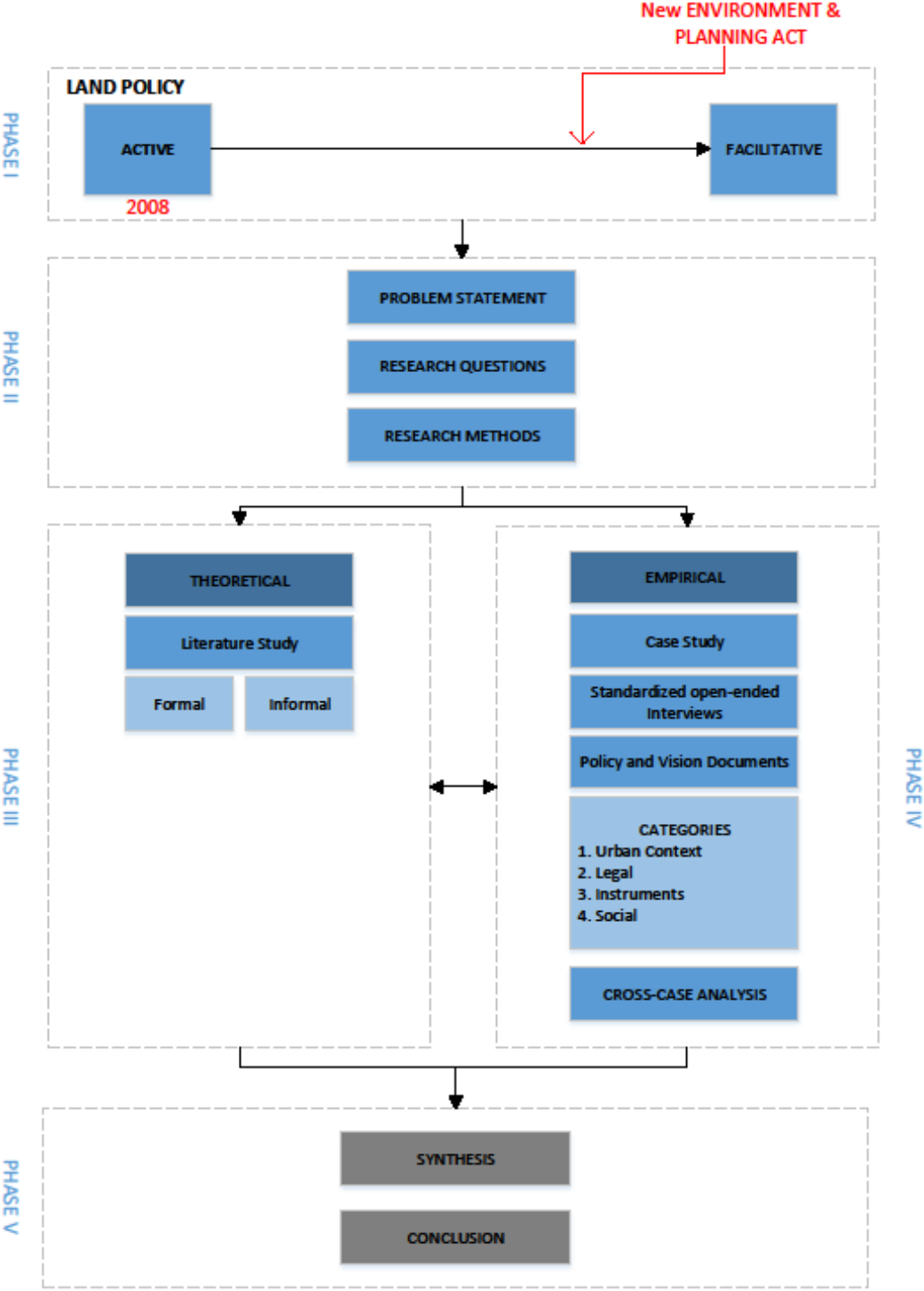


This set-up has been made in order to make the process of urban development more understandable and analytical. It also serves as a guideline and input for the empirical research.

Phase 4 - In the empirical part of this research in total three methods will be used; case-studies, standardized open-ended interviews and policy and vision documents analysis. The interviews are with representatives of the selected cases, on both ends of the spectrum, public and private. The information obtained will be analyzed by four categories, which have been determined in the previous section.

Phase 5 - In the final phase the literature study, case studies, interviews and policy and vision documents will be used as input to formulate the outlines of the facilitative approach and the associated instruments, procedures etc. In other words, the findings will be elaborated and used as input to formulate a conclusion.

FIGURE 2 ➤ Research Design (own illustration)



## 4.4. Methods

In this research various methods of qualitative data collection will be used. The combination of methods will increase the credibility of the evidence.

### 4.4.1. Literature Review

First, the existing institutional content in terms of procedures, laws and regulations and (legal) instruments is going to be collected by means of a literature study. This will help to elicit the meaning, gain understand and develop empirical knowledge about the topic, which can be used to fill the existing absence of detail of institutional content in literature (Bowen, 2009). To rephrase it, the literature review is the building block of all academic research activities, paying no attention to discipline (Snyder, 2019). The literature review is useful to formulate the framework for a facilitative policy. It will also help to make a more concrete comparison between the two types of approach.

The literature study is conducted in phase 3 of this research, as described in the previous section. The literature study functions as the base for this research and to answer the first three sub- questions. All categories are expected to be discussed in this part of the research, but the emphasizes is mainly on, Urban Context and Legal. The third category could be seen as part of the Legal category.

### 4.4.2. Case Studies

Another method that is going to be used in this research are case studies. Case studies are one of the most used research methodologies in qualitative research (Yazan, 2015). Eisenhardt (1989) says that case studies are an appropriate way to new research areas, especially where literature falls short. To broaden the application of case studies, they are also useful in providing answers to 'How?' and 'Why?' questions useful in descriptive and exploratory research (Rowley, 2002).

Schramm (1971) describes the use of case studies as follows:

*"A case study is centrally concerned both with time and with description. It seeks to record why a given decision was taken, how it was worked out, and what happened as a result. The decision may be on the establish a project. A case study of any size will deal with a number of decisions taken in the course of carrying out the original decision, will describe the situations in which they were taken and the procedures involved in carry them out, and the effects of doing so."*

This means that case studies are highly relevant for this research, because analytically, the new is described and elaborated in relation to the old. This will help in explaining the reasoning behind the transition from active into a facilitative approach of urban development projects. Besides, case studies can test views directly in relation to how a situation unfold in practice (as cited in Løkke & Sørensen, 2014). This contributes to the research, because especially in the construction industry, theory and practice often do not match.

In order to make the comparison, two types of cases will be examined: retrospective and prospective. Retrospective study is needed to compare the other prospective cases. By looking into a retrospective case, in which the outcome of interest has already occurred, it is possible to formulate hypotheses about potential outcomes or lessons learned (Salkind, 2010). These can be used to elaborate and discuss the retrospective cases. In other words, retrospective cases look back in time, prospective cases look at what is yet to come.

The prospective cases include the new instruments used in urban development projects. The cases on this are limited, and so is the information. Projects that make use of new instruments and/or procedures are often not yet completed and have little history compared to a retrospective case. In other words, assumptions may have to be made about what is yet to come. This information is going to be obtained from interviews with representatives, project managers etc.

### **Case Study Criteria**

Conducting case studies is a way to assess the theory against the practice. It could be that not all procedures, instruments and/or phases are necessary for urban development. The characteristics of different projects carried out in the physical environment can also lead to differences. It is therefore important to look at practical examples in order to give recommendations or conclusions. To examine practical examples, it is first important to draw up selection criteria.

Important to consider, before mentioning the other criteria's is that one retrospective case is required to compare and/or analyze the other cases. In total, three cases will be selected in this research. One retrospective case and two prospective cases, in which the used instruments differ, but both support the facilitative approach of urban development projects.

The case selection criteria are set up flexible, since the planning instruments used in the new facilitative approach are not extensively applied. However, this makes it also relevant to investigate. The criteria are derived by looking at the problem statement, research questions, objectives and data collection. It must fit the core of the research, which consists out of four elements:

1. Which procedural steps have been followed?
2. What are the accompanying documents?
3. What is or was the timeframe of the development?
4. What are the effects of the above mentioned on the quality, degree of satisfaction and social relationship?

As mentioned, the last element consists out of the experiences with the tangible products. These influence the process of urban development projects. To explain briefly; the quality of the urban development project is influenced just like the degree of satisfaction. These two are indirectly related to each other. If the start-up of the project and the implementation guarantee sufficient satisfaction, it can be assumed that the project guarantees sufficient quality. However, this assumption can only be tested when the project is finalized. The social relationships between the parties also contributes to this. Especially, now that the instruments that facilitate the collaboration of parties is changing. In short, different instruments and procedures mean a different kind of partnership.

The following criteria arise from these elements that form the core:

- Projects are preferably located in different municipalities.
- Projects must be labelled as 'area development'.
- More than two parties must be involved in the development.
- Prospective cases must be sufficiently developed to make an analysis, comparison and conclusion.

- Prospective cases must differ in spatial instruments used. In this case one case with 'spelregelkaarten' and one with 'gebiedspaspoort'.
- Retrospective case must incorporate an active land policy initiated from the municipality.
- Possible to interview representatives of these cases, both public and private.

These criteria will be discussed in detail in the empirical part of this research.

#### 4.4.3. Standardized open-ended Interview

The last method is standardized open-ended interviews. The aim of this method is to gather textual data that could give insight information about the earlier mentioned documents and experiences regarding the case studies. Standardized open-ended interviews are chosen in order to facilitate the comparison between the selected cases. The wording and the sequences of the questions is determined in advance and all the interviewees are asked the same questions (Patton, 2002). These interviews will be held with representatives of project developers and municipalities.

The questions asked will be in line with the categories mentioned in paragraph 4.2. In this way, it is certain that all relevant topics are offered to answer the research questions. This method is also an addition to the literature study conducted. It has already been mentioned that theory and practice do not match in this research field. Matters that are not mentioned in the literature may come up by making use of interviews. The aim is to gather data from practice. In addition, it concerns a new phenomenon, which has yet to assert itself in practice. In short, conducting interviews is relevant to this research, because certain experiences or topics have not yet been mentioned in the literature. Social aspects that may differ per case will also have to be considered, and these also must be included in the research.

In order to measure the level of satisfaction, the participants will be asked to give an average grade for the urban development. This grade has to be based on the following: *procedural steps, number of documents produced, duration and effect on the quality of the urban area development*. Unfortunately, it is not possible to measure the level of satisfaction extensively. Firstly, the input of two participants is not sufficient and reliable, since the projects are developed and implemented by a group of representatives of the public and private parties. Secondly, an extensive research into the level of satisfaction would undermine the aim of this research. However, it is still interesting to have a first impression about the level of satisfaction. Therefore, it is decided to implement the question about the level of satisfaction at the end of the interviews.

#### 4.5. Interview Protocol

For each interviewee, an interview protocol will be established, in which minor changes will be made considering the position of the interviewee and whether it is a public or private party. The interview questions will not be subject to change to ensure the method and its validity. The interviewee will receive the questions well ahead, so that the necessary preparation can be made. The interviewee will also receive an explanation about the research and will be asked to fill in and return the form; Informed Consent. This form has been set up regarding the guidelines Human Research Ethics Committee installed by Delft University of Technology (TU Delft).

#### 4.6. Graduation Internship

The research topic is relevant for the entire construction sector in the Netherlands. However, not all parties in this sector are familiar with this topic or has not yet come into contact with it. This makes it unavoidable to facilitate the research by a consultancy that deals with future challenges in the construction sector.

Brink M/A will monitor the progress of the research and its content. BRINK operates from the center of the market and provides both public and private parties with management and advisory services.

#### 4.7. Synthesis

The results obtained from the different methods used will be compared and analyzed in the synthesis. The case studies will be analyzed by making use of a cross-case analysis first. Thereafter, the other methods will be discussed. The synthesis will be used to formulate the conclusions of this research and to answer the research questions.

#### 4.8. Ethical Consideration

One of the methods that will be used in this research is semi-structured interviews. The interviewees are all professionals in the field of the built environment. In order to ensure that there will be no consequences for their participation in this research, attention will be paid to the following pillars:

##### **Anonymity**

The anonymity of all participants will be guaranteed with great precaution. In short, this means that the statements made by the participants will not be traceable to someone. Only the name of the company and their function will be mentioned in the research. This is done to validate the research.

##### **Consent**

The interviewees will be asked to sign a letter of consent, in which clear agreements are made. Permission will be requested for several matters, such as recording the interview. This is of necessity to process the answers with the right interpretation. The purpose of the study and approach of the interview will be included. If necessary, any risks and inconveniences will also be included.

##### **Voluntariness**

The interviewees will receive no compensation for their participation. The participant may stop the interview any time without any consequences and is allowed to not answer a question if he/she does not want. This will be mentioned again before the interview starts.

##### **Interview letter**

The interviewee will well before the interview receive the interview questions. The interview letter will also cover how the implementation of the results will be. Any other information necessary to conduct the interview and of interest to the participant will be included in the interview letter.

The documents mentioned in this paragraph can be consulted in Appendix I & II.

## 5. Literature

In the introductory chapter of this research it is stated that there is an ongoing shift from active to facilitating approach of urban development, which is initiated by the government of the Netherlands. This chapter will focus on the procedures and its instruments used for urban development before and after the crisis. 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 crisis of 2008 has influenced the way in which local authorities deal with this informal phase. The procedures have been redesigned and are more in line with the new Environment and Planning Act. This is largely due to the complexity of the informal phase. This phase will be described based on a literature review. In addition, the formal phase will be discussed since it is part of a development process. Also, various instruments used by the municipalities will be discussed briefly. It is important to discuss the complexity of urban development and the associated phases in order to introduce the actual core of the research. Prior to that, the concepts land policy and planning policy have been mentioned several times without placing them in each other's context. This will be addressed first.

### a. Complexity & Phases of urban development

The informal phase of urban development projects is characterized by its complexity. This complexity is not only caused by exogenous variables, such as the Environmental Law, also the choice of location, size, program, design and layout of the process ensure that urban development is complex (Sorel et al., 2011). These variables are part of a number of essential building rules that influence the cityscape to a large extent. Sometimes these rules are explicitly formulated, more often they are implicit in the plan (Meyer, Westrik, Hoekstra & Pont, 2008). This makes it difficult to distinguish the informal from the formal phase. To clarify this, the process of urban development and the associated phases have to be discussed first. Hereafter, a distinction can be made between informal and formal.

The process of urban development can be divided into several phases. However, in literature the division of these phases differ (Peek & Gehner, 2018, p.56).

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				Idea refinement	
Elaborate	Development phase	Design	Contract phase	Feasibility	Commitment
				Finance	
Construct	Realization phase	Construction and marketing and leasing	Construction phase	Formal commitment	Construction
Management & Operation				Construction	
	Management or Operation phase	Operations and management	Marketing phase	Property, asset, and portfolio management	Exploitation

Source: Peek & Gehner, 2018

It can be said from the differences in subdivision that it is difficult to determine when a phase starts and ends. The only phase which is present in all the literature is the realization/construction phase. The last row of the table will be left out of consideration in this research, since this phase does not belong to urban development. Moreover, this phasing structure lacks a part in the 'front' of the urban development process, namely the time required to move from a (vague) idea to a master plan for the area in question (Sorel et al., 2011). This is mainly related to the role of the municipality. This makes it even more difficult to choose a clear starting point for the development process.

In this research the phasing from the book 'Zo werkt gebiedsontwikkeling: handboek voor studie en praktijk' (Zeeuw, 2018) most closely resembles the document published by the Ministry of the Interior and Kingdom Relations called 'Reiswijzer area development 2019', in addition it forms a summarized whole of table 1. So, in this research these two documents will be used as the basis for this study.

This phasing is divided into two categories, informal and formal. These will be discussed in the following sections. The phase 'Initiative & Exploration' and 'Planning & Conditioning' are marked as informal and 'Elaboration & Project Development' and 'Real Estate Development & Construction' are marked as formal. This distribution is made based on the legal status of the elements and/or instruments that fall within these phases, this will also be discussed. The table is as follows:

TABLE 2 ➤ Phasing used in research

		Literature	
		Zo werkt gebiedsontwikkeling (Zeeuw, 2018)	Reiswijzer area development 2019 (BZK, 2019)
Phasing	Informal	Initiative & Exploration	Initiation
		Planning & Conditioning	Feasibility
	Formal	Elaboration & Project Development	Feasibility
		Real Estate Development & Construction	Commitment & Construction

Source: own figure

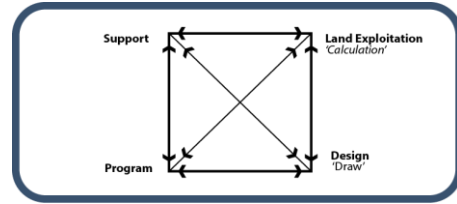
b. Informal phase

The informal phase is characterized by the non-legal status of the procedures used. In other words, this means that the elements and or instruments that form part of this phase does not have a legal status. In this phase, it is the government (especially the municipality) that sets the framework for urban area development based on various documents, in which specific characteristics of the area are considered. Examples of these are: history, identity, accessibility & soil condition. In addition, the interests and views of companies and residents count heavily (Zeeuw, 2018). 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. Also, the private parties are often not involved in this process. The documents and instruments are made unilaterally by the municipality. Therefore, it has been decided to place these in the informal phase of urban area development.



Urban development is an iterative process in which various interrelated parts must be matched. The activities which take part in the preparations before the Land-use Plan is established can be divided into 5 groups (figure 3). A change in one of the activities means that the other ones also have to be checked.

FIGURE 3 ► Activities before zoning plan

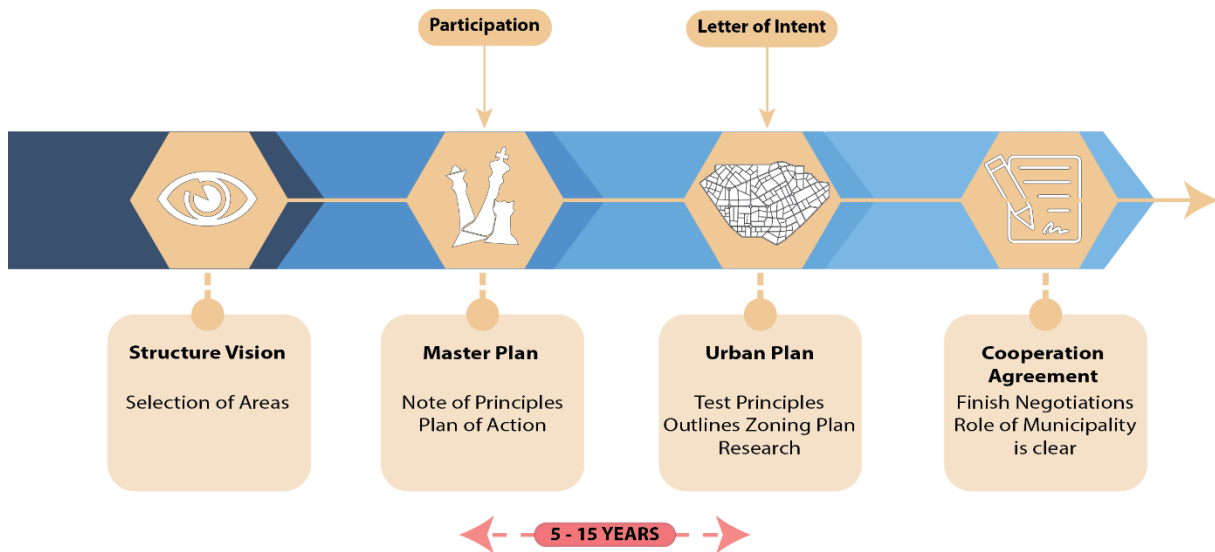


Source: Sorel et al., 2011

In this section the informal phase with all its documents, activities and instruments will be clarified. The municipality plays the leading role in this phase, because it is responsible for drawing up and following the planning instruments and procedures. Factors that belong to this informal phase are, for example, research, planning, adjustment of the research, adjustment of planning, political opinion-making and elections and administrative relationships. However, the political layer will be left out of this research, since this can vary considerably between municipalities in the Netherlands, while this research wants to give a general description of the procedures used.

To give a clear overview, it is important to describe the main points before the elaboration of the municipal procedures specific to an urban area development. The common thread can be visualized in the following way:

FIGURE 3 ► Visualization of Outlines



Source: own figure

The Structural Vision ‘*Structuurvisie*’ of the municipality for its area is the first instrument to be considered, because it constitutes the highest level of spatial planning and therefore urban development. In the Structure Vision the areas with potential for urban area development are selected within the municipality. Thereafter, the Master Plan follows. In the Master Plan various issues such as the functions of the buildings and the boundaries between public and private areas are laid down in a rough manner (Meyer, 2008). In addition, a plan of approach is drawn up for the implementation of this plan in combination with the Note of Principles (*Nota van Uitgangspunten*). Participation of stakeholders plays a significant role in this part.

The Urban Plan (*Stedenbouwkundig Plan*) is a further elaboration of the Master Plan, with much more detail. In other words, the outlines of the Zoning Plan (*Bestemmingsplan*) are established, which also involved research. This plan is tested against the principles that the municipality has previously drawn up. The developing parties respond to this by signing a letter of intent with the municipality for further elaboration and possible construction. However, this agreement can be signed earlier or later in the process, since this agreement is drawn up in consultation between the parties involved. The Cooperation Agreement (*Samenwerkingsovereenkomst*) follows when the parties agree on the intended development, this can be seen as the end of the negotiations. In this document the role of the municipality is clear. This process can take between 5 to 15 years. This stems from the sub phases between the Master Plan and Urban Plan. This will be extensively discussed in paragraph 3.2.3. Municipal Procedures.

### 5.2.1 Structural Vision – ‘Structuurvisie’

To determine the spatial policy of an area most municipalities work with one or more Structural Concepts. The Structural Vision is a strategic policy document on spatial and functional developments within the municipality (Rijksoverheid, n.d.). This document is concerned with the broad outline of the intended spatial developments and spatial policy in conjunction with, for example the policy in the field of economy, recreation and the like. This document must paint a fair picture and state how and where the developments occur (Infomil, n.d.). The Structural Vision is not legally binding for others than the municipality itself. The establishment of this document is a competence of the municipal council pursuant to article 2.1 paragraph 1 of the Spatial Planning Act. The document is form-free, which means that law does not state what this document should look like. It is a political-administrative document.

The drafting of the Structural Vision is a lengthy process, which has a negative effect on the length of urban development. As example, the municipality of The Hague (2006) published the document, *Plan van Aanpak uitwerking structuurvisie Den Haag 2020*, in which they state the following: “The process of establishing the Structural Vision started three years ago” (p.8). A clear example in which administrative culture and the decision-making process act as a negative cause of delays and complexity in the informal phase. The assessment of new urban development plans against the Structural Concept can also cause delays since the assessment can only take place if there is clarity about the desirability of the plan and if this plan has subsequently been worked out in sufficient detail (Sorel et al., 2011). This brings us to the following document, after the areas for development have been selected, the Master Plan.

### 5.2.2. Master Plan

The Master Plan is a concretization of a selected area from the Structural Vision. The Master Plan is a closer look at the ambitions of the parties at area level and what they want to achieve with the intended developments. It helps to manage cohesion between function in the area by bringing the interests of different parties together to create value for those involved (De Boer, 2014). In other words, it is a foundation for the Urban Design (*Stedenbouwkundig Ontwerp*) that is submitted to institutions such as the city council and in the last decades also to market parties, NGO’s and residents’ organizations. The participation process in which also the first negotiations take place will lead to adjustments of the plan until there is a political and social consensus on the plan, the Master Plan (Meyer et al., 2008). This document is also

form-free and not legally binding for others. The participation process is most often reflected in documents, in which the action plan for the realization of the Master Plan is described.

In the book '*Zo werkt gebiedsontwikkeling: handboek voor studie en praktijk*' (Zeeuw, 2018) the aspects that could be part of the Master Plan are described as follows:

- The program to be realized
- The story of the area with its core qualities
- Physical structural elements
- Environmental qualities and climate resilience
- Outlines of Urban Development Plan
- Process approach

The character of the Master Plan has changed in the recent years, with the crisis and the transition from supply oriented to demand oriented practice of urban development playing an important role. In other words, the Dutch planning style is changing from an instrumental blueprint planning to a more process-based approach (De Boer, 2014). It offers opportunities for flexibility and adaptability, whereby stakeholder participation is given a more significant role.

