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The Municipal Pre-Emption Right and Housing Development

An Evaluation of the Municipal Pre-Emption Right as a Land Assembling Strategy for Housing

Preface

After six years of studying, this journey ends in the same building as where I first set foot as an unfamiliar 18-year-old student. Starting with the ambition to become an architect, I have concluded my studies with a graduation project on the municipal pre-emption right, a topic I had probably never heard of at that time. It demonstrates the versatility that the Faculty of Architecture and the Built Environment has shown me. In particular, the Master's track Management in the Built Environment has shown me how important it is to understand the built environment and the complexity of area development.

Now that I have reached the end of my graduation project, I would like to thank my supervisors for their expert and supportive guidance throughout the process. My first supervisor, Willem Korthals Altes, guided me through the field of land policy with his extensive experience and knowledge as professor in Land Development. My second supervisor, Ruda van Ravesteijn, provided valuable insights and support from her legal perspective as a researcher for Stichting Kennis Gebiedsontwikkeling. Together, you formed a supportive duo that steered me in the right direction through sharp questions and constructive feedback.

During my internship at Rho Adviseurs, I benefited from the knowledge and practical experience of the Finance team. In particular, I would like to thank Frits Dinkla, Lizet Genefaas, and Laura de Niet for their valuable guidance and for making me feel part of the team.

And at last, my time at the TU Delft would never have been so enjoyable without my friends and family. I would particularly like to thank my roommates, my parents and Marija for their input, listening, and support throughout my entire student period.

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Colofon

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The Municipal Pre-Emption Right and Housing Development:
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Page image: Drielanden-West, Harderwijk. From: https://www.harderweide.nl/

Abstract

The Netherlands is facing significant spatial challenges and a structural housing shortage, in which the role of municipalities in the land market is crucial. This study evaluates the municipal pre-emption right as an instrument for land assembly, aiming for housing development. The central question is how the municipal pre-emption right functions in practice as a strategy for land assembly and how it contributes to outcomes in housing development. The study has both a legal and theoretical framework functioning as a basis for a qualitative multiple case study of three municipalities: Hulst, Westland and Harderwijk. Based on the document analysis and the semi-structured interviews with involved municipal officials, for each case the process of establishing a pre-emption right, land assembly and housing development has been reconstructed, and cross-case analysed. The results of the case study show that the pre-emption right primarily functions as a process instrument. It does not directly contribute to land assembly or accelerating housing development, but it creates space for negotiation, prevents unwanted market interventions and improves the position of control for municipalities. The outcomes in land assembly and housing development stay dependant on contextual factors like market pressure, political preferences, current land positions and organisational capacity. In all three cases, housing development took place, and in all cases, in similar or higher housing amounts than originally planned. Despite this, no direct causal relationship can be established between the use of the pre-emption right and the realised housing development production or speed. Concluding, the pre-emption right can be seen as a strategic supportive instrument within active land policy, from which the effectiveness primarily lies in facilitating the process and limiting speculation, and less in direct output in terms of land assembly or housing production.

Keywords: Pre-emption right, land policy, housing development, land assembly

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1 Introduction

1.1 Societal Relevance

The Netherlands is currently facing significant spatial challenges. In 2025, the estimated housing shortage is 401 thousand, a percentage of 4.9% of the total Dutch Housing Stock (ABF Research, 2024). The housing shortage is primarily concentrated in urban areas of the Randstad, largely due to the region's strong economic development. A direct and necessary result of these developments is the increased demand for housing, facilities, and infrastructure (PBL, 2025).

Since 2020, the annual number of added homes to the total Dutch housing stock has been around 70,000, leading to a significant shortfall compared to the required 100,000 new houses per year (PBL, 2025). The combination of the housing shortage, conservation of biodiversity, a large agricultural sector and energy transition is a challenge that requires space. And because space is scarce, the Dutch government tries to get more control over the living environment (Schuite & Sluysmans, 2024). Active land policy, and specifically the pre-emption right, emerges as a strategic response to these spatial challenges

At the core of these spatial challenges lies a dysfunctional land market. The value of land increases strongly after changing its designation to building land, creating incentives for land speculation. The land market itself is complex, characterised by few transactions, complex value determination, and often asymmetric information, disadvantageous to municipal buyers. The land market shows signs of an imperfect market where supply lags behind demand (Buitelaar & Van der Krabben, 2022).

Active land policy by the government can address these market failures. By gaining land positions and using instruments like the pre-emption right (voorkeursrecht), municipalities can counter speculation, speed up plan formation, and maintain better control over quality and affordability (Buitelaar et al., 2025; Van Lieshout, 2024). An important motivation for municipalities to use the pre-emption right is to gain control of land development and to prevent land speculation (Buitelaar et al., 2025; De Jong et al., 1998; Korthals Altes & De Jong, 1998).

There is a notable increase in the establishment of the pre-emption right in the Netherlands (figures 1 & 2). This increase represents a significant shift: since the last housing market crisis in 2008, the active role of municipalities has decreased markedly (Buitelaar et al., 2025). Municipalities have not used active land policy as extensively as they once did, which has partially contributed to a slow housing construction sector (Korthals Altes, 2022). The recent increase of the pre-emption right suggests a recognition of local authorities to become more actively involved in the land market. The results of research on experiences with the pre-emption right in practice are crucial for informing improved land policy and contributing to the government's goal of gaining control over the living environment (Korthals Altes & De Jong, 1998). Understanding the actual effectiveness of the pre-emption right in specific cases, like housing development, can help to improve active land assembling strategies.

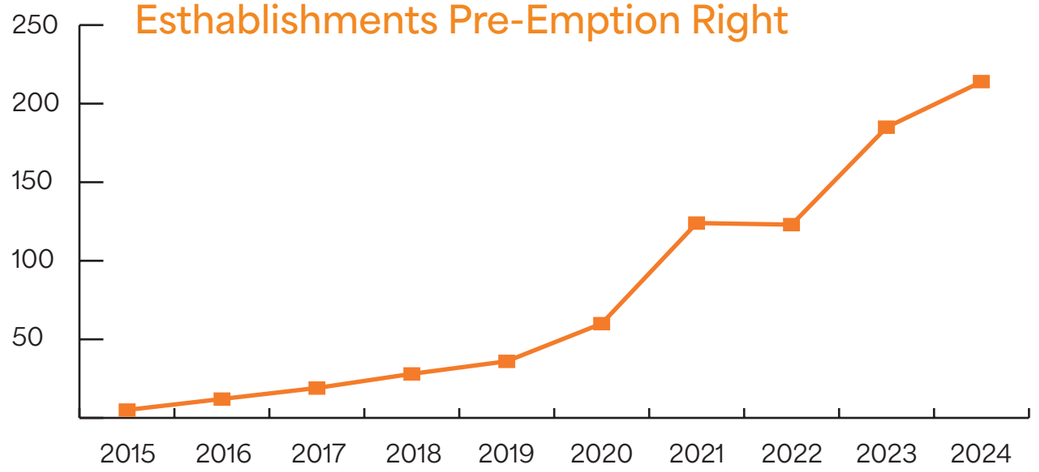

Figure 1. Data from www.officielebekendmakingen.nl. Made by author.

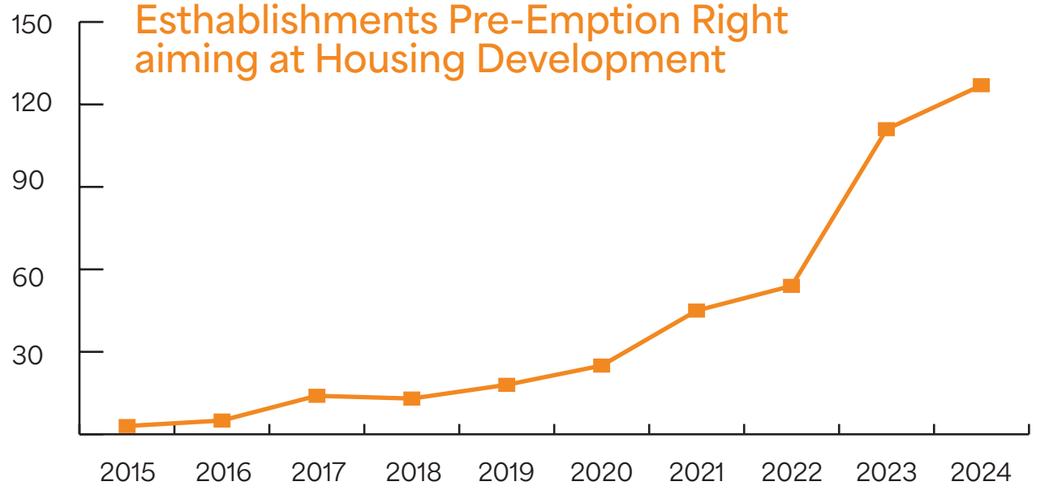

Figure 2. Data from www.officielebekendmakingen.nl. Made by author.

1.2 Academic Relevance

The increase in the use of establishing pre-emption rights shows that municipalities want to pursue more active land policy. The academic literature and studies commissioned by the Dutch government mainly focus on research about the instrument itself, and little on the concrete results of the instrument.

Studies show that municipalities apply the right of pre-emption to prevent land speculation and to secure land for area developments (De Jong et al., 1998; Korthals Altes & De Jong, 1998). The empirical studies that have been further conducted on the pre-emption right include a study by de Wolff et al. (2000) on long-term land option agreements by developers, which led to an amendment of the wet voorkeursrecht gemeenten and an evaluation thereof (de Wolff & Groetelaers, 2004). These empirical studies focused more on legal efficiency than on the developed outcome in terms of housing.

Besides these studies, that were commissioned by the Ministry of VROM, there are a number of international comparisons to be found in the literature. For example, there is a comparison by de Wolff (2007) between the Dutch pre-emption right and the German vorkaufrecht in procedural terms, but did not focus on possible results of development due to the pre-emption right.

There is also a lack comparative case studies. For example, studies on land policy (such as Hartmann & Spit, 2015; van der Krabben & Lenferink, 2018) emphasise that municipal knowledge and capacity and market positions vary a lot, but this is not directly linked to the use of the pre-emption right. As a result, there is hardly any academic basis to know whether the instrument functions effectively or not in relation to housing development.

Additionally, there is a lack of knowledge about the role of legal and financial factors concerning the right of pre-emption. The literature identifies pricing, self-realisation, and municipal resources as potential risks (Korthals Altes, 2014; Schuite & Sluysmans, 2024), but there is little research on the actual impact of Dutch pre-emption right processes in practice.

A master's thesis from Van der Meide (2026) examined four cases to understand the experiences municipalities have had when applying the pre-emption right in urban densification. One of the conclusions from that research is that good preparation is crucial for the proper use of the right of first refusal, among other things, to reserve sufficient financial resources. The research provides an analysis of how municipalities can handle the pre-emption right once it is established, but it does not offer insights into its relationship with housing development. Furthermore, this thesis has not been published.

This study is scientifically relevant by empirically investigating how and with what result the pre-emption right is established in housing development tasks. In addition, it provides insight into contextual factors that explain outcomes. It fills a clear scientific gap by not only studying the reasons for pre-emption right establishments, but also linking them to concrete achieved results.

1.3 Research Questions

The main question is subdivided into two parts: the first aims to understand the current experiences of housing development sites where the pre-emption right is applied, and the second shifts to drawing lessons for improving current strategies. The main question of this research is:

Research Question

How has the municipal pre-emption right been used as a land assembly strategy in housing development, and how can the resulting land assembly and housing outcomes be used to improve land assembly strategies?

To answer the research question, four sub-questions are formulated.

Sub-Question 1

What are the legal requirements for applying the pre-emption right for housing under the law of the Netherlands?

The first sub-question provides the legal basis of this research. The answer to this question will clarify the pre-emption right itself in a legal way and the procedures that need to be followed by municipalities.

In first instance, the focus will be on the Wet voorkeursrecht gemeenten, the former legal basis of the pre-emption right. However, the comparison to the current basis under the Environment and Planning Act will be explained as well.

Sub-Question 2

What land assembly strategies were followed in cases in practice after establishing the pre-emption right for housing, and what were the resulting land assembly outcomes and legal challenges in these cases?

The second sub-question dives into the outcomes of specific cases where municipalities applied the pre-emption right to assemble land, aiming at housing development. Answering the sub-question leads to the explanation of how the municipality dealt with the land, and which strategy was followed.

The second part of the question is more binary, and it gets clear whether the land was acquired, what the costs and time schedules were, and which legal procedures, disputes, or risks influenced these results. The comparison between these results and the initial municipal objectives gives a clear indication of

whether the initial goals were met, and the land assembling strategy can then support the logics between these results.

Sub-Question 3

For land assembled through the pre-emption right, what housing was actually realised, and does this align with the initial housing objectives?

The third sub-question shifts the focus from land acquisition towards housing development. It examines what amount of housing has been realised and if this aligns with the initial housing objectives of the municipality. The answer to this question shows whether land assembling with the pre-emption right has effectively contributed to housing development.

Sub-Question 4

What factors relating to land assembly have shaped outcomes across cases, and what improvements to the employment of municipal pre-emption right within a land assembly strategy can be derived from these factors?

The fourth question focuses on identifying factors specifically related to land assembly that have influenced outcomes across the studied cases. These factors include legal aspects (such as judicial procedures), financial considerations (acquisition costs, price negotiations, and land value development), organisational factors (municipal capacity, cooperation with private parties, and experience of the municipality), and market conditions (land scarcity, speculation, and developer interest). By analysing these land assembly-related factors as barriers or enablers, the research can derive concrete improvements for how municipalities can more effectively employ the pre-emption right within their land assembly strategies for housing development.

2 Methodologies

The research is divided into two phases. A legal and theoretical framework and an empirical research, with a multiple case study.

2.1 Legal and Theoretical Framework

The first sub-question of this study is *'What are the legal requirements for applying the pre-emption right for housing under the law of the Netherlands?'* and can be answered by the theory, which is divided into a legal and a theoretical framework.

Especially the legal framework is relevant for sub-question 1. The question focuses on requirements that can be found in legislative documents. For this, the legal framework initially focuses on the old version of the pre-emption right under the wet voorkeursrecht gemeenten, but for comparison, the Environment and Planning Act is also compared with the former act. The legal information regarding the pre-emption right is structured, revealing the legal and procedural requirements for establishing a pre-emption right. The data to answer sub-question 1 is primarily legal information. Additionally, the IPLO, a government portal that, among other things, explains the Environment and Planning Act, was used as a source to properly understand the act (IPLO, n.d.)

2.2 Empirical Research

This research employs a qualitative comparative case study design to answer the research question. This approach enables in-depth research into how the pre-emption right functions in practice across different municipal contexts, allowing for a systematic comparison of results. This method enables the identification of patterns beyond the specific study cases (Yin, 2016).

The research questions are the guidance for the chosen research methodology. Sub-questions 2, 3, and 4 require an understanding of the results of cases where the pre-emption right is established in practice, including characteristics like the initial goal of the establishment. A qualitative method is suitable for research that examines how and why instruments work in specific contexts (Yin, 2016). Semi-structured interviews and analysis of documents can offer the depth that is needed

to study the motivations, decision-making processes, legal challenges and experiences of stakeholders (Bryman, 2016).

Each selected case in this study covers a municipality, that established at least one pre-emption with an initial housing development goal. An analysis within the case reconstructs the procedure and results in chronological order, and a study between the different cases identifies (contextual) differences or similarities and outcome shaping factors (Eisenhardt, 1989). This analytical approach answers research questions 2 and 3 (results and comparison with objectives) and research question 4 (factors explaining variation).

Case Selection Strategy

For the case selection, first, a longlist has been drawn up, containing all cases in which the pre-emption right was established during a specific period. To create this list, data was obtained from officielebekendmakingen.nl and filtered for 'Gemeenteblad', the official gazette in which municipal pre-emption rights are published.

The longlist was compiled by creating a list of all results with the search combination 'vestiging' (establishment) AND 'voorkeursrecht,' starting from the year 2015. In most of these publications, municipalities had not specified what new intended function they initially had. Therefore, it was decided to include all establishments of the pre-emption right in the longlist. Because a pre-emption right establishment for a piece of land is often established twice in a short period, namely based on article 6 and then based on article 3, 4, or 5 (WVG), these cases are included in the longlist as one case. The period from 2015 to 2019 offered 60 cases, with the expectation that this would lead to enough cases for the shortlist.

A shortlist was drawn up from the longlist of 60 cases. This study focuses specifically on pre-emption rights with the aim of developing housing, so ultimately, there had to be cases where the pre-emption right was originally established as a means of developing housing. However, many publications on pre-emption rights did not mention the intended new use for the land on which the pre-emption right was established.

To obtain a shortlist as complete as possible, for each publication where a new land function was not mentioned, a search was conducted using the area and project name to find plans relating to the pre-emption right. All cases in which it was found that (some) housing would be developed were included in the shortlist. The final shortlist consists of cases in which the pre-emption right was established between 2015 and 2019, and a new housing function was mentioned or could be found through desk research searching for the project and/or area name. The shortlist consists of 11 establishments of

Shortlist

Figure 3. Cases on the shortlist. Made by author.

a pre-emption right. The municipalities included in this shortlist are Delfzijl, The Hague, Harderwijk, Krimpenerwaard (3 establishments), Westland, Hulst, Nieuwegein, Tynaarlo and Oss.

The final selection of case studies is based on a variety of contexts, scales and applications of the pre-emption right, so that different situations can be compared. The case studies chosen are the municipalities of Hulst, Westland and Harderwijk.

The municipality of Hulst was chosen as the first case study; it is a relatively small, rural municipality outside the Randstad. Market pressure in the region is limited, and the municipality plays a clearly active role in land policy. In addition, Rho Adviseurs has worked on the environmental vision and the zoning plan for this case study, providing relevant knowledge and access to a contact person within the municipality.

The second case study is the municipality of Westland. This larger municipality is located in the Randstad and experiences high market pressure. In this case, the development involves a similar number of homes to that in the municipality of Hulst, and concerns agricultural land on which the right of first refusal has been exercised.

The third case study is the municipality of Harderwijk. This municipality is of average size compared to Westland and Hulst. The municipality has experience with active land policy, and this pre-emption right case concerns a large-scale development of over 1,000 homes.

The combination of the municipalities of Hulst, Krimpenerwaard and Nieuwegein therefore, offers an interesting variety of municipal locations and development plans. The final selection of cases meets the following criteria:

1. The pre-emption right was established between 2015 and 2019;
2. The municipality's objective is (primarily) to develop housing;
3. Sufficient information is available about the municipal plans and land use through publications or additional desk research;
4. The selected cases show variation in municipality size and location;
5. The cases offer sufficient diversity in terms of the type of development plans, such as small-scale and large-scale housing projects.

