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NATIONAL AND REGIONAL PLANNING
OF TOWNS AND COUNTRYSIDE

L'AMENAGEMENT SUR LE PLAN NATIONAL ET
REGIONAL DES VILLES ET DE LA CAMPAGNE

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NATIONAL AND REGIONAL PLANNING OF TOWNS AND COUNTRYSIDE

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Introduction

In the Netherlands, measures of town and country planning are within the sphere of competence of the municipal, provincial and national authorities. They can be laid down in these three kinds of plans: municipal development plans, regional plans and the national plan.

It may cause surprise that the enumeration takes place in the chosen order. But there are two reasons for this. Regarding physical planning in the Netherlands as in most other countries, legislation, science and practice have developed from the small units to the bigger ones. In 1901 the Housing Act introduced the municipal development plan; a revision of this Act in 1931 brought out the regional plan; about the national plan the first regulations appeared in the draft for a revision of the Housing Act, finished in 1940, just before the Netherlands became involved in World War II. The idea was adopted and after having been worked out more completely, it was laid down in the Decree of May 15th, 1941, number 91.

The second reason is, that in this field in the Netherlands the principle of decentralisation plays a very important part. Though all physical planning deals with the same subject-matter, viz., the use of the land throughout the whole territory, it is obvious, that regional plans and the national plan are to be restricted to main features and to directions for municipal development plans, leaving aside all details. Therefore the municipal development plans can finally give the most complete reflection of all planning and of all measures concerning the territory in question; just now, however, the present legislation does not yet quite allow this, in every respect, as will be explained below.

The municipal development plan

A municipality may pass a development plan for its whole territory, but it is also possible to make a restriction and to establish a plan for some parts of its territory. It is curious that the regulation of this subject in the Housing Act is very brief, but that nevertheless two forms of development appeared, both in planning and legal practice: (a) partial plan, (b) master plan.

The partial plan is restricted to the territory where the development of building in the near future will take place. This plan gives all details necessary to secure a proper development as well as a satisfying urban aspect.

The master plan mostly includes the whole territory of the municipality and schedules the land use, e.g., of the future development of the built-up part, of the agricultural area (by which especially the intrusion of non-agricultural buildings can be prevented); for traffic purposes; for

industry (as far as necessary most industrial plants will lie within the territory of the partial plan); for recreation and in order to preserve beautiful scenery in rural districts.

The master plan comprises many objects, strictly belonging to the sphere of the regional plan and the national plan, because in fact the master plan supposes a definite order and the co-ordination between the different municipal plans.

All municipal plans are established by the municipal councils but they need the approval of the provincial government. Besides, the Third Executive Ordinance of the Regulation concerning the institution of the Government Service for Physical Planning obliges the municipalities to ask the advice of the provincial office for physical planning before they pass their plan. This office, called Provincial Planning Office, prepares all provincial plans concerning regional planning. The advice mentioned above must be sent in together with the request for approval.

This has given rise to the custom that the designer of the municipal plan already in an early stage consults the provincial experts. Besides, in most provinces the provincial government submits the plans for approval to the judgment of a standing committee of experts from the whole province.

No regional plan has been established in the Netherlands until now apart from one for a small area in the province of Sealand. Nevertheless, the custom mentioned above has resulted in a kind of regional planning work through the development of municipal master plans; in fact the co-ordination of measures for town and country planning works very well. This is true because in nearly all municipalities in the Netherlands, big or small, master plans are prepared or have already been established.

Apart from this co-ordination of the municipal plans by the regional planning authorities, there is a general regulation that all provisions of a municipal development plan in defiance of an existing regional plan are invalid. Within a certain period (one or two years) the adoption of these master plans must take place. This can be considered the keystone of the co-ordination.

Regional Plans

The revision of the Housing Act (1931) introduced the regional plan on the basis of co-operation between a number of municipalities. The Decree providing the institution of a Government Service for Physical Planning and the complementary Executive Ordinance of 1941, however, impose the task of preparing and passing the regional plans upon the provincial government, in accordance with the experience of the preceding decade which demonstrated the *difficulties* of municipal co-operation in this field.

In April, 1947, 83 per cent. of all municipalities had a master plan ready or in course of preparation for the whole of their area.

The regulations mentioned above give some indication of the organisation. Practically, the situation is that in each province there are to be found—under the direction of the provincial government:

- (a) an office, directed by an expert; the members of the staff being engineers and research men; the lower staff consisting of technical and administrative officers.