### 5.2.3. Municipal Procedures

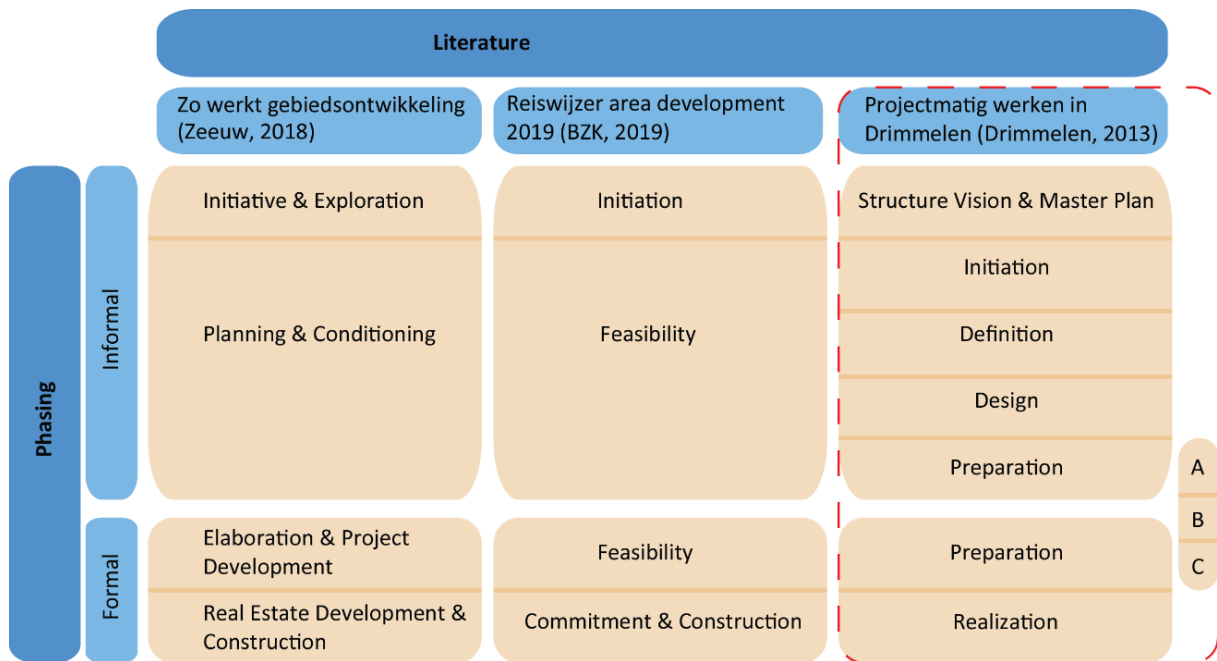
The Municipal Procedures of urban development are complex and differ per municipality. In addition, it is often that these Municipal Procedures are not described since they are part of the informal phase. This makes it difficult to formulate a clear structure. Nevertheless, it is important to try to formulate these procedures in order to facilitate this research. This section will be mainly based on the document '*Projectmatig werken in Drimmelen*' published by the Municipality of Drimmelen (2013), additional sources could be used to clarify or support the municipal procedures. This document was selected quite randomly for this study. It is assumed that the municipal procedures are similar in the Netherlands. However, the decentralized nature of the municipality within the Dutch government must be considered, which means that each municipality can give its own interpretation to these procedures. In this section the informal phase with its procedures is described in sub phases. The land ownership structure is of major importance in the informal phase, since this influence the attitude of the municipality regarding the intended development as earlier described.

The purpose of this document is to divide the work in manageable blocks. Each phase/block ends with the determination by the Mayor and City Council Members of the phase document to be delivered. These blocks are represented by the document in the following sub phases:

7. Initiation phase
8. Definition phase
9. Design phase
10. Preparation phase
  - a. Urban Plan
  - b. Spatial procedure
  - c. Public space design plan
11. Realization phase
12. Follow-up phase

In section 5.2 the phasing of urban development is shown in table 2. This table can be expanded with the sub phasing used by the municipality. This distribution shows that the municipality uses an internal phasing, whereby the preparation phase functions as the transition between informal and formal. So, sub paragraphs 1 - 4 will be described in this section. The formal phase will be briefly introduced in the preparation phase, in order to show and describe the transition. The realization and follow-up phase are left out of consideration, since these are not part of the development process in the informal phase.

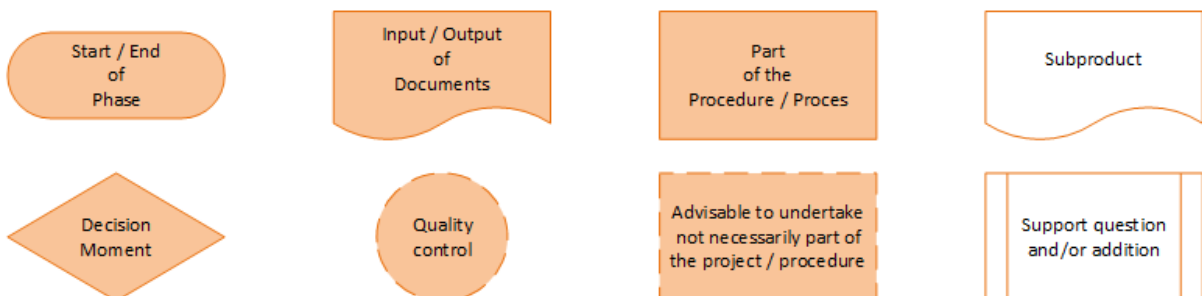
TABLE 3 ➤ Phasing of Municipal Procedures



Source: own figure

Each phase is going to be elaborated thoroughly with its documents and decision moments. After a phase have been discussed, a decision-tree will follow to visualize the process of decision-making within the municipality concerning urban development. The decision-tree is made up of different shapes to separate the elements within the municipal procedures. The legend is as follows:

Figure 5 ➤ Legend of decision-tree



Source: own figure

## 1. Initiation phase

The initiation phase starts with an idea or initiative. The official client and councilor involved, both appointed by the Municipal Executive, decide in principle whether to initiate the initiative phase for the idea. In this phase the major characteristics, opportunities and risks of the initiative are described by the project manager. Based on these descriptions, the Municipal Executive can decide whether or not to make use of official resources for the initiative and start the next phase. The consultation and negotiations with the client are important in this phase. The harvested result, goal and chosen project route are extensively discussed.

This phase is concluded with two documents:

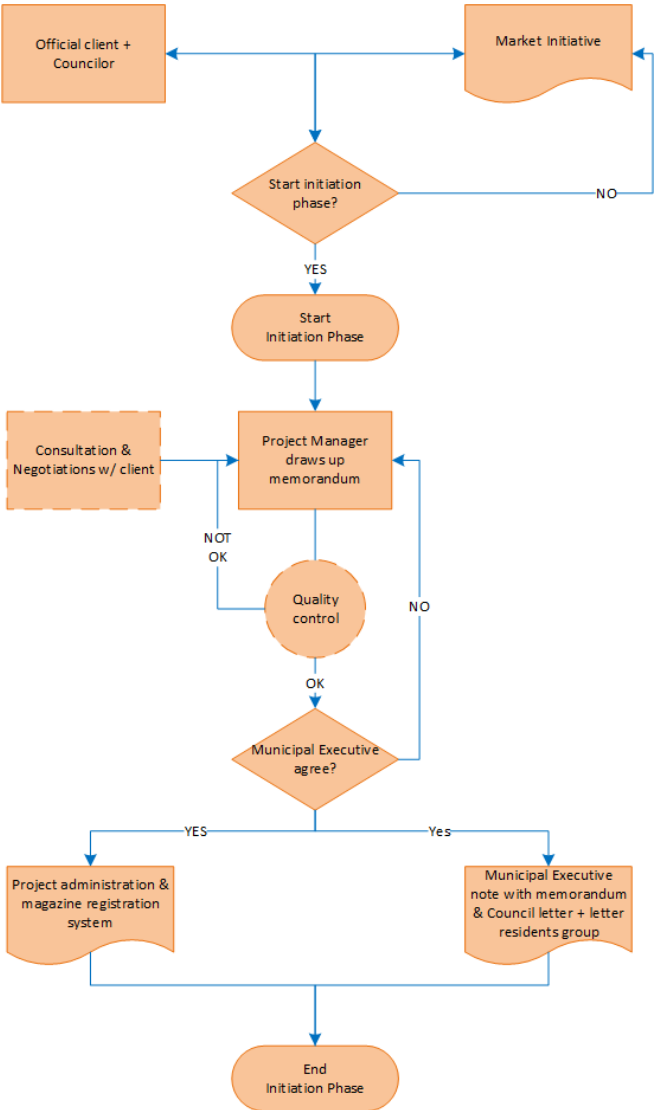
1. Municipal Executive note with memorandum. The memorandum is a compact and well-arranged document which outlines the intentions to develop a specific area. In addition, insights are given into the policy, organizational and procedural consequences of the urban area development.
2. Council letter and letter to residents' group.

The content of the memorandum consists out of the following:

- Reasoning and purpose of the proposal
- Description of the project and global description of area in question
- Principles in policy frameworks (Housing vision, Structural Vision, Land policy document, zoning plans etc.)
- Description of the results of the project to be delivered.
- Needs assessment
- Inventory of and assessment against land positions, current contracts for rental, lease, use, etc.
- Testing against existing procedures and organization agreements that relate to the plan area.
- In case of active land policy: global selection and procurement strategy, in accordance with European Procurement Act.
- Project organization: intended project leader, intended official client and intended administrative client.
- Provisional planning and phasing and proposal for project organization.
- Global cost estimation with outlines of costs and revenues and required budget in time and money.
- Global risk analysis
- Proposal for decision-making and assignment formulation

Based on this memorandum, the Municipal Executive decides whether or not further elaboration of the intended project is necessary in the next phase. In the case of a positive principle statement by the Municipal Executive in order to further elaborate the project, the project manager must set up a project administration and include the project in the magazine registration system via the head of the department. The official hours that are made in this phase are charged to the general service.

FIGURE 6 ➤ Initiation Phase



Source: own figure

## 2. Definition

The goal of the definition phase is to make an inventory of potential problems and possible solutions in order to give the board insight into choices, and to issue an assignment for a preliminary design. This phase will focus on the further definition of the project in terms of content. The management aspects, time, money, information and organization are elaborated, as well as the risk analysis and the determination of the project approach.

It is advisable that the project manager starts this phase with a kick-off meeting. In this meeting all disciplines that provide commitment and expertise at any point in the project must be represented. The aim of this kick-off meeting is to create a solid foundation to facilitate the cooperation of the parties involved. The following goals are being discussed in this meeting:

1. Getting to know each other better / strengthening the team spirit.
2. Formulate a shared vision of the project, the interests and the approach. This can serve as a guide of the rest of the project and the collaboration.
3. Lowering the threshold to meet each other and jointly address the challenges in the project.

The expected result of the definition phase is that both the approach of the project and the technical results of the project that area part of the project content have become clear. This information is crucial for the Municipal Executive in order to decide whether to proceed with the preparation of the project. The phase is concluded with the three documents:

1. Project Plan
2. Municipal Executive note with project plan
3. Council letter

The project plan consists out of two elements:

a. The Basic Spatial Plan

This plan shows the spatial frameworks and ambitions for the project location. The location and type of housing, companies etc. is being discussed. This plan is provided with a global feasibility analysis (financial, spatial and environmental). The Basic Spatial Plan consists out of the following:

- Spatial Vision
- Location study and plan borders
- Review of applicable policy (national, provincial, municipal)
- Inventory of zoning plan aspects
- Inventory of potential environmental bottlenecks
- Assessment against environmental ambitions and preconditions for traffic, safety, soil research, mobility etc.
- Traffic aspects
- Waste collection
- Water board requirements
- Sustainability tests
- Fire safety and fire extinguishing facilities.

b. Plan of Action

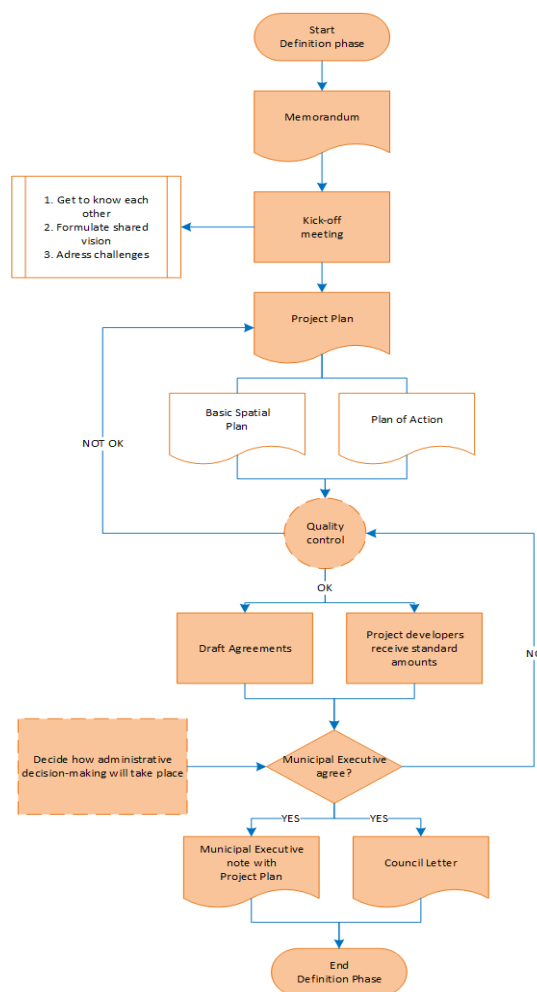
- Inventory of parties involved

- Consultation with users and potential investors in social real estate: investigate support
- Acquisition plan (including WVG, expropriation), ownership relationships
- Normative cost-benefit analysis
- Active land policy: Concept land exploitation (GreX) with initials from budget holder of the municipal land company.
- Development scenarios
- Risk analysis
- Provisional communication plan / strategy

In the definition phase the draft agreements are prepared. The project developers involved receive the standards amounts for contributions to reserves and official costs.

The project manager decides in consultation with the Municipal Executive and the registry how the administrative decision-making will take place. The precise administrative route of a project is always custom made. Just as in the previous phase, the Municipal Executive decides based on the delivered documents whether the project should be further elaborated.

FIGURE 7 ➤ Definition Phase



Source: own figure



### 3. Design

The design/feasibility phase is an intensive and determining phase of the project. In this phase the following question is answered: 'How will the project be implemented?'

Important sub questions are:

- What are the expectations of the project, which principles and preconditions apply?
- What will the desired solution look like? Is the project spatial, financial, political and socially feasible and executable?

This phase is concluded with the following documents:

1. Urban Design

In the Urban Design a program of requirements is made based on the basic plan. The financial frameworks of the spatial measures, a normative land exploitation (GreX) and a phasing are also drawn up.

2. Spatial program requirements
3. Final GreX
4. Signed agreements

The Urban Design consists out of the following:

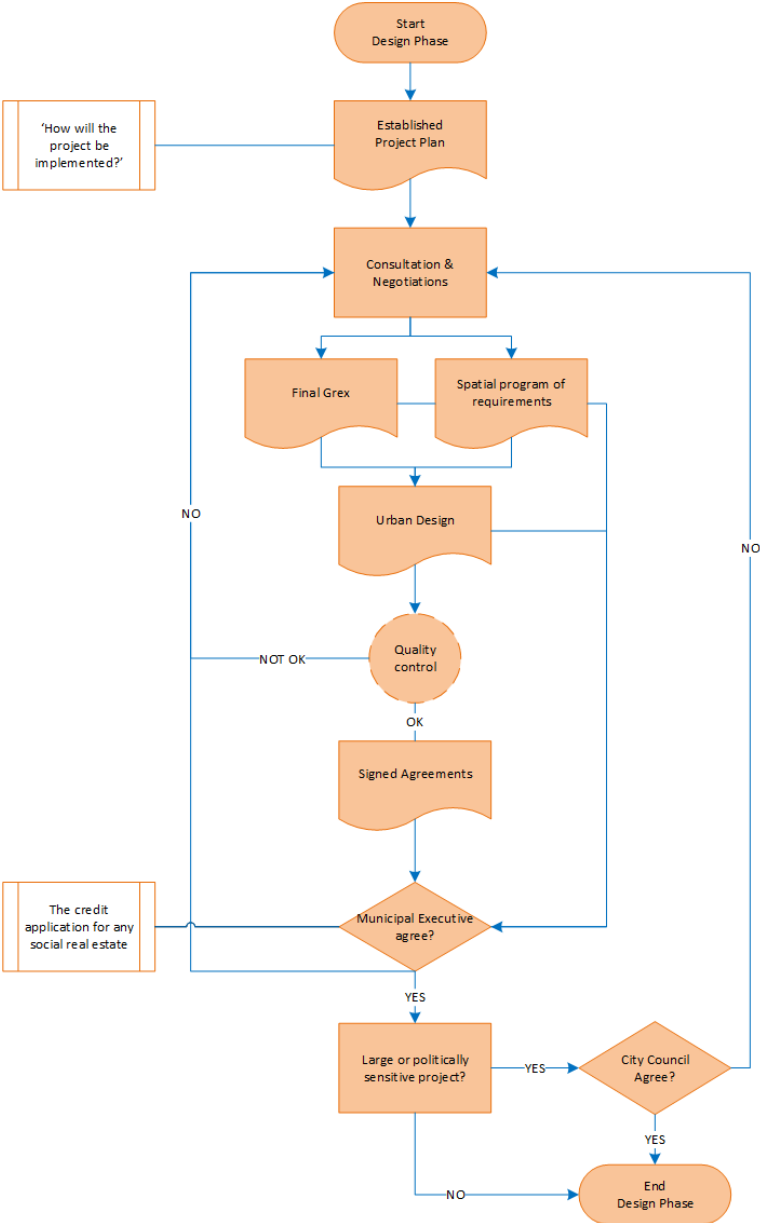
- Program of Requirements public space, dwellings and social facilities
- Program of Requirements assessment against quality standards (noise, environment etc.)
- Elaboration and update of time planning and project organization
- Risk analysis
- Inventory of remediation
- Environmental impact report
- Concept exploitation of real estate
- Concept of land exploitation (GreX)
- Management Plan

As described in the introduction of this, land ownership is of importance for this phase. If the municipality has a facilitating approach towards urban project development, then the developing parties have to make an anterior agreement with the municipality. The anterior agreement contains agreements about recovering the official costs for the plan preparation, settlement of costs of social important function, location requirements, prices of dwellings and non-financial agreements. In this agreement, the municipality commits itself to constructing public utility facilities and the initiator to pay the costs for this, and for any transfer of the subsurface for these facilities. Furthermore, this agreement is concluded to cover plan compensation. In this way the plan compensation to be paid by the municipality to third parties is recovered from the initiator. The Municipal Executive decides based on the following documents/products whether or not to elaborate the project in the following phase:

1. Urban Design
2. The spatial schedule of requirements
3. The final GreX
4. The credit application for any social real estate
5. The usual agreements

In the case of large and/or politically sensitive projects, decision-making is also taken by the City Council.

FIGURE 8 ➤ Design Phase



Source: own figure

#### 4. Preparation

The preparation phase is subdivided into three sub-phases, because for large urban development projects many activities take place in parallel. Therefore, the municipality decided to create extra manageable blocks in order to streamline and structure the activities that take place in the preparation phase. This makes it easier to cope with the complexity of large projects. The grade of complexity in terms of spatial, financial and social values may also consider decision-making per sub-phase. For complex projects it is also the case that the definition and design phase run side by side. The program of requirements is checked financially, if this is not in line with the budget it leads to adjustments in the ambitions of the PoR.

As mentioned before, this phase functions as the transition between the informal and formal procedures used in urban development. The formal phase will be discussed in the next section, yet in will be briefly introduced here, since it is part of the document used for this section. In addition, the frequently mentioned transition becomes clear in this way and a complete picture is shown.

As with the previous phases, the start of the preparation phase is based on the final documents of the previous phase. The goal of this phase is to create an urban plan with the exact destinations and requirements. In other words, the foundation of the zoning plan is realized. This is done on with the following sub-phases; Urban Plan, Spatial Procedure and Development Plan of Public Space.

##### A. Urban Plan

The Urban Plan is the further elaboration of the Basic Plan and the PoR and must meet the requirements set in the preceding phases. A definitive project planning will also have to be formulated in this phase. This planning is an elaboration over time of all activities and milestones that place at (sub) project level. The Urban Plan is in most cases processed into a preliminary zoning plan and consists out of the following sub-products and activities:

- Technical PoR
- Cutlery and Cost estimation
- Elaboration from preliminary design to final design
- Further detailing of the gross / net ratios within Grex
- Final acquisition plan
- Preliminary consultation and application for an environmental permit
- Define starting points for issuance
- Legal advice
- Activity planning
- Preparation of implementation variants
- Grant applications

The decision-making is included in the sub-phase of the spatial procedure.

## B. Spatial Procedure

The starting point of the Spatial Procedure is the established Urban Plan and signed (anterior) agreements with third parties. The end product of this sub-phase is the definitive zoning plan or project decision with at least included:

- Description of current policy
- Water assessment
- Archeology assessment
- Cultural history of area
- Flora and Fauna
- Environmental assessment
- External security
- Financial feasibility (Grex)
- Public housing

When the draft zoning plan is ready to go through the formal procedure, this is announced by the municipality in the door-to-door magazine, the website, the Government Gazette and if necessary, in a resident's letter. This is the start of the formal procedure, since the municipality is obliged to conduct preliminary consultations with various authorities and institutions. After the draft of the Zoning Plan is finished, stakeholders can share their opinion and describe with which points they agree or disagree and explain why. The municipality can include the points described in the final decision.

After the final zoning plan is announced by the City Council a period of appeal follows. The stakeholders who submitted their opinion and other interested parties have six weeks the time to appeal and ask for a provisional provision at the Administrative Law Division of the Council of State. This prevents the plan to come into effect after an appeal has been made. After the period of six weeks, the Zoning Plan is irrevocable.

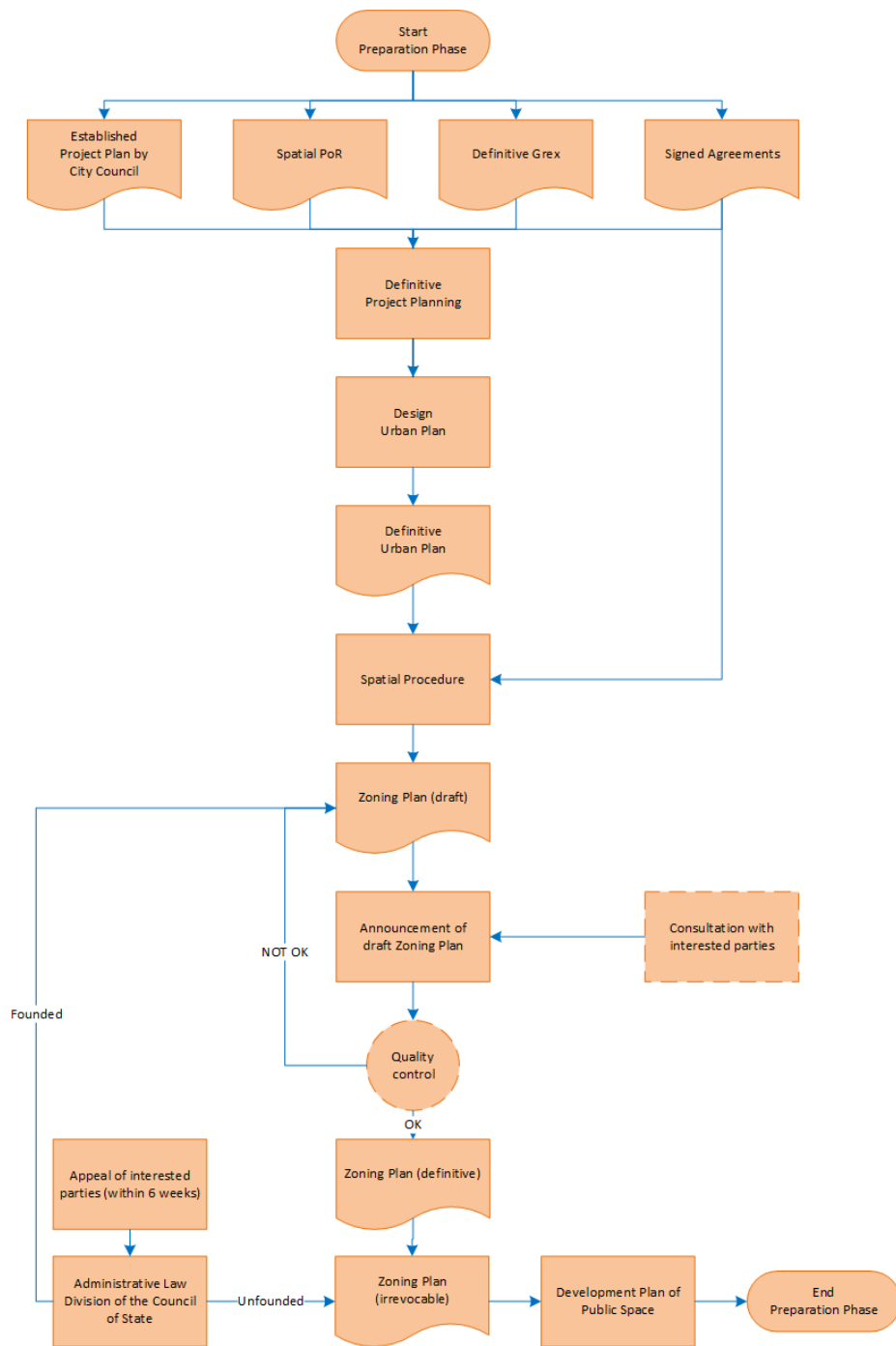
## C. Development Plan of Public Space

The Development Plan of Public Space is established based on the definitive Urban Plan. In this plan the following is considered:

- Fire department requirements / fire extinguishing water facilities
- Sewerage
- Water retention
- Waste collection
- Traffic and parking
- Social safety
- Green structure / tree policy

The Municipal Executive determines the layout of the plan and management plan for the public space.