Data Collection

Each case is studied through document analysis. The most important studied documents include municipal council proposals and agreements, cadastral information, and legal basis documents, like structural visions and zoning plans. Documents are sourced from municipal archives, OfficiëleBekendmakingen.nl, the database of internship organisation Rho Adviseurs, and conducted with search engines like Google.

To supplement the information from the document analysis, interviews were conducted with the parties involved. For this research, project developers appeared not to be that relevant, because the municipalities are (willing to) conduct active land policy. For each case, a contact person from a municipality was interviewed to supplement and verify information that could not be obtained from documents only.

Data Analysis

The data analysis occurs in two forms: within-case analysis and cross-case synthesis (Eisenhardt, 1989). For the within-case analysis, interviews and documents are reviewed systematically to understand the chronological order and procedures of the whole land assembly process. The information is organised in chronological and thematic order to retain a logical structure; initial situation before a pre-emption right was established, the establishment itself, the land assembly strategy the municipality followed, the land acquisition phase, and, as a separate sub-chapter, the housing objectives through time. This within analysis helps answer sub-question 2: *'What land assembly strategies were followed in cases in practice after establishing the pre-emption right for housing, and what were the resulting land assembly outcomes and legal challenges in these cases?'* and sub-question 3: *'For land assembled through the pre-emption right, what housing was actually realised, and does this align with the initial housing objectives?'*

The cross-case synthesis of the different municipalities is done by a systematic comparison of the thematically and chronologically organised information. This is an identification method of which factors shaped the land assembly strategy and housing outcomes and leads to improvements to the establishment of a pre-emption right. The results are interpreted through the legal and theoretical framework and help answer sub-question 4: *'What factors relating to land assembly have shaped outcomes across cases, and what improvements to the employment of municipal pre-emption right within a land assembly strategy can be derived from these factors?'*

3 Legal framework

The Municipalities' pre-emption right (WVG) grants municipalities a right of first option to buy when acquiring property at a specifically designated location. This instrument primarily serves to prevent speculative land purchases and to give the municipality more control over strategic area development, such as housing development projects (Environment and Planning Act, 2024; van Sandick et al., 2025). The pre-emption right functions as a right of first purchase: owners who sell their land must first offer it to the municipality. The municipality then has a period of six weeks to accept or reject this offer (Environment and Planning Act, 2024).

The pre-emption right is part of the Dutch Planning and Environment Act (Omgevingswet), which was adopted into law on the first of January 2024. Before the pre-emption right became part of the Environment Act, the act was called the Wet Voorkeursrecht Gemeenten (WVG), which can be translated directly into The Municipalities' Preferential Rights Act. Because this study researches multiple cases between 2015 and 2019, the time when the WVG was still a legal act, this former act will be simply referred to as the pre-emption right, a translation that is often used in academic literature.

This chapter functions as a legal basis for the rest of the study. It contains a description of the pre-emption right in the law in the Netherlands. To describe the complete context, for each component of the pre-emption right, a description is also provided of what has changed with the transition to the Environment and Planning Act.

3.1 Definitions

Article 1 of the WVG contains the most important definitions that determine the scope of the act. The zoning plan (bestemmingsplan or inpassingsplan) is defined as a plan that describes the designated function of a piece of land, on both municipal level (bestemmingsplan) or provincial level (inpassingsplan)(Articles 3.1 and 3.26-3.28 Wro). The structural vision (structuurvisie) refers to a vision at municipal, provincial or national level (Articles 2.1-2.3 Wro). The alienator (vervreemder) is the owner of a property or holder of a limited right who wishes to alienate a property. Alienation includes the transfer of ownership or division of rights, such as a leasehold.

In the Environment and Planning Act (2024), the definitions have been updated. The zoning plan and structural vision have been replaced by the environmental plan (omgevingsplan) and the environmental vision (omgevingsvisie) (Article 9.1, Environment and Planning Act). These new environmental plan and environmental vision mark a shift from a narrow spatial strategy to broader instruments; the environmental vision and plan now embrace broader topics and policy areas, like mobility, housing and nature (Articles 2.1-4.1, Environment and Planning Act). These changes are of no big importance related to the old and new version of the pre-emption right.

3.2 Basis for establishment

Article 2 of the WVG grants the municipal council the power to designate land to which the right of pre-emption applies (Articles 10-15, 24 and 26, WVG). This decision by the council marks the formal start of each right of pre-emption and activates the entire system for the designated plots.

Article 3 of the WVG describes the grounds on which the pre-emption right can be established. The municipal council can establish the pre-emption right on land that has been designated for non-agricultural use in a zoning plan, and whose current use differs from that function (Article 3.1, WVG). According to this article, the designation decision must also include a cadastral designation, the size of each plot and the names of landowners and leaseholders.

Articles 4 and 5 (WVG) extend the possibilities for establishment beyond an existing zoning plan. Article 4 (WVG) allows for the establishment of a pre-emption right based on a structural vision, with an intended non-agricultural function or as a modernisation area (Article 3.5, Wro), and Article 5 (WVG) allows the establishment of a pre-emption right for areas intended for a non-agricultural function where the new function differs from the current one without a structural vision or zoning plan as a basis.

Article 6 (WVG) provides the provisional establishment of a pre-emption right by the board of Mayor and Aldermen. The Municipal Executive may provisionally designate land (for a maximum of three months) with a designated non-agricultural function, to which the same rules apply (Articles 10-15, 24, 26, WVG). Objections or appeals are transferred to the council decision (Articles 3-5, WVG) if this replaces the provisional decision (Article 6, WVG), which enables rapid action in response to market developments.

Under the Environment and Planning Act, these grounds for establishing

a pre-emption right are all adapted in new articles. Article 9.1.1 of the Environment and Planning Act allows for the establishment of the pre-emption right on land with a non-agricultural function in the environmental plan, in the environmental vision, and without these supporting documents. Provisional establishment by the board of Mayor and Aldermen takes place directly in the pre-emptive right decision (Article 9.1.2, Environment and Planning Act).

3.3 Publication, Withdrawal and Expiry

Article 7 of the WVG describes the publication of the designation decision (Articles 3-5, WVG) or the provisional designation (Article 6, WVG). The Municipal Executive publishes this, after which the decision takes effect on the day after the date of signing. Owners of plots of land are notified individually.

The WVG does not explicitly describe a duration of the pre-emption right, but describes duration based on withdrawal or expiry. Article 8 of the WVG deals with withdrawals; the board of Mayor and Aldermen can withdraw a designation if the basis (Articles 3-5 WVG) for it ceases to exist, at the request of an entitled party within four weeks, or if the underlying plan is annulled (with a transition period of one year). Article 9 of the WVG regulates expiry. This is ten years in when the establishment is based on a zoning plan (Article 3, WVG), and three years when based on a structural vision (Article 4, WVG) or without a supporting document (Article 5). A provisional decision, made by Mayor and Aldermen instead of the municipal council, expires 3 months after the date it was published, or after the municipal council decided to establish the pre-emption right (Articles 3-5, WVG).

Under the Environment and Planning Act, publication and withdrawal in the event of loss of basis remain largely the same as under the WVG (Article 9.5, Environment and Planning Act). There is a difference in expiry periods and additional rules. The expiry date based on an environmental vision or provisional decision is still 3 years, but for an environmental plan, the durability is 5 years, which can be extended for a next period of 5 years (Articles 9.4.1c and 9.4.2, Environment and Planning Act). The provisional designation of the board of Mayor and Aldermen has the same durability of 3 months (Article 9.4.3, Environment and Planning Act).

Maximum Durability

Under the WVG and Environment and Planning Act, different expiry periods for the pre-emption right are mentioned, from 3 months up to 10 years. The maximum period a pre-emption right can be valid continuously on a certain piece of land is 16 years and 3 months. This is the case when a provisional establishment (Article 6, WVG) that has a durability of 3 months is followed up by 3 years valid establishment of

Summary
of the pre-emption right

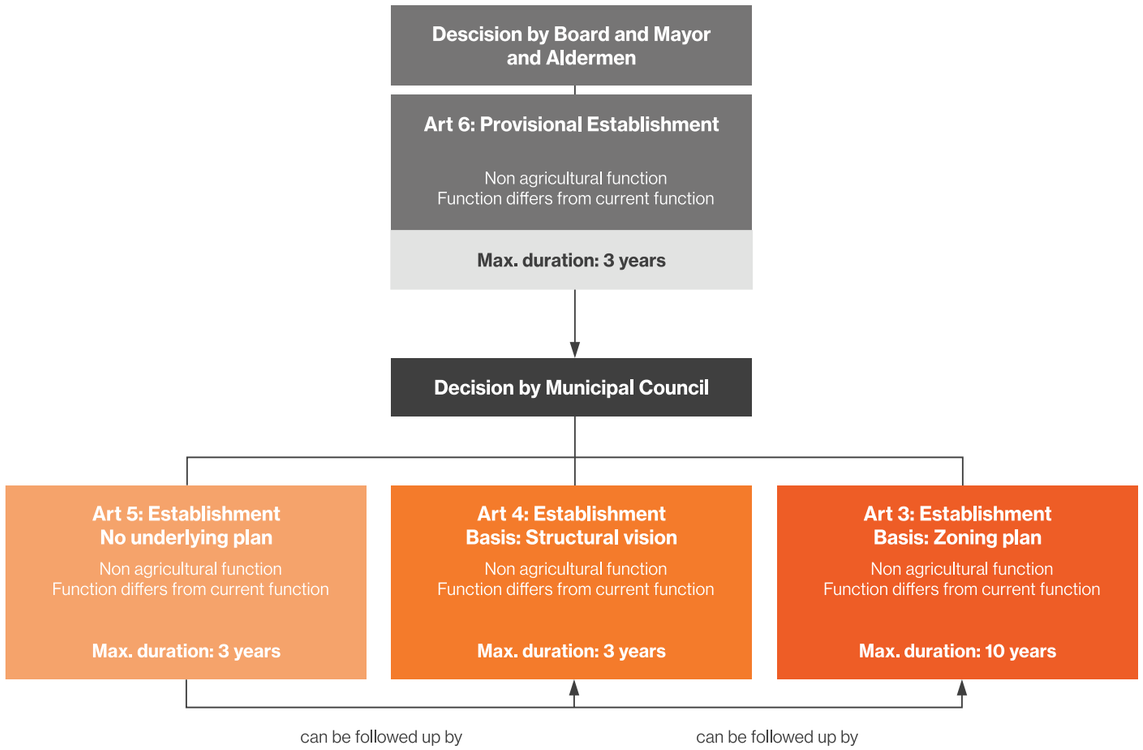

Figure 4 . Data from Wvg and Environment and Planning Act. Made by author.

the municipal council without a vision or plan as basis (Article 5, WVG), a 3 years valid establishment based on a structural vision (Article 4, WVG), and a 10 years valid establishment based on a zoning plan (Article 3, WVG).

Under the Environment and Planning Act, this sum is 16 years and 3 months as well, with the period of 10 years for the environmental plan basis split into a fixed 5 years and another possible extended period of 5 years.

3.4 Obligation to offer and decision in principle

Article 10 of the WVG describes the core principle of the pre-emption right. The alienator (owner or entitled party) may not sell land on which the pre-emption right has been established, without first offering it to the municipality in the form of a registered letter that must include information like the cadastral details and plot size. These rules do not apply when the land is transferred to blood relatives up to the second degree or a foster child,

in the division of a marital community or inheritance, through a last will, to public authorities such as the State, provinces or water boards, in the context of (judicial) forced sales, or in specific cases involving tenants with an existing statutory pre-emption right (Article 10, WVG).

Article 11 of the WVG contains more details and information about the offer by the alienator, including the property and any related plots. Article 12 of the WVG obliges the board of Mayor and Aldermen to make a decision on this offer within six weeks, on whether the municipality is willing to purchase the plot of land. If this period expires, or the offer is rejected, the seller has the right to sell his property freely for three years.

Under the Environment and Planning Act, the principle of the offer and price determination procedure remains largely the same, but has been expanded a bit. Different to the WVG, the provincial and national authorities are included in the Environment and Planning Act, depending on the level at which the pre-emption right has been established (Articles 9.6-9.7, Environment and Planning Act). The six-week decision period for the municipality remains the same (Article 9.13, Environment and Planning Act).

3.5 Price determination

Article 13 of the WVG regulates the pricing. If an agreement is reached on the acquisition of a plot of land between the alienator and the board of Mayor and Aldermen, a judge will decide on the price of the land, with the help of at least 1 expert, a process that can take 6 months maximally (Article 13, WVG). The basic rule is that all costs incurred will be borne by the municipality (Article 13.7, WVG). Articles 14 and 15 set out the follow-up steps following the conclusion of an agreement. Since the landowner agreed to sell to a municipality, a municipality is obliged to acquire the property by means of a notarial deed (Article 14, WVG). Article 15 (WVG) describes an additional route for special personal circumstances on the side of the owner. If the municipal executive does not timely start the procedure of Article 13 (WVG) or refuses to start, the alienator can directly ask the court to order the municipality to acquire the land at a price that is determined by the court.

Articles 16 to 23 and 27 to 30 of the WVG had already expired before the adaptation of the Environment and Planning Act, or were not relevant to describe in detail. Articles 24 to 26 protect the principle of the pre-emption right. Failure to comply with the obligation to offer makes the transfer null and void (Article 24, WVG), with compensation for the alienator and a notice period of three months for the municipality after cadastral registration (Articles 25-26).

Under the Environment and Planning Act, the price determination and protection mechanisms follow a similar logic. Articles 9.16 and 9.16 (Environment and Planning Act) regulate judicial price determination, whereby the alienator may request the court to determine a price with the help of at least 1 expert if negotiations fail, with the competent authority (municipality, province or state) bearing the costs in accordance with the general rules of the Awb. The obligation to acquire after a judicial price decision remains (Article 9.20), and the special personal circumstances route of Article 15 WVG falls under the broader judicial discretion of Article 9.17. The protection against non-compliance in Articles 24-26 WVG is reflected in Articles 9.23-9.25, in which transfers that are not in line with Article 9.7 are null and void, with mandatory cadastral correction and compensation provisions (Environment and Planning Act).

3.6 Legal risks

The pre-emption right contains some risks and points of attention. The owner's obligation to offer its property does not apply to all situations. Property transfers to immediate family members, due to inheritances or foreclosure sales, are excluded, as well as cases where an agreement already exists with a legal authority (Article 9.8, Environment and Planning Act).

One risk for a municipality is that procedures surrounding price agreements can lead to delays and additional costs. Judicial price determination takes up to six months, and the competent authority must pay the procedural costs, expert advice and legal assistance for the owner (Article

Most relevant differences between WVG and Environmental and planning act

Aspect	WVG (Key Articles)	Environment and Planning Act (Key Articles)
Vision-basis	Structural vision (art 1d, art. 4)	Environmental vision (art. 9.1.1b)
Plan-basis	Zoning plan (art. 1a & b, art. 3)	Environmental plan (art. 9.1.1a)
Plan duration plan-basis	10 years (art. 9.1)	5 years +AA one 5-year extension (art. 9.4.1c , art. 9.4.2)
Entry into force	Day after publication (art. 7)	At the moment it is registered (art 16.82)

Figure 5 . Data from WVG and Environment and Planning Act. Made by author.

16.123.4, Environment and Planning Act). These procedures and uncertainties can affect both financial results and the duration of land allocation and housing development (van Sandick et al., 2025). When a pre-emption right has been established on a provisional basis or on Article 5 of the WVG, it does not entail any costs. But if this establishment is extended, there will be costs for adopting an environmental vision or environmental plan (Articles 2.1 to 2.10, Environment and Planning Act), and possibly for negotiations and legal or other external support.

4 Theoretical framework

The theoretical framework sets out the theoretical basis that is needed for evaluating the municipal pre-emption right as a land assembly strategy for housing development. It dives into land policy in the Netherlands, explains how municipalities adopt active or more facilitating roles in the land market, and connects these roles to the concept of land assembly.

4.1 Dutch Land Policy

Land policy in the Netherlands can be described as a behavioural pattern that is usually followed by municipalities and aims to develop land for urban purposes (Buitelaar et al., 2025). In comparison with other countries, the Netherlands gives a relatively narrow description of land policy (Buitelaar et al., 2025). Land policy is not the same as spatial policy or land-use policy, but it is an instrument. This difference is important: Dutch land policy specifically aims to realise change and development instead of maintaining the status (Buitelaar et al., 2025).

Traditionally, the focus of land policy is on urban functions, like housing, retail, infrastructure, amenities, and offices (Buitelaar et al., 2025), but also for government goals like the expansion of Dutch defence locations (Ministerie van Volkshuisvesting en Ruimtelijke Ordening, 2025). In comparison to other countries, land policy in the Netherlands is extremely market-oriented, and municipalities operate like real estate developers (Hartmann & Spit, 2015; van Oosten et al., 2018). This market-oriented approach is partly inspired by ideological, institutional, and enrichment reasons. After WW2, the government led the restructuring and rebuilding of the country (van Oosten et al., 2018).

4.2 Active Land Policy

Municipal land policy strategies can be distinguished between active and passive, or regulative, land policy strategies (Buitelaar & Van der Krabben, 2022; Needham, 1997; van Oosten et al., 2018). In regulative land policy, the municipality leaves the acquisition and development of land to private parties (van Oosten et al., 2018). However, in the Dutch tradition, active land policy has been the dominant approach to land policy, where municipalities acquire land and then sell it to another party (Buitelaar & Van der Krabben, 2022; Needham, 1997). Buitelaar et

al. (2025) describe this form of land policy as '*the behavioural pattern aimed at the development of land for urban purposes, whereby public actors (e.g. municipalities) buy land themselves, prepare it for development, and sell it under certain conditions to those who take care of the real estate development.*' With an origin dating back even before the 19th century, active land policy spread more widely through Dutch society by subsidising housing and regulating land prices (Buitelaar et al., 2025).

In active land policy, a local authority acts like any other stakeholder by using private law. This form of land transaction with an authority as the actor can be described as amicable land acquisition and is a preferred method because of its simplicity and efficiency (Buitelaar et al., 2025).