- b) a Standing Committee, on which experts from different departments and services are serving ; the Provincial Governor being the President of the Committee. Different sectors of planning have their representatives in this Committee : Government ; Housing and Town Planning ; Commerce and Industry ; Recreation, Scenery, Landscape Planning ; Traffic and Public Works ; Agriculture, Cattle Breeding, Horticulture, Forestry.
- (c) Separate Committees, discussing special subjects—either permanent or temporary. An example is the standing committee of experts to discuss municipal development plans.

The Office prepares regional plans, the Standing Committee discusses the plans, the Provincial Government passes the plans, the National Government approves them.

As a rule it is impossible to pass regional plans for the whole province. Fifteen years' experience has shown that regional plans for very big areas either are not prepared or are not passed. There are such a great many problems that often their solution depends on the solution of a single one. To arrive at this point takes a long time, during which the *Communis opinio* often changes. This danger increases in direct proportion to the size of the region.

Besides, a comprehensive plan cannot be overlooked ; therefore the authorities are afraid to take the responsibility of the passing or the approval.

These restrictions are necessary.

In consequence of these restrictions two kinds of regional plans are very much in favour :

- (1) the *Partial Regional Plan*, including a small area in which the number and the extent of the problems can be viewed ;
- (2) the *Regional Facet Plan*, regulating only one of a few subjects for the whole province or for a great part of it.

Both forms of regional plans are to be found. It is important that all who are engaged in the preparation of such plans never forget that these partial and facet plans are only parts of bigger and more comprehensive plans.

The co-operation between the Provincial Planning Offices and the expert representatives of the different Ministries and Services takes place in the Standing Committee of the Provincial Planning Office, as well as in separate discussions between the Office and many Services and officials.

The National Plan

Many remarks made about the regional plans can be repeated for the national plan. The legal basis is the same Decree of May 15th, 1941, instituting the Government Service for Physical Planning. Executive Ordinances formulated rules for the organisation of the Government Service and the approval of the plan. The organisation is nearly the same as in the Province: an Office, a Standing Committee with representatives of different Ministries and Services and separate Committees on special subjects. In the Decree the supreme guidance and power of decision has been laid in the hands of a President of the Government Service, a figure which was previously unknown in the Netherlands. It reminds us of the German occupation ; during which time the regulation was established.

It is obvious that what has been said about the extent of regional plans is even more true of the national plan. Probably nobody expects that one day we shall have a national plan in which there is established a complete scheduling of the use of the land for all regions and an exhaustive co-ordination of all problems, plans and interests. Therefore the main features and directives from a national point of view should be established in facet plans at the regional and municipal level. In this way one subject, or perhaps a small number together, can be regulated. One of the advantages of this method is that it will facilitate the process of revision of the plans after their enactment. Generally, this method is looked upon as being of great value for the realisation of physical planning.

The co-operation between Ministries and Services and the Office of the Government Services for Physical Planning takes place in the Standing Committee and in the separate committees and especially in informal discussions between the Office and different officials.

There is no legal regulation establishing the priority of the principle of physical planning. In most cases ample discussions lead to a useful co-ordination of the interests and plans and give form to an order which can very well be accepted. It is desirable, however, that the results are not entirely determined by the haphazard ideas and the willingness of the officials concerned, but that this work is put on a legal basis. As soon as this is done, physical planning would rise to a higher level. It would obtain an inter-departmental, perhaps even a super-departmental character, and it is obvious that this should be laid in the hands of a department of general governmental nature.

Though this idea can be regarded as a logical consequence of physical planning, there is some danger. If the priority of physical planning has been accepted, and the principle formulated into law, there is a danger that it will become entangled with day-to-day Governmental administration and result in legislatively regulated arbitration between clashing interests. The technical preparation, the scientific study and the creative work for town and country planning requires a domain of its own. In addition, the high position mentioned above would charge planning with a responsibility that would be difficult to accept in view of the present state of development of the subject and the availability of too small a number of experienced leading personalities. Therefore, the present situation of the Government Service for Physical Planning as a component part of the Ministry of Reconstruction and Housing can be regarded as opportune, notwithstanding objections as to principle and practice. Perhaps the revision of the Housing Act, now in preparation, will bring an improvement of the organisation of physical planning. The absence, however, of representatives of the other Ministries concerned, in the Committee preparing the revision does not inspire us with optimism about the development as regards the priority of physical planning.

The relation between the national plan and the regional plans has been established in the Third Executive Ordinance pursuant to the Decree of May 15th, 1941, number 91. The most important regulations are mentioned below :

- (1) With effect from the day on which the national plan comes

into force, all existing measures concerning physical planning contrary to the national plan expire.