FIGURE 9 ➤ Preparation Phase



Source: own figure

### c. Formal phase

The formal phase of urban area development is already slightly introduced in the above. Several concepts, laws and/or instruments which have a legal status are already mentioned. The Dutch Spatial Planning Act, which belongs to this phase, is complex. This section will go in depth in order to explain and elaborate this phase with its characteristics. It is important to already mention that most of the laws described will be absorbed by the new Environment and Planning Act, this is going to be elaborated. However, it is still significant to discuss the laws that are (still) in force, so that a comparison can be made between the 'traditional' and 'new' legal procedures.

This section will discuss the formal phase of urban area development. The formal phase is characterized by the legal status of the procedures used. This means that the procedures, instruments and other elements that form part of this phase have legal status. The core of this section is formed by Dutch Spatial Planning Act part of the Environmental Law. The emphasis lays on the Land-use Plan, deviation from Land-use Plan, the Crisis and Recovery Act and the new Environment and Planning Act. The aim is to provide a regulatory framework for urban area development in the Netherlands.

As earlier mentioned, the phasing of urban area development is hard to distinguish. This is verified by the municipal procedures described, since it was necessary to already mention the transition from informal to formal. This, however, makes clear where the border between informal and formal lies. The spatial procedures which start after the draft of the Land-use Plan is established could be the kick-off of the formal phase. 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, since in principle no building permit is issued if it is in conflict with the Land-use Plan of the designated area (*art. 2.10, § 1, under a, Environmental Licensing [General Provisions] Act*) (Hobma, 2016).

In this section two possible cases regarding the use of a Land-use plan as instrument for urban area development will be discussed. The first case will explain what the purpose of a Land-use Plan is and how this is established after the municipality and market parties have agreed on an urban area development. The second case will explain the procedures to deviate from an existing Land-use Plan. These cases are the most common. The Crisis and Recovery Act, which will be elaborated afterwards, is of significance since this act is the precursor of the Environment and Planning Act. Besides, several urban area developments are initiated as pilot projects with thanks to this act.

#### 5.3.1. Land-use Plan

The Land-use Plan is the only legally binding spatial plan in urban area development. In the Land-use Plan the use and construction options of an area are specified. The municipality is obliged to have up-to-date Land-use Plan for their entire territory. The obligation to update these plans every 10 years has expired since April 17, 2018. The core of the Land-use Plan is formulated in article 3.1 of the Spatial Planning Act. The preparation is a task of the Mayor and Alderman, the determination is a competence of the Municipal Council (InfoMil, n.d.).

The Land-use Plan consists out of three parts:

4. The Land-use Map
5. The instructions
6. Explanatory Notes

The first two parts are legally binding. The assessment for granting an environmental permit is made on the basis of the binding parts of the Land-use Plan as mentioned above (Hobma, 2016).

To bring flexibility in a land-use plan three plan options can be considered. These options are useful if there is the intention to develop an area, but the details of the plan are not ready yet. This could be the case in the earlier described municipal procedures, especially when both the municipality and the market parties share the same intention. These options are:

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

#### **Obligation to elaborate**

This planform can be useful when it is not clear how the new possible development will look like. The Land-use Plan has to be worked out first before the environmental permits can be granted. The Municipal Council determines the Land-use Plan with the obligation to elaborate. The Municipal Council gives the Mayor and Alderman the duty to draw up an elaboration plan within the framework of the elaboration rules.

The elaboration plan has to be done within the plan period of 10 years and will take part of the Land-use Plan. The feasibility of the Land-use plan that has to be worked out has to be demonstrated in general terms. It could be that a part of the necessary research is included in the elaboration rules.

#### **Authority to amendment**

This planform is useful when it is not clear if a new development will take place and how this is going to look like. In that case, it is possible to opt for the inclusion of an authority to amendment. This authority is not allowed to make possible structural changes in the established Land-use Plan. The determined destination remain valid until the authority to amendment is used.

As like in the obligation to elaborate, the feasibility to amendment has to be demonstrated. However, the difference is that a Land-use Plan with this planform is considered to be a complete Land-use Plan. This means that building permits, which are in line with the plan, can be granted. In addition, it is a competence and not an obligation to make use of the authority to amendment.

#### **Deviation within plan**

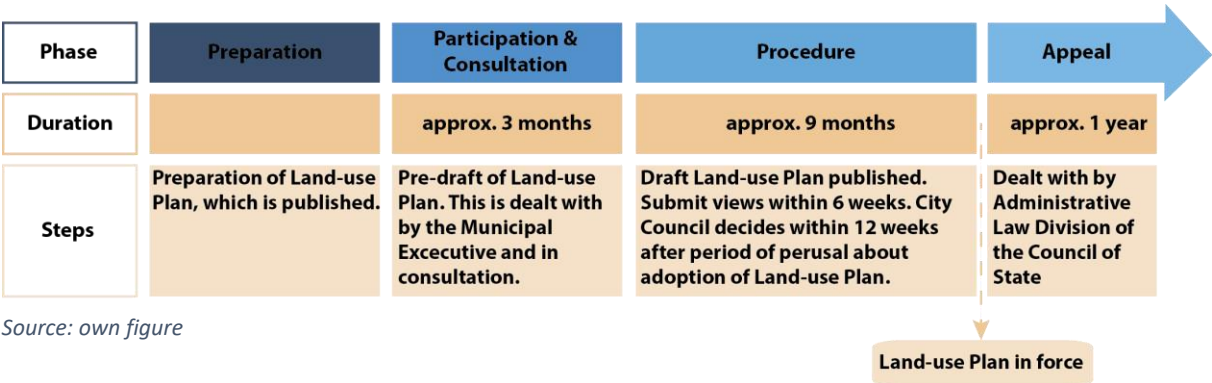
The Land-use Plan may include a possibility to deviate from the plan to a limited extent. These deviations may not lead to a total change of the Land-use Plan. The spatially relevant conditions must be included with these deviations. This planform is a competence of the Mayor and Alderman of the municipality. An example of this is the possibility to deviate from the business category.

(InfoMil, n.d.)

The procedure of a Land-use Plan consists out of several phases (figure 9). Each phase ends with an announcement of the Land-use Plan on the page of the municipality. The Land-use Plan is prepared by the Municipal Executive this is regulated in art. 160, para. 1, under b, Municipal Law. The determination of the Land-use Plan is a competence of the City Council this is regulated in art. 3.1, para. 1 & art. 3.8, para.1, under e, Spatial Planning Act (Wro). The preparation of the Land-use Plan starts with a notification, which must be published.

A Land-use Plan that has major impact in the environment is dealt with by designing a preliminary Land-use Plan before a draft. Municipalities could make use of byelaw that offers room for public consultation and submitting views or in other words ‘Public consultation byelaws’, based on article 150 of the Municipalities Act (Hobma, 2016). If this is not necessary, this step can be avoided. Before a Land-use Plan is established a draft version is made available for perusal. This draft is made available on the website, in a door-to-door magazine and in the Government Gazette. It is possible to submit views within six weeks after the publication. The City Council could adjust the draft (art. 3.4, General Administrative Law Act & art. 3.8, para. 1, under d, Spatial Planning Act). The City Council decides within twelve weeks after the period of perusal about the adoption of the Land-use Plan (art. 3.8, para.1, under e, Spatial Planning Act). The determination of the Land-use Plan is announced via the website, door-to-door magazine and the Government Gazette, within two weeks. The determination of the plan is available for inspection for a period of six weeks at the public desk of the municipality (art 3.8, para. 3 & 4, Spatial Planning Act). It is possible to submit a notice of appeal to the Administrative Law Division of the Council of State within the six weeks after the announcement has been made. This can be done by parties with direct interest (art. 8.2, para 1, under a, Spatial Planning Act). The parties with direct interest could ask for a provisional provision, in short this means that the determination does not take effect until a decision has been taken (art. 8.3, para. 3, Spatial Planning Act). If no appeal is submitted within six weeks after the announcement, the Land-use Plan is irrevocable from the day after the period of appeal expires. If an appeal has been submitted, the Land-use Plan will take effect the day after the period of appeal expires. The Land-use Plan is irrevocable after the decision of the Administrative Law Division of the Council of State. In total the determination of a Land-use Plan could take between 1 to 2 years (NWRO, n.d.).

FIGURE 10 ► Procedure Land-use Plan



Source: own figure



### 5.3.2. Deviation Land-use Plan

A building permit is not granted if it is in conflict with the Land-use Plan of the designated area. Besides, there are several ways to bring flexibility into the Land-use Plan. However, this is not enough. It is often the case that deviation from the Land-use Plan is necessary. This could be the case if a Land-use Plan is aged or the municipality wants to welcome a big building project. If this is the case, deviation from the Land-use Plan offers outcome. It implies that an environmental permit is granted for deviation. This environmental permit is not granted for a building project, but to deviate from the Land-use Plan (art. 2.1, para. 1, under c, Environmental Licensing [General Provisions] Act.) (Hobma, 2016).

The application for this kind of environmental permit must contain situation drawings of the current and future situation and date on current and future use. It also has to indicate what the consequences are for the spatial planning and its environment. The scope and nature of the project also need to be stated in the application.

In order to make use of this act and apply for an environmental permit to deviate from the existing Land-use Plan, the application will be assessed against the following issues:

- Proper spatial planning / careful consideration of interests (Awb).
- Meet obligations of (environmental) legislation.
- Declaration of no objection from the City Council

This means that the competent authority has the freedom of policy to consider whether to grant to environmental permit for the deviation of the Land-use Plan. However, the application to do so has to fit within the current policy and satisfy proper spatial planning. If this is the case, reasonably the environmental permit must be granted. The application via Art. 2.12, para. 1, under a, Environmental Licensing [General Provisions] Act, requires a spatial substantiation for the deviation. This substantiation is comparable with the explanation of the Land-use Plan discussed in section 3.3.1. In addition, it must meet the obligations of the (environmental) legislation. This means that research must be conducted in which policy and regulations are tested, for example, noise, air quality, external safety etc. The granting of the environmental permit is a competence of the Municipal Executive, but the permit may only be granted if the Municipal Council has issued a declaration of no objection (art. 6.5, Environmental Licensing Decree). This declaration can give further instruction to the intended development (InfoMil, n.d.)

Just like the establishment of the Land-use Plan, the deviation from this plan has a procedure that must be followed. The applicable procedure is the extended preparation procedure (art. 3.10 through 3.13, Environmental Licensing [General Provisions] Act). Before the application is made, it is important to carry out extensive consultation with the officials from the Local Building Control to identify if all the documentation is correct and to investigate whether the Municipal Council is willing to deviate from the already existing Land-use Plan. Thereafter, the application can be submitted (Hobma, 2016). The statutory handling period for the extended preparation procedure is 6 months. Within the first 8 weeks it must be decided whether the terms will be extended by another 6 weeks. This timeframe includes the 6 weeks to submit views regarding the draft decision to the Municipal Executive. After the environmental permit to deviate from the Land-use Plan is granted or not, a period of appeal can follow. This process is led by the court (InfoMil, n.d.).

### 5.3.3. Crisis and Recovery Act

The Crisis and Recovery Act that entered into force on March 31, 2010 has already been mentioned in this research but has not yet been discussed. This act contains legal arrangements to simplify and speed up decision-making in urban development projects and infrastructure projects (Hobma, 2016). The last one will be left out of consideration, since this is outside the scope of this research. The Crisis and Recovery Act was a respond to the financial and economic crisis of 2008. The intention of the act was to carry out urban development projects without any delay caused by legal procedures after the crisis was over (Verschuuren, 2011). Originally it was intended to stay in force for a period of 5 years, however the success of the act resulted in an indefinite extension until the entry into force of the new Environment and Planning Act (Omgevingswet, 2013).

The Crisis and Recovery Act made it possible for municipalities and project developers to experiment with the Environment and Planning Act, since it fits in well with the plans to simplify environmental law. Besides, it stimulates also the implementation of innovative and sustainable projects by deviating from a set of building rules. The examples of sustainable projects implemented under this law show that the Crisis and Recovery Act anticipates the Environment and Planning Act (Rijkoverheid, 2018).

Municipalities that have experimented with the establishment of a Land-use Plan with a broadened scope for the entire territory is the most interesting result that this act has produced (Art. 7c, Decision implementation of the Crisis and Recovery Act). Municipalities have been given the opportunity to experiment on the following subjects:

- The plan is about the physical living environment, this means that environmental measures can be included in the integrated plan.
- Regulations can be an integral part of the plan
- Cost Recovery can be arranged in phases. This means that a detailed exploitation plan does not have to be delivered immediately with organic area development.
- Research can be arranged in phases, initially globally and later in more detail
- The 10-year timeframe within which the plan must be realized no longer applies.

(aandeslagmetdeomgevingswet.nl, n.d.)

By including all the rules in one integrated plan, municipalities, initiators and other stakeholders of urban development projects know what they are working on and can quickly start the initiative with less bottlenecks. In total more than 150 municipalities are making use of the possibilities provided by the Crisis and Recovery Act nowadays (BZK, 2018).

#### d. Environment and Planning Act

In the previous sections, the informal and formal phase of urban development projects carried out in the traditional way was described with its decision-making procedures. The municipal procedures, from Structure Vision to a definitive Land-use Plan and the procedures to establish or deviate from an (existing) Land-use Plan long for a time intensive process. The government is aware of this problem and wants to simplify and merge spatial development rules by make use of the new Environment and Planning Act, expected to enter in force in 2022. The main characteristics of this act come forward in the formal phase of urban development, but certainly also exerts pressure on the required changes in the informal decision-making a planning phase, in other words informal phase. The approach of the new Environment and Planning Act is not sectoral, but integral.

It does not function in terms of environment, spatial planning, water and/or nature, but in a general term: the physical environment (BKHF, 2018). The influences of the new Environment and Planning Act on the municipal procedures can already be observed. Various pilot project has been or being implemented to understand how to work with this new act. The Crisis and Recovery Act, discussed in section 3.3.3, made it possible for municipalities and project developers to experiment with the Environment and Planning Act, since it fits well with the plans to simplify environmental law.

The Environment and Planning act offers five key instruments for managing and utilizing the physical environment of the municipality. The law in its entirety will not be detailed in this research, as this is not the core of this research. It is, however, important to highlight and explain the five instruments that form the pillars of this new law for the municipality. In this way, the instruments can be compared at a later stage with the traditional procedures, instruments described earlier. The five core instruments are:

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

These instruments will be discussed one by one. In addition, extra planning instruments that have been invented and already used by municipalities and are in line with the new law, will also be discussed. This will be dealt with in the last paragraph.

### **Environmental Vision**

The Environmental Vision is the equivalent of the Structure Vision in the new Environment and Planning Act. However, the two documents differ from each other. The Environmental Vision is a political administrative document that contains an integral vision of the physical living environment in the long term. The vision therefore has a wider reach than the current structural vision. This policy document is also much more comprehensive than the Structural Vision, since it will also (partly) take the place of the nature vision, national and provincial water plans, traffic and transport plans and environmental policy plans (Saris, 2014).

The Environmental Vision is form-free and only legally binding for the municipality. The Municipal Council determines how detailed the vision is drawn up. This gives room to respond to local needs. In the document it must also state how citizens, companies, NGO's and other administrative bodies have been involved in the preparation. This is regulated in Article 10.7 of the Environmental Decree ([aandeslagmetdeomgevingswet.nl](http://aandeslagmetdeomgevingswet.nl), n.d).

The content of the Environmental vision must consist out of the following (VNG, 2016):

- A description of the main points of the quality of the physical living environment.
- The main lines of the intended development, function, management, protection and conservation of the territory.
- The main points of the integral policy to pursued for the physical living environment.

This is mentioned in Article 3.2 of the Environment and Planning Act.

### **The Program**

The Program or in other words Plan of Approach is an elaboration on how the municipality wants to realize the Environmental Vision or parts thereof. For example, it could be focused

on a policy theme such as a residential vision (Bro, n.d.). It specifies the measures that are implemented but does not necessarily have to contain rules. The Program is intended to make an effective translation of goals into policy. Besides, there is a duty to state the whether and how stakeholders are involved in the realization of The Program.

The measures included in this document could be the deployment of communication or information instruments, the use of financial instruments, the tightening of existing environmental permits, agreements with organization and actual or physical measures (Platform 31, 2018). The goal is to achieve greater effectiveness of policy goals (Sietjes & Ten Veen, 2014). The Program is established by the bench of Mayor and Alderman.

Based on Article 3.5 of the Environment and Planning Act, a program contains one or more components of the physical living environment:

- An elaboration of the policy to be pursued for its development, use, management, protection or preservation
- Measures to meet one or more environmental values and / or to achieve one or more objectives for the physical living environment.

### **Environmental Plan**

The Environmental Plan contains all the rules about the physical environment that the municipality sets within its territory. There is one Environmental Plan per municipality in the Netherlands, which is determined by the City Council (art 2.4, para. 1, Environment and Planning Act). The Environmental Plan is the legal successor of the current Land-use Plan (art. 3.1, Wro), regarding the subjects that can be included in this plan, the Environmental Plan goes a step further. This is because the Environmental Plan does not only regulate planning aspects, but also include rules that are related to the physical environment without having an origin in planning. In other words, the Environmental Plan could be referred to as a Land-use Plan plus (Bosma, 2013). In other words, it could be seen as a Land-use Plan with a broadened scope, which have been discussed in the paragraph, Crisis and Recovery Act.

The principles of the Environment and Planning Act must be considered when the Environmental Plan is being drawn up (art 2.1, Environment and Planning Act). These principles are:

- Fewer and clear rules
- More room for initiatives
- Local customization
- Trust

The Environmental Plan contains a balanced allocation of functions and other rules for the entire territory of the municipality that are necessary to meet this purpose (art. 4.2, para. 1, Environment and Planning Act) (BKHF, 2018). Besides, the municipality could include additional rules about activities in the Environmental Plan, if these are not already included in the four general administrative measures taken by the national or provincial government (art. 4.2, para. 2, Environment and Planning Act) (Schuitemaker, 2018). These rules may relate to whether to allow certain activities in certain areas.

The procedure of the Environmental Plan is comparable with the procedure of the Land-use Plan. However, there are two main differences. The procedure to establish an Environmental Plan starts with the notification of the City Council in which the intention to adopt an

Environmental Plan is stated (art. 16.29, Environment and Planning Act). This must be published in for example a door-to-door magazine, the website, or in any other suitable way. In this notification it must be stated how the municipality will shape the participation. The design of the Environmental Plan must be communicated in the Municipal Magazine. Everybody can submit views against this plan. After the Environmental Plan is established it is possible to lodge appeal within six weeks. The Environmental Plan comes into effect four weeks after the day the announcement has been made (Schuitemaker, 2018). This means that the Environmental Plan comes into effect before the appeal period ends. Unlike now, submitting a request for a provisional provision no longer has suspensory effect. This is only applying to environmental permits, provided that the request is submitted within the period of two weeks after entry into force. Another difference is that in the event of a change to the Environmental Plan, an appeal can only be made against the change (Nijman, 2015).

In the established Environmental Plan, the way of participation has to be described. It is desirable to have clarity about the outcome of an appeal against an Environmental Plan, since it forms the framework for other layers of urban area development. That is why the Environment and Planning Act concerning the Environmental Plan has opted for appeal at one institution, the Council of State ([aandeslagmetdeomgevingswet.nl](http://aandeslagmetdeomgevingswet.nl), n.d.).

### **The Environmental Permit**

Citizens, companies and governmental bodies can apply for an environmental permit to facilitate activities in the physical environment. The Environment and Planning Act does not introduce other or new activities subject to the environmental permit. However, the environmental permit does change in character. In the new act the environmental permit is divided into a technical permit and a spatial permit. The application of the technical permit is assessed against the Building Environment Decree (the successor to the Building Decree). The application of the spatial permit is assessed against the Environmental Plan. The municipality determines which construction works are permitted based on the Environmental Plan and for which the spatial permit is not required (Hobma, 2017).

Another difference is that the 'Lex silencio positivo' is abolished. Under current legislation, the permit is granted automatically when the decision period is over. However, in the new act this could cause troubles when it comes to the allocation of functions to location by the State and the province in connection with national and provincial interests. The allocation takes place as much as possible in the Environmental Plan in order to increase transparency for the citizen. Interest in the field of the physical environment could be damaged by granting a permit by operation of law.

([aandeslagmetdeomgevingswet.nl](http://aandeslagmetdeomgevingswet.nl), n.d.)

### **Project Procedure**

To implement a project, the municipality could use the Project Procedure. This is only possible if a governmental project or private project serves a public interest. The Environment and Planning Act determines whether there is a public interest and if it is mandatory to apply to project procedure, for some projects. In some cases, there is no obligation to make use of the Project Procedure. However, the authority can choose to make use of this instrument. For example, this could be the case if the project does not fit with the Environmental Plan, the authority desires to control, the project is complex with many interests.

([aandeslagmetdeomgevingswet.nl](http://aandeslagmetdeomgevingswet.nl), n.d.)

## Extra Planning Instruments

The new law and the pilot projects have allowed municipalities to make use of new non-legal planning instruments. These new instruments have been created to meet the requirements of the new Environment and Planning Act, in which an integral policy towards urban area development is paramount.

Examples of these instruments are; Area Passport (*Gebiedspaspoort*), Game Rule Cards (*Spelregelkaarten*) and the Development Framework (*Ontwikkelingsraamwerk*). They consist of a map of the area in question and a set of rules / preconditions. The map shows how the area looks like and the 'rules of the game' state which preconditions apply. The purpose of these new instruments is in line with the new law, namely the creation of integral and qualitatively strong plans for potential areas and the reduction of process time in the informal phase.

These new instruments emerged from the crisis, which made it clear that the process duration of development projects had to be drastically reduced. This is done by drawing up the instruments for the area in consultation with citizens, companies and other market parties. The parties take an equal position in the negotiations about the area. This gives the municipal officials a new role, facilitating these discussions and leading them in the right direction. This offers more room for market initiatives, which in turn fits within the 'invitation policy' of the Environment and Planning Act. Before this new way of working the Municipal Council largely determined the plan for the area.

In addition, it is a useful tool for municipalities which have little or no land and have to deal with several owners in the area of interest. The use of an Area Passport or Game Rule Card offers developers the necessary flexibility to give substance to the transformation of area, but within the frameworks. The use of these instruments also have a connecting, stimulating and regulating effect. The preparation of the map is in consultation with the market and environment, this works in a connecting way. The instrument itself is stimulating, because it invites for transformation in an area where the government has little or no ownership. Finally, it is regulated by the frameworks that have been drawn up. In short, it fits within the facilitating approach of the municipalities after the crisis of 2008.

Some municipalities have made use of these instruments, examples are: Amsterdam, Leidschendam-Voorburg and Amersfoort. Several issues emerged from their experience. The characteristics of the playing field are important when drawing up an Area Passport or other instrument. It is important to identify who should be considered and that all involved should participate. This reduces the chance of objections at a later stage. The frameworks established for the area could be too much. The goal is to provide clarity and a clear overview of the area in question. Therefore, it is useful to only mention that what is necessary and not too reductive since this can offer too much flexibility and put the municipality offside. In addition, it is useful for the municipality to have resources that can later function as a big stick. The gathering of own land is an example of this, because this uplifts the negotiation position of the municipality in for example the required social resources in the area. It is also important to take the zeitgeist of the area into account. It is difficult and not the intention to influence all the factors present. This can even thwart the negotiations. The most important thing is to be steadfast and to establish good procedural rules, in that way that it is possible to return and redesign the taken decisions. It is essential to consult regularly and build trust.

In most of the cases, an area development can be compared to a game. The game is drawn up by the playmaker, the municipality. The municipality is responsible for drawing up the gameboard and the accompanying rules, in other words the framework. The playmaker is in close contact with the future players while establishing the rules of the game. The future players are the stakeholders in the area. The stakeholders are concerned with maximizing profit in their themes of interest, this could be usage quality, finance etc. The playmaker will have to hand over the game and check whether everyone adheres to the rules, in other words the municipality will have to facilitate the game. If there are uncertainties, challenges and/or disagreements the municipality could act as mediator (AT Osborne, 2020).

The content of the instruments used differs per municipality and/or area. Little has been written about the final results of these instruments and to what extent they have contributed to shortening the duration of the proceedings. The use of these instruments is popular among municipalities, however there is almost no information about how these instruments have been established and what problems and/or solutions have arisen due to the use of these. In short, the 'game' is always different.

This means that attention have to payed to the following:

1. Know the playing field
2. Set frameworks for the rules of the game
3. Make sure you have lubricants
4. Consider the spirit of the times
5. Be strong and steadfast

The goal is to create a win-win situation. In order to this it is crucial to understand that the it is ultimately up to the players to play the game. If the playmaker can keep them on board an cooperate with them to draw up understandable, flexible, complete, feasible and tempting rules of the game, there is a proper chance that the developments will start naturally (AT Osborne, 2020).