4.3 Variations in Active Land Policy

In practice, multiple variations of active land policy exist. They differ in the way that parties collaborate or to what extent the land is assembled by a municipality. The most traditional one is public land development, where the municipality buys land, develops it, and resells it under specific conditions. Another variant is the building claim model, where private landowners have a preferential right to the assembled land. And a third variant is the joint venture model, where the municipality and private developer establish a partnership to develop the land (Hartmann & Spit, 2015). These variations differ in the share of financial risks and responsibilities.

4.4 Risks

An important aspect of active land policy is the financial aspect. Until the financial crisis in 2008, active land policy was a fundamental source of income for municipalities. By assembling land relatively cheaply and reselling it at a higher price, they can reap the development profits (Hartmann & Spit, 2015). This financial involvement can have its negative consequences. In 2008, Dutch municipalities faced significant problems due to their active involvement in land policy (Hartmann & Spit, 2015). Especially small municipalities suffered considerably (van Oosten et al., 2018).

4.5 Speed of Implementation

Active land policy helped Dutch governments to maintain one of the most successful social housing policies in Western Europe (Hartmann & Spit, 2015). A characteristic aspect of the Dutch policy is the speed of implementation. Urban developments are often results-oriented and focus on completion within a certain timeframe. Planning and implementation are relatively quick. This fast implementation can largely be explained by the financial involvement of municipalities. An unused building plot costs the municipality money, which makes it in their interest to implement the plans more quickly (Hartmann & Spit, 2015; van der Krabben & Lenferink, 2018). Partially, the financial crisis can be attributed as the cause of the financial losses on municipal land positions, but the underlying development models themselves also proved vulnerable. (Buitelaar, 2010; van der Krabben & Lenferink, 2018).

An instrument that overshadows this amicable land acquisition is expropriation. It can be used as a method of pressure to stimulate amicable land acquisitions and is hardly used by authorities due to its long procedures and high costs (Buitelaar et al., 2025). Another active land assembly instrument that is more commonly used by municipalities is the pre-emption right, whose legal basis is described earlier in this report. The use of the pre-emption right by municipalities is increasing (figure 1) and functions as a strategic instrument to prevent land speculation and keep land prices in check (Buitelaar et al., 2025).

Since 2008, there has been a clear shift towards facilitating land policy in many Dutch municipalities, which decreased municipal income. This transition, however, appears to be only temporary, as more recent developments indicate that municipalities have increasingly returned to active land policy after the 2008 financial crisis (van Oosten et al., 2018). Since revenues from land development can change at any time, municipalities should consider how to adapt to periods when revenues decline or disappear (van Oosten et al., 2018). According to van Oosten et al. (2018), active land development should not primarily be driven by profit, but by spatial improvement.

4.6 Land Assembly

Within Dutch land policy, land assembly refers to the process of combining plots with different landowners into larger, developable plots that are suitable for the intended spatial plans, such as housing, infrastructure or mixed-use urban areas (Buitelaar et al., 2025). Assembling land is often a precondition for realising compact urban development and achieving housing objectives in the Netherlands, because of its common highly divided landownership (Buitelaar & Van der Krabben, 2022). Land assembly is carried out by both municipalities and private actors. Municipalities can take a more active role in the assembling process by purchasing and preparing land themselves, or a more facilitating role by coordinating private initiatives. However, in both cases, municipalities make use of instruments like amicable acquisitions, land readjustments and the pre-emption right to influence which plots, in what sequence and under what conditions to influence land assembly (van der Krabben & Lenferink, 2018).

4.7 Principle of self-realisation

Specific to the Netherlands' land assembly is the way compulsory purchase law is balanced with ownership rights and the principle of self-realisation. Compulsory purchase is only allowed in the public interest, based on a land-use plan and strict feasibility requirements, and landowners must always be fully and fairly compensated (Korthals Altes, 2014). The principle of self-realisation operates according to this logic: expropriation is generally not required if a landowner shows concrete, timely and realistic plans to realise the designated use of their own land, where only a statement of willingness is insufficient (Korthals Altes, 2014). This principle is not explicitly mentioned in law, but developed in practice from the constitutional requirement that compulsory purchase must serve the public interest. According to Korthals Altes (2014), self-realisation was invoked in 23% of compulsory purchase cases for planning purposes, but approximately 72% of these claims were rejected. This indicates that public planning is hardly hindered by the principle of self-realisation, and it primarily protects owners who are able and willing to realise new use on their land (Korthals Altes, 2014).

The conceptual model on the next page summarises this research from a theoretical perspective. The start is the establishment of a pre-emption right. The cases this research focuses on are housing development cases; therefore, land assembly strategies and housing objectives will be included in the establishment of pre-emption rights. In the case study, the contextual factors that influence a potential land purchase and the methods used, namely the land assembly strategies, are examined. By examining these land assembly strategies and housing objectives and answering the research questions, the study yields conclusive outcomes that lead to improvements or recommendations for new pre-emption right establishments.

Conceptual model

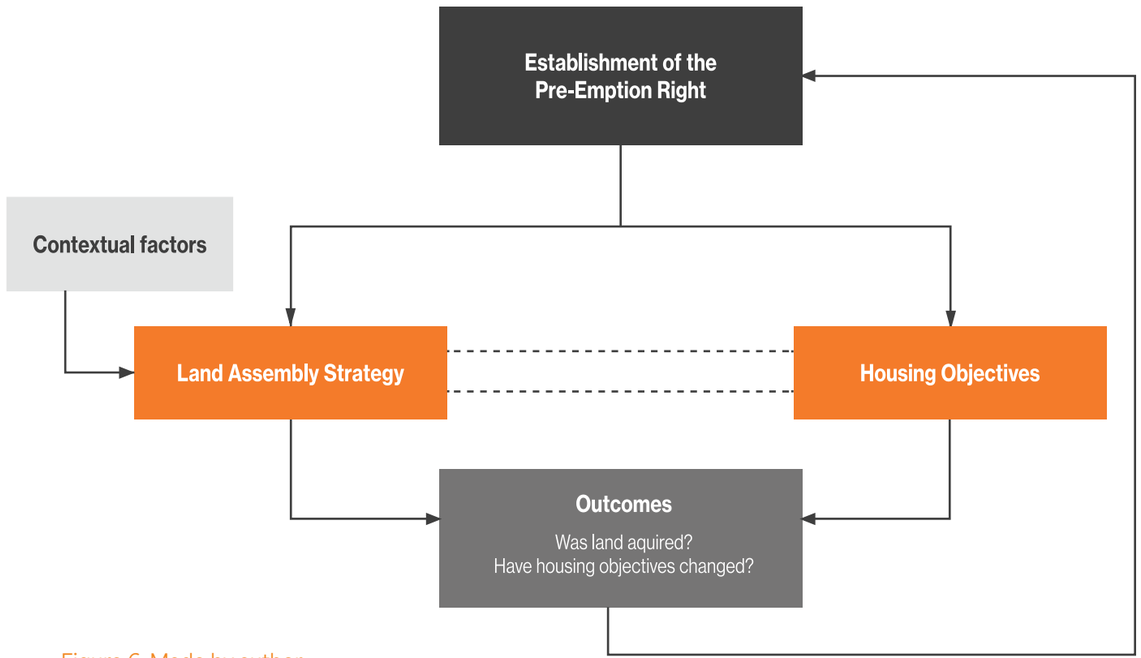

Figure 6. Made by author.

5 Results

In this chapter, the chosen cases (Hulst, Westland, and Harderwijk) are described. Each subchapter contains a complete case description of the information that is relevant to this study. This information is acquired from document analysis and is supplemented with interviews of involved stakeholders to create a complete overview of the relevant information and happenings for each case. Each case study is described using a consistent structure and clear sequence. It begins with relevant information about the region and the planning area. This is followed by the background and a description of the situation before the pre-emption right. Then follows a description of the establishment of the pre-emption right and the land assembly strategy. In addition, a separate section is included describing the changes that the initial housing typology and number of dwellings have undergone.

5.1 Hulst: Groote Kreek II

The municipality of Hulst is part of the province of Zeeland, in the southwest of the Netherlands. The residential area Groote Kreek, located in the city and municipality of Hulst, was considered completely developed in 2018 and is popular among residents of Hulst (Rho Adviseurs, 2025). Groote Kreek II concerns the expansion of the developed residential area Groote Kreek and is located to the south of this already existing neighbourhood, extending from the Waterstraat in Hulst. The plans for Groote Kreek II cover a series of eight plots south of the Groote Kreek neighbourhood, which are owned by multiple private landowners (Gemeente Hulst, 2018a; Rho Adviseurs, 2025).

The municipality of Hulst has been working on the development of Groote Kreek II since 2018. In that year, the program budget included the policy objective to have ‘building plots in all cores’ available, which provides a direct reason for designating Groote Kreek II as a new large-scale housing development location (Gemeente Hulst, 2018c). In the council proposal of September 27, 2018, Groote Kreek II is explicitly mentioned as a strategic expansion location where the municipality wants to maintain control over the development. In this proposal, the municipality itself at least mentions the desire to counter land speculation and prevent price inflation from competing parties, thereby not adversely affecting the financial and economic feasibility of plans (Gemeente Hulst, 2018c).

Municipality of Hulst

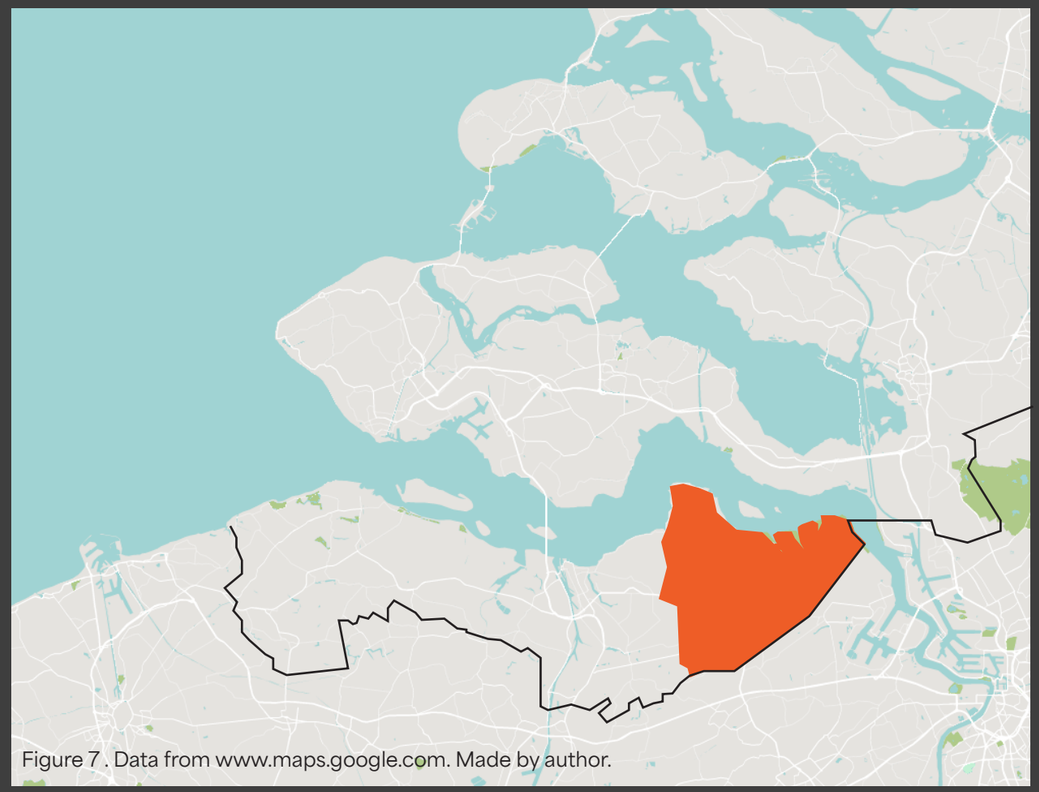

Figure 7 . Data from www.maps.google.com. Made by author.

The municipality of Hulst is located in the east of Zeeuws-Vlaanderen, the most southern island of the province of Zeeland. The municipality has a population of over 27,000 inhabitants, a number that has been slightly declining since 2007. The population density is 136 inhabitants per km², which is very low compared to the national average of 536 inhabitants per km² (CBS, 2026b). The municipality of Hulst has a rural character and has been dealing with ageing for already a long period. This demographic context is reflected in the housing market. The average WOZ value in the municipality is €308,000 and is nearly €100,000 below the national average (CBS, 2026a). At the same time, there are local housing needs, particularly for senior housing and affordable homes (Klerks, 2025). The municipality of Hulst has, quantitively seen, a smaller task then growth municipalities, and focuses more on facilitating local demand and retaining young people (Klerks, 2025). This demographic context makes the municipality of Hulst an interesting case to study how the pre-emption right functions in a municipality where there is limited market pressure and primarily social motivation for housing development.

Situation before Establishment of the Pre-Emption Right

Before the establishment of the pre-emption right, the eight plots of land had an agricultural function, which differed from the intended future use described in council documents as 'residential purposes with associated uses, such as gardens, transport facilities, green spaces and water features' (Gemeente Hulst, 2018c, 2018a).

In this period, in 2018, no zoning plan or structural vision had been adopted. The development is in an exploratory and preparatory phase. The municipality does not own the land and has no control over transactions between private owners and any third parties, such as property developers. Municipal documents indicate that the area is likely to play a role in the future housing development plans (Gemeente Hulst, 2018f, 2018b)

Establishment of the Pre-Emption Right

On 9 October 2018, the Municipal Executive announced its intention to provisionally establish a pre-emption right on eight plots of land, all of which are part of the proposed Groote Kreek II development area (Gemeente Hulst, 2018c). The provisional establishment of the pre-emption right is based on Article 6 (WVG) and has a validity of three months (Gemeente Hulst, 2018d).

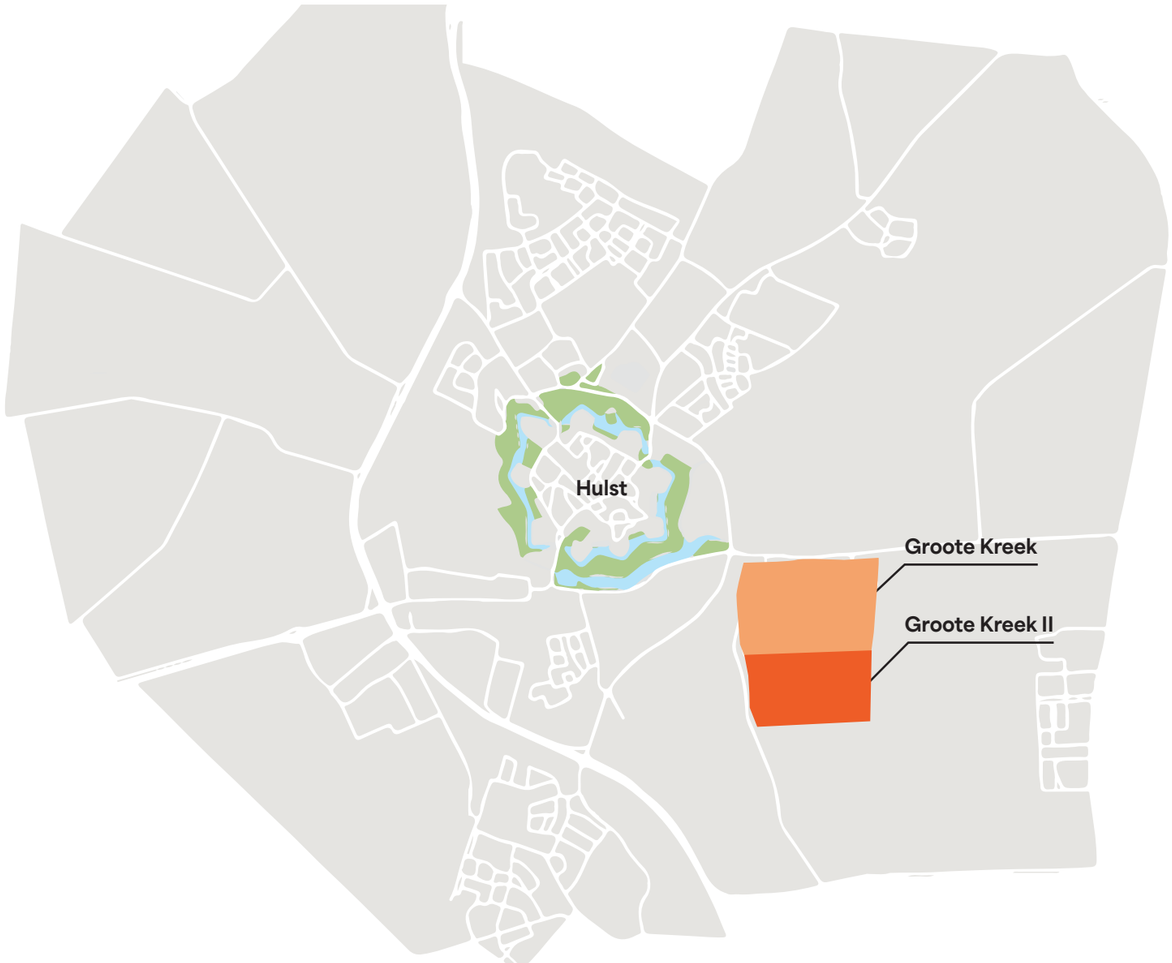

Figure 8 . Map of Hulst. Data from www.maps.google.com.

Before this announcement, the Mayor and Aldermen had already submitted a proposal to the council on 27 September 2018. It states that they aim to use the pre-emption right as a protective measure during the planning process. The municipal council is advised to establish the pre-emption right, underpinned by the argument that price inflation caused by market parties bidding against each other and speculation could adversely affect the financial and economic viability of the plan (Gemeente Hulst, 2018c).

On 13 December 2018, the Hulst municipal council decided to establish the pre-emption right on the eight plots on which a provisional pre-emption right had previously been established. The new establishment of the pre-emption right is not based on a structural vision or zoning plan and is therefore established based on Article 5 of the Wvg, with a maximum validity period of three years (Gemeente Hulst, 2018e). The council proposal states that it is expected that a structural vision will be adopted within these three years, enabling the pre-emption right to be renewed on a new basis and ultimately to be followed by a zoning plan (Gemeente Hulst, 2018f).

Land Assembly Strategy

After the municipality has established the pre-emption right, it proceeds with further planning and development for Groote Kreek II. Also, the municipality proactively contacts the private landowners to inform them about the municipality's plans and its desire to purchase the plots of land (Interview Hulst, 2026). From the interview, it appears that the pre-emption right at this stage primarily serves as a protective measure within which negotiations can take place. The landowners are informed about the development plans, but they cannot sell these lands to any bidding market party, such as a developer, without making an official offer to the municipality (Article 10, WVG)

The municipality made use of external expertise in the discussions with landowners, at least in the form of legal advice and a land agent who negotiates with the landowners. The municipal official explains that this is important for a small municipality like Hulst, where the right of pre-emption is rarely applied within the organisation.