- (2) As soon as possible after the national plan has come into force, but ultimately within a period fixed by the National Government, the Provincial Government will bring the present regional plans into accord.
- (3) The Provincial Government must confer with the Standing Committee of the Government Service for Physical Planning, before appointing the members of the Standing Committee and the Director of the Provincial Planning Office.
- (4) The National Government can outline the main features and directions for the survey work of the Provincial Planning Offices.
- (5) The President of the Government Service for Physical Planning, the Director of the Office of this Service and their representatives are authorised to be present at all meetings of the Standing Committee and of all other Committees of the Provincial Planning Offices in the country.

With a view to insuring good co-operation, proper development of the plans and a general co-ordination of activities, regular contact is maintained between the Government Service and the Provincial Planning Offices. Every month there is a meeting of the Directors of the Provincial Planning Offices presided over by the Director of the Government Service and in the presence of the President of the Government Service. They discuss the survey activities, the application of legislative measures, the plans which are in preparation and the manifold problems concerning physical planning.

Finally there is a real opportunity to develop a national plan by the provisions of local planning at the regional and municipal level. In the pre-war period almost the only possibility of enforcing municipal plans was in the granting or refusal of a municipal building permit. The Housing Act requires the securing of a building permit for any building whatsoever. Though since 1921 all land uses could be regulated in the plans without any restriction (except during a short period in the thirties, when zoning for rural purposes was rejected by the Crown), only the provisions as regards building could be enforced. Tree planting, wood cutting, digging out or raising the level of the land and the carrying out of cultivation, technical or waterworks remained beyond the actual sphere of influence of the planning authority. Efforts of some local authorities to fill this gap by a local by-law prohibiting any use of the soil not complying with the plan were not effective when they met with strong opposition from the owners concerned.

Now the regulation of May 15th, 1941, authorises the President of the Government Service to raise objections against *all* works prepared contrary to a municipal, regional or national plan. It is even sufficient if those plans are only in preparation. If the President raises objections the work may not be carried out, unless the President's objections are put aside by a decision of the Government, to whom the owners may appeal.

This means an important enlarging of the practical value of scheduling

the use of the land. Notwithstanding the considerable improvement with regard to the effective realisation of the plans, it cannot be ignored that the centralisation of the power to raise objections makes it difficult to use this power effectively. It can be expected, however, that the forthcoming revision of the Housing Act will establish a better regulation, in such a way that this power will be laid in the hands of the municipal, provincial or national authorities, each with regard to its own plans. Finally, a permit system in the same way as it is already in use for all building activity would give a more direct and more effective solution of the problem of enforcing the plan.

Survey

The development of survey work for the physical planning of municipalities and provinces and for the national plan has been similar to the development of physical planning itself. At first it was felt to be desirable for municipal development plans where the designers could and did the survey work themselves; after some time it became a necessity (especially for large plans) that it be done by specialists drawn from the group of designers. Thus the older researchmen are mostly engineers.

With the introduction of regional planning the extent of survey work grew bigger and experts were wanted in the fields of social life, economics, geography, geology, traffic and communications, agriculture, horticulture, recreation, housing, sanitary, science and scientific statistics. The people who are now employed in carrying out the survey are graduated economists, sociologists and geographers; co-operation is given by experts from different services, e.g., Ministry of Traffic and Works, officials dealing with agriculture and horticulture, Labour Offices, Chambers of Commerce, Offices of Statistics and finally, Universities.

As a result of the growing independence of survey work many municipalities of more than 100,000 inhabitants have set up an office for the study of the social economic life within their area.

This independence is an advantage for developing expertness and objectivity, but the danger is that the co-ordination of planning and survey becomes weaker. Therefore it is very important that the connection in the team of survey expert and designing engineer is not loosened, and that the connection in the team is guaranteed in the organisation of the official Offices. That is why the Government Office for Physical Planning and the Provincial Planning Offices have engaged their own official researchmen to gather and modify all the suitable results produced by the research work of several specialised services. In this way they are able to pass on useful information to the planners. It is inadmissible to neglect this particular task of the survey men. Especially this connection between the survey and the designing of the plans keeps the survey work alive and directed at the right aim, while it is restricted to the necessary subjects.