## 5.5. Synthesis of Literature Review

In the literature review the informal and formal phase of urban project/area development have been discussed. The informal phase is characterized by its complexity, which made it difficult to distinguish this phase from the formal one. So, in order to clarify this the process of urban development and the associated phase have been discussed first to make a clear distinction. The phasing from the book 'Zo werkt gebiedsontwikkeling: handbook voor studie en praktijk' most closely resembles the document published by the government of the Netherlands; *Ministry of the Interior and Kingdom Relations* called '*Reiswijzer area development 2019*'. Therefore, these two documents are used for the further elaboration of this chapter.

The non-legal status of the procedures and instruments used in the informal phase characterize the informal phase. The dominant actor in this phase is the municipality, since it sets the framework for urban area development based on various documents, in which specific characteristics of the area are taken into account. The outlines of this phase; Structure Vision – Master Plan – Urban Plan – Cooperation Agreement, could take 5 to 15 years. This stems from the municipal procedures between the Master Plan and Urban Plan. These procedures are complex and differ per municipality. This makes it difficult to detect the common thread. The document 'Projectmatig werken in Drimmelen' is used to describe the procedures.

The four sub phases described are comparable when it comes to decision-making. The Municipal Executive and/or City Council almost always make the final decision before moving on to the next phase. The quality control in each phase is likely to create delay in the process, but also necessary. In addition, the participation process which is mentioned seems of minimal consideration. The documents that must be delivered at each stage can be simplified and merged, unfortunately the traditional way that is used does not offer the opportunity for this.

The formal and informal phase are hard to interpret separately. This is evident from the laws, instruments and procedures that must already be mentioned in the informal phase. However, the transition from informal to formal makes clear where the border between both lies. The spatial procedures which start after the (pre-) draft Land-use Plan could be seen as the kick-off of the formal phase. The Land-use Plan, Deviation from Land-use Plan and the Crisis and Recovery Act are the most relevant subject to discuss, since these formal procedures with its instruments are the backbone of urban project/area development. The procedures of these could take 1 to 2 years. In addition, there should be no further delay, for example due to the decision process of the municipality if there is a deviation from a Land-use Plan, for example.

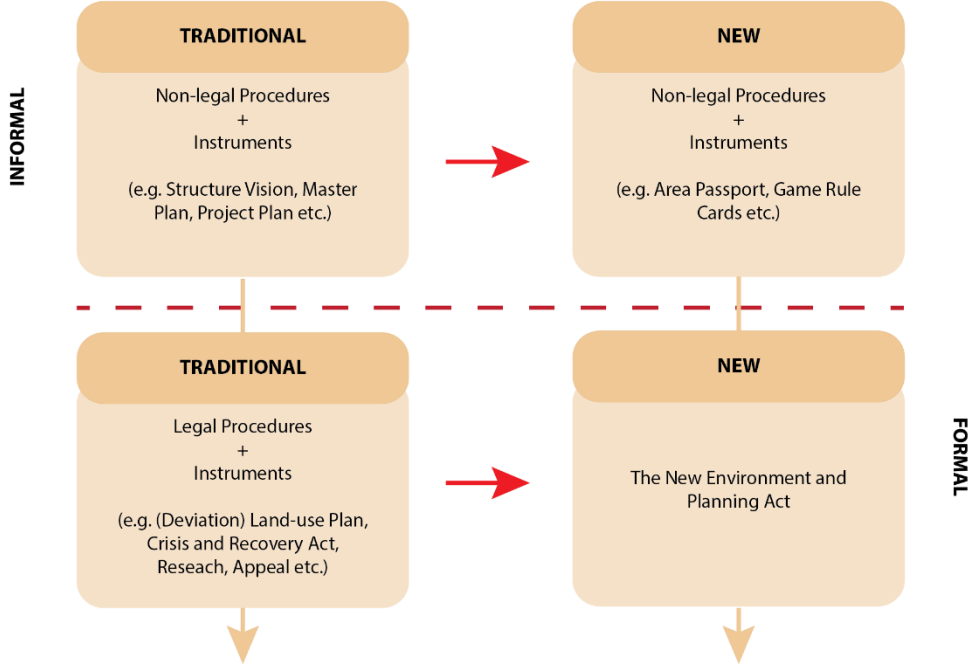
It is possible to build in some flexibility within the traditional procedure, but it is not clear to what extent this speeds up the process. It was stated at the start of the study that the informal phase is complex, but the formal phase is perhaps even more complex. The advantage is that the procedures and the like are part of the law, this causes less uncertainty and make it possible, for example, to appeal. However, it must be stated that the formal phase described is only a part of what environmental law entails. The government is aware of this overall complexity regarding urban development and translated this into the new Environment and Planning Act, which also exerts pressure on the required changes in the informal decision-making and planning phase, informal phase.

The approach and intention of this new act is not sectoral, but integral. The concept of physical living environment is widely used. The Crisis and Recovery Act which came into effect in the crisis allowed municipalities to speed up their decision-making and planning process. The new instruments that have been used to approach a potential urban development area in an integral way. The new planning instruments such as the Area Passport fits within the facilitating approach of municipalities and the 'invitation policy' of the Environment and Planning Act. Participation and consultation have gained greater support and offers more room for market initiatives. However, the content of the instruments differ per municipality and little has been written about the final results and to what extent they have contributed to shortening the proceedings, how they have been established and what problems and/or solutions have arisen. This has to be researched before it can be said that they have contributed to the physical living environment.

The analysis is visualized in figure 9. In this figure, the transition can be seen. The 'traditional' and 'new' way of urban project/area development is divided into an informal and formal phase. However, it is not clear what the transition from traditional into a more facilitating or new way of urban development entail for project developers and municipalities. The reasoning is to simplify and speed up the process, but to what extent is this case? The social relationships between the parties is also expected to change. This is not written in literature and will have to be investigated based on practical examples.



FIGURE 11 ➤ Literature Review



Source: own figure

## 6. Empirical

In this chapter, the case studies conducted, and the accompanying interviews will be elaborated. As earlier mentioned, the cases are selected on the basis of the case selection criteria discussed in section 4.4.2. The interviews conducted with representatives of the selected cases will also be mentioned. Thereafter, the cases will be extensively elaborated one by one.

### 6.1. Case Studies

The following cases have been selected:

#### 4. Katendrecht, Rotterdam

Katendrecht serves as a baseline for this research. The area has been developed through quite traditional planning. The main goal was to restore quality of life and safety in a dilapidated port district. The municipality played an active role in Katendrecht, by acquiring properties and plots. One of the success factors is that the municipality and housing association 'Woonstad' followed a consistent course and designed the public space in advance. The municipality of Rotterdam was responsible for the ground exploitation (Hagendijk, de Zeeuw & Joosten, 2015).

#### 5. Klein Plaspoelpolder, Leidschendam-Voorburg

The area development in Klein Plaspoelpolder makes use of a Game Rule Cards. One of the new instruments used in spatial planning and urban development. Klein Plaspoelpolder was developed 50 years ago into a location with large offices. The area was characterized by several large vacant office buildings and functions that were undesirable in the inner city, such as a concrete factory. In 2015, the Municipal Council adopted a Development Vision for this area. Klein Plaspoelpolder must become a pleasant residential area that fits well with its surroundings. The area development is organic of nature, in other words the area development is not bound by strict requirements. The municipality leaves room for initiatives from the market. In this way it can anticipate on the demand for housing needs, for example. Besides, the municipality made use of a Land-use Plan with a broadened scope, Crisis and Recovery Act. This makes it extra relevant to subject it to research. (Projectboek Leidschendam-Voorburg, 2020).

#### 6. Junopark, Den Haag (Binckhorst)

Junopark is part of the area development Binckhorst in The Hague. However, since this area development is too large to incorporate in this research and the spatial planning tools used in this area are subdivided among the sub-areas, it is decided to select one of these areas. Junopark is being designed by making use of an Area Passport. This area passport is released and up for consultation since July 2020. The concept of an Area Passport is new and arose from the ambition to have landowners develop joint plans within the framework of the Binckhorst Environment Plan. The advantage of working with an area passport is that, in the case of fragmented land ownership-structure, the opportunity arises to focus on a more integral development of an area instead of at plot level (Zanden, 2020).

The selected cases comply with the case selection criteria described in section 4.4.2. The cases are located in different municipalities and are labelled as 'area development'. Most important, the cases do all have different characteristics regarding spatial planning instruments.

## 6.2. Interviews

The standardized open-ended interviews are conducted with a representative of both public and private parties in order to obtain information and insights in the cases selected. The interview questions are not adopted to the cases. An approach has been chosen in which all responsible parties are asked to same questions, with a minimal difference between the questions posed to public and private parties. The difference that has arisen has to do with the questions that can be explicitly asked to municipalities or that are not relevant to private parties.

The municipalities were approached after the cases were selected for this research. The representatives of the municipalities are part of the network provided by the company BRINK M/A. In addition, BRINK M/A plays or has played a significant role in these cases. The representatives of the private parties are selected based on their position within the urban development. Most are in possession of a plot within the area. These private representatives have been approached via the municipalities in question. The names of the participants are covered to ensure their anonymity.

The formulated questions are derived from the four categories established in section 4.2. These are; *Urban Context, Legal, Instruments & Social*.

At the end of the interviews, the participants will be asked to give an average grade for the urban area development as has been described in section 4.4.3.

The following parties are approached to take part in this research for the selected cases. All parties are directly linked to the developments in the area of interest:

TABLE 4 ► Overview of interviewed representatives per case

CASE 1 – Katendrecht, Rotterdam			
Interviewee	Name	Organization	Function
1A	[REDACTED]	Municipality of Rotterdam	Project Manager
1B		Heijmans N.V.	Director Heijmans Vastgoed

CASE 2 – Klein Plaspolder, Leidschendam-Voorburg			
Interviewee	Name	Organization	Function
2A	[REDACTED]	Municipality of Leidschendam-Voorburg	Program Manager
2B		BPD	Sr. Development Manager

CASE 3 – Junopark, Den Haag			
Interviewee	Name	Organization	Function
3A	[REDACTED]	Municipality of Den Haag	Sr. Program Manager
3B		BPD	Director Area Development

Source: own figure

# CASE I

## KATENDRECHT, ROTTERDAM





## 7.1. CASE I – Katendrecht, Rotterdam

The first case study that will be elaborated is Katendrecht Rotterdam. The case of Katendrecht was briefly offered in section 6.1. The urban development in the area will be further explained by making use of document study supported by the standardized open-ended interviews conducted with the municipality of Rotterdam and private party Heijmans.

The area will be introduced first. Thereafter, the developments that have taken place will be discussed in more detail. This will be done by the categories that have been determined in section 4.2. As mentioned earlier, Katendrecht will serve as baseline in this research. The urban development was initiated years ago and fits within the framework of a traditional development. Although, it must be said that the approach and drafting of the accompanying plan documents was in consultation with the private party. This suits the character of the new instruments used today. This will be discussed further in this chapter.

### A. Introduction

Katendrecht, alias 'de Kaap', is a peninsula in Rotterdam South that belongs to the Feijenoord district. In the twentieth century it was well-known as the most famous prostitution area in Rotterdam, with many entertainment options for sailors (seerottterdam.eu, 2019). It was traditionally home to shipping and industry and by the 1950s it had become known as Chinatown with the influx of thousands of Chinese immigrants into Katendrecht (Robertson, 2019). Katendrecht was known as a neighborhood with social problems by the inhabitants of Rotterdam. This was reinforced between 1990 and 2000, when commercial activities and industry related to the harbor disappeared and clientele for retail, cafeterias etc. began to decline sharply. It became a neighborhood where a lot of outflow of population took place (Stichting Historisch Katendrecht, 2016).

Today, however, it is the place to be after the peninsula was scrutinized 25 years ago. This was achieved through renovations, new construction, an attractive mix of residents and several striking shops and eateries, it can be said that the neighborhood is a success (Havenkwartier Katendrecht Rotterdam, 2020). In other words, an area development has taken place that has made the area successful again, whereby the old functions have been replaced by new ones.

The municipality started with the exploration of the development opportunities in 1995, that are included in 'the foresight memorandum Katendrecht'. This was initiated by the relocation of the harbor industry Hanno. Katendrecht was identified as an opportunity to create a new living environment, to attract middle-income and retain them to the city of Rotterdam (Ven, 2012).

#### **Program**

Residents	1.700
Functions	Offices, Eateries, Education, Childcare, Health Center, Church, Park
Area Size	56 Ha
Previous Function	Residents/Port Area
Parties	Municipality of Rotterdam, Heijmans, Woonstad Rotterdam

Katendrecht has been developed through fairly traditional planning in which the municipality played an active role by acquiring old harbor possessions and land. One of the success factors that played a significant role in the development is the cooperation of the municipality with housing association Woonstad in the design of the public space in advance (Hagendijk, Zeeuw & Joosten, 2015).

## B. Data Collection

The data collection for Katendrecht is organized by conducting two standardized open-ended interviews. The interviews are conducted with a representative from both the public and private side of the urban development. The first interview was conducted with Interviewee (1A), a representative of the municipality of Rotterdam who fulfills the position of project manager urban development at the municipality.

The second interview was conducted with Interviewee (1B), the director of Heijmans Vastgoed, a branch of the listed company Heijmans N.V. that combines activities related to property development, construction & technical services and infrastructure in the field of Living, Working and Connecting (Heijmans N.V., n.d.).

## C. Municipality

The municipality of Rotterdam was the initiator of this urban area development. The peninsula of Katendrecht could be seen as one of the worst neighborhoods in the Netherlands, before the developments started. Interviewee 1A (2020) describes Katendrecht of that time as follows:

*“If you go back 20 years in time, just before the new developments start, you see that the area is in bad shape. There are remnants of port-related industry. Local employment has declined sharply. Certain population groups have moved away from the area, there is one-sided housing types, etc. In other words, Katendrecht is Rotterdam's drain. There is little perspective and a socially weak population has lagged behind. Also, there is high unemployment, in short a dramatic picture”*

Both municipality and housing association Woonstad were aware of the fact that action had to be taken. The parties did cooperate early in the process and entered into a partnership agreement with the aim of breaking the negative spiral in Katendrecht. The housing association Woonstad owned almost 95% of the residents in the area. It was not only about physical improvements. An integral campaign was started in which placemaking played an important role (Interviewee 1A, 2020).

## D. Heijmans N.V.

Heijmans is a listed company that belongs in the top 10 of contractors in the Netherlands. In addition, they are also active in project development or as been said by interviewee 1B urban area development (2020).

Heijmans plays a key role in the urban area development of Katendrecht. The party is involved in this development early on and approached by the municipality. While other parties saw no benefits in the plans of the municipality, Heijmans went for the challenge. Heijmans is namely more interested in developing an entire area than developing at plot level, since this creates room to have influence on the final results. In addition, the municipality was looking for a party that was reliable and had a track record (Interviewee 1B, 2020).

Heijmans has acquired almost no land positions directly within the area. They mainly did this through the municipality. Heijmans had the advantage that they were the only party willing to shape to the development. This allowed Heijmans to acquire development locations from the municipality at an appraised value (*Dutch: taxatiewaarde*). Spatial planning was the responsibility of the municipality and together the participation processes were executed. The branding of Katendrecht, sales and agreements made were carried out by Heijmans. There was a clear division in these tasks (Interviewee 1B, 2020).

### E. Urban Context

The urban context in which the urban area development of Katendrecht took place is already briefly elaborated in the introduction of this case study. However, it is also of interest to consider the statements made by the interviewees. As already have been mentioned, Katendrecht could be seen as one of the worst neighborhoods in the Netherlands in that time. This means that you have to count in several factors that will help to improve the status of the area.

Interviewee 1B (2020) states the following: *“Katendrecht was the responsibility of the municipality of Rotterdam. There was a lot going on. The problems continue to grow. There was little perspective and the market was also disappointing at that time. The municipality didn't really know where to start.”*

The acquisition of properties in Katendrecht was not only about anchoring the position of the municipality financially, but also indicating that the municipality will intervene in the area. The image of Katendrecht had deteriorated so badly that it was no longer acceptable. The interesting part is that the marketing strategy of the area opted for an atypical approach. By point out the sharp edges of the area to future residents, expectation were adjusted, and everyone knew what they were getting. The housing products, environment and the people already present in the area were not the same as in the inner city of Rotterdam (Interviewee 1A, 2020).

The area's slogan became *‘Durf jij de Kaap aan?’*, which translated loosely to: *‘Do you dare to Katendrecht (The Kaap)?’*

FIGURE 12 ➤ Impression Katendrecht



Source: [degroenekaap.nl](http://degroenekaap.nl), n.d.



## F. Legal

The ground exploitation of Katendrecht did have a traditional division of roles, in which the private parties are not risk-bearing (Mak, 2012). The municipality has also played an active role in acquiring land and other possessions. Given these facts, it can be said that Katendrecht is traditionally approached in theory. However, in practice there is clearly an integrated approach. The parties have formulated the documents and the Urban Plan of the area in cooperation.

Both representatives of this area development indicated that the approached method of that time does not fit within the current legal framework. There was no large-scale tendering process and the European legislation was not yet up to the current level (Interviewee 1A & 1B, 2020). The parties worked together as strategic partners (Interviewee 1B, 2020).

In addition, the partnerships was organized informally. They acted mainly out of trust and the production of formal documents was low (Interviewee 1B, 2020). After all, it was about achieving a joint objective. One of the few agreements that was drawn up was between the municipality and housing association Woonstad. Small developers in the area got a location-wise agreement (Interviewee 1A, 2020).

## G. Instruments

Various instruments have been used in the area development of Katendrecht. As mentioned earlier, the approach did not fit in with contemporary legislation and regulations. The municipal procedures with accompanying memoranda and documents were also followed during that time. It should be noted, however, that the procedures of that time do probably not match with the procedures of today. This not only has to do with the spirit of the times, but also with the fact that municipalities themselves shape these procedures, since it is a decentralized governmental body. The instruments used in the development of Katendrecht will be briefly explained.

The instruments mentioned in section 5.3. in the literature review have been mostly deployed. Mainly public law instruments have been used. These instruments are; Master Plan, Land-use Plans and Urban Plan. Cooperation Agreements are also been used. However, the amount of agreements was lower than usual, because the partnership was mainly based on trust (Interviewee 1A, 2020).

In addition, various participation processes were used for both the parties involved in the development of the area and the residents. Heijmans has also sponsored services and/or products in the area that would contribute to the success of Katendrecht. An example of this is berths for water taxis (Interviewee 1B, 2020). There has also been frequent cooperation with entrepreneurs in the area, which had been actively managed by means of political ambitions. As example, the plinth of 'Deliplein', which is in possession of the municipality was only reserved for eateries that fit within the 3 C's (Cultural, Culinary & Creative) (Interviewee 1A, 2020).

The informal instruments deployed in the area mainly have to do with the marketing and branding of Katendrecht. As have been said by Interviewee 1A (2020): *"Placemaking was practically invented in Katendrecht."*

## H. Social

Looking at the social aspects among the parties involved within the urban area development, it can be said that both parties are satisfied with the collaboration. Both the municipality of Rotterdam and Heijmans emphasize the importance of the informal process. This created room to listen to initiatives of both sides.

The implementation of the instruments have been done in participation with each other. This has led to fewer objections, allowing developments to proceed faster (Interviewee 1B, 2020). The non-standardization and formalization of the instruments used has resulted in a long-term cooperation, in which both parties ensured their commitment to each other. In general, the negotiations went well, but not totally smooth. This is also not feasible (Interviewee 1A, 2020).

### **Average grade for urban area development of Katendrecht**

Municipality of Rotterdam	- 8
Heijmans	- 8

*\*These average grades are given by the representatives of the public and private party involved in the urban area development of Katendrecht.*

## I. Duration

Start of Urban Development	1995
Area Campaign	2005
Land-use Plan	2007
Completion	2023



An aerial photograph of a city, likely Leidschendam-Voorburg, showing a dense urban landscape with various buildings, streets, and a river. The image is overlaid with a blue tint. The text 'CASE II' is positioned in the upper left quadrant, and the main title 'KLEIN PLASPOELPOLDER, LEIDSCHENDAM-VOORBURG' is centered vertically on the left side of the image.

CASE II

KLEIN  
PLASPOELPOLDER,  
LEIDSCHENDAM-  
VOORBURG



## 7.2. CASE II – Klein Plaspoelpolder, Leidschendam-Voorburg

The second case study that will be elaborated is the urban area development of Klein Plaspoelpolder located in the municipality of Leidschendam-Voorburg. The case will be further explained by making use of document study supported by the standardized open-ended interviews conducted with the municipality of Leidschendam-Voorburg and private party BPD.

The area will be introduced first. Thereafter, the developments will be discussed in more detail. This will be done by the categories that have been determined in section 4.2. This case is selected because of the use of the planning instrument; Game Rule Cards. The urban development is initiated in 2015. The first location (1A/1B) is being developed already and will be completed by the end of this year. The Game Rule Cards played a significant role in this urban area development.

### A. Introduction

The municipality of Leidschendam-Voorburg was created in 2002, after the two municipalities of Leidschendam and Voorburg had decided to continue together as one municipality. The reason for this was that the municipalities were expanding towards each other. Instead of relinquishing land to larger municipalities, such as Den Haag or Rijswijk, it was decided to grow together as one municipality.

The area of Klein Plaspoelpolder has long been located on the edge of both municipalities and was regarded as an intermediate area where large-scale office functions were assigned. Due to the merging of both municipalities over the past 50 years, Klein Plaspoelpolder has a central location between the two centers of the former municipalities (Team Locatieontwikkeling, 2014). After this merge, many buildings became old-fashioned, which led to vacancy. The location of the area was no longer optimal. The municipality decided to redesign the area with different function. Large-scale activity and industry were banned from the area. Although, it had to remain possible to work in the area, but the character of the area had to be developed into a residential one (Interviewee 2A, 2020).

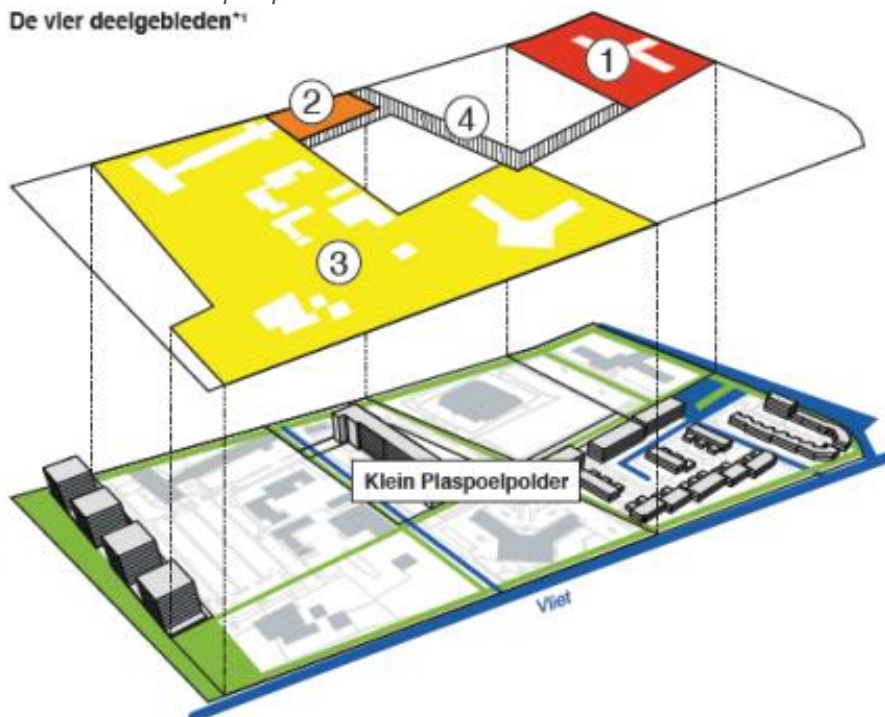
In response to the Structure Vision (*Dutch: Structuurvisie*) and the accompanying implementation program, the Municipal Council has commissioned the drawing up of a 'development vision' (*Dutch: ontwikkelvisie*) for Klein Plaspoelpolder. The approach chosen for the area deviates from how developments were shaped in the past. The development vision has been drawn up in consultation with residents, users and owners of land and/or properties in the area. The municipality of Leidschendam-Voorburg has taken the lead in initiating the development in the area by organizing the participation processes (Mijdam, 2014).

The reasoning behind the deviation from the traditional approach has to do with the time in which the documents were drafted. This was in the middle of the crisis, in which Leidschendam-Voorburg also suffered losses (Interviewee 2A, 2020).

The total area of Klein Plaspoelpolder is divided into four sub-areas. These sub-areas all follow a different schedule. In this research, sub-area 1 will be versatile compared to the other areas.

*The vision map, borders of the plan area and an impression of the Game Rule Cards used in Klein Plaspoelpolder can be consulted in Appendix III.*

FIGURE 13 ➤ Sub-areas Klein Plaspoelpolder  
De vier deelgebieden\*\*



Source: Projectboek Klein Plaspoelpolder, n.d.