Land Acquisition Phase 1

Although the council decision proposes to draft a structural vision within three years, no structural vision has been drafted for the project location (Gemeente Hulst, 2018c). Also, no zoning plan has been established within three years after December 2018, causing the pre-emption right to expire.

However, council documents indicate that purchase agreements have been made with the owners of the plots designated for phase 1 of Groote Kreek II, namely the plots R702, R703, R704, and R267, before the expiry date of the pre-emption right (Gemeente Hulst, 2022). According to this document, this was done to 'secure the municipal land position'. Also, an exchange agreement was concluded whereby the municipality transferred agricultural land from another location to one of the landowners in return for the acquisition of a pre empted plot within the Groote Kreek II project area (Gemeente Hulst, 2022).

The purchase price for the acquired lands was determined through a market price comparison with recent transaction prices for comparable locations. The justification for this is confidential and available to the municipal clerk. According to the municipality, the purchase price fits within the framework of the land policy memorandum 2020-2023. To ultimately purchase the land, the College of Mayor and Aldermen propose to allocate an amount of €2,209,412 to finalise the purchase agreement (Gemeente Hulst, 2022).

On January 5, 2022, the Board of Mayor and Aldermen planned to submit the zoning plan for phase 1 of Groote Kreek II inspection to the municipal council by July 1, 2022, due to the upcoming implementation of the Environmental Planning Act (Gemeente Hulst, 2022). The zoning plan is ultimately delayed several times due to the delay in the implementation of the Environmental Planning Act (Gemeente Hulst, 2018e; NOS Nieuws, 2022, 2023).

After inquiry on the cadastral records, it appears that all four parcels that are part of phase 1, R702, R703, R704, and R267, are registered as property of the municipality of Hulst on December 23, 2022, with purchase amounts not mentioned for two of the four parcels (kadastralekaart.com).

Land Acquisition Phase 2

In February 2023, the college of Mayor and Aldermen explained that it also wants to purchase land for phase 2 of the Groote Kreek II development plan (Gemeente Hulst, 2023e, 2023a). At this moment, no pre-emption right is applicable on the respective lands, as it expired in 2021 (Gemeente Hulst, 2018e). However, the college reports that purchase/option agreements have been concluded with the owners of three of the four plots needed for phase 2, namely the plots R269, R270, and R756, thereby securing the municipal land position for phase 2 as well (Gemeente Hulst, 2023e). In this proposal, it is mentioned that the goal is to establish a zoning plan for phase 1, before the implementation of the Environmental Planning Act, which is then scheduled for July 1, 2023 (Gemeente Hulst, 2023e).

For the option fee of three of the four parcels for phase 2, it has been determined that the land price is €35 per square meter, established through a market price comparison. The municipal compensation for the purchase/option agreement amounts to €800 per year per hectare, based on a market-conforming rental price. This amount totals €7,636 per year for the three plots (Gemeente Hulst, 2023e). Many council members have questions about the fact that the purchase/option agreement concerns three of the four plots and that there is one plot remaining for which the municipal land position has not yet been secured (Gemeente Hulst, 2023b). Later documents show that this purchase/option agreement has been approved, and the municipality has control over three of the four plots in phase 2 (Gemeente Hulst, 2023d). On November 20, 2023, the college of mayor and aldermen submits a proposal to purchase plot R757, the only plot for which no purchase/option agreement had been concluded (Gemeente Hulst, 2023d). In this proposal, it is suggested to purchase this plot directly for an amount of €630,000, at the same price per square meter as previous plots. The college substantiates the importance of this purchase by explaining that there is already control over three of the four plots and that an opportunity has now arisen to acquire the fourth plot (Gemeente Hulst, 2023d). On January 19, 2024, plot R757 was purchased for the amount proposed by the executive board (Kadastralekaart.com). The parcels R270, R756, and R269 were purchased later, in March, June, and July 2025, which was possible due to the option agreements (Gemeente Hulst, 2024; Kadastralekaart.com).

On July 3, 2025, the municipal council approves the zoning plan 'Groote Kreek II, Hulst', for the first phase of the development of the residential area. This zoning plan changes the designation of the land from agricultural to residential, traffic, and water, and enables the development of a maximum of 133 dwellings (Gemeente Hulst, 2025; Rho Adviseurs, 2025).

Housing Programme

The expansion of Groote Kreek II is set up as an extension of the Groote Kreek neighbourhood and is divided into two phases. During the early planning phase (2017-2018), an expansion with a relatively large share of free plots was considered. The initial idea was an amount of 200 to 250 dwellings, with a percentage of 60% for self-build plots (Interview Hulst, 2026). A ratio that matched the market demand during the planning period, when there was a high demand for relatively large plots. Phase 1 would consist of 110 homes and phase 2 of 140 homes (Gemeente Hulst, 2023c).

The official indicates that as a planner during such a process, you 'get a bit overtaken by time' (Interview Hulst,

2026). Rising construction costs and higher land prices increased the demand for smaller plots, and the need for other types of housing, including starter homes, (semi-)detached houses, and senior housing, rose (Interview Hulst, 2026). The number of dwellings differs from the earlier assumptions, in accordance with the statements of the municipal official. The zoning plan includes a maximum of 133 homes (Rho Adviseurs, 2025). A zoning plan for phase 2 has not yet been established, and the interview also indicates that phase 2 has deliberately not yet been established so that it remains open for further adjustments to a changing context.

Legal Risks

In the case of Groote Kreek II, the legal risks were relatively limited. No objections were filed against the pre-emption right, and there have been no legal conflicts. However, legal and procedural factors played a role in the delay of further planning, which is why it took a long time before a zoning plan could be adopted, but these legal risks are no longer related to the use of the pre-emption right, but to area development in its whole.

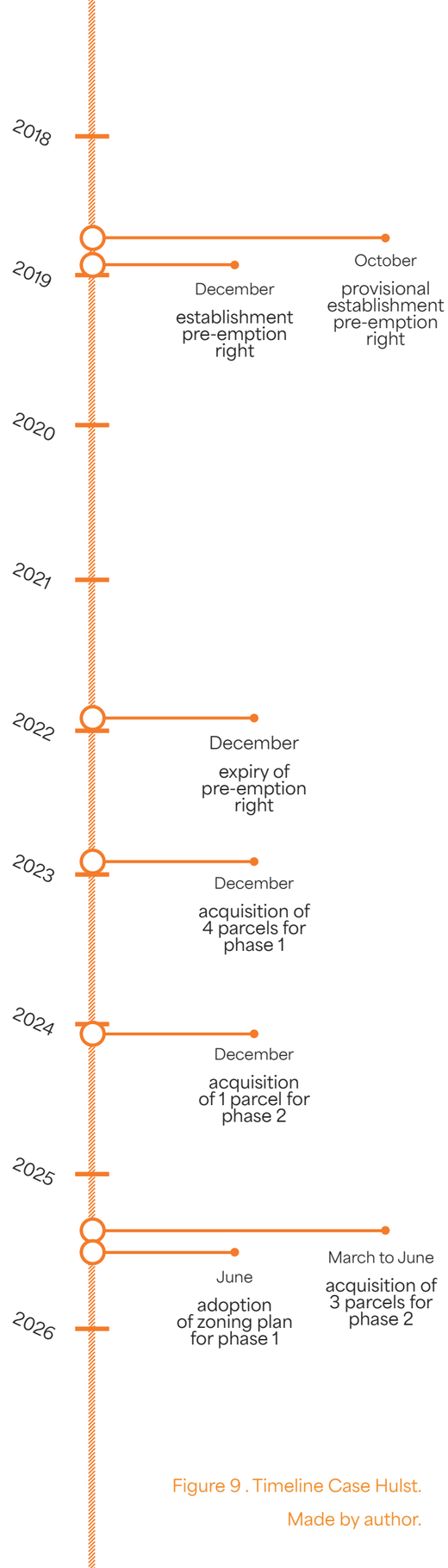

Figure 9 . Timeline Case Hulst.
Made by author.

Conclusion

In the case of Hulst, the pre-emption right has functioned as an effective instrument to maintain control in area development. By establishing the pre-emption right for the lands in question, the municipality created room for negotiation, which ultimately led to the successful acquisition of all the lands in the development area. The land was ultimately purchased through an amicable transition.

Municipality of Westland

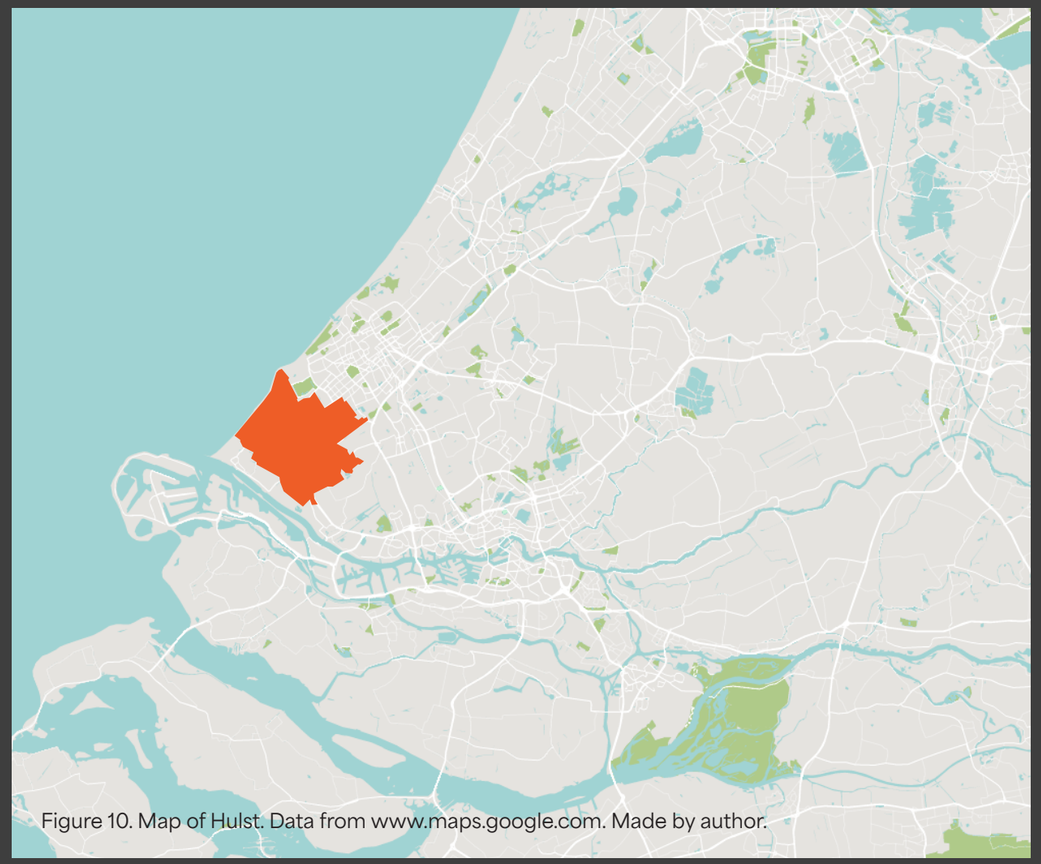

Figure 10. Map of Hulst. Data from www.maps.google.com. Made by author.

The municipality of Westland is located in the province of South Holland, southwest of The Hague. The municipality has over 118,000 inhabitants and is one of the larger municipalities in the Netherlands. The population within the municipality is steadily increasing, with over 14,000 in the past ten years (CBS, 2026b). With a population density of 1,448 inhabitants per km², the municipality is significantly above the national average population density. The housing prices within the municipality, with an average WOZ value of €465,000, are significantly above the average WOZ value in the Netherlands, and finding space for new homes is no easy task (CBS, 2026a). The greenhouse horticulture, for which the municipality is known, is an important economic foundation for the municipality but also takes up a lot of space. In this context, active land policy can play an important role in making a socially responsible decision to cope with the various interests. The case of De Driesprong is interesting to study due to its location in the Randstad, where space is scarce and housing prices are high.

5.2 Westland: De Driesprong

The municipality of Westland is situated in the west of the province of South-Holland and is known for its high concentration of greenhouse horticulture and related activities. Demographically speaking, the municipality is situated within the Randstad, a region characterised by population growth and a structural housing shortage. The municipality of Westland has a population of approximately 118,800, an increase of almost 30% compared to 1995, which is heightens the housing shortage (CBS, 2026c, 2026b).

Within the municipality, Kwintsheul forms a residential centre with a village character. The centre is situated in the heart of greenhouse horticulture areas and is spatially bounded by infrastructure and agricultural land use. As a result, areas for new housing development are limited and are mainly possible on the outskirts of the existing centre. Following a study commissioned by the municipality of Westland, the intention was announced in 2016 to develop an area north of the village of Kwintsheul, known as the Driesprong, transforming it from agricultural (horticultural) land into a new residential area (Gemeente Westland, 2016a; RROG, 2022). The spatial planning consultancy Wissing has estimated the housing shortage in Kwintsheul at approximately 95 to 110 homes (Wissing, 2020).

The spatial design of the project is described as a village-style extension that is forward-looking and addresses the spatial and community issues facing Kwintsheul (RROG, 2022). The development site covers approximately six hectares and will provide for around 218 homes (Gemeente Westland, 2017a; Heulpark, 2026; Vastgoedprofs, 2026).

Situation before Establishment of the Pre-Emption Right

Prior to the establishment of the pre-emption right, Westland Council had no detailed plan for housing development in Kwintsheul. The Driesprong area was used for horticultural purposes and is located outside the village centre. The interview with the municipal official reveals that, although greenhouse horticulture land is legally classified as agricultural land, it has a very different market position and value compared to standard agricultural land. Due to the presence of modern greenhouses and good infrastructure, greenhouse horticulture land is considerably more expensive, sometimes costing many times more than normal agricultural land. This makes area development in the municipality of Westland complex and partly explains why housing development on land with a new function that ‘causes as little disruption as possible’ is the most wanted option.

The results of the study to appoint new housing development sites were presented to the municipal council in confidence on 21 November 2016.

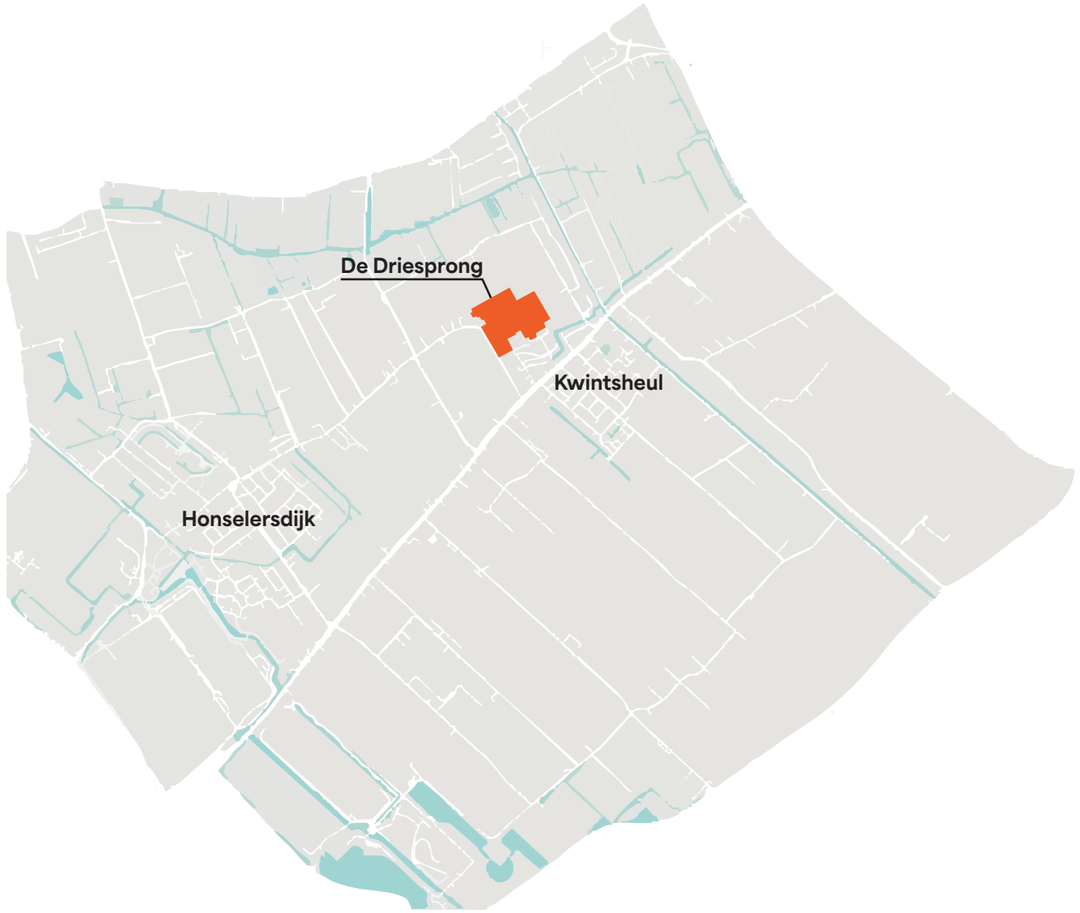

Figure 11 . Map of Kwintsheul. Data from www.maps.google.com. Made by author.

This led to the decision to select the Driesprong in Kwintsheul as the new housing development site, with the key consideration being that social and community interests carry significant weight and that expansion in this area is necessary to retain young people in the region (Gemeente Westland, 2016a). The Westland Municipal Executive describes the pre-emption right as a powerful tool and states that it is very passive to apply it, but 'on balance, the public interest of the Kwintsheul town centre in enabling new housing development outweighs the interests of the market' (Gemeente Westland, 2016b).

Establishment of the Pre-Emption Right

On 13 December 2016, the Municipal Executive of Westland decided to establish a provisional pre-emption right on all plots within the plan area. The notice describes the plots on which the pre-emption right has been established as those to the west of Mariëndijk, to the north of de Karper, to the west and east of de Driesprong, and to the south of the van Buerenlaan in Kwintsheul (Gemeente Westland, 2016a, 2016b). Before this provisional pre-emption right expired after three months, a new pre-emption right was approved on 21 February 2017 based on article 5 of the WVG (Gemeente Westland, 2017d).