Reconstruction

Besides the existing legislation concerning physical planning, the planning of the many damaged towns and villages goes its own way, based on a separate, very simple decree, dating in essence from the war years. The supervision of the preparation and the passing of the plans is in the

hands of the Government Office for Reconstruction ; this Office has a separate department for town planning. This situation is due to the exceptional circumstances during the German occupation and the necessity of direct execution of the plans, together with the expropriation and the financing, by the Government. Now that some years after the liberation it has only been possible to make slow headway with the execution of the plans as a result of lack of materials, lack of labour and lack of legislation for recovering the damage, the municipalities and the Provincial Government are trying to assume responsibility for these plans under the legislation concerning physical planning mentioned above. The complete regulation cannot be established until there is a Reconstruction Act. A Bill to this end has been introduced very recently. An important subject in the new legislation will be the question of decentralisation and the power to pass urban reconstruction plans. There is also the issue of the separation of power between the body approving the plans and the one making the decision about expropriation and the financial contribution of the National Government. It is considered erroneous that final approval of the plans lies practically in the hands of the expropriation and financial experts. Discussion of the new Bill will undoubtedly clarify much thinking with regard to details on the preparation of plans, questions on the rights of owners and other financial considerations. The general feeling is that local authorities should be responsible for passing on the plans that have to do with their physical and urban development.

FRENCH TRANSLATION OF SUMMARY

L'AMENAGEMENT SUR LE PLAN NATIONAL ET REGIONAL DES VILLES ET DE LA CAMPAGNE

Aus Pays-Bas des mesures d'urbanisme et d'aménagement de l'espace sont préparées dans le cadre municipal, le cadre régional et le cadre national. Cette énumération indique le développement historique aussi bien que le principe de décentralisation qui a pour conséquence que tous les détails sont abandonnés aux plans des petites unités. Les plans municipaux se distinguent en plans partiels et plan d'ensemble, tous les deux établis par les conseils municipaux et approuvés par les autorités provinciales. Ce droit d'approbation et l'obligation imposée aux autorités provinciales par le décret-loi relatif aux plans régionaux de consulter les services provinciaux sur les plans municipaux soumis à leur approbation ont engagé les experts, chargés de la préparation de ces plans, de prendre contact dès le début avec le service provincial d'urbanisme. Ainsi bien des résultats provisionnels de la préparation des plans régionaux ont été insérés dans les plans municipaux, encore que seulement un plan régional ait été établi et approuvé.

En outre il est stipulé qu'après l'approbation d'un plan régional toutes les mesures urbanistiques municipales sont abrogées automatiquement en tant que contraires au plan régional et qu'ils doivent être mises en accord avec celui-ci dans un certain délai.

La régulation actuelle des plans régionaux a accordé le devoir d'établir ces plans aux autorités provinciales. La régulation précédente, qui se basait sur le principe de co-opération des municipalités, s'avait révélée peu efficace. Les autorités provinciales sont aidées par les services mentionnés plus haut, qui consistent d'un bureau, d'un comité permanent et d'autres comités. Les plans régionaux sont soumis à l'approbation du Gouvernement central.

En vue des difficultés qui s'accroissent selon que le plan embrasse un territoire plus large, on se borne le plus souvent à préparer soit des plans régionaux, réglant l'usage du sol pour un territoire restreint, soit des plans relatifs à un type d'usage du sol pour la province entière ou une grande partie d'une province.

L'organisation du plan national date du 15 Mai 1941. Le Service institué par le décret-loi de cette date, se compose aussi d'un bureau, d'un comité permanent et d'autres comités. A la tête du service est un Président.

La coopération entre les ministères et services intéressés et le service du plan national se réalise dans le comité permanent et d'autres comités et aussi par des pourparlers informels. Cependant une disposition légale, établissant la priorité de l'aménagement de l'espace, fait défaut.

La méthode précitée pour la préparation des plans régionaux (plans partiels) est de rigueur aussi pour le plan national.

Les plans régionaux sont subordonnés au plan national, de la même façon que les plans municipaux sont subordonnés au plan régional. Un contact intime est entretenu entre le service du plan national et les services provinciaux, notamment par une réunion mensuelle des directeurs de ces services, présidée par le directeur du plan national.

La réalisation de tous les plans est sauvegardée par le pouvoir, qui réside dans le Président du Plan national, d'objecter à tous les travaux envisagés qui ne cadrent pas avec un plan urbanistique quelconque, soit en vigueur ou en préparation. Une décentralisation de ce pouvoir s'impose.

L'étude géographique et sociale, dont les urbanistes eux-mêmes s'occupaient autrefois, est de plus en plus délaissée aux experts. Un lien étroit entre les urbanistes et ces experts s'est avéré efficace.

Les plans de reconstruction sont soumis à une régulation spéciale, qui confère la préparation et l'établissement de ces plans au Service gouvernemental. Les autorités municipales et provinciales désirent généralement que ce régime soit suspendu et que les plans de reconstructions soient assujettis à leur compétence.