## B. Data Collection

The data collection of Klein Plaspoelpolder is organized by conducting two standardized open-ended interviews. The interviews are conducted with a representative of both the public and private side of the urban development. The first interview was conducted with Interviewee (2A), a representative of the municipality of Leidschendam-Voorburg who fulfills the position of program manager.

The second interview was conducted with Interviewee (2B), who holds the position of sr. development manager within Bouwfonds Property Management (BPD). This developer creates attractive living environments in the Netherlands and Germany. The company has been in existence for 75 years (BPD, n.d.).

## C. Municipality

The municipality of Leidschendam-Voorburg could be seen as the initiator of the project in Klein Plaspoelpolder. They designed and formalized the development vision. Besides, they also have taken the lead in the participation process in which all parties concerned are considered. Interviewee 2A (2020) described the developments in the area as follows:

*“The municipality initiated the planning process of Klein Plaspoelpolder. It was already mentioned in the Structure Vision that the area has to be reformed. The development vision is established together with the neighborhood, end-users and landowners in Klein Plaspoelpolder. In the vision, the frameworks of the project have been laid down. Some features are already determined, such as a footpath along The Vliet. Actually, the municipality has sent a signal to the landowners, in which they have indicated their willingness to cooperate if they, the landowners, want to develop in the area.”*

This is also clearly stated in the foreword to the development vision. The Alderman of Spatial Planning, Heleen Mijdam, formulates it as follows, in the development vision of 2014:

*“With this development vision I invite potential initiators to come up with plans that strengthen and support the ambitions set out in this development vision. Developers who see opportunities, for example housing next to ‘De Vliet’ and the ‘Plaspoelhaven’, or developers who see opportunities to realize innovative living-work combinations and entrepreneurs with temporary initiatives that contribute to the intended lively residential area. Klein Plaspoelpolder offers plenty of opportunities.”*

The municipality clearly indicates that it wants to cooperate. However, in the development vision, the municipality has mentioned and implemented the policy frameworks that will be considered. The policy framework consists of 3 categories: starting points, supra-municipal policy frameworks and municipal frameworks for the development vision. This development vision considers the ‘organic’ approach of the area. It is indicated that there should be room for different scenarios and difference in pace within the area development and spatial vision (*ruimtelijke visie*). In other words, the vision must be translated into a flexible zoning plan (Team Locatieontwikkeling, 2014).

The municipality’s approach fits within a facilitative approach of urban area development. This can be traced back to the following:

- Invitation Policy, section 1.1., all (planning) documents are designed in consultation.
- The policy frameworks are made clear within this facilitative approach.
- Room is offered in the area development, provided that the studies and feasibility analysis support it.

The development vision can be regarded as a follow-up step to the Memorandum of Principles, adopted in December 2013. The development vision is a steering instrument characterized by an inviting perspective (Team Locatieontwikkeling, 2014).

#### D. BPD

BPD creates attractive living environments in the Netherlands and Germany. Their integral approach towards urban area development focus on affordability and sustainability. The goal is to create inclusive living environments with integral attention to the physical, spatial and social dimensions of living.

BPD was early involved in the developments in Klein Plaspoelpolder. The first plots within the area were purchases by BPD around the year 2000. When it became clearer what the municipality wanted to achieve in the area, BPD presented a draft plan to the municipality. At that time, it was already noticeable that the area with its former functions was no match with the future. There was already vacancy at that time. The municipality has probably used BPD’s draft plan as basis for the spatial frameworks nowadays. Much of the responsibilities has been left to the market parties within Klein Plaspoelpolder, however it is not a very complex development (Interviewee 2B, 2020).

## E. Urban Context

The urban context of Klein Plaspoelder clearly emerges in the development vision document and Game Rule Cards (*Dutch: spelregelkaarten*). These Game Rule Cards are a sequel to the vision document. In both cases the urban context of the area is described by means of maps and explanations. Interviewee 2A (2020) describes the process of establishing the cards as follows:

*“The reason for the use of Game Rule Cards comes from being accustomed to working with spatial frameworks. The method for drawing up these spatial frameworks was approached with a different method prior in the past. Entire books were made, in which the whole history of the area was elaborated. This took valuable time.”*

The representative of the municipality indicates that a different approach was requested in which there is more participation and possible plans of landowners are included. This document have been drawn up in consultation with each other.

Both documents have common ground. However, the character of each is different. The vision document outlines the urban context of Klein Plaspoelpolder. The Game Rule Cards serve as an instrument to guarantee that the vision, ambitions and policy frameworks are fulfilled in the area. The urban context will therefore be analyzed on the basis of the vision document. The Game Rule Cards will be elaborated in section; *G. Instruments*.

The vision document, established in October 2014, identifies the urban context of the area on the basis of the following, which will be elaborated briefly:

### **Description of the area**

In the current situation, the area of Klein Plaspoelpolder is not considered an attractive urban area. This has been confirmed in the participation process. Klein Plaspoelpolder is characterized as incoherent, uninviting and isolated. Although, it is an area with great diversity of functions and appearance. There is fragmentation due to an unattractive public space, the lack of continuous public connection and abrupt transitions in the building's height of the current buildings. The hidden qualities that can contribute to the cohesion within the area lie mainly in the green and water structure (Team Locatieontwikkeling, 2014).

### **Cohesion in the area**

Creating cohesion is the main concept in the development vision. The development of Klein Plaspoelder in subphases is seen as a treat to cohesion ambitions. In order to guarantee this, a number of spatial preconditions have been drawn up for the subareas. These are:

- The front side of the developments and/or residents need to be connected to the green-blue framework of public space. The framework can be consulted in *Appendix III*.
- The choice has been made to maintain the existing residential functions. New development need to be carefully and logically situated, without large differences in height.
- There are three accent location in the area. The challenge for the developer is to come up with special typologies. These are strategic locations that are important spatial transition areas from Klein Plaspoelpolder to its surrounding.

(Team Locatieontwikkeling, 2014)

## Current functions in the inner area

Klein Plaspoelpolder has a wide variety of function. This diversity create little coherence in the area. However, it does make it easy to distinguish subareas from each other. The following functions are present in the area:

- Offices
- Gas station
- Municipal yard
- Concrete plant
- Residents
- Harbor

The frameworks derived from the identification of the urban context of the area have been drawn up in consultation. Where the municipality normally wishes to classify and design the layout of the area in advance, this is now largely left to the market parties. The market parties are asked to consider and secure the frameworks included in the documents. If this is not the case, the municipality will not cooperate with the development ambitions of these parties. This is clearly reflected in how the municipality deals with the drafting of the Game Rule Cards. They will only be drawn up, in consultation, when the relevant owner in the area presents himself (Interviewee 2B, 2020).

## F. Legal

In Klein Plaspoelpolder a couple of things stand out considering the legal framework in which the operation takes place. To start with, the Crisis and Recovery Act that is being used in the area, which allows to experiment with a land-use plan with a broadened scope.

The municipality wants to transform Klein Plaspoelpolder into a mixed living and working area. However, this is not possible within the current land-use plan. First of all, residential buildings are not allowed in the current land-use plan. This means that an environmental permit has to be granted by the municipality to deviate from the current land-use plan or the land-use plan is subject to change, as has been elaborated in 5.4.2. These are lengthy processes in which the municipal procedures that have to be completed take a lot of time. Therefore, the municipality opt for a different approach, whereby the compulsory change of the land-use plan serves as a safeguard for the condition in the Game Rule Cards.

The municipality of Leidschendam-Voorburg made use of the Crisis and Recovery Act. This act provides perspective in the case of Klein Plaspoelpolder. In order to change an established land-use plan a detailed exploitation plan must be drawn up, if the cost recovery of the municipality is not otherwise assured. This does not comply with the 'organic' approach of the municipality regarding the urban development in Klein Plaspoelpolder. By registering Klein Plaspoelpolder as pilot, the municipality made it possible to experiment with a Land-use Plan with a broadened scope, as has been described in 5.4.3. This gives the municipality the opportunity to work with a cost recovery that can be arranged in phases. In other words, a detailed exploitation plan does not have to be delivered immediately (Planviewer.nl, n.d.).

Although, the legal structure that is being used in Klein Plaspoelpolder does cause necessary challenges in the negotiations of the parties involved. At the moment, there is a partial secrecy on parts of the exploitation plan. This makes it difficult to explain where certain figures are based on. The proceeds from the municipal land positions are included in the exploitation plan. The municipality does not want to reveal to much about their proceedings.



The release of these figures could harm the position of the municipality in the negotiations about future development in the area (Interviewee 2A, 2020). The private party indicates that the municipality makes it difficult to implement an integrated approach in this way. There is a lack of transparency, whereby the legal frameworks are not respected (Interviewee 2B, 2020).

It can be said that all possibilities offered by law are used creatively in this 'organic' approach. The instrument used is in line with the new Environment and Planning Act. In addition, it can be stated that an invitation policy is being opt for the development in Klein Plaspoelder. However, the attitude of the municipality and the procedures used are better suited to the 'traditional' method. This can be explained by the period of uncertainty and transition created by the new Environment and Planning Act. In addition, the case is experimental in nature, which means that the attitude of both the municipality and the private party may deviate from expectations.

### G. Instruments

A wide variety of instruments is being used in Klein Plaspoelpolder. As already mentioned, the developments in Klein Plaspoelpolder are intended to be organic. To realize this, the Crisis and Recovery Act has been used. This offers possibilities but does not mean that the contemporary legislation and regulations are no longer in force. The municipal procedures, section 5.3., will have to be followed as usual to realize the urban development plan.

The implementation of the instruments used are in line with the ongoing transition from 'old' to 'new'. Chronologically, the following instruments have been used; *Structure Vision, Master Plan, Development Vision, Intention Letter, Plan of Action, Game Rule Cards, Grex, Anterior Agreement and Land-use Plan with broadened scope*.

The Game Rule Cards will serve as an assessment framework for adopting a changed land-use plan. The municipality uses the Land-use Plan as an instrument to guarantee the implementation of the framework set out by the Game Rule Cards. If the development plans of the private parties does not fit within this framework, it will not proceed. In other words, no permit will be issued (Interviewee 2B, 2020). This course of action calls into question the legal basis of the instrument used. In addition, working with sub-areas does not promote the creativity and inclusiveness of the area in question. Besides, it ensures that the procedures have to be followed again for each area. The establishment of one land-use plan with making use of anterior agreements within the area might have worked better (Interviewee 2B, 2020).

However, this method of approach should not cause major disagreements in Klein Plaspoelpolder. This is well arranged at the front of the development by drawing up most of the documents in consultation with the private parties, users and local residents. All the parties knew about the ins and outs at an early stage.

### H. Social

Looking at the social aspects, both parties are satisfied with the collaboration. The representative of the municipality indicates that the use of Game Rule Cards in future area developments is preferred (Interviewee 2A, 2020). This does not mean that all challenges have been overcome. In addition, it is not yet entirely clear what the method of approach will be under the new Environment and Planning Act.

The private party indicates that the municipality has been innovative in their approach for that time. The plans for Klein Plaspoelpolder were initiated more than 5 year ago. However, most of the tasks are being conducted by the private parties in the area. This may have to do with the share of private land positions in the area. This could be the reason why the municipality left most of the executable tasks to the private parties (Interviewee 2B, 2020).

Both parties agree that the approach has speeded up the processes. The only obstacle in their cooperation cited by both parties is the partial secrecy of the exploitation plan. This could be solved by making use of another approach, according to BPD (Interviewee 2B, 2020).

### **Average grade for urban development of Klein Plaspoelpolder**

Municipality of Leidschendam-Voorburg	- 8,5
BPD	- 8

*\*These average grades are given by the representatives of the public and private party involved in the urban area development of Klein Plaspoelpolder.*

### **I. Duration**

(Timeline of sub-location 1A/B Voorburgs Kwartier)

Development Vision	October 2014
Development Strategy	April 2015
Intention Letter	Aug 2015
Game Rule Cards	December 2015
Plan of Approach	October 2016
GreX	September 2017
Start Construction	2017
Completion	July 2020



An aerial photograph of a city, likely The Hague, showing a dense urban layout with a prominent river (the Oude Maas) winding through it. The buildings are mostly multi-story structures, and there are green spaces interspersed throughout. The image is overlaid with a semi-transparent blue filter.

# CASE III

## HET JUNOPARK (BINKCHORST), THE HAGUE



### 7.3 CASE III – Junopark, Den Haag (Binckhorst)

The third case study that will be elaborated is the urban area development of ‘Het Junopark’, part of the Binckhorst, is located in the municipality of The Hague. This case will also be further explained by making use of document study supported by the standardized open-ended interviews conducted with the municipality of The Hague and private party BPD.

Het Junopark is part of the Binckhorst. The Binckhorst in The Hague is an industrial area near the city center. It has an isolated position and the urban structure of the area is incomplete. The aim of the municipality is to develop an intense mixed-use urban area (Bouten, 2008). The Binckhorst will be mentioned throughout the case in broad terms. More specifically, the development in Het Junopark will be discussed. This is due to several factors. Firstly, the plan area of the Binckhorst is disproportionately large to be elaborated in its entirety. Secondly, it concerns an area that, like Klein Plaspoelpolder, will be carried out in phases. It is therefore decided to elaborate Het Junopark, one of the developments that is far enough to examine.

The area will be introduced first. Thereafter, the developments will be discussed in more detail. This will be done by the categories that have been determined in section 4.2. This case is selected because of the use of the planning instrument; Area Passport.

FIGURE 14 ➤ Land Positions of Parties Involved (Junopark)



Source: [denhaag.raadsinformatie.nl](http://denhaag.raadsinformatie.nl), 2020

Aerial Photo of Het Junopark can be consulted in Appendix IV

#### A. Introduction

At the end of the nineteenth century industrial development was booming in The Hague. Several industrial complexes such as a gas and electricity factories and slaughterhouses settled in the city center of The Hague. The city center became overcrowded and the heavy industry had to move to the outskirts of The Hague. So, in the 1920s, the municipality developed a new industrial area; The Binckhorst. The area flourished until the early 1970s (DenHaag-Nu.nl, n.d.).

Nowadays, the Binckhorst is an outdated industrial area that could be seen as one of the largest and most ambitious inner-city urban development in the Netherlands. A public-private entity established for the area would, according to the Master Plan 'Nieuw Binckhorst', transform the complete area into a mixed and sustainable living and working area with international allure. However, due to the crisis, the municipality of The Hague had to make choices in its urban development program. The plans for The Binckhorst were consequently postponed until after 2017. In December 2010, the municipality even decides to abolish the Master Plan and announces that it is willing to fulfill a different role in the urban area development. The municipality will follow an 'organic' approach and focus more on a facilitative role. They allow the market to may push forward their initiatives (Kannevorff, 2011).

The municipality of The Hague (2018) described the Binckhorst as follows on their website:

*"The new Binckhorst is the district of the future. Market parties and initiators are given the space to build an innovative and experimental neighborhood. With an exciting mix of companies and residents, with different household, incomes and ages."*

Interviewee 3A (2020) described the area as necessary for the inner-city ambitions of The Hague, when it comes to densification as follows:

*"The Hague is in transition. The expected growth of the municipality is 4000 new inhabitants per year. The municipality wants to facilitate this growth by clever and sustainable densification. The focus is on urban living in or nearby the city center. The Binckhorst is one of the intensification areas in which the Hague wants to facilitate the growth of the city. The central location of the Binckhorst between the centers of The Hague, Voorburg and Rijswijk makes the Binckhorst an outstanding location to realize the ambitions of the municipality."*

The Binckhorst is an area of 130 Ha, which has the potential to be developed into an innovative, sustainable living-working area. The market has the opportunity to participate in an urban development that could set the tone for the rest of the Netherlands. The goal is to create an attractive climate to facilitate the growth of innovation, work and living. This will be done by focusing on integral commitment to the quality of accessibility, the public space, established functions, diversity and density of the area (Interviewee 3A, 2020).

Het Junopark (approx. 20% of Trekvlietzone), part of the plan area 'Trekvlizone' (approx. 20% of the total surface of the Binckhorst), is one of the four distinct areas in the Binckhorst. Het Junopark is one of the furthest developed areas and will therefore be analyzed in this case-study.

## B. Data Collection

The data collection of Het Junopark is organized by conducting two standardized open-ended interviews. The interviews are conducted with a representative of both the public and private side of the urban development. The first interview was conducted with Interviewee (3A), a representative of the municipality of The Hague who fulfills the position of senior program manager.

The second interview was conducted with Interviewee (2B), who holds the position of director area development within Bouwfonds Property Management (BPD). This developer creates attractive living environments in the Netherlands and Germany. The company has been in existence for 75 years (BPD, n.d.).

The private party has already been proposed in the previous case, Klein Plaspoelpolder. BPD operates in a large part of the Netherlands and is one of the larger developers. The similarity in both cases is not seen as a bottleneck in this research, because it is emphatically about the instruments that have been used and the procedures that have been followed.

### C. Municipality

The municipality of the Hague could be seen as the initiator of the urban development in Het Junopark, the Binckhorst. Drawing up the Master Plan and pursuing an active land policy in the 1990s to 2000s contributes to this. However, by abolishing this Master Plan and choosing for a new role shifts the initiative to the market. This has also been the case with Het Junopark. The market parties presented a joint plan to the municipality. The municipality affiliated with the plan, because of their land positions in the area (interviewee 3A, 2020).

As mentioned, the role of the municipality changed over the years. The municipality takes a facilitative approach in the area instead of pursuing an active land policy. The municipality of The Hague is more than two decades working on the Binckhorst. It was the plan to transform the Binckhorst into a hip part of the city. Before the economic crisis, the area was completely organized by the municipality by means of a blueprint. The municipality and one private party would be responsible for the urban area development and would approach the area in a traditional way. However, this plan was no longer tenable due to the crisis (Interviewee 3A, 2020).

The municipality decided to make use of the Crisis and Recovery Act, because it encourages and 'organic' approach to the development. The instrument, Environmental Plan, is being used to manage and utilize the physical environment of the municipality. Formally, it is a Land-use plan with broadened scope. The municipality wants to experiment with the new Environment and Planning Act, before it takes effect in 2022. Therefore, some new innovative instruments have been used in several parts of the urban development. The Spatial Planning Act does not offer room to proceed the organic transformation via a traditional Land-use Plan (Den Haag, 2018).

### D. BPD

BPD creates attractive living environments in the Netherlands and Germany. Their integral approach towards urban area development focus on affordability and sustainability. The goal is to create inclusive living environments with integral attention to the physical, spatial and social dimensions of living.

BPD was early involved in the Binckhorst before the crisis of 2008. At that time BPD operated under the name of Rabovastgoed. After the developments were halted due to the economic crisis of 2008, Rabovastgoed decided to sell a large part of their land positions within the area back to the municipality of the Hague. The land positions in Junopark have been acquired from private parties. The municipality nowadays conducts an invitation policy. Owning many strategic land positions by the municipality does not fit with this policy and their ambitions (Interviewee 3B, 2020).

## E. Urban Context

The urban context of Het Junopark and the Binckhorst clearly emerges in two documents. These documents are the Environmental Plan (Dutch: omgevingsplan) and Area Passport (Dutch: gebiedspaspoort) 'Het Junopark'. This Area Passport is a sequel to the Environmental Plan. Interviewee 3B (2020) described the process of establishing the cards as follows:

*"The Area Passport is conducted on the basis of the Environmental Plan. The difference between both documents is that the Environmental Plan is established one-sided by the municipality. The Area Passport is established in consultation. Especially the Environmental Plan consists of a lot of rules that the developer has to comply with in the area."*

From this it can be stated that the Environmental Plan is the guideline for the developments in the Binckhorst and therefore also Het Junopark. The Environmental Plan sets out the ambitions within the area to create an overall final picture. These ambitions will be translated into planning rules, against which new initiatives will be tested. These rules have been set up in order to guarantee and improve the quality of the environment in which the developments take place (ruimtelijkeplannen.nl, n.d.).

In other words, the Environmental Plan outlines the framework of the urban context or environment. This environmental plan for the Binckhorst contains all kinds of rules, ambitions, preconditions and standards that have to be followed up by the developers. The area passport serves, just like the development in Klein Plaspoelpolder, as an instrument to guarantee that the ambitions, preconditions etc. are fulfilled in the area. The municipality of the Hague ensures that the Environmental Plan is not that complicated and that the rules already apply in the plan area. The difference with the previous approach is that they are less visible since they only come into play in the different phases (ruimtelijkeplannen.nl, n.d.).

However, this is not how Interviewee 3B (2020) experiences the desires of the municipality:

*"As a developer, you have to put in a lot of effort to demonstrate that your intended development falls within the frameworks that have been set up by the municipality. The municipality has many requirements and want to see them all being realized."*

The Environmental Vision document, established in 2018, summarizes the urban context of the area on the basis of the following, which will be elaborated briefly:

### **Description of the area**

The ambition is to transform the Binckhorst into a mixed urban district, in which housing is an important task is not without points for attention:

#### Presence of special values

Several special elements from the industrial past of the area have been transformed into places for startups and creative incubators.

#### Industrial area

In the area industries are present that are not miscible with living. This applies, for example, to the concrete mortar factory and the asphalt plant. These have to be relocated.

### Infrastructure Hub

In the Binckhorst important and busy traffic arteries come together. The 'Rotterdamsebaan' is an example of this. This means that important considerations have to be made that promote and not hinder the important infrastructure that leads to the city center of The Hague.

### Quality of Life

Due to the industrial activities and important infrastructure noise contours across the entire area are present. This creates areas of attention such as, odor contours and air quality. In other words, the quality of life in the area is under pressure, especially with the ambition of adding housing in the area.

## **Starting points**

The municipality wants to stimulate private initiatives, creativity and innovation without imposing all kinds of rules and conditions. This means that the municipality will opt a facilitative approach. In other words, the municipality will indicate the direction and frameworks of the transformation, in which the market has the freedom to devise and flesh out initiatives.

This approach of the municipality leads to three starting points that form the foundation of the Environmental Plan. These principles are impossible to implement in a traditional Land-use Plan. Therefore, the Binckhorst will make use of the Crisis and Recovery Act. This act makes the principles more manageable, therefore an Environmental Plan\* instead of a Land-use Plan has been established. These principles are:

- Organic and flexible plan
- Protect existing activities
- Policy neutral attitude

*\*Formally the Environmental Plan is actually a Land-use Plan with broadened scope.*

## **Rules**

The facilitative approach of the municipality which offers room for market initiative and makes it possible to go for an organic development is expected to have fewer rules than a traditional approach. However, this is not the case in the Binckhorst. This can be explained by the following:

### Need for clarity

The municipality has held many discussions with initiators and stakeholders in the Binckhorst, that showed that besides flexibility, there is also a strong need for clarity. Especially, clarity about how to meet the rules and conditions provided.

### Exceptions

The plan offers room for flexibility and exception to the rules and condition through offsetting. However, this exception can only be acquired by well argumentation. This leads to extra rules.

### Bundling of rules

The Environmental Plan contains many rules that were already valid, but not immediately recognizable. This makes it seem as if there are more rules.



### Pilot status of the area

The pilot status of the area makes it possible to make use of instruments of the new Environment and Planning Act. However, the Environment and Planning Act cannot be implemented in its entirety. So, the old legislation (Spatial Planning Act) is also partly used. This creates extra rules.

### **Environmental effects report**

The environmental effects report (Dutch: omgevingseffectrapport) assesses the effects of the planning situation in relation to the current situation and reference situation. The environmental effects report aims to give the environment a fully-fledged role in the decision-making process. This report describes is to gain insight into the potential environmental effects on the environment and determine appropriate measures to reduce and/or compensate negatives effects on the environment.

In short, the environmental plan of the Binckhorst describes a lot of aspects that have to be incorporated in the intended developments. However, the additional reports such as, the environmental effects report and 'additional' rules create a complex urban context to maneuver in (Interviewee 3B, 2020).

### **F. Legal**

In the Binckhorst and so directly in Het Junopark a couple things stand out considering the legal framework in which the operation takes place. Just like the previous case, the Crisis and Recovery Act is being used in the area, which allows to experiment with a land-use plan with a broadened scope. The municipality uses the pilot status that has been obtained for the Binckhorst and made use of the instrument; Environmental Plan. This is an instrument is part of the new Environment and Planning Act.

The current land-use plan of the area hinders the ambitions of the municipality in the Binckhorst and The Junopark. Just like the previous case, residential buildings are not allowed in the current land-use plan. Therefore, the municipality decided to make use of a land-use plan with broadened scope/Environmental Plan in order to develop in phases. The aim is to bring flexibility into the plans and attract market initiatives. However, it appears from the interviews that theory and practice do not match. Interviewee 3B (2020) describes this as follows:

*“The policies of the municipalities change the whole time during the process. The private parties cannot influence these changes. That is our concern. Another example are the recovery costs of the municipality, they increase from one year to the next, without a clear explanation. The municipality has a lot power. The municipality makes use of several instruments to push through their desires, this should not be the case. They should be open to dialogue.”*

The representative of the municipality, Interviewee 3A (2020), explains this as follows:

*“This approach is new for the municipality. There are still many uncertainties and the municipality is not used to leaving the implementation of the plan largely to the market. We are dealing with a pilot area. It is difficult to let go of control.”*

It is also remarkable that the Area Passport is mentioned in the document; Approach of Binckhorst (2018), but not in the Environmental Plan online. Such matters can affect the negotiations between the parties involved.