The attached map and list of land plots show that this concerns 27 plots with a total area of approximately 9 hectares, owned by 10 different owners (Gemeente Westland, 2017b, 2017a). Five objections were filed following the designation of the pre-emption right. Each of the objections states that this decision 'effectively locks the area down and freezes all development until the municipality either revokes the designation or allows it to lapse' (Gemeente Westland, 2017c). The Westlandse Zoom project is cited as an example where the implementation of the development has been delayed, resulting in significant time and financial commitments (Gemeente Westland, 2017c). The then opposition party Westland Verstandig is not in favour of using the pre-emption right and fears this will result in an endless wait for actual developments (Westland Verstandig, 2017). These are remarkable objections, given that the council has specifically indicated its intention to use the pre-emption right despite the severity of the measure, to facilitate new housing development quickly (Gemeente Westland, 2016b).

According to the interviewed officials, the pre-emption right was deliberately invoked at the earliest possible stage, immediately after the results of the study on new housing development sites had been presented. The measure was explicitly intended to prevent new market players from acquiring land in the area; the aim was not necessarily for the council to develop the land itself, but to ensure that the council retained the option to decide.

Land Assembly Strategy

Just over a year after the pre-emption right was established, it was announced on 23 October 2018 that the council was withdrawing completely from the development of De Driesprong in Kwintsheul (van Blanken, 2018). According to van Blanken (2018), the municipality itself had intended to acquire land and take the lead in the area's development, but this proved financially and administratively unfeasible due to the signed option agreements with the developers Weboma and Van Mierlo.

The AD reports that provisional agreements had already been signed with developers covering around 85 percent of the project area, involving five of the ten landowners. The developers subsequently submitted a request to the municipality of Westland to be allowed to carry out the development themselves, to which the municipality agreed (van Blanken, 2018). It emerges from a later council meeting that the cooperation between the developers Van Mierlo and Weboma is responsible for the provisional agreements (Gemeente Westland, 2023).

Confusing is the statement of the alderman responsible at a council meeting that the owners of the land subject to the pre-emption right had already entered into an agreement with the developers Van Mierlo and Weboma, and that the council subsequently saw no point in attempting to develop the site itself (Gemeente Westland, 2023). The interview reveals that these agreements should not be regarded as definitive purchase contracts, but rather as option agreements. These agreements stipulate that, subject to the municipality's approval, a deal exists between the landowner and the developer, often with deadlines and financial incentives.

Although these option agreements did not legally prevent the council from proceeding, the interviewee thought acquiring the land itself would have led to long negotiations and little public support, whilst a landowner could also invoke self-development in collaboration with the developers involved. From this perspective, the council no longer regarded the acquisition of land as a realistic option according to the interview with the municipal official. The situation has been described by the main opposition party, Westland Verstandig, as 'strange and incomprehensible'. At the same time, this party had emphasised in 2017 that the pre-emption right should be revoked if the land acquisition process took too long (Westland Verstandig,

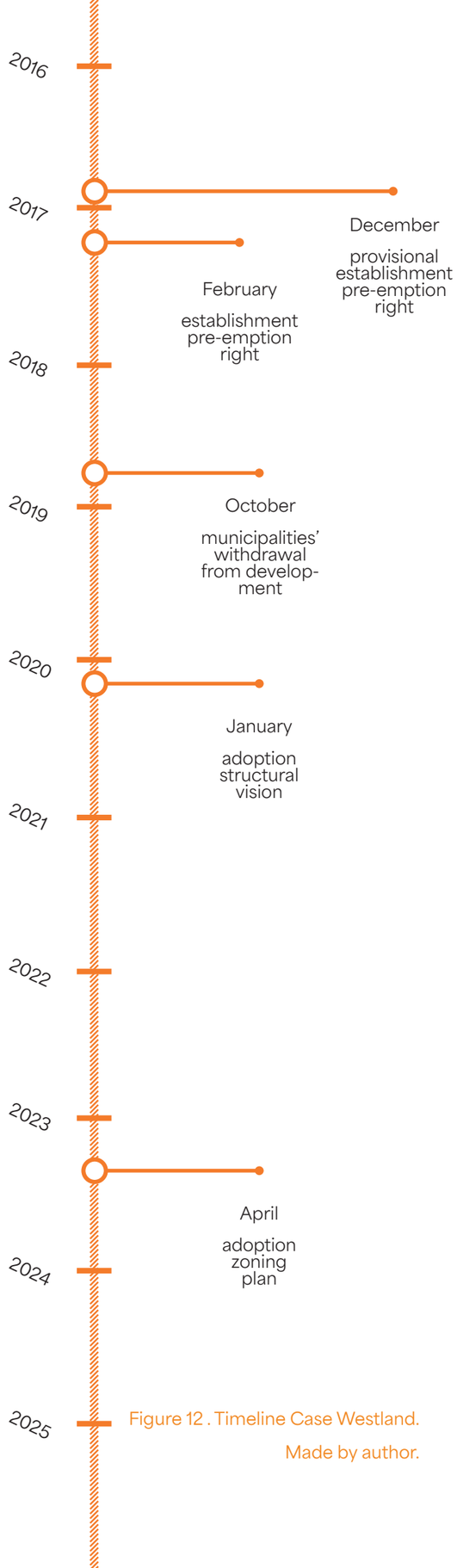

Figure 12 . Timeline Case Westland.
Made by author.

2017, 2019). The inconsistent statements do say something about the political sensitivity of the instrument.

Land Acquisition

The council used the pre-emption right as a means of pressure but did not acquire any land. Landowners reached an amicable agreement with the Van Mierlo/Weboma development consortium, which has purchased most of the land and is developing it under the project name Heulpark (Heulpark, 2026). A section to the north-west of the site has been purchased by Vastgoedprofs and is being developed under the project name De Wilde Zee (Vastgoedprofs, 2026). Although the dates on which the land was purchased are not publicly known, construction was able to begin in 2023 and the development will be completed, which implies that there were no remaining plots that had not been purchased by the developers (GroentenNieuws, 2023).

Housing programme

A total of 217 homes will be built on the development site, all of which are due to be occupied by 2026 (Vermeer, 2023). Apart from a few minor differences, this amount has remained unchanged throughout the planning process. The Van Mierlo/Weboma development consortium is developing the Heulpark project, which comprises 190 homes (Heulpark, 2026). Vastgoedprofs is developing De Wilde Zee, a development comprising 17 homes (Vastgoedprofs, 2026). In terms of housing types, it has been decided that 68 social housing units will be built, alongside 24 mid-range rental flats and over 120 owner-occupied homes in the mid-range and higher-end segments (Heulpark, 2026; Vastgoedprofs, 2026).

Legal Risks

In the Westland case, there have been legal conflicts. After the pre-emption right was established, formal objections were submitted by several landowners. The landowners found the instrument obstructive and blocking their purpose of the land. The objections were not followed up with a judicial ruling because the municipality withdrew from the development for other reasons after a short period. Although the objections did not lead to a legal ruling, the objections of the landowners precisely describe the goal of the pre-emption right and seem to have little chance of success.

Conclusion

In the municipality of Westland, the pre-emption right did not work as initially intended. The instrument was initially used to develop the planning area itself, but ultimately active land acquisition was abandoned. In this case, option agreements with a developer known by the municipality were decisive. The pre-emption right was in this case mainly used as a formal and strategic instrument, while the role of the instrument ultimately remained limited.

Municipality of Harderwijk

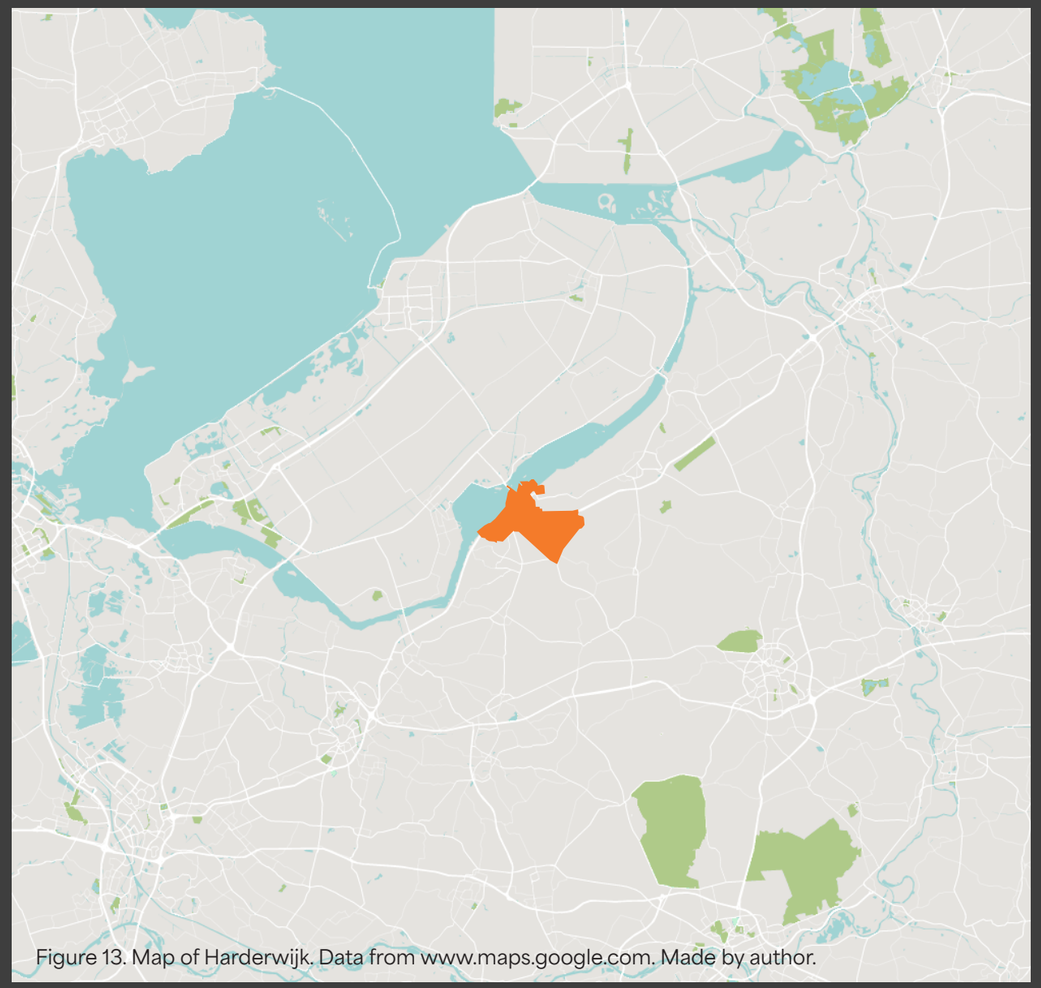

Figure 13. Map of Harderwijk. Data from www.maps.google.com. Made by author.

The municipality of Harderwijk is located in the province of Gelderland and is situated on the edge of the Veluwe on one side and the Veluwemeer and Wolderwijd on the other side. It has a population density of over 1,286 inhabitants per km², which shows that the municipality has a somewhat more urban character than the surrounding more rural municipalities in the Veluwe (CBS, 2026b). The municipality of Harderwijk has experienced structural population growth in recent years, which is reflected in the housing demand. The average WOZ value is approximately €405,000, which is nearly equal to the national average, and has significantly increased compared to the national trend over the past ten years (CBS, 2026a). The case of Harderwijk can therefore be seen as an average municipality with a significant housing shortage.

5.3 Harderwijk: Harderweide

On the southern side of Harderwijk, south of the A28 highway that divides the town, lies the area Drielanden. A residential area that has been in development since 1990 (Gemeente Harderwijk, 2026a). The latest phase of this development covers an area of approximately 66 hectares and is bounded by the A28 to the north and west, the already residential area Drielanden to the east, and a nature reserve and the village boundaries of Ermelo to the south (Loosvanvliet, 2012). The area was originally named Drielanden-West, a name later replaced by Harderweide, which will also be used for the development in this case study. The name Harderweide is derived from the design, which is characterised as a neighbourhood with lot of space for park-like public green spaces (BPD, 2026; Gemeente Harderwijk, 2015a).

The development of Harderweide does not stand on itself but is part of a long-term area development in which the municipality of Harderwijk has played an active role since at least the turn of the century. This long-term development is reflected in the planning process, which began at an early stage. Work began early on a structural vision for Harderweide, to create a neighbourhood with a clear master structure and a basic plan for public green spaces and water features (Loosvanvliet, 2012). The residential area is now under construction and several phases have already been completed, involving the municipality, developers and landowners (BPD, 2026).

This case study provides a step-by-step description of how the planning process for Harderweide unfolded, why the municipality of Harderwijk chose to establish the pre-emption right and how that instrument functioned in this case.

Situation before Establishment of the Pre-Emption Right

Commissioned by the municipality of Harderwijk and the project developers BPD and Slokker Vastgoed, a structural vision was developed in 2012. In this vision, Harderweide is shown as a residential area with a focus on natural public spaces (Loosvanvliet, 2012). In 2015, this structural vision was revised and adopted by the municipal council on 15 October 2015. The Harderweide planning area covers approximately 66 hectares and forms an extension of the existing Drielanden residential area. The revised structural vision describes a residential area with plenty of room for public greenery and water: a large water feature surrounded by park-like greenery and a wide green buffer separating the new neighbourhood from the existing residential area. Two access roads will also be constructed for cars, and the neighbourhood will have good cycling and walking connections (Gemeente Harderwijk, 2015a).

The structural vision of 2015 includes provision for the development of approximately 1,040 homes. The plan also includes the construction of an eight-metre-high earthen noise barrier along the A28. The development of Harderweide is, according to this vision from 2015, to take place in phases between 2016 and 2025, with the structural vision forming the framework (Gemeente Harderwijk, 2015a).

The communication with a municipal official made clear that a complex land ownership situation played a role in the development of Harderweide. Two plots within the area were economically linked to a company that was declared bankrupt in the middle of 2016, whilst legal ownership of the plots lay with another party. The municipality of Harderwijk had already concluded a conditional purchase agreement with the economic owner in 2016, but following the bankruptcy, it turned out that the legal owner of the plots was invoking contractual repurchase rights against the liquidator of the bankrupt company. This led to a dispute between the municipality, the liquidator and the legal owner, in which the municipality of Harderwijk was even served with a summons. To prevent further delays in the development, all three parties wanted an amicable settlement.

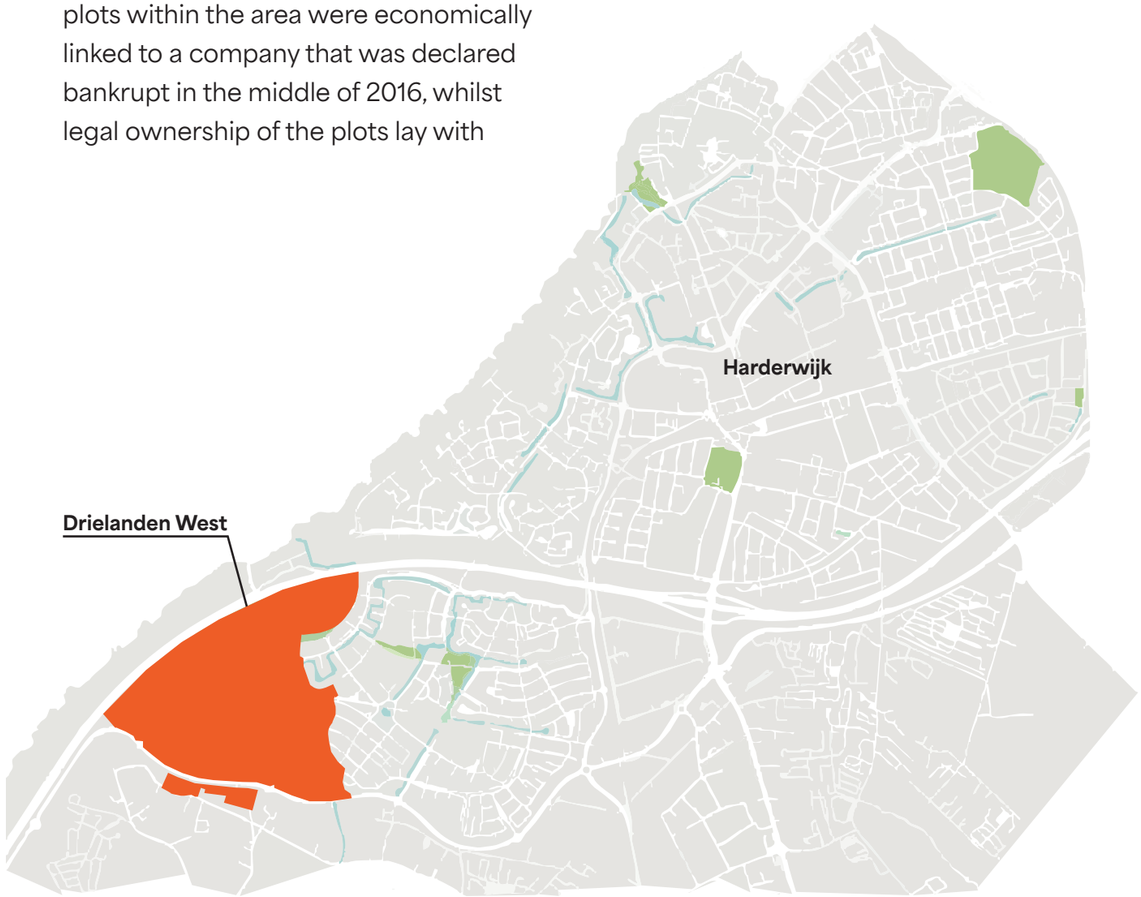

Figure 14 . Map of Harderwijk. Data from www.maps.google.com. Made by author.

Establishment of the Pre-Emption Right

Following the adoption of the structural vision in 2015, the Municipal Executive decided to establish the pre-emption right on two plots within Harderweide. This constitutes a provisional pre-emption right under Article 6, valid for three months, which came into effect on 27 July 2016 (Gemeente Harderwijk, 2016c). On 20 September 2016, the municipal council decided to follow up the provisional pre-emption right with a new establishment (Gemeente Harderwijk, 2016a). As a structural vision already existed, the legal basis for establishing the pre-emption right was this structural vision, in accordance with Article 4 of the WVG. The Municipal Council of Harderwijk stated that it had established the pre-emption right to prevent speculation and undesirable price inflation and to strengthen municipal control (Gemeente Harderwijk, 2016b). The council decision states that the municipality of Harderwijk does 'not yet own all the land', which implies that it was the owner of part of the land within the development area.

Land Assembly Strategy

Following the establishment of the pre-emption right in 2016, the municipality of Harderwijk is focusing on acquiring the land through an amicable agreement by contacting the landowner, according to the interview. The pre-emption right serves primarily as a protective measure in this context.

A written explanation from a municipal official indicates that it was always the municipality's intention to acquire the land amicably, rather than to allow speculators to join the development. The choice of this land acquisition strategy is in line with the municipality's earlier policy from around the turn of the century, when the municipality of Harderwijk had already chosen active land policy and had already acquired a large part of the land in the Harderweide planning area. The choice of the pre-emption right establishment was therefore not a new policy direction, but a continuation of a project started earlier.

Due to the complex ownership situation mentioned in the subchapter before, the land negotiations were particularly difficult. As the municipality of Harderwijk has provided only a brief written explanation, it remains unclear whether this complex situation could have been avoided. Nevertheless, the establishment of the pre-emption right in this case does not appear to have influenced the complex negotiation situation.

Land Acquisition

The actual acquisition of the land subject to the pre-emption right took place through amicable negotiations. The plots were ultimately not formally offered to the municipality. The proposal to the municipal council states that virtually all plots in Harderweide are owned by the municipality and that

this is not the case for just two plots: plots I-105 and I-6322 (Gemeente Harderwijk, 2017). These plots are owned by the same owner, together with a plot in which the municipality had an interest due to another project. The council decision shows that in 2016, the municipality entered into an unconditional purchase agreement to acquire all three plots for a sum of €625,000. On 12 January 2017, the municipal council approved the acquisition of the three plots (Gemeente Harderwijk, 2017).

Although the pre-emption right in Harderweide did not therefore lead to a formal offer, the municipality does evaluate positively on this case . The pre-emption right helped to maintain control and prevent the sale to a third party. In a written response, the municipality of Harderwijk states that it has not drawn any lessons from this case to improve its application in the future.

Housing programme

Over time, the housing development programme for Harderweide has been progressively defined in various versions of policy and planning documents. The first guiding document is the 2015 Drielanden-West Structural Vision, which describes the plan to develop 1,040 dwellings. This vision document outlines the main structures of the new neighbourhood and details the housing typologies. The homes to be developed are divided into 15% social housing,

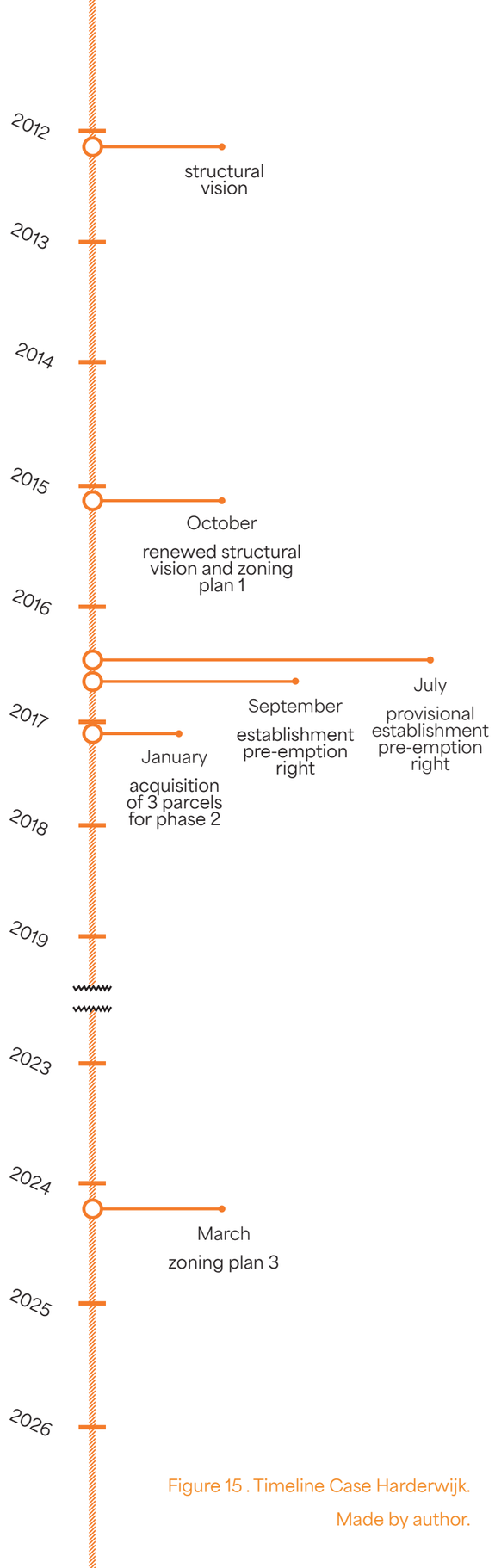

Figure 15 . Timeline Case Harderwijk. Made by author.

15% mid-range rental, 25% entry-level owner-occupied homes, 30% mid-range owner-occupied homes, 10% self-build plots and 5% detached homes (Gemeente Harderwijk, 2015a).

The first sub-plan of Harderweide from 2015 then sets out the planning framework for the first phase of housing development. This sub-plan does not yet specify the exact number of houses (Gemeente Harderwijk, 2015b). In 2018, the second sub-plan of Harderweide was published, in which the housing programme was described in more detail. In comparison with the first sub-plan, the emphasis of the second plan has shifted from broad principles to a more concrete description of the housing programme (Gemeente Harderwijk, 2018). This zoning plan emphasises the importance of a greater variety of housing types, including terraced houses, semi-detached houses and flats for both the rental and owner-occupied sectors. The sub-plan states that the target is 840 homes in Harderweide for the period 2018 to 2024 (Gemeente Harderwijk, 2018).

The third sub-plan Harderweide, was adopted in 2024 and is the final part of the planning section of the area development. This zoning plan enables the final phase of housing construction and aligns with the existing planning framework (Gemeente Harderwijk, 2024). Combined with homes from earlier phases, the total number of homes will reach approximately 1,200 (BPD, 2026). The final number of homes is therefore higher than the number set out in the 2015 structural vision, which can be related to a changing context with changing housing market demand, rising construction costs and a greater focus on affordability and more efficient use of space.

Legal Risks

In the Harderwijk case, the legal risks mainly stemmed from a complex ownership structure. There was a conflict between the municipality, the of a bankrupt party, and the legal landowner. The pre-emption right itself did not directly lead to a legal conflict. The final solution was found in an amicable land transfer after negotiations between the legal owner and the municipality.

Conclusion

In the municipality of Harderwijk, the pre-emption right has mainly functioned as supportive and protective, as part of a broad development with a long-term strategy. The municipality already owned a large part of the land for development and used the pre-emption right to acquire the remaining parcels. The instrument did not directly lead to the acquisition, but it created negotiation space in which the owner and the municipality reached an agreement.

6 Results Analysis

This chapter is a compilation of the information gathered from the three case studies. The synthesis is based on both the document analysis and the interviews with involved officials from the municipalities of Hulst and Westland, as well as the written communication with an involved official from the municipality of Harderwijk. The document analysis is extensively described in the former subsections and mainly consists of announcements and proposals from the municipal council and the board of mayor and aldermen.

Since these documents often provide limited insight into the considerations behind decision-making, the analysis is supplemented with interviews that, in addition to the written considerations, offer more insight into context-dependent choices, viewpoints, experiences, and unique factors. In addition to the involved municipal officials, a relevant official from the province of Gelderland was also interviewed about the provincial role concerning advice and support for the pre-emption right. This province has a so-called housing acceleration team and assists municipalities in terms of knowledge and finance regarding the municipal pre-emption right.

In this cross-case synthesis, the results from the three different cases are brought together by topic to identify patterns, differences, and similarities, with the focus according to the research questions on land acquisition through the pre-emption right, the impact on housing construction, and the influence of other contextual factors. This synthesis thus forms the basis for answering the sub-questions and the main questions in the conclusion of this research.

6.1 The pre-emption right as a process instrument

Timing

The pre-emption right is primarily used as a procedural tool in the three studied cases and not as an instrument that aims to force a landowner to make a mandatory offer to a municipality.

In practice, municipalities use the pre-emption right to protect area development and strengthen their municipal negotiating position.

An important aspect of using the pre-emption right as a process tool is the timing in the development project.

In all cases, the pre-emption right was applied early, at least prior to negotiations with landowners and before any announcements were made about potential changes in land use, as an interviewed official explains:

‘To prevent you from first entering into discussions and then having quick actions taken by someone who is also interested, which would put the municipality in a bind, we first established the pre-emption right and then entered into discussions.’

The involved official immediately explains what scenario is important to avoid, namely that the municipality engages in conversation with a landowner and that this landowner subsequently contacts a developer or investor who then buys up the land. Another official does not necessarily mention the negotiation moment between the municipality and the landowner, but rather the moment of announcement:

‘Prior to the announcement that the land's function is going to change, it is useful that we first establish a pre-emption right.’

From the moment a change in land use is anticipated, these are referred to as warm ground. These warm grounds can come into the spotlight of potential buyers, which can result in a quick purchase by a developer or investor, creating an undesirable scenario.

Related to timing is the role of the procedural order of the exercise of the pre-emption right. In all three cases, a preliminary decision was first made by the municipal executive, after which the municipal council followed this preliminary decision with a permanent decision.

‘Of course, you always first have the executive board make a decision; that can go under the radar, and then the municipal council has to confirm it within 3 months.’

This quote by an interviewed official shows how this preliminary step is seen as logical and necessary.

Negotiating position

In this early phase, the pre-emption right primarily functions as a protective mechanism to create safe negotiation space from a municipal perspective. Instead of the possibility for an owner to sell, the possibility for a landowner to sell is now limited.

'For the municipality, it is a form of leverage'

Municipal officials see the pre-emption right in this phase mainly as leverage and emphasise that in the cases examined, the intention was not to make a forced purchase. As a result, municipalities can negotiate with a landowner in a stable situation without strict time pressure. This situation is particularly relevant in a context where

municipalities are afraid of being strategically disadvantaged by early market activities.

Different contexts

The specific role that the pre-emption right has, varies in different cases, which implies that a different context and strategy lead to a different role for the pre-emption right.

The municipality of Hulst used the pre-emption right to maintain control and develop a new residential area as a municipality. The pre-emption right facilitated the land assembly here by ensuring that there was sufficient room for negotiation between the municipality and the landowners.
In the municipality of Westland, the municipality initially planned to maintain control and exclude speculators. Here, too, the context is different because agricultural land (greenhouse horticulture) in the municipality is significantly more expensive than regular agricultural land and because there is little political support to change the function of horticultural land. The pre-emption right has mainly been used here formally to prevent further fragmentation and to enable development, although the municipal role itself remains very limited. In Harderwijk, the use of the pre-emption right was more protective, as the municipality already owned a large amount of the land parcels in the development area. The instrument mainly led to the municipality's acquisition and kept speculators outside.

Limitations

In all cases, the involved officials emphasise that the pre-emption right cannot guarantee land acquisition and that it cannot prevent difficult negotiations. Landowners always have the option to do nothing, and municipalities remain dependent on the willingness of individuals. The value of the pre-emption right as a process instrument mainly lies in the ability to create a good negotiation opportunity without potential escalation, and it primarily provides municipalities with a way to address complexity and uncertainty.

6.2 Effects on land prices and speculation

Expectations and experiences

In decision documents, it is often stated that the purpose of applying the pre-emption right is to prevent speculation and price inflation. However, the interviewed officials provide a more nuanced picture. They mainly see the instrument as procedural protection and see less of a result in influencing land prices.

An important observation from the Hulst case is that it is indicated that the pre-emption right itself does not determine the land price. A municipal official explicitly states:

'I don't think the pre-emption right matters that much, but rather the ultimate purpose you have for the land.'

The official then explains that price agreements regarding land in practice are more related to the current designation and how parties deal with an expected value increase when the land's function changes. In this context, two scenarios are realistic options. On the one hand, a price can be negotiated directly, and a price is set that falls between the different land uses, in most cases between an agricultural land price and a residential land price. On the other hand, a value-added clause can be chosen, whereby the agricultural land is purchased at an agricultural land price and a part of the land's appreciation is settled with the seller. The official indicates that the negotiation structure is primarily influential in limiting price inflation. The pre-emption right does serve its purpose in this case, namely creating negotiation space, which can be stated to have an indirect influence on limiting price inflation.

Speculation

The pre-emption right seems to have a clear effect on preventing short-term speculation. Involved officials indicate that the pre-emption right *'really doesn't say anything about the price,'* but it can prevent opportunistic behaviour and high prices in the short term: 'You take the peak off a bit for speculators,' meaning that the pre-emption right prevents a quick sale because owners cannot freely switch to the highest bidder as soon as something is known about a plan. That 'removal of the peak' therefore seems to be a clear result where the pre-emption right prevents or reduces speculation.

The municipal officials make it clear that, in their opinion, this reducing price effect is mainly possible in the short term and should not be confused with structural price control. The value logic of land, which is based on contextual factors such as the expectation of land use and scarcity, primarily continues to determine land value. The right of pre-emption mainly limits rapid speculation and changes little about the structural increase in land value.

Limitations pre-emption right

One reason why speculation and price inflation remain limited is that the pre-emption right is not an obligation to sell. An official indicates that the reality is that an owner can draw their own plan. After being asked what happens if a landowner refuses to cooperate, an official states:

'If they don't want to sell, that pre-emption right is useless', and 'that can halt entire plans, which is of course the reality.'

In such a situation, expropriation is not the norm. In practice, during residential development, the pre-emption right is often the most heavily used instrument. Experiences of officials provide a

consistent picture of limited direct influence on land prices, which means that the effect of the pre-emption right on land prices is not considered groundbreaking in any case.

6.3 Implications for housing development and delivery

An important part of this research is the contribution of the pre-emption right to housing development. In this context, it is interesting to compare the original housing development goals with the ultimately developed homes, or the number that is currently planned to be built. Although the pre-emption right cannot be viewed in isolation from the entire context and it is not an instrument that develops housing on its own, it can be determined whether housing has been developed in an area where the pre-emption right was established.

Experiences

Municipalities themselves indicate that the pre-emption right is primarily a good tool because it allows the municipality to take control over a development. An official says:

'The pre-emption right is, of course, a good tool to ensure that you, as a municipality, have control and can develop the plan you want.'

This shows that the pre-emption right is at least perceived as an instrument that supports maintaining control. However, municipal officials also indicate that they do not see a direct connection between establishing the pre-emption right and accelerating housing development:

'But I don't think that establishing a pre-emption right leads to the acceleration of a specific plan.'

The pre-emption right is more seen as a condition for accelerating a development process rather than a decision factor for the pace of a development.

Nevertheless, it appears from the three cases that at each of the locations, houses are being built or have already been built, and in each case with a scale of at least 200 houses. The role of the pre-emption right is not fully recognised in this by the officials. The possible risks have, in any case, not led to the cancelation of the housing development.

Land acquisition is only one step in a lengthy and complex development process. Good land positions do not guarantee good outcomes. Even when land is acquired, various factors can cause delays. In the interviews, these risks are frequently mentioned by the officials. As concrete risks of delays, they mention nitrogen and distance standards to agricultural use, requirements regarding traffic and parking, objection and appeal procedures, changing market demands and requirements, and rising construction costs. An official says:

'Once you own the land, you can still encounter 100 things that can delay a plan ... the entirety of area developments does indeed become increasingly complex over the years.'

In the complete narrative of the scale and complexity of area development, the effect of the pre-emption right on housing construction is seen as limited.

'It is in any case not obstructive; I think it is either neutral or it would contribute, but very marginally' and *'But if you ask: does it really help to accelerate? No, I don't believe in that.'*

In the Westland case, a municipal official expects that the development would have taken place even without the pre-emption right and that the same area developments would have been realised without the pre-emption right, although possibly in a different manner or with a different course. On the other hand, the prevention of delays can also be seen as an accelerator, especially in a field where delays are more the rule than the exception. The marginal contribution of the pre-emption right in the entire process of area development can then still serve as a basis for continuous area development.

An additional perspective comes from a conversation with an official from the province of Gelderland who is involved in a provincial housing acceleration team. Where municipal officials see the effect of the pre-emption right on accelerating housing development as marginal and limited, this official emphasises that acceleration is indeed possible under the right conditions.

The core of the municipals argument is that active land policy enables municipalities to invest earlier and organise activities in parallel, as the official explains:

'If you own the land, you can manage many more things. This way, we can much better pre-finance the GREX (land exploitation) and plan many more processes in parallel.'

This highlights the contrast with market parties. According to the provincial official, a developer can only start preparing the site for construction once a zoning plan has been definitively approved, whereas a municipality can begin and start resources earlier with sufficient certainty. From the experience of this official, it is at least possible to have more parallel planned processes, because the risk at the front end is better managed, partly thanks to provincial support. In this reasoning, the acceleration of housing development does not lie in speeding up construction processes, but rather in preventing standstill or delays in the development phase. Or as described by the official:

'Preventing delays also means acceleration.'

In the acceleration option, clear conditions are indeed specified. In active land policy (using the pre-emption right), knowledge at municipalities is very important and good project leaders in municipalities are crucial. Municipalities are, according to the provincial official, often also unconsciously incompetent. For example, a municipality sometimes does not know that and how the application of the pre-emption right really works, while the initiative for active land policy must come from a municipality. Additionally, the acceleration of housing development cannot be viewed separately from risks. Active risk management by municipalities is very important. The official does believe that active land policy can lead to large-scale acceleration of housing construction, provided that *'we keep the risks sufficiently in view.'*

Active land policy is not always needed. As this official indicates, market parties can also effectively lead developments themselves. According to the interview, there are developers who deliver quality well, and intervention by municipalities is only necessary when market parties aim solely for profit maximisation.

Housing numbers

Experiences regarding the contribution of the pre-emption right to housing development provide information, but also considering the exact figures an indication of the effect of the pre-emption right can be understood. In the municipality of Hulst, around 2016, 200 to 250 homes were initially mentioned, with phase 1 of the development consisting of 110 homes and phase 2 consisting of 140 homes. In 2025, the zoning plan for phase 1 has been adopted and the formally determined number of homes is 133. This is an amount of 23 houses more than initiated in 2016, a rise of 21%. For phase 2, the zoning plan will be adopted later to accommodate any potentially changing contextual factors.

In the municipality of Westland, an initial ambition set in 2016 mentions a number of 218 homes. The zoning plan De Driesprong that has been adopted in 2017 knows a nearly identical amount of housing numbers. Ultimately, 217 homes will be built in De Driesprong area.