The private parties do not know their positions regarding the further elaboration of the area passport. The documents do not clearly state the dialogue between the parties involved.

In addition, both interviewees highlight that the instruments used next to each other do not match. This creates pressure on the legality and frustration. To elaborate, in addition to the already mentioned documents, policies and rules the municipality uses several other instruments to monitor and guide the developments in the Binckhorst. This will be elaborated in the following paragraph.

### G. Instruments

A wide variety of instruments is being used in the Binckhorst and Het Junopark. As already mentioned, the developments in the Binckhorst and Het Junopark are intended to be organic. To realize this, the Crisis and Recovery Act has been used. This offers possibilities but does not mean that the contemporary legislation and regulations are no longer in force. On the contrary, both legislations are used side by side.

Just like the previous case, the implementation of the instruments used are in line with the ongoing transition from 'old' to 'new'. Chronologically, the following instruments have been used: *Structure Vision, Plan of Action, Reservation System, Intention Letter, Area Passport, Land-use Plan with broadened scope*.

In total three instruments stand out compared to the other cases. First of all, the reservation system that have been used in the Binckhorst. This reservation system is part of the Environmental Plan. This plan states that, in principle, 5000 dwellings can be realized in the Binckhorst. The private parties that are willing to develop residents in the area have to make a reservation for the number of dwellings of their plan. In order to this you have to show the municipality that you have the rights of the land in question (Interviewee 3A, 2020).

However, this working method caused issues. The 5000 dwellings apply to the entire area. This means that if a private party is too late with their reservation they are not allowed to proceed with their plan. This happened in Het Junopark. The private party, BPD, was not on time with their reservation for the 300 dwellings included in their plan for Het Junopark. This means that they have to wait for a possible second installment or have to wait for reservations of another party whose plan has not been approved. The number of residents of the plan which is not approved could be transferred to the other parties. However, these do need to be reserved again. The working method is as follows; When a reservation has been made, the private party must come up with a preliminary design for the area within 12 weeks. This preliminary design must be substantiated by the necessary (environmental) studies (Interviewee 3A & 3B, 2020). This is almost not feasible (Interviewee 3B, 2020).

Second, the Environmental Plan with its policies and open plan rules could be subject to change. The intention of the municipality is to build in more flexibility into the Environmental Plan. However, this also creates issues for both the municipality and the private parties in the area. This can be explained in the following way: The Environmental Plan indicates that the streets in the area must have sufficient width. At the time, it was decided to maintain a width of 20 meters in Het Junopark. This is also established in the Area Passport. However, the municipality has the right to adjust the policies in the Environmental Plan and 'fill-in' the open plan rules. So, the municipality decided that the streets should have a width of 21,5 meters. Such changes are not conducive to the negotiations. This is a small example, but the municipality can apply the same to other matters (Interviewee 3B, 2020).

Lastly, the Area Passport that is being used in Junopark. This document is a detailed elaboration of the plan area, which results from the environmental plan. This plan consists out of the following:

- Vision
- Context
- Plan Area
- Elaboration of the ambitions described in the Environmental Plan
- Development Strategy

The Area Passport is tested against the Environmental Plan. In other words, the Area Passport serves as a guideline for the developments. This is because the Environmental Plan is subject to change, has been described in the previous paragraphs. This makes it difficult for the developing parties in Het Junopark. Instead of considering one document, the parties involved should consider two documents. This causes confusion (Interviewee 3B, 2020).

*Street Structure with Dimension can be consulted in Appendix IV*

## H. Social

Both parties indicate that they have problems with the way of working in the area. Several issues have been described that put pressure on the relationships between the municipality and BPD. The policies in the Environmental Plan that are subject to change, the instruments that do not match and the reservation system are points of frustration.

The municipality tries to adopt a flexible attitude, but the opposite is experienced. This puts pressure on the feasibility of the plans. A preliminary design that is tested against all kinds of issues and thereafter is rejected, causing a developer to lose his reservation in the area is actually deterrent (Interviewee 3B).

The municipality has to get used to this way of working. It is a good exercise for when the new Environment and Planning Act comes into effect. The municipality learned a lot and would like to see certain things differently. The reservation system, for example, it is difficult to declare that the Area Passport has been completed but construction cannot start, because the reservation was not made on time. This is not conducive. Areas of which the area passport has been formalized should be given priority (Interviewee 3A, 2020).

### **Average grade for urban development of Junopark, the Binckhorst**

Municipality of Leidschendam-Voorburg	- 7
BPD	- 6,5

*\*These average grades are given by the representatives of the public and private party involved in the urban area development of Junopark, The Binckhorst.*

## I. Duration

N/A – The developments are not far enough to give a clear overview.

## 7.4 Cross-case Analysis and Synthesis

In this section a cross-case analysis will be conducted. The aim of the analysis is to produce a synthesized outcome. A cross-case analysis is a research method that facilitates the comparison of similarities and differences in the units used to elaborate the cases independently. These units could be events, activities and processes (Khan, Samia & Vanwynsberghe, 2008).

In this research the cases are approached by means of document study and standardized open-ended interviews. The document study is subjected to the categories, Urban Context, Legal, Instruments and Social. The character of the categories has been described in section 4.2. To give a more detailed overview, subcategories will be used.

- Public Parties
- Private Parties
- Legal
- Instruments
- Social
- Time

First of all, an overview will be given of the data obtained. Thereafter, each 'variable' will be elaborated. In the following section the table will be elaborated and compared. Some categories are subdivided into subcategories to create more depth and to facilitate the comparison of the cases. The Urban Context is not included in the cross-case analysis because it already appears in the other categories indirectly.

### 7.4.1. Cross-case analysis overview

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 (Junopark - 6Ha)
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

#### 7.4.2. Elaboration & Synthesis

In this section the cross-case table will be elaborated for each 'variable' and/or category. The aim is to give an overview in text and explain the differences between the cases. First, the information in point 1 until 4, in the cross-case table, will be elaborated. In section 7.4.3. the findings of the analysis will be synthesized as lessons learned.

##### **General (1. – 4.)**

The first thing that stands out in the analysis is the size of the cases. Klein Plaspoelpolder is the smallest of three cases. The Binkchorst is the largest urban area development, but because the development in this area are not far enough yet, it was decided to look at how Het Junopark is incorporated and implemented. The developments in Katendrecht have largely been completed. The surrounding area is now planned to be developed in the near future. The municipality will clearly have a different approach, since the spirit of times is different.

All the cases meet the previously set case criteria. The type of development is one of the most important criteria. Katendrecht has traditionally been developed, looking at the attitude of the municipality. The Grex has been drawn up by the municipality and they also conducted an active land policy. However, the case becomes interesting when looking at the way of collaboration. Much has been done in consultation, this probably has to do with the fact that only one developer was active in the area. This was beneficial for the development. In short, there is no need to consider the interest of other parties.

The other cases have an organic type of development. The developments are arranged in phases, which has both advantages and disadvantages. It offers flexibility but also uncertainty. For example, the Grex do not need to be worked out in advance. However, this also means that there is a risk that the phases do not connect properly with each other. This cannot be examined yet, because both organic developments have not yet been completed.

##### **Legal**

This category has been divided into two subcategories: *Land-use Plan and Policy Framework*.

The Land-use Plan is used as safeguard to make sure that the conditions of the municipalities are met, especially in Klein Plaspoelpolder and Het Junopark. Katendrecht is an exceptional case in this category. Both parties indicate that the legal framework used in that time cannot be used today. However, it is interesting to find out that the partnership was informal in nature and the number of legal documents was low. This is in line with the new Environment and Planning Act.

In the other cases, the Land-use Plan is combined with the Crisis and Recovery Act. This allowed to make use of a Land-use Plan with broadened scope. This allowed to work in phases regarding the developments. In both cases, the Land-use Plan+ was used as a safeguard for the conditions set by the municipality. In both cases, the Land-use Plan must be changed. This does not match with the ambitions of the new Environment and Planning Act. This is due to the fact that both, Spatial Planning Act and new Environment and Planning Act, are used side by side. The Crisis and Recovery Act makes this possible. In the Binckhorst, the municipality uses an Environmental Plan, but in reality, this is formally nothing more than a Land-use Plan+.

This puts the negotiations under pressure and has a misleading character. The intention is that the market may come up with initiatives, but if these do not match the ambitions of the municipality, they can oppose this by not changing the Land-use Plan.

### **Instruments**

The instruments used in the cases can be divided into; *Formal and Informal*.

The formal instruments used are largely the same in all the cases. The structure vision, Master Plan and Land-use Plan is present in all, how they are deployed is different. The formal instruments, as described in the previous paragraph, are used in 2 of the 3 cases as a safeguard mechanism. The Land-use Plan and Grex are the best examples. The bottleneck for the private parties is that both legislations are used side by side. In Klein Plaspoelpolder, the Grex is partial secret. This complicates the negotiations. In addition, it may also be drawn up in stages.

The informal instruments do differ broadly. In Katendrecht the informal instruments used were mainly about marketing & branding. This information is not useful for this research and will therefore not be considered further. The other informal instruments used in Klein Plaspoelpolder and the Binkchorst (Het Junopark) are interesting to compare.

Both instruments have been drawn up in consultation. However, there are differences. The main differences between the Game Rule Cards and Area Passport are that the former is not subject to changed compared to the other and that the assessment framework and the structure of the documents differ.

The Game Rule Cards cannot be changed after they have been drawn up. In principle, this also applies to the Area Passport. The difference in the Area Passport lies in the parent document, Environmental Plan. This plan consists out of policies and open plan rules that could be subject to change, as been described in Case III, G. Instruments. This means that after the Area Passport has been drawn up, certain matters can be changed by the municipality afterwards. The intention is to create flexibility, but this also results in uncertainty. In addition, this instrument does not come into its own, because it takes a subordinate position to the parent document. Also, the Environmental Plan has been drawn up unilaterally. The Game Rule Cards, on the other hand, are drawn up in consultation and originate from a Development Vision, which is also drawn up in consultation.

Second, the assessment framework differs in both areas. The Game Rule Cards in Klein Plaspoelpolder immediately form the assessment framework for the planned developments. The Area Passport, on the other hand, is described by both interviewees as a guideline. This instrument is tested against the Environmental Plan. In addition, it may be subject to change. This difference affects a number of issues, namely the negotiations, the relationship structure between the parties involved and the degree of certainty.

Lastly, the structure of the documents. Both documents belong to the informal category of instruments that have been used in the cases. The municipalities in the Netherlands are decentralized. This means that they can design the documents by themselves. This also explains the differences in the previous paragraphs. So, this means that the experiences of the private party largely differs. In both cases it concerns the same private party, BPD. It is remarkable that the private party has to adjust its attitude towards the cases. Although, it should also be mentioned that the areas differ in terms of functions, size etc. This may explain the working method of the municipalities.

## Social

This category has been divided into three subcategories: *Negotiations, Obstacles and Key Factors*.

The negotiations are directly influenced by the categories described above. This is a logical consequence, since the strategy of the public parties, the legal framework, instruments used to determine the way of negotiation the plans in the area. In Katendrecht the negotiations were based on commitment. In short, this means that the parties will come to an agreement anyway. It was of course decisive that there was only one party that was willing to transform the area.

The negotiations in Klein Plaspoelpolder were flexible approached. The instruments used are conducted in consultation. This means that once there is an agreement about the content of an instrument, it is no longer subject to change. This provides certainty. However, the municipality has indicated that if there is a well formulated substantiation for a small deviation, this is certainly possible.

The developments in Het Junopark have not yet progressed far enough to review the negotiations. However, as has been described in the paragraph about the instruments, it is expected that the negotiations may proceed with difficulty. This has to do with the plans that may could change on several parts.

In all cases there are obstacles that both parties suffer from. In Katendrecht and Binckhorst this has to do with the size of the area. Therefore, it has been decided in the Binckhorst to work with phasing and more than one area passport. This is an innovative approach. However, the reservation system causes issues in this approach. No timely reservation means that the developments cannot take place, even if the Area Passport has been determined. Klein Plaspoelpolder is also working with phasing. However, it is important to keep in mind that the area is much smaller in size. This makes it easier to organize. The main problem in this case is that there is partial secrecy on some parts of the Grex, which makes the negotiations more difficult.

The key factors that could be seen as the factors that shape the character of the developments are different in all the cases. In Katendrecht the non-standardization and formalization of the instruments used was very beneficial for the partnership relation between the municipality and Heijmans. The innovative attitude and the speed of the decision-making in Klein Plaspoelpolder is described as very encouraging. The Environmental Plan in the Binckhorst, despite the negative side notes, is also described as innovative. However, the attitude of the municipality is too rigid.

### 7.4.3. Lessons Learned

In this section the lessons learned from the cases by conducting a cross-case analysis will be explained. In total, three cases have been examined and elaborated. This analysis reveals a number of issues that need to be highlighted and can serve as input for other case studies.

First of all, the legal framework in the cases. Despite that fact that Katendrecht was approached in a traditional way and the legal framework in which the operation was carried out is not applicable nowadays, important lessons can be learned from it. It is true that an active land policy was pursued, but the working method could be seen as integral. Both parties had an equal position in the area. The instruments were drawn up and implemented in consultation. The area is nowadays described as a great success.



In other words, the urban area development of that time partly fit within the intended approach of how an area should be developed today. Dialogue, commitment and equal values are the pillars of the development in Katendrecht.

In the other cases, it can be said that this is still difficult. This is due to a number of factors. Firstly, the amount of parties involved. In Katendrecht there was just one private party present that was willing to develop the area. This is not the case in Het Junopark (Binckhorst) and Klein Plaspoelpolder. This makes it more difficult to approach the area in total consultation, in which all the parties involved do have an equal position. In addition, the instruments used are in one case drawn up in consultation and in the other not. This is partly the result of making use of the Crisis and Recovery Act, which allows to make use of a hybrid of the Spatial Planning Act and the new Environment and Planning Act.

Secondly, the instruments in Klein Plaspoelpolder and the Binckhorst which are significantly different. There are large differences in how documents are drawn up, what the assessment framework is and its content. However, it should be noted that the areas differ in terms of characteristics. It seems the case, that if all documents are set up in consultation, this will cause fewer problems. The reservation system used by the municipality of The Hague has many caveats. It appears that it is necessary that the instruments, documents and policy rules that are deployed are properly coordinated. Otherwise, an unintended imbalance is created which is experienced by all parties.

Lastly, the social aspect in the cases. The use of an invitation policy should not deter. This was not the case in Klein Plaspoelpolder but seems to be in the Binckhorst. Possibility to lose a reservation made, having little or nothing to say about important documents and the municipality that intends to invite, but does not act like said are perceived as deterring.

As earlier mentioned, it turns out that theory and practice do not match. Urban area development is tailor-made. It must be clear in advance what the characteristics are of the area in question, what the working method will be, when a dialogue must be held, and which instruments will be used.

## 8. Conclusion

This chapter will provide conclusions derived from the literature review and case studies conducted. Firstly, the sub questions will be answered. Thereafter, the answer of the main research question will follow.

### 8.1. Answering the sub questions

The main research question is divided into 5 sub questions.

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

**Answer:** The context of urban development in the Netherlands is defiant contemporary. Not only because of law and regulations, but also exogeneous variables such as location, size, program, design and layout. Besides, it is also difficult to distinguish the informal from the formal phase in urban development projects. Even in literature, the phasing of urban development projects is not clear. The phasing differs. This has probably to do with the difficulty of determining when a phase ends and a new one starts. Also, the literature is lacking in describing the 'front' of the urban development process. In the literature review of this research it has been decided to divide the phasing into two categories, formal and informal.

This distinction has been made based on the non-legal and legal status of the procedures used. Looking at the outlines of an urban development process it could take 5 to 15 years to come to a cooperation agreement. This can be explained by the iterative process in which various interrelated parts must be matched. In total, there are 5 groups: Program, Design, Support, Land exploitation and the environmental law provisions. This means that if a change occurs in one of the activities this means that the other ones also have to be checked. This contributes to the complexity of the urban development projects and forms the urban context in which the operation takes place.

In addition, the municipal procedures in the Netherlands differ per municipality and are not described, since these are also part of the informal phase. An attempt has been made in the literature review to describe these procedures based on the document '*Projectmatig werken in Drimmelen*'. Looking at the decision-making process it can be said that this is quite complex and takes a lot of time.

So, the informal phase is quite vague compared to the formal one. However, the formal phase is largely formed by the Dutch Spatial Planning Act which is really complex. Within this act several instruments and procedures are introduced that could be used in urban development projects. However, these procedures differ from each other. Also, it is important to know that the context of urban development projects is largely formed by the municipality that is responsible for the development, since they have the power to change a Land-use Plan. If the developer meets the conditions set, the plan will be changed otherwise not. The aim of the new Environment and Planning Act is to form a more flexible and inviting character and create a more understandable and less complex context to operate in. However, from the case studies it emerges that municipalities could experience troubles with this transition. Probably, this will change over time when the new act comes into effect. Due to the conservative character of the construction industry this will take time.

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

**Answer:** The traditional procedure of urban development and the legal and non-legal instruments that are involved are extensive. To start with the informal phase which is already slightly introduced in the answer of question one.

The informal phase and its instruments are characterized by their non-legal status. The municipality is responsible for drawing up and following the planning instruments and procedures. 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. Also, the private parties are often not involved in this process. The documents and instruments are made unilaterally by the municipality. Therefore, it has been decided to place these in the informal phase of urban area development.

These instruments/documents are; *Structure Vision, Master Plan and the Municipal Procedures*. These must first be completed and implemented before the formal phase can start. The municipality has a crucial role here.

The formal phase is formed by the legal status of the instruments, procedures and documents involved. In this case, it is legally binding for all the parties involved. The emphasis lays on the Land-use Plan, deviation from Land-use Plan and the Crisis and Recovery Act. The Land-use Plan is one of the most important instruments, since in principle no building permit is issued if it is in conflict with the Land-use Plan of the designated area.

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

**Answer:** To start with the crisis of 2008 what can be seen as the initiator of this transition, because of the financial losses of the municipalities due to their active land policy. By pursuing an active land policy municipalities act as 'market parties' and have more control in the process of urban development.

However, the transition into a more facilitating approach can be traced back to several other matters than only the crisis. First of all, the complexity of the urban context, procedures and instruments used in the traditional approach. Due to this complexity, developers can be more reluctant. There may be a mismatch between the desires of the municipality and those of a developer regarding the developments and functions in an area. This could result in postponing the intended developments.

Second, to be more flexible and organic in the approach of urban area development. The traditional approach is quite rigid with the possibilities in an area. In addition, there is less participation, which may result in objections from the surrounding residents. With a facilitating approach, the aim is to prevent this and to list more to what actually is needed in the area.

Lastly, to speed up the decision-making process. If the municipality is willing to change a Land-use Plan, an entire procedure must be followed. This process can take years and is vulnerable to political influence.

In short, the aim is to make urban area developments easier and flexible in nature. However, this is not always the case. The case studies show that in Klein Plaspoelpolder the decision-making process is indeed faster.

However, in the Binckhorst there are many complaints about the new facilitative approach. This can be explained. As already mentioned in the synthesis of the empirical studies, instruments are used side by side without coordination.

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:** The new instruments that have been used are Game Rule Cards and Area Passport. These instruments are being used in Klein Plaspoelpolder and Het Junopark (The Binckhorst). In theory, these instruments are in line with the new Environment and Planning Act and fit the facilitative approach municipalities adopted. However, in practice this is not always the case.

In both cases these instruments are comparable and have been drawn up in consultation, however they differ in terms of structure, assessment and modifiability. The Game Rule Cards cannot be changed after they have been drawn up. In principle, this also applies to the Area Passport. The difference lies in the parent document of the Area Passport; Environmental Plan. The Environmental Plan is an instrument of the new Environment and Planning Act and has a legal status. However, since the plan consists out of policies and open plan rules that could be subject to change the Area Passport does not come into its own. This is also the case when looking at the assessment framework. The Game Rule Cards are the assessment framework of the development in Klein Plaspoelpolder, while the Area Passport is more prominent as a guideline, because it is subject to change. Lastly, the structure of the documents. Both documents belong to the informal category of instruments that have been used in the cases. The municipalities are allowed to design the instruments by themselves. However, it is important to keep in mind that both documents do not have any legal status. They are used to facilitate the urban area developments. The municipality mainly rely on the Land-use Plan with broadened scope to guarantee their ambitions.

Looked at the experiences with these instruments, they are positive and negative. In Klein Plaspoelpolder both parties are satisfied with the Game Rule Cards. This is not the case in the Binckhorst, Het Junopark. This is because, in the Binckhorst, other instruments are used that are not in aligned with the rest, such as a reservation system.

In Klein Plaspoelpolder the decision-making process has indeed accelerated. This cannot be said about the Binckhorst. The size of the area also plays a role in this of course. In addition, all parties indicate that they have to get used to the new way of working. This is especially the case in the municipality of The Hague.

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

**Answer:** The public and private parties are forced to adopt their working methods due to the instruments used in the urban area development they are involved in. Looking at the social aspects, both positive and negative experiences are present.

In the case of Klein Plaspoelpolder, the municipality indicates that the use of Game Rule Cards is preferred to be used in future developments.

It speeded up the decision-making process and drawing up the documents and instruments in consultation has ensured that the negotiations have gone fairly smooth. The private party even indicates that the approach of the municipality was innovative for that time. However, it is also mentioned by the private party that most of the tasks are being conducted by the private party. They were not used to this.

The negotiations in Het Junopark have not yet progressed far enough to review the negotiations. However, it is expected that the negotiations may proceed with difficulty. This has mainly to do with the plans that may could change on several parts in the Environmental Plan.

## 8.2. Answering the main question

In this section of the report the main research question will be answered. The main research question is:

*“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’?”*

**Answer:** The traditional procedure of urban area developments is complex, the phasing is difficult to distinguish, and a change in the program, design, support, land exploitation and the environmental law provisions means that if a change occurs in one of the activities the other ones also have to be checked.

With this transition from traditional into a more facilitating approach and the new Environment and Planning Act, the environmental law provisions are almost completely changed. So, this affects the program, design, support and land exploitation directly. These matters together form the common thread of an urban area development. The literature and empirical study confirm this claim.

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.

All these activities come to fore in both the literature and empirical research. To start with the program. The program of an area and its design are the starting point of an urban area development. In the cases Klein Plaspoelpolder and Het Junopark the program and design are approached in a different way. The program and design are largely shaped together with the private parties, which affects the land exploitation. In both cases the land exploitation is not predetermined but will be realized in phases during the development. In Klein Plaspoelpolder this even means that the land development is partial secret.

The facilitating approach is also conducive to create more support among the stakeholders and private parties. This is expected to grow over time, since this does not come to fore in the cases examined. However, it is true that there are fewer objections about the plans. This could be explained by the participation process that receives more attention in the new approach.

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.

So, urban area development will completely be redesigned, which will be noticeable in everything that has to do with it. Briefly, let's take the lessons learned and make this a topic of discussion. Perhaps, we can prevent today's challenges or difficulties in the near future. Not to forget, the law will take effect in a year.

## 9. Discussion & Recommendations

In this chapter, research and its findings will be discussed and reviewed. The problem statement will be mentioned first. Thereafter, the main findings will follow. The validity and generalizability of the research will also be mentioned. Lastly, recommendation for practice and further research will be given.

### 9.1. Problem statement and Research Motives

The problem statement of this research has to do with the changing approach of municipalities in urban development projects in the Netherlands. The municipalities are expected to offer more space for initiatives from the market through conducting a facilitating policy instead of active interference. However, the ongoing transition is not clear in terms of procedures, laws and regulations. Besides, new instruments are introduced in the previous years which are almost not examined. There is a lack in practical knowledge and tangible products.

The aim of this research is to fill the existing literature gap on this topic and clarify the framework of this facilitative approach. Most often subcomponents regarding this topic has been described or investigated. So, the literature on this topic was scarce. This was also expected, since the new law is not in effect yet and the new instruments used only occur in a number of projects. An attempt has been made to describe the transition and how this can be traced back into practice.

### 9.2. Main Findings

The answer to the main research question has been formulated by making use of literature and empirical study. The mismatch between theory and practice was already mentioned in the methodology chapter. This hypothesis is confirmed by the case studies and interviews.

The literature study provided answers on the first three sub questions. The findings indicate that urban context is complex. This is one of the main reasons to initiate the transition. Very interesting is that figure 4 is used to answer the main research question. This shows that the environmental law provisions, or in other words environmental framework is key in urban area developments. Without having a clear perspective of this framework, it is difficult to succeed with an urban area development. This is evident from both the literature and the case studies.

The cases show that if the instruments are not properly coordinated with each other, or if the instruments are not used as theoretically described, it could create all kinds of challenges in practice. In addition, it is important to shape these instruments in consultation. This allows for better cooperation between private and public parties and ensures a higher level of satisfaction, as evidenced by the case in Klein Plaspoelpolder.