For the development of Harderweide in the municipality of Harderwijk, a structural vision in 2015 mentions the number of 1,040 homes. An initial number is formally established in 2018, with a partial plan confirming 840 homes for the first phase. In 2024, the final sub-plan will be formally adopted, after which the rest of the neighbourhood will be in or beyond the implementation phase. The total number of homes in Harderweide is with approximately 1,200 houses 160 more than initially planned, a rise of 16%.

Housing typologies

The three developments have all gone through the same period, which is reflected in the changing housing typologies throughout the planning phase. The emphasis slightly shifts from more spacious ground-based housing types to a somewhat more compact housing program. Both the cases of Hulst and Harderwijk show that this change aligns with changing market conditions. Leading factors are significant housing shortages and rising construction costs, resulting in more homes on the same development site.

The use of the pre-emption right initially seems to be independent of housing typologies. Nevertheless, a municipality that actively manages land policy has the ability to maintain control over housing typologies, provided this is done in accordance with market standards. For the development of Groote Kreek II, it has been possible to adjust the types of housing, such as special senior housing for which there was high demand.

Context dependance

From the cases, it appears that the functioning and application of the pre-emption right are case-specific and highly context-dependent. The effectiveness of the instrument is not only determined by what is legally possible, but especially by local conditions such as the local administrative culture, ownership relations, and mutual trust. Two municipalities indicate that they are eager to collaborate with a developer who is known within the municipality and with whom the experiences have been positive. The municipality of Westland even withdrew from the development because there was enough trust in the development combination that approached the municipality with option agreements.

An important contextual factor is the ownership structure of a development area. In the case of Hulst, the agricultural land was leased by a user. No agreement had yet been made for this piece of land, but agreements had already been signed with the owners of all the surrounding plots that were used leased out to the same person. For the user, in this case the tenant, it would have been very undesirable to use a small piece of land, the remaining piece of land that had not yet been purchased by the municipality. The municipality has therefore offered another piece of agricultural land in exchange. This method of land acquisition has little to do with the legal description of the pre-emption right but could only work by understanding the context and thinking strategically.

The political-administrative context also plays a role. In the Westland case, it is explicitly mentioned that there is a strong preference for market forces within the political culture, where the dominant principle is to leave housing development and land acquisition

mainly to the developers themselves. Although the pre-emption right has been used, it is still regarded as an exceptional instrument. This affects the number of pre-emption rights, but also the extent to which the instrument leads to active land acquisition. In the municipality of Westland, a conscious decision was still made not to acquire the land themselves, because a well-known development combination has approached the municipality and the landowners and the municipality is reserved in involving actively in the land market.

6.4 Provincial support

Municipalities view potential provincial support in different ways. On the one hand, it is mentioned that municipalities are constantly confronted with provincial frameworks that do not distinguish between different municipalities with their own characteristics in their policies. For example, officials indicate that at the provincial level, housing development programming is largely decided upon, with fixed percentages for housing typologies being used and little room for area-specific considerations. This is perceived negatively and is seen by an official as a double layer of policy. On the other hand, there are municipalities that see the province as trying to support and help them, even when it specifically concerns pre-emption right establishments. What plays an important role in these different experiences is the difference in (financial) capabilities of municipalities and provinces, but also population numbers and housing pressure of the region.

In particular, the municipality of Westland is critical of the province of Zuid-Holland and does not see a supportive role from the province. The municipality of Westland is a large municipality and has enough knowledge and financial resources to actively pursue land policy on its own. An official from the municipality of Hulst mentions that there has recently been an acceleration team from the province of Zeeland and sees opportunities for the municipality of Hulst in this but has no experience with it. An interviewed official from the province of Gelderland indicates that they can primarily offer support to municipalities in need of knowledge and financial assistance through an acceleration team. The interviews at least indicate that the provincial differences are significant. According to the interviews, the province of Zuid-Holland has financial constraints compared to wealthy provinces like Gelderland and Noord-Brabant.

6.5 New establishments

The municipalities of Hulst, Westland, and Harderwijk established pre-emption rights for the cases that were investigated between 2016 and 2018. All three municipalities look back positively on the way the development has taken shape and are positive about future pre-emption rights.

The municipality of Hulst indicated that, as a small municipality, it needs to be careful not to complete too many developments at once. This municipality has not established any new pre-emption rights since 2018 but is currently still working on developing phase 2 for Groote Kreek II, for which the municipality owns all the land.

The municipality of Westland indicated that it would only establish a pre-emption right if the location is so complex in terms of position and site that active land policy is a necessary solution. Since 2016, it has established three new pre-emption rights. In 2017 this concerns an area with the initial designation 'business park, traffic, greenery, and water', in 2021 an area with a designation described as 'residential use with associated facilities, non-agricultural and to be further elaborated', and in 2025, the municipality of Westland established a pre-emption right on a number of plots where it has designated a combination of 'residential, social and commercial facilities, recreation, education, traffic, water, and green spaces.' There are therefore three new establishments, two of which have the sub-destination 'residential' (Gemeente Westland, 2017e, 2021, 2025).

The municipality of Harderwijk has made two new pre-emption right designations since 2016. One in 2023, where the mixed-use functions 'residential, commercial, and social' are mentioned. The other decision comes from 2026 and is merely a provisional establishment that has not yet been followed by a definitive one, which does not mention any function (Gemeente Harderwijk, 2023, 2026b).

The municipality of Westland is, although cautious with the pre-emption right, still active in new establishments. The new establishments of the municipalities of Hulst and Harderwijk align with the positive attitude towards the use of the pre-emption and the implementation of active land policy.

7 Discussion

This chapter interprets the results of the research. Rather than just examining the specific knowledge gained, this chapter also assesses the value of this information and how it relates to existing research. In addition, this chapter offers a critical reflection on the research carried out and identifies areas where academic limitations exist.

7.1 The pre-emption right as a process instrument

A central conclusion from this study is that the pre-emption right mainly serves as a procedural instrument. That means that the instrument itself is not a land acquisition method, but in practice directs the initial phase of a development and creates space for negotiations between a municipality and landowners. By the obligation for a landowner to first offer land to a municipality, a protection is created that enables municipalities to negotiate in a more controlled and less rushed manner. This space is useful in the land assembly phase, which is complex and where timing and strategy are central. The pre-emption right does not directly contribute to the outcome here, but it creates the space in which it can come about.

Contextual differences

This comparative case study clearly shows to what extent the different contexts have influenced the results, while the legal possibilities of the pre-emption right are the same everywhere. This conclusion shows that the functioning of the pre-emption right is not primarily determined by the instrument itself, but by the context in which it is applied and everything related to it.

In the case of Hulst, a municipality with relatively low market pressure, it appears that the pre-emption right can be effectively combined with the active acquisition of land, thereby allowing for direct control over the development. In a municipality with high market pressure and high land prices, such as the case of Westland, the pre-emption right does not outweigh market forces. In this case, this is related to the fact that option agreements had been signed with a developer who is well-regarded by the municipality. And in the Harderwijk case, the pre-emption right mainly played a supplementary and protective role in an area where many land positions were already secured.

Besides market pressure and scarcity in the housing market, administrative capacity and political choices play a role. Municipalities with more experience in active land policy seem better able to use the pre-emption right in a strategic manner. This shows that effectiveness depends on the way the pre-emption right is applied and in which strategy it fits

Influence on housing development

In each of the existing cases the initial goal was the development of housing, and in each of the cases housing development was the result. Nevertheless, this research does not provide a direct causal relationship between the use of the pre-emption right and the scale or speed of housing development. An explanation for this is that land acquisition is only one part of a broad and complex process, in which many factors and procedures play a role.

At the same time, the pre-emption right did play a role in the studied cases in creating room for negotiation and, in each of the cases, it led to the prevention of unwanted market interventions that could delay development. Additionally, based on the interviews, a cautious conclusion can be drawn that there are indeed certain possibilities with this form of active land policy to accelerate large-scale housing construction. It is mentioned that with the right land positions, municipalities can make investments earlier and allow processes to run in parallel, which can lead to a long-term acceleration effect. This study does not provide empirical evidence for this, but based on these insights, the effect is at least not excluded.

The Environment and Planning Act

With the adoption of the Environment and Planning Act in 2024, this research recognises two versions of the pre-emption right. This is the context that had to be worked with, and the way it is described has been explained earlier in the legal framework. The entire research focuses on cases where the pre-emption right under de WVG is applicable and has been replaced by the pre-emption right within the Environment and Planning Act. Although the law has changed little, confusion may arise while reading about the different laws. To eliminate confusion, both acts are referred to as the pre-emption right, because the essence of both laws is the same for this research.

7.2 Methodological limitations

There are two different methodologies used to gather information. The first method is document analysis. For this, information was mainly used from the so-called council information system (raadsinformatiesysteem) that every Dutch municipality uses. Through that system, a lot of official information can be found, as well as all council meetings. From this methodology, two discussion points have arisen. The first is that in municipal council meetings, a lot of oral explanations are given about cases, which are very educational and provide a lot of context about the construction plans and thought processes of the aldermen and officials. However, this information is difficult to find, and it is unclear when a complete picture will emerge. Most relevant information from municipal council meetings is sporadically found by searching for official documents about the cases. The second discussion point is that the council information system is very comprehensive, but the search functions are very limited. Although it is possible to search using keywords and filter by types of documents, a specific combination of keywords, such as 'pre-emption right' and 'case' results in over a thousand results. The more specific the combination of search terms becomes, the larger the result will be. Although there is access to a lot of information, it is not clear when a complete picture is found.

The other methodology used is conducting interviews with involved municipal officials. These interviews generally work well and provide a good opportunity to deviate from a pre-prepared list of questions. Thus, it is a good tool to understand the context well and to ask follow-up questions when the reasoning seems unclear or illogical. Nevertheless, the interviews in this qualitative study are also highly dependent on numerous factors, such as the involvement of the official with the case, but also on the wording, which, when conveyed orally, has more room for interpretation. Overall, the interviews worked well and were especially a good addition to the document analysis that had always been conducted.

Representativity

A qualitative study offers a lot of room for the researcher to delve deeply into the cases and use this information to adjust the research. The method fits well with the research questions, which aim to uncover underlying knowledge that is context-dependent. Although the sub-questions are mainly 'what' questions, these are questions that can primarily be answered by understanding opinions and observations. This qualitative method, combined with the high time pressure, does result in a selective sample of cases, and representativeness is an important point of discussion. The research was conducted with three cases, and each municipality is very different in terms of location and demographics. The opinions and arguments of the municipalities studied provide good insights, but they are also dependent on the characteristics associated with each municipality.

Another point of discussion in this research is that no case study of a top 5 municipality has been examined. These municipalities often operate differently because their population is many times higher than that of the municipalities studied. It was decided not to deliberately select a top 5 municipality because there was no suitable case that met the desired criteria for this research. Nevertheless, this does mean that municipalities with 200,000 inhabitants or more, which often have a lot of knowledge and operate differently, are not represented in this study.

Contact with municipalities

Approaching municipalities to obtain results was no easy task. Initially, three municipalities were selected for this research. Contact was tried via the internship company and by emailing the involved officials of the municipalities. Nevertheless, it was not possible to get in touch with two of the three initially selected municipalities, which led to switching to other cases. The combination of a short time period and a lack of reactions has resulted in the research being conducted on three cases that were not all initially selected.

Written communication

The methodological setup for this research is twofold, with a document analysis as the basis supplemented by additional context. The intention was to schedule interviews with the officials of each municipality. With two municipalities, this was successful, but the contact person of one municipality did not respond to the requests for an interview. There has been email contact with this official, and at least the most important questions for a good understanding of the case have been answered. Still, it is important to mention because in an interview, much more context can automatically be understood than with written questions. All answers to the questions were quite brief, and there was little detailed explanation.

Long-term development of the pre-emption right

A limitation of this research is that the long-term development of the pre-emption right is only briefly described and considered. Among other things, one of the interviews reveals that the pre-emption right was frequently used during the Vinex period and that large municipalities did not hesitate to expropriate owners if necessary. This is just an example, but it shows that more attention to the entire long-term development of the pre-emption right at least creates a broader context of opportunities and risks in the use of the pre-emption right, as well as the changing political context in which the

instrument exists and depends on. Due to the time constraints under which this research was conducted, a lengthy history is not described.

8 Conclusion & Recommendations

The aim of this research was to evaluate the municipal pre-emption right as a land acquisition strategy for housing development in a Dutch context. The relevance of this research stems from the increasing attention to and application of active land policy through the pre-emption right, addressing the structural housing shortage. Current scientific knowledge exists regarding the legal functioning and instrumental knowledge of land policy in general. This study explicitly focuses on the examination of the pre-emption right in specific cases where the goal is the development of housing. The research question is:

How has the municipal pre-emption right been used as a land assembling strategy in housing development, and how can the resulting land assembly and housing outcomes be used to improve land assembly strategies?

This conclusion answers the research question by bringing together the acquired results from the legal framework and the examined cases of Hulst, Westland, and Harderwijk. The main research question is divided into four sub-questions that form the structure of this chapter.

8.1 Sub Questions

Sub Question 1

The first sub-question can be answered from the legal framework and is:
What are the legal and procedural requirements for applying the pre-emption right for housing under the law of the Netherlands?

The legal and procedural requirements of the currently valid pre-emption right and the older version for 2023 (WVG) have largely remained the same. The pre-emption right applies in both cases as a right of first purchase, whereby owners must first offer their land to a municipality before being able to offer it on the open market. The legislation offers municipalities various bases on which a pre-emption right can be established. Including a provisional right with a pre-emption right establishment can be valid for a maximum of 16 years and three months on one location.

The exact legal and procedural requirements can be found in the legal framework, but in essence a pre-emption right can be established quite easily on a piece of land for which the intended function differs from the current function and this new function is not agricultural. The pre-emption right is legally reasonably accessible and flexible as an instrument. Due to the absence of an obligation to sell and the timely validity, it mainly functions as a protective instrument within a land assembly process.

Sub Question 2

The second sub-question addresses the strategies for acquiring land that have been followed by a municipality and the results associated with them:
What land assembly strategies were followed after establishing the pre-emption right for housing, and what were the resulting land assembly outcomes and legal challenges in these cases?

The case study shows that the pre-emption right in the examined cases mainly functions as a procedural tool and not as an instrument to enforce land acquisition. The pre-emption right is applied early in a development, in principle before a development site is appointed. This allows a municipality to protect pieces of land before it becomes hot.

Although the intention and procedure of the pre-emption right are similar in the three cases, the outcomes of the cases are very different. In Hulst, the establishment of the pre-emption right led to negotiations between landowners and the municipality, and all the land has been acquired and subsequently actively developed. In Westland, option agreements with a local developer were decisive for a municipality to refrain from active development. In Harderwijk, the pre-emption right mainly functioned as a protective instrument for a number of remaining plots in an area that was already largely owned by developers. In all three cases, there were no legal challenges related to the pre-emption right, which appeared to be a legally strong instrument

The results in the three cases are very different and show that the pre-emption right mainly offers strategic decision-making space with local contextual factors being decisive for the land acquisition outcome. The functioning of the pre-emption right cannot be seen separately from the broader land policy strategy of a municipality, which in turn is related to local market conditions, current land positions, the political-administrative context, and municipal capacity. It can be concluded that the pre-emption right in the cases studied has not everywhere led to a general strategy or outcome, but has mainly created room for choice.

Sub Question 3

The third sub-question focuses on the achieved housing development results:
For land assembled through the pre-emption right, what housing was actually realised, and does this align with the initial housing objectives?

The results show that in all the examined cases, houses have been completed or are in an advanced stage of execution. The number of houses under construction shows that in two out of three cases, significantly more homes are or will be built than initially planned, and in the other case, nearly the same number of houses as initially planned are being built.

The changing number of houses is related to the changing housing typologies. In all cases, shifts in typologies can be seen from larger and more expensive houses to more compact and affordable ones. These changes are mainly related to the changing context from roughly 2016 to 2024, with the main factors mentioned being rising construction costs and changing market demand. No evidence has been found within this study to suggest that the pre-emption right has been decisive in the shift in housing typologies.

In the three examined cases where the pre-emption right was established, actual housing developments are realised. However, this study provides insufficient causal relationship between the pre-emption right and housing development. Municipal officials emphasise that housing development is a long and broad process where numerous factors play an important role. To answer the third sub-question, it can be concluded that at all the examined locations, the same number or more homes have been realised compared to the initial goals.

Sub Question 4

The fourth sub-question concerns factors that play a role in shaping the outcomes of the pre-emption right that explain the cases and can lead to learning lessons from the study of the cases:
What factors relating to land assembly have shaped outcomes across cases, and what improvements to the employment of municipal pre-emption right within a land assembly strategy can be derived from these factors?

From the cross-case analysis, it appears that the results of using the pre-emption right are highly context-dependent. Market pressure plays an important role in this. In areas where there is limited market pressure, the pre-emption right can be effectively utilised with active land policy. From one of the examined cases where market pressure is higher, the pre-emption right did not provide sufficient protection against market intervention, but this was strongly related to the political and financial context.

Other identified factors are organisational knowledge and experience. Additionally, the political-administrative culture is decisive.

In all cases, the pre-emption right seems to primarily influence the limitation of short-term speculation. In none of the cases the land was sold to a third party, and in two out of three cases, the land was purchased by the municipality itself. Although an official has indicated that they expect the pre-emption right to have a large-scale structural impact on accelerating housing construction, this cannot be said with certainty based on this study.

These results show that the effectiveness of the pre-emption right does not primarily lie in direct outcomes, but in how it is embedded in a case specific situation with a certain market pressure, existing land positions, and municipal capacity. The resulting improvements therefore relate to aligning the use of the instrument to these contextual factors and are further elaborated in subchapter 8.3..

8.2 Answer to Research Question

From the answers to the sub-questions, it appears that the pre-emption right in the studied cases is mainly used as a process tool and, in principle, does not result in a mandatory offer by a landowner. The pre-emption right is generally not used to enforce a sale and does not directly result in an acceleration of housing construction, but primarily creates space for negotiation, preventing speculation and price inflation and allowing municipalities to maintain control in the early stages of area development.

The added value of the pre-emption right is not easily measurable, because land prices and housing numbers depend on many more factors than just land acquisition, but it lies more in supporting municipal land policy and preventing delays due to undesirable events in the land market. The effectiveness is strongly dependent on contextual factors such as market pressure, land positions, municipal capacity and political preferences.