The objective of this research is to describe the process of urban area development from begin to end. The literature study forms the foundation for this. This review includes the most important procedures, instruments and laws and regulations. This helped to formulate and categorize the interview questions. This has shown that the matters described in the literature are also carried out in practice. However, the effect appears to differ. This is can be attributed to various matters, such as the human aspect, the attitude of the organization, politics, interests and being used to working differently. It takes time to process the transition. However, the lessons learned from the cases should be considered seriously. This will speed up the process of internalizing. 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.

### 9.3. Validity and generalizability

The existing literature on the topic of transition into a more facilitating approach is scarce. An overall description of the procedures, instruments and laws and regulations is largely missing. This makes it hard to compare the findings with the possible findings of other studies. This made it especially difficult to distinguish the formal and informal phase of an urban area development from each other. It has been decided to use the draft of the Land-use Plan as the kick-off of the formal phase, since the Land-use Plan is one of the most important instruments. No building permit is issued if it is in conflict with the Land-use Plan of the designated area. Unfortunately, this cannot be found in the literature, so that its validity cannot be tested.

The case studies conducted provided insights in how the theory is implemented in practice. It turns out that most procedures and instruments are used as has been described in the literature. However, the Crisis and Recovery Act is being used as another instrument to guarantee that de ambitions and conditions of the municipality are met. In the literature this function is not assigned to this act, at least it is not described in that way. This again shows that the theory and practice do not match.

The case studies are supported by standardized open-ended interviews. This made it possible to compare the cases in an easy manner. This made the differences between the cases clearly visible. This also made it easy to interpret the information obtained. However, since the questions are determined beforehand it is really important to ask the right questions to get the right information. Looking at the answers given to the sub questions and main question, this seems to be successful.

### 9.4. Limitations

The aim of this research is to fill the existing literature gap on this topic. As already been said, literature on this topic is scarce. So, this is also one of the biggest limitations of this research. There was enough information about the formal phase of urban area development, since this part is legally binding and described in the Dutch Spatial Planning Act. The non-legal procedures, such as the municipal procedures were really hard to find. Besides, the municipality is a decentralized governmental organ, so it can design its own procedures. It would have been ideal if more information could be found on this topic to give this topic more body.

Another limitation was the amount of case-studies. The new instruments that have been investigated are not yet widely used. All cases belong to municipalities in 'de Randstad'. It would be interesting to investigate other urban area developments throughout the Netherlands. Unfortunately, either the developments with the use of new instruments in the rest of the Netherlands have not progressed far enough to be examined or the instruments are simply not being used yet. It has also been difficult to find information about the negotiations between the parties. Firstly, this is almost not described in literature. Secondly, the negotiations had either not progressed far enough or have taken place between other representatives of the parties involved in the cases selected.

Lastly, having to write based on expectations and assumptions. The new Environment and 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. However, this research could well serve as a basis for further studies.

## 9.5. Recommendations

### 9.5.1. Further Research

There is always room for further research, especially about this topic that can be further supplemented. In this section the most important recommendation will be given.

#### Conduct same research after the new Environment and Planning Act comes into effect

This research has been written while the transition from active into a more facilitating approach is still ongoing. As has been said, this report has largely been written based on expectations and assumptions. It is expected that the new Environment and Planning Act will change a lot more than the Crisis and Recovery Act, which is mainly used in the cases described. Besides, it is also expected that more new instruments will be introduced in the coming years, especially when the new act comes into effect forcing municipalities to make use of these kinds of instruments. Perhaps the instruments will therefore also be given a place in the new act. It is therefore advice to conduct the same research after a couple of years. The parties will also have more experience with the new approach and may be able to provide this research with more information.

#### Conducting more interviews on different levels

This research conducted interviews with representatives of the municipalities and private parties involved in urban area projects. It could be interesting to conduct interviews on different levels, such as responsible or involved ministries, consultancy companies, lawyers and other stakeholders. This will create depth and provide multiple insights.

#### More case studies

In this research a total of three case studies have been carried out. In the coming years, especially after the new act comes into effect, there will be more cases to be examined. This broadens the research and will provide more information that be used to make better comparisons. It is also expected that new instruments will be added to the inventory. More attention can then be paid to how these instruments are designed and the differences among them can be better highlighted.



### Looking at possibilities for quantitative data

This information has been made on the basis of qualitative research methods. It could be interesting to incorporate quantitative data, if possible. This would benefit the research, because figures do not lie. One idea could be to ask the entire project team to complete a survey in which the level of satisfaction is examined by a 1 to 5 scale on several topics.

### Comparing the Dutch planning system with a foreign one

It would be interesting and instructive to compare the Dutch planning system with a foreign one. This could offer different perspectives that could contribute to international studies. In this way, experiences on an international level could be exchanged.

#### 9.5.2. Practice

Based on the research conducted and the conclusions drawn from the cases, recommendations can be given about how the parties involved have to deal with the new instruments, which conditions they must meet, and how these instruments should be established. This will be done by bullet points.

- Open communication
- Adhere to the rules set
- No changes after the rules have been set
- Do not interfere, unless asked for
- 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

## 10. Reflection

This chapter provides a reflection on several aspects of this research. First, a reflection will be given on the topic selection and the overall process. Thereafter, the relevance in scientific and practical sense will be reflected. The research methods, findings and conclusion will also be reviewed.

### 10.1. Research Topic & Process

I started with this research in September 2019 and spent a couple of weeks thinking about the topic I wanted to research. The new Environment and Planning Act was introduced in the course Management and Finance 2 in the second semester of the first academic year of the master track Management in the Built Environment. I really liked it and it sparked my interest. I knew that a lot was going to change, so I did some research about it.

In the first weeks of the Graduation Laboratory a couple of topics were introduced. New instruments in urban area development projects was one of them. I made an appointment with Fred Hobma and discussed the topic with him. I decided to go for it and to combine the already introduced topic with the new act. In the weeks thereafter we defined my research topic. I started with making my research proposal. It was a tough start to be honest. My supervisor told me in the beginning that not much information was present about the topic in literature. I took the challenge and wanted to finish my education with something to look back to.

The first semester has shown me what it involves setting up a graduation research. The graduation subject is very important, since it concerns a research that takes almost a year. It is very important that the subject is interesting and fits your own interests. The subject I have chosen belongs to the legal side of a project development. However, it soon became apparent that it also has an informal side, which is hardly described. This caused moments in which I got stuck. Fortunately, my supervisors are familiar with the subject and have the necessary knowledge to help me further. Their recommendations of documents and books have helped to describe the unexposed parts of this research, such as the municipal procedures.

The report took more time than expected. In the beginning, I mainly had to refresh what had previously been put on paper and how the structure was put together, since I went on exchange to Istanbul in between. I found that the structure was minimal and it was not clear why certain things had been described. I had to clarify what my research was about and how it should be structured. This took time. However, I did receive the right guidance, both internally and externally. The report has been given a much clearer form and its content is clear.

I decided to go for a consultancy company to facilitate my research, since this topic is relevant for the entire construction sector in the Netherlands. Not all parties are familiar with the topic and the new act has not yet come into effect. My graduation company, BRINK M/A, provided me with the cases and helped me setting up the interviews.

## 10.2. Scientific & Practical Relevance

The relevance of this research can be described in both scientific and social means. The scientific relevance of this research is about filling the gap in the literature and merging the subcomponents described in research papers. In this way, it will become easier to identify both internal and external factors that may have influence in the later stage of the facilitative approach of municipalities in which room for initiatives are offered for project developers. In addition, it will be easier to assess projects on a scientific basis and to give recommendations for the future. It could be that changes will be needed in the process, which are difficult to trace in the current situation. Also, there is no comprehensive overview of the used and new instruments in the changing approach of municipalities, which also effect private parties. A lot has been written about spatial planning and urban development, two concepts which are highly interwoven with each other. It could be that the changes in legislation and procedures could cause a shift in the relationship of these two concepts and in their fulfilment.

The physical environment is a direct result of the decisions made earlier in the process, based on the legislation, procedures, instruments and willingness of the parties involved. This means that it is important to look how this can be improved. The facilitative approach of municipalities is an attempt to improve to physical environment, since it turned out that the traditional way of working was not crisis-proof. The intended changes in spatial planning and urban development, which led to an 'invitation policy' are about solving difficulties and exploiting opportunities by collaboration. It is often the case that theory does not connect seamlessly with practice. However, the general practice with all its changes, including the new law, is still in the future, this research will use the possible practical examples to see whether it meets the new needs of the built environment.

## 10.3. Reflection on methods used

### Literature Review

The first method that has being used in this research is a literature review. This review was harsh to set up in the beginning. Most often subcomponents were described and information about the informal phasing of urban area development was missing. My supervisors provided me with articles, books and other sources to set up the literature review. After the informal phase was described I knew how to approach the rest of it. On the contrary, the formal phase was easy to find in the literature, since this concerns laws and regulations. However, it was not easy to fit the informal phasing with the formal one.

In addition, it has been difficult to select only what is relevant for my research. Laws and regulations are broadly set up and not everything needs to be described about it for my research topic, only the necessary information. This is quite tricky because it is often related with each other. When I read the literature review again, I am more than satisfied with the outcome.

### Case studies & Interview

The case studies and accompanying interviews were very instructive. It was difficult to find the right cases for the research. The instruments were just used in a couple of cases that were far enough in the development process to examine. My graduation company helped me with setting up the interviews. They are of have been involved in all the cases described in this research. This made it easy to approach the representatives of both public and private parties.

I chose to make use of standardized open-ended interviews instead of semi-structured ones in order to facilitate the comparison between the selected cases. I also thought that otherwise I would not obtain the correct information, because the interviewee would be given too much freedom in his or her story. I noticed that my questions were categorizable, so I decided to implement these categories in my research. This made it more understandable.

My supervisor advised me to investigate the level of satisfaction. So, the last question of all the interviews was about an average grade for the development on the topics: *procedural steps, amount of documents produced, duration and effect on the quality of the urban area development*. This gave me a better picture of the developments and how they went.

#### 10.4. Reflection on findings & conclusion

The findings and conclusion of this research could be summarized in one sentence: *There is a mismatch between theory and practice*.

After the interviews and case studies I got a better picture of how the theory was put into practice. I immediately noticed that theory and practice did not fit together very well. This is most often the case, but I did not expect instruments to be used in any other way than they were meant to be used for. This could be attributed to various matters, such as the human aspects, attitude of the organization or politics. I realized that if you merge all these matters you will get culture. This explained a lot. The Netherlands is a planning paradise where everyone has become used to. 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.

#### 10.5. Position of Research Topic

The topic of this graduation research concerns the new instruments that are being used in urban area development projects, including the transition from an active into a more facilitating approach of urban area developments. This research is conducted in the graduation laboratory UDM – Urban Development Management, master track Management in the Built Environment, part of the master program Architecture, Urbanism and Building Sciences.

This research is relevant for all the disciplines within the faculty of Architecture. The legal framework of urban area development is changing. This brings new challenges for urbanists, but also architects. More flexibility is provided and the participation process gets more attention. This means that architects will have to take into account the desires of the surroundings more and more, in order to substantiate design decisions.

Building Technology will also gain more flexibility. We have to deal with urban densification, which entails challenges. The new act could prescribe new rules for obtaining a permit or could use new testing frameworks. We need to stay updated!



## References

- aandeslagmetdeomgevingswet.nl. (n.d.). Inhoudelijke eisen. (n.d.). Retrieved from <https://aandeslagmetdeomgevingswet.nl/regelgeving/instrumenten/omgevingsvisie-gemeente/staat-erin/inhoudelijke-eisen/>.
- aandeslagmetdeomgevingswet.nl. (n.d.). Deventer: Bestemmingsplan met verbrede reikwijdte voor het gehele grondgebied. Retrieved from <https://aandeslagmetdeomgevingswet.nl/@163348/deventer/>.
- Aandeslagmetdeomgevingswet.nl. (2017). Omgevingswet bij complexe gebiedsontwikkeling: Binckhorst. Retrieved November 25, 2020, from <https://aandeslagmetdeomgevingswet.nl/@163507/omgevingswet/>
- Alpkokin, P., Kuriyama, K., & Hayashi, Y. (2004). Analyzing urban planning in the Netherlands for dissemination of know-how and experiences. Retrieved from <http://www.codatu.org/wp-content/uploads/Analyzing-urban-planning-in-the-Netherlands-for-dissemination-of-know-how-and-experiences-P.-ALPOKIN-K.-KURIYAMA-Y.-HAYASHI.pdf>
- AT Osborne. (2020). Spelregelkaart als instrument voor integrale gebiedsontwikkeling. Retrieved from <https://www.omgevingsweb.nl/nieuws/spelregelkaart-als-instrument-voor-integrale-gebiedsontwikkeling/>
- BKHF. (2018). Nieuwe Omgevingswet. De nieuwe instrumenten van de Omgevingswet (omgevingsplan, programma, instructieregels, instructies, programmatische aanpak, omgevingsvisie, omgevingsvergunning, omgevingswaarden, algemene regels, projectbesluit). Retrieved from <https://www.bkhf.nl/12-omgevingswet-nieuwe-instrumenten/>.
- Boer, R. de. (2014). Spontaan gestuurd. Retrieved from <https://www.gebiedsontwikkeling.nu/artikelen/spontaan-gestuurd/>.
- Bosma, W. J. (2013). Het omgevingsplan en de omgevingsvergunning. *De Voor De Praktijk Belangrijkste Ruimtelijke Instrumenten Van De Omgevingswet*.
- Bouten, J. (2008). Flexibility in urbanism: Research on flexibility and transformation design for the Binckhorst.
- Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, 9(2), 27–40. doi: 10.3316/qrj0902027
- BPD. (n.d.). Over BPD. Retrieved from <https://www.bpd.nl/over-bpd/>
- Bro. (n.d.). Programma. Retrieved from <https://www.bro.nl/omgevingswet/programma>.
- Buitelaar, E. (2010). Window On The Netherlands: Cracks In The Myth: Challenges To Land Policy In The Netherlands. *Tijdschrift Voor Economische En Sociale Geografie*, 101(3), 349–356. doi: 10.1111/j.1467-9663.2010.00604.x

- Buitelaar, E. (2012). Padafhankelijke grondexploitatieberekeningen. Amsterdam School of Real Estate. Retrieved from [https://www.asre.nl/images/Onderzoek/ASRE\\_Research\\_paper\\_12\\_20\\_Padaafhankelij\\_kheid\\_bij\\_grondexploitaties.pdf](https://www.asre.nl/images/Onderzoek/ASRE_Research_paper_12_20_Padaafhankelij_kheid_bij_grondexploitaties.pdf)
- BZK. (2018). Ruim 10.000 woningen binnen handbereik door Crisis- en Herstelwet. Retrieved from <https://www.rijksoverheid.nl/actueel/nieuws/2018/11/28/ruim-10.000-woningen-binnen-handbereik-door-crisis--en-herstelwet>.
- BZK. (2019). Reiswijzer Gebiedsontwikkeling 2019
- Clifford, N. J., French, S., & Valentine, G. (2012). *Key methods in geography*. London: Sage Publications Ltd.
- Den Haag. (2018). Binckhorst: Unieke woonwijk in opbouw. Retrieved from <https://www.denhaag.nl/nl/in-de-stad/wonen-en-bouwen/bouwprojecten/gebiedsontwikkeling-binckhorst/binckhorst-unieke-woonwijk-in-opbouw.htm>
- DenHaag-Nu.nl. (n.d.). De Binckhorst Den Haag: DenHaag-Nu. Retrieved from <https://www.denhaag-nu.nl/wijken/21-eeen-spannende-wijk-aan-de-rand-van-de-stad.html>
- Den Haag. (2018). Overige bestuurlijke stukken. Retrieved from [https://denhaag.raadsinformatie.nl/modules/13/overige\\_bestuurlijke\\_stukken/438891](https://denhaag.raadsinformatie.nl/modules/13/overige_bestuurlijke_stukken/438891)
- Eisenhardt, K. M. (1989). Building Theories from Case Study Research. *The Academy of Management Review*, 14(4), 532. doi:10.2307/258557
- Gehner, E. (2011). Risicoanalyse bij projectontwikkeling. Amsterdam: Uitgeverij SUN
- Gool, P. van et al. (2013). Onroerend goed als belegging. Groningen: Noordhoff Uitgevers
- Hagendijk, K., Zeeuw, F. D., & Joosten, H. (2015). *Rondetafelconferentie over stedelijke gebieds ontwikkeling in Nordrhein-Westfalen en Nederland Onderzoek, discussies en vergelijking* (pp. 28-29, Rep.). Eindhoven, Brabant. doi:[https://www.gebiedsontwikkeling.nu/documents/467/Rundertisch\\_v05\\_pag.pdf](https://www.gebiedsontwikkeling.nu/documents/467/Rundertisch_v05_pag.pdf)
- Hersperger, A. M., Oliveira, E., Pagliarin, S., Palka, G., Verburg, P., Bolliger, J., & Grădinaru, S. (2018). Urban land-use change: The role of strategic spatial planning. *Global Environmental Change*, 51, 32–42. doi: 10.1016/j.gloenvcha.2018.05.001
- Heurkens, E. (2009). Changing public and private roles in urban area development in The Netherlands. Retrieved from [http://ifou.org/conferences/2009delft/proceedings/9\\_Changing\\_Planning\\_Cultures/full\\_papers/F014\\_Heurkens\\_Erwin\\_Changing\\_public\\_and\\_private\\_roles\\_DS\\_Reviewed.pdf](http://ifou.org/conferences/2009delft/proceedings/9_Changing_Planning_Cultures/full_papers/F014_Heurkens_Erwin_Changing_public_and_private_roles_DS_Reviewed.pdf)
- Hilhorst, E. (2017, September 27). Gemeenten nog niet klaar voor Omgevingswet. Retrieved from <https://iioresearch.nl/Home/Nieuws/gemeenten-nog-niet-klaar-voor-omgevingswet#.Xa8cvJlzap0>.

- Heijmans N.V. (n.d.). About Heijmans. Retrieved from <https://www.heijmans.nl/en/about-heijmans/>
- Hobma, F., "Risico van ruimtelijk ontwikkelingsbeleid", *Openbaar Bestuur*, Vol.12. (2005).
- HOBMA, F. A. M. (2016). *Planning And Development Law In The Netherlands: an introduction*. S.I.: STICHTING INSTITUUT VOOR.
- Infomil. (n.d.). Uitleg Structuurvisie. Retrieved from <https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-ruimtelijke/structuurvisie/uitleg/>.
- Infomil. (n.d.). Uitleg bestemmingsplan. Retrieved from <https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-ruimtelijke/bestemmingsplan/uitleg/#Algemeen>.
- Infomil. (n.d.). Buitenplans afwijken. Retrieved from <https://www.infomil.nl/onderwerpen/integrale/wet-algemene/toestemmingen-wabo/toestemming-afwijken/buitenplans-afwijken/>
- IWH. (2011). At Work 64 (Spring 2011). Retrieved from <https://www.iwh.on.ca/newsletters/at-work/64>.
- Janssen-Jansen, L. (2016). Taking national planning seriously: A challenged planning agenda in the Netherlands. *Administration*, 64(3-4), 23–43. doi: 10.1515/admin-2016-0023
- Kanneworff, L. (2011). De 'organische' transformatie van bedrijventerrein de Binckhorst. *Tussenstad Op Weg Naar Een Duurzame Haagse Stadswijk*.
- Kes, M., Mouser, I., & Have, F. ten. (2019). Grondbeleid. *Het Handboek Voor Gemeenten*. Retrieved from <https://view.deloitte.nl/2019-handboek-grondbeleid.html>
- Khan, Samia & VanWynsberghe, Robert (2008). Cultivating the Under-Mined: Cross-Case Analysis as Knowledge Mobilization [54 paragraphs]. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 9(1), Art. 34, <http://nbn-resolving.de/urn:nbn:de:0114-fqs0801348>.
- Kolltveita, B.J. (2004). The importance of the early phase: the case of construction and building projects. Retrieved from <https://www.sciencedirect.com/science/article/abs/pii/S0263786304000274>
- Løkke, A.-K & Sørensen, P.D.. (2014). Theory testing using case studies. *Electronic Journal of Business Research Methods*. 12. 66-74.
- Mak, A. (2012). Katendrecht - grootscheepse transformatie. Retrieved from <https://www.gebiedsontwikkeling.nu/artikelen/katendrecht-grootscheepse-transformatie/>
- Meyer, H., Westrik, J., Hoekstra, M. J., & Pont, M. B. (2008). *Stedenbouwkundige regels voor het bouwen*. Amsterdam: SUN.



- Miles, M.E. (2015). *Real estate development: Principles and process*. Washington, D.C.: Urban Land Institute
- Muñoz Gielen, Demetrio. (2014). Uitnodigingsplanologie en organische gebiedsontwikkeling versus het kostenverhaal in de Omgevingswet. *Tijdschrift voor Bouwrecht*. 1038-1047.
- Patton, M.Q. (2002). *Qualitative research and Evaluation Methods*. Chapter 7: Qualitative Interviewing. Third Edition. Sage Publications, Inc.
- Peek, G.-J., & Gehner, E. (2018). *Handboek projectontwikkeling*. Voorburg: NEPROM.
- Peiser, R.B. & Hamilton, D. (2012). *Professional real estate development: The ULI guide to the business*. Washington, D.C.: Urban Land Institute
- Planviewer.nl. (n.d.). Chw Bestemmingsplan Klein Plaspoelpolder. Retrieved from [https://www.planviewer.nl/imro/files/NL.IMRO.1916.KPP-ON01/t\\_NL.IMRO.1916.KPP-ON01.html](https://www.planviewer.nl/imro/files/NL.IMRO.1916.KPP-ON01/t_NL.IMRO.1916.KPP-ON01.html)
- Ponzini, D. (2016). Introduction: crisis and renewal of contemporary urban planning. *European Planning Studies*, 24(7), 1237–1245. doi: 10.1080/09654313.2016.1168782
- Projectboek Leidschendam-Voorburg. (2020). Retrieved from <https://projectenboek.leidschendam-voorborg.nl/Page.aspx?ID=744>
- Rhee, M. van. (2015). 'Make it happen' in gebiedsontwikkeling: van een afwachtende naar een actief faciliterende gemeente. Retrieved from <https://www.gebiedsontwikkeling.nu/artikelen/make-it-happen-in-gebiedsontwikkeling-van-een-afwachtende-naar-een-actief-faciliterende-gemeente/>.
- Rijksoverheid. (n.d.). Wat is een gemeentelijke structuurvisie? Retrieved from <https://www.helpdeskwater.nl/onderwerpen/water-ruimte/watertoetsproces/watertoetsproces/ruimtelijke/gemeentelijke/uitwerkingen-gem/gemeentelijke/>.
- Rijksoverheid. (2017). Spatial Planning in The Netherlands. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/spatial-planning-in-the-netherlands>.
- Rijksoverheid. (2017). Revision of Environment and Planning Laws. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/revision-of-environment-planning-laws>.
- Rijksoverheid. (2018). Crisis- en herstelwet. Retrieved from <https://www.rijksoverheid.nl/onderwerpen/omgevingswet/crisis-en-herstelwet>
- Rotterdam - Havenkwartier Katendrecht Rotterdam. (2020, May 27). Retrieved from <https://www.havenkwartier-katendrecht.nl/katendrecht/>

- Robertson, D. (2019, September 12). What to do in Katendrecht, Rotterdam's coolest neighbourhood. Retrieved from <https://www.timeout.com/rotterdam/things-to-do/katendrecht-rotterdam-guide>
- Roels, J. M., Maas, R. J. M., Beijk, R., Knol, A. B., & Ree, J. van der. (2013). Omgaan met de normen in de Omgevingswet. Retrieved from <https://rivm.openrepository.com/handle/10029/311521>
- Roodbol-Mekkes, P. H., Arnold J J Van Der Valk, & Altes, W. K. K. (2012). The Netherlands Spatial Planning Doctrine in Disarray in the 21st Century. *Environment and Planning A: Economy and Space*, 44(2), 377–395. doi: 10.1068/a44162
- Rowley, J. (2002), "Using case studies in research", *Management Research News*, Vol. 25 No. 1, pp. 16-27. <https://doi.org/10.1108/01409170210782990>
- Ruimtelijkeplannen.nl. (n.d.). Retrieved from [https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0518.OP0365FOmgevBinck-40ON/t\\_NL.IMRO.0518.OP0365FOmgevBinck-40ON.html](https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0518.OP0365FOmgevBinck-40ON/t_NL.IMRO.0518.OP0365FOmgevBinck-40ON.html)
- Salkind, N. J. (2010). Retrospective Study. In *Encyclopedia of research design*. Thousand Oaks, CA: SAGE Publications. doi:<https://dx.doi.org/10.4135/9781412961288.n390>
- Saris, C. (2014). De omgevingsvisie in de Omgevingswet. Retrieved from <http://www.stibbeblog.nl/all-blog-posts/environment-and-planning/de-omgevingsvisie-in-de-omgevingswet/>.
- Seerotterdam.eu. (2019) Katendrecht Rotterdam. Retrieved from <https://www.seerotterdam.eu/katendrecht-rotterdam/>
- Schramm, W. (1971). Notes on Case Studies of Instructional Media Projects.
- Schuitmaker, R. (2018). De Omgevingswet onderzoeksrapport. Leiden: Hogeschool
- Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333-339. doi:10.1016/j.jbusres.2019.07.039
- Sorel, N., Buitelaar, E., Broek, L. van den Broek, Galle, M., & Verwest, F. (2011). *Omgevingsrecht en het proces van gebiedsontwikking*. Den Haag: Planbureau voor de Leefomgeving.
- Stichting Historisch Katendrecht. (2016, September 04). Historischkatendrecht.wordpress.com. Retrieved from <https://historischkatendrecht.wordpress.com/geschiedenis/>
- Struiksma, J. (2007). *Het systeem van het ruimtelijke ordeningsrecht*. Den Haag: Instituut voor bouwrecht.
- Team Locatieontwikkeling. (2014). *Ontwikkelvisie Klein Plaspoelpolder "Ruimte voor ideeën"* (Rep.). Leidschendam-Voorburg. doi:<https://www.lv.nl/klein-plaspoelpolder>