In summary, it can be concluded that the municipal pre-emption right primarily functions in practice as a procedural and strategic tool that creates negotiation space for municipalities and limits short-term speculation. Its contribution to land assembly depends on the way it fits in a broader strategy. When the pre-emption right is applied in alignment with the contextual conditions, it can improve municipal control and reduce price-speculations for housing development, even though it still does not directly determine the outcomes.

8.3 Recommendations

Recommendations for municipalities

The case study shows that in none of the cases where the pre-emption right was established, the instrument led to delays. A pre-emption right establishment does not seem to delay an area development for municipalities. Whether the pre-emption right actually contributes to housing development depends on a whole range of aspects. The pre-emption right, when successful, is mainly used as an instrument that creates room for negotiation. The first recommendation to municipalities is to make good use of this negotiating space. A common complaint from practice at Rho Adviseurs is that many municipalities want to extend the initial three-year period of the pre-emption right, and often a spatial vision or spatial plan must be hastily drawn up. Municipalities would do well to immediately make use of the negotiation space after a pre-emption right establishment. This could be done by coming into contact directly after a pre-emption right establishment, and by explaining the plans to the landowners as comprehensively as possible. This way, it can be made clear what the potential demands of landowners are, and a scenario like Westland, where landowners acted collectively against the decision, can be avoided.

Before establishing a pre-emption right, it is advisable to have a clear understanding of the plan following the establishment of the pre-emption right. A municipality should, for example, consider at what price the land should ultimately be sold, under what conditions the municipality will develop it themselves and under what conditions they will not, and what they will do if undesirable situations arise, such as delays or a developer approaching the municipality with their own development plans. This is related to a broader land policy strategy that every municipality should clearly have. When there is a broader narrative with a long-term strategy, it is indeed easier for a municipality to make a good decision about individual cases where a unique situation arises. This helps because the three cases examined in this study show that each situation has unique characteristics and therefore creates a unique scenario.
A final recommendation to municipalities is to increase their own knowledge or to inventory where their knowledge should come from. Active land policy involves actively engaging with the market and requires a lot of knowledge. Municipalities can collaborate with other municipalities or the province in this, but several good project leaders who are knowledgeable are necessary. If only to know which instruments are available and how they can be used.

Scientific recommendations

1. Long-term development

The pre-emption right was widely used in active land policy before the financial crisis that began in 2008. A comparative study between the situation then and the situation now could provide valuable insights into new opportunities and possibilities in pre-emption right establishments. This is not so much about the possibilities of the pre-emption right itself, but it would be interesting to link the entire political context to active land policy and compare it with the current situation.

2. Qualitative research

A quantitative study on the (in)direct results of the pre-emption right would provide the insights that are currently lacking in the conclusion. Based on the results of this study, no definitive statements can yet be made about the large-scale addition of the pre-emption right. For this, a quantitative study could say a lot. Such a quantitative study could focus on large-scale housing projects, or specifically on the duration of area developments with and without pre-emption rights, so that it can be empirically demonstrated whether developments with pre-emption rights are indeed faster than developments without pre-emption rights.

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10 Appendixes

1. Reflection
2. Use of AI
3. Semi structured interview
4. Data Management Checklist

Appendix 1: Reflection

I learnt a lot from this graduation research in several ways. First of all, in terms of subject knowledge, as I knew almost nothing about land policy before starting this process. At the information fair at the start of this academic year, I spoke to Willem, and land policy seemed quite interesting to me. Not because I had any experience with it or knew a lot about it, but mainly because I wanted to learn something new. With the necessary guidance at the start, I eventually learned quite a bit in this field and in the field of area development. In terms of the process, I can look back on the past period very positively. I always had my own schedule well under control, and I hardly ever experienced moments of stress or a backlog of work.

However, I find the change in the graduation programme from 40 to 35 ECTS, compared with earlier years, unnecessary. Particularly in the early stages of my final year, when I still had no idea what to do, there was little time to focus on my graduation project. I noticed, both in myself and among my fellow students, that the other two 5-ECTS modules suffered as a result of the graduation project, which took priority.

I found the graduation project to be a positive experience, but also a long-term and very individual one. Little collaboration and a lot of writing isn't something that always makes me happy, so life as a researcher is more suited to others. However, I did really enjoy managing my own project, looking for an internship, keeping an eye on my schedule and delivering a good piece of research. I look back on that with satisfaction now and am proud of the final work.

Appendix 2: Use of AI

Because of ownership, I have deliberately avoided using directly AI generated texts and images. However, I have used generative AI (in the form of CoPilot Premium which is privacy secured) for the following actions:

- Sumarising literature
- (Re)structuring texts
- Checking texts on completeness/improvements
- Checking for spelling, formulation and similar errors and inconsistencies
- Checking for translations

Appendix 3: Semi structured interview questions

A. Algemene context en voorgeschiedenis
- Kunt u de geschiedenis van de gebiedsontwikkeling schetsen? Hoe is deze gestart?
- Heeft de gemeente in het verleden vaker actief grondbeleid gevoerd? Waarom wel of niet?

B. Grondverwervingsstrategie en proces
- Welke grondverwervingsstrategie is gevolgd na de vestiging van het voorkeursrecht?
- Was er voorafgaand aan de vestiging van het voorkeursrecht al contact met grondeigenaren?
- Is er uiteindelijk grond aangekocht?

Verdieping:
- Hoeveel grondeigenaren waren er betrokken?
- Kunt u de tijdlijn van het proces schetsen (belangrijke momenten en stappen)?
- Welke kosten zijn gemaakt voor grondverwerving?
- Hoe verhouden deze kosten zich tot situaties waarin een andere strategie is toegepast?

C. Juridische en institutionele aspecten
- Heeft de gemeente te maken gehad met juridische uitdagingen of geschillen tijdens dit proces?
- Verschillende partijen geven aan dat het voorkeursrecht kan leiden tot vertraging. Kunt u toelichten waarom?
- Klopt het dat er (voorwaardelijke) contracten waren afgesloten door andere partijen? Zo ja, in hoeverre heeft dit het doel van de gemeente beïnvloed?

D. Woningbouwdoelen en realisatie
- Wat was het oorspronkelijke doel in termen van het aantal te realiseren woningen?

Verdieping:
- Is dit aantal gedurende het proces gewijzigd?
- Wat voor type woningen waren voorzien (bijv. sociaal, midden, koop/huur)?
- Hoeveel woningen zijn uiteindelijk gerealiseerd (of naar verwachting gerealiseerd)?

Indien afwijking van het oorspronkelijke doel:
- Wat zijn de belangrijkste oorzaken van deze afwijking?
- Speelden financiële factoren hierbij een rol?
- Hebben veranderde normen, wet- en regelgeving of beleidskaders invloed gehad?

E. Evaluatie van de Wvg-toepassing
- Zou u de toepassing van het voorkeursrecht in deze casus als succesvol beschouwen? Waarom wel/niet?

Verdieping:
- Wat verstaat u in deze context onder ‘succes’?
- Wat waren de belangrijkste risico’s en belemmeringen (bijv. vertraging, financiële risico’s)?
- Welke lessen of verbeterpunten neemt u mee voor toekomstig gebruik van het voorkeursrecht?

F. Rol en effect van het voorkeursrecht
- Op welke manier heeft de vestiging van het voorkeursrecht bijgedragen aan deze ontwikkeling?
- Hoe belangrijk was het voorkeursrecht in deze specifieke casus?
- Denkt u dat de ontwikkeling even succesvol had kunnen zijn zonder het voorkeursrecht? Waarom wel/niet?
- Zou u in een vergelijkbare situatie opnieuw het voorkeursrecht vestigen? Waarom wel/niet?

G. Overige factoren
- Is er ondersteuning geweest vanuit provincie of Rijk (bijv. kennis, financiering)?
- Denkt u dat het voorkeursrecht bijdraagt aan versnelling van de woningbouw?
- Kunt u dit toelichten?
- Heeft u nog overige opmerkingen of aandachtspunten die relevant zijn voor dit onderzoek?

Appendix 4

DATA MANAGEMENT CHECKLIST

Instruction

This checklist is relevant for all graduation projects of the Master AUBS. The form is intended to highlight common aspects of graduation projects that require particular attention with regard to planning the research and data management. Relevant information and supplementary sources regarding each question are provided below each question.

With this checklist, the faculty wants to avoid that students unexpectedly find themselves in complex and stressful situations, in which ethical or privacy matters and/or other laws and regulations become an issue. In projects involving humans, certain types of data processing increase the risks to the human participants: planning such projects requires additional evaluations and advice from university staff before ethical approval can be received and the project can begin. In the case of a graduation project, obtaining additional advice or permits may delay the project with an extra education period or semester. To avoid this, it is recommended that students set up a graduation project with a low level of risk. Therefore, all students have to check their risk, by completing this checklist before their A1.

The first section of the checklist (A) should be completed by all students, together with their supervisor, during the planning of the graduation project, before the A1. It does not need to be submitted to anyone for review or approval. Please consider questions 1 to 3 carefully in relation to the intended graduation project, and answer with 'yes' or 'no'.

The second section of the checklist (B) should only be completed if the graduation project involves working with data from human participants. In that case, the student and their supervisor must apply for and receive ethical approval from the Human Research Ethics Committee (HREC) before the project can begin (see the paragraph 'Explanation and follow-up' after the questions). The student can submit the application to the HREC, but the supervisor is responsible for making sure that the project is compliant with relevant privacy regulations and ethical policies.

Section A. General considerations	yes	no
1. Is the graduation project conducted as part of an internship (at a company), or as part of a research project at TU Delft? If a student's graduation project is conducted at a company or as part of a research project at the university, questions of data ownership and intellectual property rights need to be addressed in a written graduation or internship agreement before the project begins. Students and their supervisor should consult the Intellectual Property Rights of Students webpage. Additional information can also be found in the Extended Personal Research Data Workflow.	✓	
2. Does the project involve conducting (part of) the research outside the Netherlands? Students who intend to travel abroad (even to other EU countries) for study, exchange, research, internship, or graduation project purposes need to follow the Travel Safety Protocol. This includes attending a mandatory Travel Safety Training Session: see the Disclaimer.		✓
3. Will the research involve processing data from humans, such as running a survey, conducting interviews or workshops, collecting data through social media or internet forums, or re-using existing datasets about humans provided by a third party? (If 'yes', see follow-up questions 4 to 13 in Checklist B.) Students who work with data from human participants must complete the next section and apply for and receive ethical approval from the Human Research Ethics Committee (HREC) before conducting the research.	✓	

Section B. Extended risk factors (only if question 3 has been answered with 'yes'.)	yes	no
4. Will the project involve participants who may be considered vulnerable, such as the elderly, refugees or asylum seekers, ethnic minorities, patients, or people with disabilities? Participants who may suffer very adverse consequences (for instance, due to discrimination) if their personal data became publicly available can be considered vulnerable.		✓
5. Will the project involve participants who cannot themselves give informed consent for taking part in the project, but for whom consent must be obtained from a legal guardian? Participants who cannot give informed consent can include, for instance, children or participants with intellectual disabilities, mental disorders, or dementia. Such participants are also considered vulnerable in the context of the General Data Protection Regulation (GDPR).		✓
6. Will the project involve processing any of the special categories of personal data below? - Race - Ethnicity - Criminal offence data - Political opinion - Union membership - Religious or philosophical beliefs - Sex life and/or sexual orientation - Health data (including measurements such as heart rate) - Biometric or genetic data (including fingerprints, iris scanning, facial recognition) The General Data Protection Regulation (GDPR) defines a stricter rules for processing special categories of personal data. If it is necessary to process these data in a project, it is it is important to provide additional safeguards.		✓
7. Will the project involve processing personal data that could be considered sensitive, such as the ones listed below? - Information about a person's income, debts, or other payments - Information about a person's (un-)employment status - Information about a person's performance at school or work - Information about relationship problems or (gambling) addiction - Information about poverty, domestic violence, or youth welfare/social work involvement Some types of personal data are considered sensitive, because they can have a high impact on the privacy of the data subject if other persons gain access to these data. Sensitive personal data should only be processed if necessary: in such cases, additional safeguards need to be put in place.		✓
8. Will the project involve processing video-recordings, or photographs of participants? TU Delft considers photographic and video-materials of research participants to be sensitive personal data. If such data need to be processed, additional safeguards must be put in place.		✓

Section B. Extended risk factors (only if question 3 has been answered with 'yes'.)	yes	no
9. Will the project involve sharing or transferring personal data between multiple partners or collaborating organisations involved, such as between TU Delft and an internship company? According to privacy law, sharing personal data between organisations requires a privacy agreement to be in place: setting this up takes time, and requires support from additional university staff. Furthermore, personal data sharing can potentially expose research participants to different types of risks: these risks must be considered in the ethical application.		✓
10. Will the project involve deception, or covert observation of participants? In some types of research, obtaining informed consent for processing participants' personal data is not an option: for instance, if the research involves deception, or the research is covert (conducted without participants knowing about it). In such situations, the steps to mitigate risks to participants are important, and an alternative legal basis for processing the participant's data needs to be established with the help of additional support staff.		✓
11. Will the project involve working with social media data? Social media data are personal data, but since it is usually not possible to ask for informed consent for processing social media data, another legal basis for processing the participant's data needs to be established. Processing of social media data also involves legal considerations related to terms of use of data from third-party platforms: therefore, research with social media data requires expert support on privacy, ethics, and legal matters.		✓
12. Will the project involve using learning algorithms or other AI to analyse, combine, or otherwise process data from participants? The use of AI in research involves many considerations in terms of data protection, ethics, security, and intellectual property: for more information, see TU Delft's Instructions for use of Generative AI.		✓
13. Will the project involve participants who are based in a country or countries outside of the EU? Students affiliated with TU Delft must comply with Dutch and EU regulations of personal data processing (GDPR). Furthermore, the student and their supervisor must make sure that the research complies with local (privacy) legislations of any foreign destinations. Additional support from an external (local) expert may be required.		✓

Explanation and follow-up

If you have answered 'no' to all questions 4 to 13, your project is likely to be considered low or minimal-risk: see the paragraph 'Projects with minimal or low-risk' on the next page.

If you have answered 'yes' to one or more of the questions 4 to 13, your research likely involves extended or high risks to participants, according to the General Data Protection Regulation (GDPR) and TU Delft's privacy and ethical policies: for information regarding such projects, see the paragraph 'Projects with extended or high-risk' on the next pages.

Projects with minimal or low-risk

If you have answered 'no' to questions 4 to 13, your project is likely to be considered low-risk. This does not mean that the project involves no risks at all, but suggests that these risks can likely be addressed by the student and supervisor in the application to the Human Research Ethics Committee (HREC) within the timeline for a graduation project and without need for additional support.

Compiling the HREC application:
An application to the HREC generally involves a Data Management Plan (DMP), a risk-identification and mitigation checklist, and informed consent materials. Master's students at ABE who intend to compile a HREC application are advised to make use of the following support documents:

- the student guide
- the Example Data Management Plan for MSc projects

The graduation supervisor is responsible for the student's project and ethical application, and must provide support for compiling the HREC application documents.

Additional support
For low-risk student graduation projects, compiling of the HREC application documents should be done by the student in consultation with the supervisor. The Faculty Data Steward can be contacted for individual questions at datasteward-BK@tudelft.nl: however, the Data Steward does not provide detailed feedback on student DMPs for low-risk HREC applications.

Additional resources
The HREC has guides available for completing the checklist and for compiling informed consent materials. Additionally, the Guide to the Extended Personal Research Data Workflow has been created to help researchers and students who work with human participants comply with both GDPR principles and TU Delft's policies on Data Management and Human Research Ethics.

Timeline
Minimal or low-risk HREC applications are generally processed faster than extended or high-risk applications (see the paragraph below). Nevertheless, the initial evaluation by the HREC usually takes approximately 2 weeks, and may take longer during busy periods or holiday: see the HREC website for up-to-date information. Additionally, the application may require revisions before final approval is granted. If you do not receive an initial response about your ethical application after 4 weeks from the time of submission, you may follow up with the HREC to enquire about an update.

Projects with extended or high-risk

If you have answered 'yes' to one or more of questions 4 to 13, there are potential increased risks related to how data from human participants will be processed in your project. These risks will need to be addressed in consultation with the Data Steward and other relevant support staff before submitting the ethical application to the Human Research Ethics Committee (HREC).

Compiling the HREC application
An application to the HREC generally involves a Data Management Plan (DMP), a risk-identification and mitigation checklist, and informed consent materials. Master's students at ABE who intend to compile a HREC application are advised to make use of the following support documents:

- the Ethical Approval & Data Management Planning Student Information
- the Example Data Management Plan for MSc projects

The graduation supervisor is responsible for the student's project and ethical application, and must provide support for compiling the HREC application documents.

Additional support
Once the DMP has been compiled and reviewed by the supervisor, feedback should be requested from the Data Steward via DMPonline. After this, any other necessary support staff will need to be contacted. Crucially, if the project involves one or multiple ways of personal data processing that could result in high-risk to the participants according to the GDPR, the TU Delft Privacy Team must be consulted to establish whether or not a Data Protection Impact Assessment (DPIA) is required.

Additional resources
The HREC has guides available for completing the checklist and for compiling informed consent materials. Additionally, the Guide to the Extended Personal Research Data Workflow has been created to help researchers and students who work with human participants comply with both GDPR principles and TU Delft's policies on Data Management and Human Research Ethics.

Timeline
It can take a long time to compile a complete research plan and HREC application for projects involving extended risks. DMP feedback from the Data Steward usually takes around 2 weeks, but can take longer during busy periods or holidays. Receiving additional support from other staff, such as the Privacy Team, can take anywhere from a few days to multiple weeks, depending on the project and capacity of university staff. If a DPIA is deemed necessary, it can take anywhere from 4 weeks to several months.

It is important to note that advice from the Privacy Team or other support staff, as well as any additional documents (such as necessary contracts, or a DPIA, if needed) must be in place before the application is submitted to the HREC. The initial evaluation by the HREC can be processed in 2 weeks, but may take longer during busy periods or holidays: see the HREC website for up-to-date information. Additionally, the application may require revisions before final approval is granted. If you do not receive an initial response about your ethical application after 4 weeks from the time of submission, you may follow up with the HREC to enquire about an update.

Considering the limited time available for students conducting their graduation projects, students working with data from human participants are strongly advised to prioritise low-risk research projects. If a student project necessitates processing data in ways that are considered extended or high-risk, both student and supervisor need to be aware of the extended processing times involved in obtaining ethical approval and beginning the graduation project.