- The Hague. (2006). Plan van Aanpak. *Uitwerking Structuurvisie Den Haag 2020*. Retrieved from <https://denhaag.raadsinformatie.nl/document/3323685/1/RIS138705b>
- Valk, A. V. D. (2002). The Dutch planning experience. *Landscape and Urban Planning*, 58(2-4), 201–210. doi: 10.1016/s0169-2046(01)00221-3
- Van Rooy, P. (2011). Uitnodigingsplanologie als sociaal-cultureel perspectief. *Building business*, 13, 10. Amsterdam: Building Business Uitgeverij BV
- Ven, D. V. (2012). *De kracht van het gebiedsconcept* (Master's thesis, Erasmus Universiteit Rotterdam, 2012). Rotterdam.  
doi:[https://thesis.eur.nl/pub/12285/0818\\_MCD8\\_Danielle%20van%20der%20Ven.pdf](https://thesis.eur.nl/pub/12285/0818_MCD8_Danielle%20van%20der%20Ven.pdf)
- Verschuuren, J. (2011). The Dutch "Crisis and Recovery Act": Economic recovery and legal crisis? *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 13(5). doi: 10.4314/pej.v13i5.65049
- VNG. (n.d.). De gemeentelijke omgevingsvisie. (2016). Retrieved from <https://vng.nl/artikelen/de-gemeentelijke-omgevingsvisie>.
- Yazan, B. (2015). Three Approaches to Case Study Methods in Education: Yin, Merriam, and Stake. *The Qualitative Report*, 20(2), 134-152. Retrieved from <https://nsuworks.nova.edu/tqr/vol20/iss2/12>
- Zainal, Z. (2007). Case study as a research method. Retrieved from [https://www.researchgate.net/publication/41822817\\_Case\\_study\\_as\\_a\\_research\\_method](https://www.researchgate.net/publication/41822817_Case_study_as_a_research_method)
- Zanden, P. V. (2020, June 16). Gebiedspaspoort Junopark [Letter to Chairman of the environment committee]. Projectmanagement Den Haag, Den Haag, Zuid-Holland.
- Zeeuw, W. C. T. F. de. (2018). *Zo werkt gebiedsontwikkeling: handboek voor studie en praktijk*. Delft: TU Delft, Praktijkleerstoel Gebiedsontwikkeling
- Zeeuw, F. (2018). *Praktijk en perspectief voor gemeentelijk grondbeleid*

## List of Figures & Tables

- Figure 1 - Buitelaar, E. (2012). Padafhankelijke grondexploitatieberekeningen. Amsterdam School of Real Estate. Retrieved from [https://www.asre.nl/images/Onderzoek/ASRE\\_Research\\_paper\\_12\\_20\\_Padafhankelijkheid\\_bij\\_grondexploitaties.pdf](https://www.asre.nl/images/Onderzoek/ASRE_Research_paper_12_20_Padafhankelijkheid_bij_grondexploitaties.pdf)
- Figure 3 - Sorel, N., Buitelaar, E., Broek, L. van den Broek, Galle, M., & Verwest, F. (2011). *Omgevingsrecht en het proces van gebiedsontwikkeling*. Den Haag: Planbureau voor de Leefomgeving.
- Figure 12 - Katendrecht. (n.d.). Retrieved from <https://www.degroenekaap.nl/katendrecht/>
- Figure 13 - Projectboek Klein Plaspoelpolder. (n.d.). Kaartje deelgebieden Klein Plaspoelpolder. Retrieved from <https://www.lv.nl/klein-plaspoelpolder>
- Figure 14 - Denhaag.raadsinformatie.nl. (2020). Gebiedspaspoort Junopark. Retrieved from [https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811\\_Bijlage\\_Gebiedspaspoort\\_Junopark](https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811_Bijlage_Gebiedspaspoort_Junopark)
- Table 1 - Peek, G.-J., & Gehner, E. (2018). *Handboek projectontwikkeling*. Voorburg: NEPROM.

### Appendix III

- A & B. Ontwikkelvisie Klein Plaspoelpolder. (2014). Retrieved from <https://projectenboek.leidschendam-voorborg.nl/Projectenboek/page.aspx?ID=744>
- C. Projectboek Klein Plaspoelpolder. (n.d.). Kaartje deelgebieden Klein Plaspoelpolder. Retrieved from <https://www.lv.nl/klein-plaspoelpolder>

### Appendix IV

- A. Aerial Photo Het Junopark. (2019). Retrieved from [https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811\\_Bijlage\\_Gebiedspaspoort\\_Junopark](https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811_Bijlage_Gebiedspaspoort_Junopark)
- B. Street Structure with Dimension Het Junopark (2020) Retrieved from [https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811\\_Bijlage\\_Gebiedspaspoort\\_Junopark](https://denhaag.raadsinformatie.nl/document/9011433/1/RIS305811_Bijlage_Gebiedspaspoort_Junopark)



# Appendix I.

## INFORMED CONSENT

For the interviewees in the Graduation Research of Murat Mercan

---

### I. INTRODUCTION

First of all, I would like to thank you for participating in this research. I will shortly introduce myself. My name is Murat Mercan and I am a graduate student at the department of MSc Management in the Built Environment (MBE), TU Delft. This interview is part of the graduation research; *New planning instruments for urban development – The transition from traditional into a more facilitating approach to urban development projects*. The aim of this research is to clarify the framework of a facilitative approach of municipalities regarding urban development projects, in which they make use of new planning instruments. Before the crisis of 2008, municipalities carried out an active land policy in urban development projects, which resulted in great losses, since that approach was not crisis-proof.

#### **Background Information**

At the moment, there is an ongoing transition from traditional into a more facilitating approach to urban development projects initiated from the government. This new approach offers room for initiatives from the market and is in line with the new Environment and Planning Act, expected to enter in force in 2022. However, it is not clear what the impact of these changes are and what it entails for the municipalities and project developers. In order to investigate this facilitative approach, a literature review has been carried out in which the most important informal and formal procedures, instruments and documents have been described. The empirical part of this research is carried out by conducting standardized open-ended interviews. In short, this means that all the interviewees that take part in this research are given the same questions to answer. In this way, a comparison can be made for the empirical part of this research.

#### **Voluntariness & Withdrawal**

Participation in this research is completely voluntary. As a participant, you can stop your cooperation in the research at any time, or refuse the data may be used for this research, without giving a reason. You can also withdraw the permission you have given to use the data obtained up to 5 working days (reflection period) after the interview has been conducted. In that case, your data will be deleted. This has no adverse consequences for you or any compensation received.

#### **Compensation**

There is no compensation for participating in this research. By participating you will gain insights in the new instruments used in urban development projects. The results of the research will be shared with you, if you request it.

#### **Data processing and confidentiality**

In order to conduct this research, I would like to ask your consent to record this interview by making use of the built-in option of Microsoft Teams. The recording will be used to transcribe and consult the information obtained during the course of the research. The interview and

results will be exclusively used for academic purposes and will not be further disseminated. If requested, the data obtained and recordings can be consulted by the research team. The recordings will be deleted after one year the research has been published.

Your name and answers given will remain private and processed anonymously. The company/institution and function will be mentioned to assess the validity of the data obtained for this research. I would like to ask you to fill in the form; *II. Informed Consent – Interviewee*. This form is necessary to meet the requirements of the Human Research Ethics Committee assigned by Technical University of Delft.

## **Research Team**

### Student/Interviewer

M. (Murat) Mercan

### Supervisors Technical University of Delft (TU Delft)

Dr.mr. F.A.M. (Fred) Hobma

Dr. K.B.J. (Karel) Van den Berghe

### Supervisors Brink M/A

Tristan Kunen – Senior Manager

Evelien de Wijs – Senior Consultant

## **Contact Details**

Contact details for further information:

Murat Mercan

+ 31 (0)6 112 64 868

E-mail TU Delft: [m.mercan@student.tudelft.nl](mailto:m.mercan@student.tudelft.nl)

E-mail Brink: [m.mercan@brink.nl](mailto:m.mercan@brink.nl)

## II. CONSENT FORM

This form is designated for the participants/interviewees in the Graduation Research of Murat Mercan. Please fill in the boxes for every statement and sign the form.

<b>Participation in Research &amp; Interview</b>	Yes	No
I have read and understood the introduction of this informed consent. I have had the opportunity to ask questions and they have been properly answered.	<input type="checkbox"/>	<input type="checkbox"/>
I participate in this research on a voluntary basis. I understand that I have the option to refuse to answer questions and withdraw my consent at any time without giving any reason.	<input type="checkbox"/>	<input type="checkbox"/>
I understand that the interview will be recorded by making use of a built-in option of Microsoft Teams and that this recording will be deleted one year after the research has been published	<input type="checkbox"/>	<input type="checkbox"/>

<b>Use of Information</b>	Yes	No
I understand that the information provided will be used in the Graduation Research of Murat Mercan and related presentations. This does not apply to information that is explicitly stated to be confidential.	<input type="checkbox"/>	<input type="checkbox"/>
I understand that personal information about me will be anonymously processed in order to guarantee my privacy.	<input type="checkbox"/>	<input type="checkbox"/>
I understand and give my permission to make use of quotations from the interview in the Graduation Research and its outputs.	<input type="checkbox"/>	<input type="checkbox"/>
If necessary, I give permission to transcribe the interview and add it to the appendix of the Graduation Report.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Future use and reuse of information</b>	Yes	No
I give permission to use the results of this Graduation Research, which are partly based on the anonymized transcripts of this interview, archived and in the online educational repository of TU Delft, for future research and learning.	<input type="checkbox"/>	<input type="checkbox"/>

### Signatures

Name of Interviewee

Signature

Date and Location

<b>Information Sharing</b>	Yes	No
I shared the Introduction Letter with the participant of this research and interview, to the best of my ability, ensured that the participant understand to what they are voluntarily consenting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Murat Mercan

12-10-2020,  
Rotterdam

Name of Interviewer

Signature

Date and Location



## Appendix II.

### INTERVIEW PROTOCOL (DUTCH)

Public Domain – Municipality of The Hague

---

Datum:

Locatie:

Geïnterviewde:

Organisatie:

Functie:

Bedankt voor uw deelname aan het interview. Ik zou graag uw toestemming willen vragen voor het opnemen van dit interview d.m.v. Microsoft Teams.

De vragen zullen naar volgorde behandeld worden. Eventuele vervolgvragen kunnen afwijken van het onderstaande. U mag ten alle tijden stoppen met het interview of weigeren een vraag te beantwoorden.

---

#### A. Background Information – Interviewee

1. Wat is momenteel uw functie bij de gemeente Den Haag? Zou u deze kort kunnen beschrijven?
2. Kunt u kort beschrijven wat u verantwoordelijkheden zijn of waren bij de gebiedsontwikkeling Junopark – Binckhorst, Den Haag?

#### B. Background Information – Junopark

3. Kunt u het plangebied Junopark kort beschrijven?
  - a. Waarom was de gebiedsontwikkeling noodzakelijk?
  - b. Hoe centraal staat de gebiedsontwikkeling binnen Den Haag?
  - c. Kan het als voorbeeld gezien worden voor toekomstige gebiedsontwikkelingen?
    - i. Kunt u dit kort uiteenzetten?

#### C. Project Context

4. Vanuit welke hoek is de gebiedsontwikkeling geïnitieerd?
  - a. Gemeente – Kunt u kort uitleggen hoe dit tot stand is gekomen?
  - b. Marktpartij – Op welke manier is de gemeente benaderd?
  - c. Beide – Hoe zijn de partijen samengekomen?
5. Wat was de houding van de gemeente t.o.v. deze gebiedsontwikkeling?
  - a. Aan de hand van welke punten werd dit bepaald?
  - b. Welke rol nam de gemeente in?
  - c. Wat werd er verwacht van de partijen?
  - d. Is de rol van de gemeente veranderd naar mate het project vorm heeft gekregen?

6. Aan welke uitgangspunten moest het project voldoen?
  - a. Welke documenten en/of nota's zijn hiervoor geraadpleegd of opgesteld?  
Graag chronologisch, zodat er een tijdlijn bij gemaakt kan worden.
  - b. Is er significant afgeweken van deze documenten?
    - i. Zo ja, op welke manier is hier toestemming voor verkregen?
7. Wat was het grondbeleid van de gemeente in dit gebied?
  - a. Waarom is hiervoor gekozen?
  - b. Welke factoren hebben deze keuze beïnvloed?
  - c. Zijn er gedurende de initiatieffase elementen uit het grondbeleid gewijzigd?
8. Onder welke voorwaarden heeft gronduitgifte plaatsgevonden?
9. Welke documenten zijn opgesteld in de initiatieffase, voordat de ontwikkeling werd overgeheveld naar de volgende fase?
  - a. Wie was verantwoordelijk voor de grondexploitatie?
  - b. Is er gebruik gemaakt van een anterieure overeenkomst?
  - c. Hoe verliepen de onderhandelingen?
  - d. Zijn er partijen gestopt met de samenwerking?
10. Op welke manier zijn de partijen geselecteerd?
  - a. Kunt u kort vertellen over het participatietraject?
  - b. Welke criteria waren hieraan verbonden?
  - c. Zijn er partijen uitgestapt?
    - i. Zo ja, waar heeft dat aangelegen?

#### **D. Municipal Procedures**

11. Welke gemeentelijke procedures zijn doorlopen in de verschillende fases van het project?  
*Initiation, Definition, Design, Preparation, Realization*
  - a. Zou u dit chronologisch kunnen beschrijven met de bijbehorende documenten?
  - b. Is er een protocol voor het doorlopen van gebiedsontwikkelingen?
    - i. Wat waren de beslismomenten
  - c. Zijn er procedures overgeslagen?
12. Hoelang hebben de verschillende fases geduurd?
  - a. Als je dit afzet tegen andere projecten waar u mee bezig bent geweest is het reëel?
    - i. Zo niet, waar heeft dat aangelegen?
13. Zijn er problemen ontstaan tussen de samenwerking Binckhorst en gemeente Den Haag in de afstemming van het project en de gemeentelijke procedures?
  - a. Heeft dit voor vertragingen gezorgd?
  - b. Op welke manier verliep de communicatie?

## E. Instruments

In dit gedeelte van het interview wil ik het hebben over de verschillende formele en informele instrumenten die de gemeente heeft gebruikt bij gebiedsontwikkeling Junopark.

14. Welke informele\* instrumenten zijn gebruikt bij de gebiedsontwikkeling?

(\*Informeel betekent dat het geen legale status heeft in de Nederlandse wet.)

- a. Verschilt dit per project?
- b. Maakt dit het verloop van het projecten gemakzuchtiger?
  - i. Wat heeft dit betekent voor Junopark?
- c. Zijn deze instrumenten vooral bedoeld voor intern gebruik of extern?
  - i. Intern - Hoe wordt dit daarna extern geïmplementeerd?
  - ii. Extern – hoe gaan projectontwikkelaars hiermee om of wat is hun reactie hierop?

15. Welke formele instrumenten zijn gebruikt bij de gebiedsontwikkeling? Hier hebben het al kort over gehad. (GreX, bestemmingsplan, anterieure overeenkomst etc.)

16. Is het bestemmingsplan gewijzigd ?

- a. Zo ja, hoelang heeft dit geduurd voordat het definitief was?
- b. Zijn er zienswijze ingediend tegen het plan?

17. Heeft het invloed gehad op de onderhandelingen?

- a. Zo ja, op welke manier en hoe verliepen deze?

## F. Reflection

18. Hoe kijkt u terug op de gevolgde werkwijze?

19. Als u een cijfer zou moeten geven tussen de 1 en 10, welke cijfer geeft u aan het samenwerkingstraject?

- a. Procedurestappen
- b. Documentenproductie
- c. Tijd
- d. Effect op kwaliteit gebiedsontwikkeling

## G. Additional

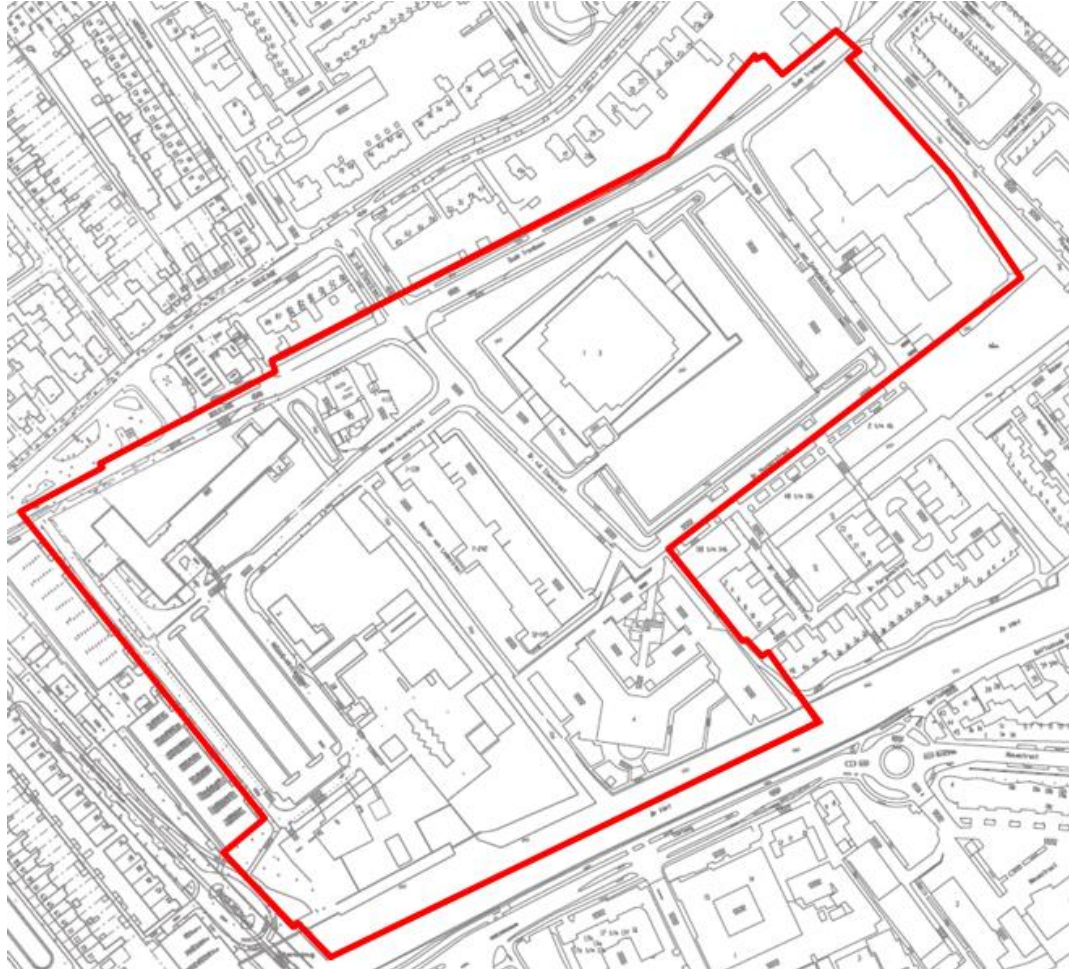
20. Is er een mogelijkheid de documenten behorende tot het gebied raad te plegen?

Ik wil u bedanken voor uw tijd en medewerking! Mocht u de resultaten van het onderzoek willen inzien, dan kunt u contact met mij opnemen via de mail.

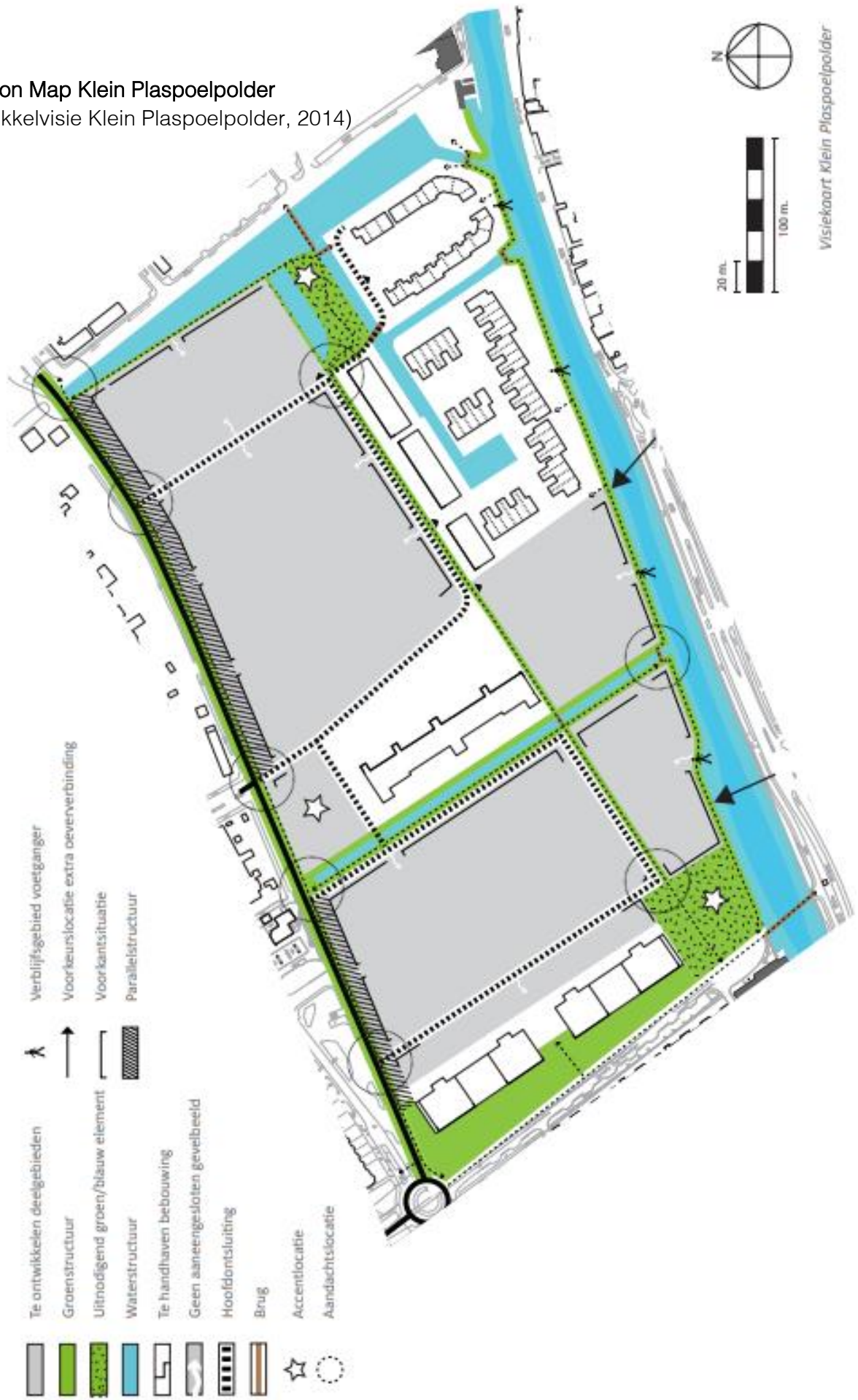
## Appendix III. – Case II

### A. Borders of Plan Area

(Ontwikkelvisie Klein Plaspoelpolder, 2014)



B. Vision Map Klein Plaspoelpolder  
 (Ontwikkelvisie Klein Plaspoelpolder, 2014)



Visiekaart Klein Plaspoelpolder














C. Impression Game Rule Cards  
(Projectboek Klein Plaspoelpolder, n.d.)

## 2. Spelregelkaart

De Spelregelkaart is opgebouwd uit verschillende zones. Naast algemene spelregels zijn er per zone specifieke spelregels opgesteld.



**Verklaring**

	Uit te werken rustig stedelijk woonmilieu
	Groene buffer historisch lint
	Groene natuurvriendelijke oever Plaspoelhaven
	Te handhaven water Libanontribunaal
	Water Plaspoelhaven
	Hoofdontsluiting Klein Plaspoelpolder
	Vrijliggend tweerichting fietspad
	Piangurens Spelregelkaart
	Zichtas op Plaspoelhaven
	Indicatieve ligging wandelpad
	Entree parkeerplaats Libanontribunaal

## Appendix IV. – Case III

A. Aerial photo Het Junopark  
(Den Haag.raadsinformatie.nl., 2019)





B. Street Structure with Dimension Het Junopark  
(Den Haag.raadsinformatie.nl., 2020)

