

The Environmental Planning Act, increasing discretion
or decreasing the likelihood of correct policy implementation?

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The Environmental Planning Act is currently under construction in the Department of Infrastructure and Environment and will not be publicly available until filed in June 2014. My internship position at the Department however guarantees access to internal documents but under strict confidentiality. Please be aware of this situation and attend my thesis in corresponding manner.

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Chapter 1: Introduction

1.1 Introduction

On the 28th of June 2011, the Dutch minister of Infrastructure and Environment mw. drs. M.H. Schultz van Haegen wrote a formal policy proposal ‘*Simpler and Beter*’ to parliament (Ministry of Infrastructure and Environment, 2011). In this, she expressed intent to reform the outdated framework of environmental law through the implementation of the Environmental Planning Act. This intent has been characterized as the most ambitious reform since the Second World War (Relevant, 2013). The NRC wrote: ‘*the Ministry of Infrastructure of Environment is working on the biggest legislative operation ever*’ (Schreuder, 2014).

Central government has publically defended the benefits of this reform. Minister Schultz van Haegen stressed that the legislative changes would save up to 600 million euro (Telegraaf, 2013). Mark Rutten proclaimed that the bill fits his desire for less regulation and shrinkage of the public sector (Volkskrant, 2013). However, the VNG argued that this ‘retrenchment’ will cost the municipal organizations 600 million (Buitenlaar, 2014), calling it ‘*a financial noose*’ (Gemeente.nu, 2014). Moreover, Peter Noordanus stressed that municipal problems do not underlie the EPA. The abstract approach to the field of environmental law does not fit the executive practice (Buitenlaar, 2012). This is problematic because the success of the EPA will ultimately depend on the directing role of the municipalities (Mourik, 2014). This dependency will only increase with the intended decentralization of executive and legislative tasks and the transfer of associated autonomy and discretionary power to the municipalities (MinIenM, MvT, p 46).

Given current turmoil we could rightfully wonder whether the EPA will be executed the way it is designed. I expect that the increase in discretion would only reduce the likelihood of proper execution of the EPA. It will be interesting to research if policy design and policy outcome can be expected to differ, what would prevent municipalities from executing their tasks in ideal terms (as designed), and if this is a direct result of the increase of discretionary power at the municipal level.

1.2 Research objective

The purpose is to inform central government on potential bottlenecks in the execution of the EPA.

1.3 Research questions

This research is built on the following question:

-What (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented?

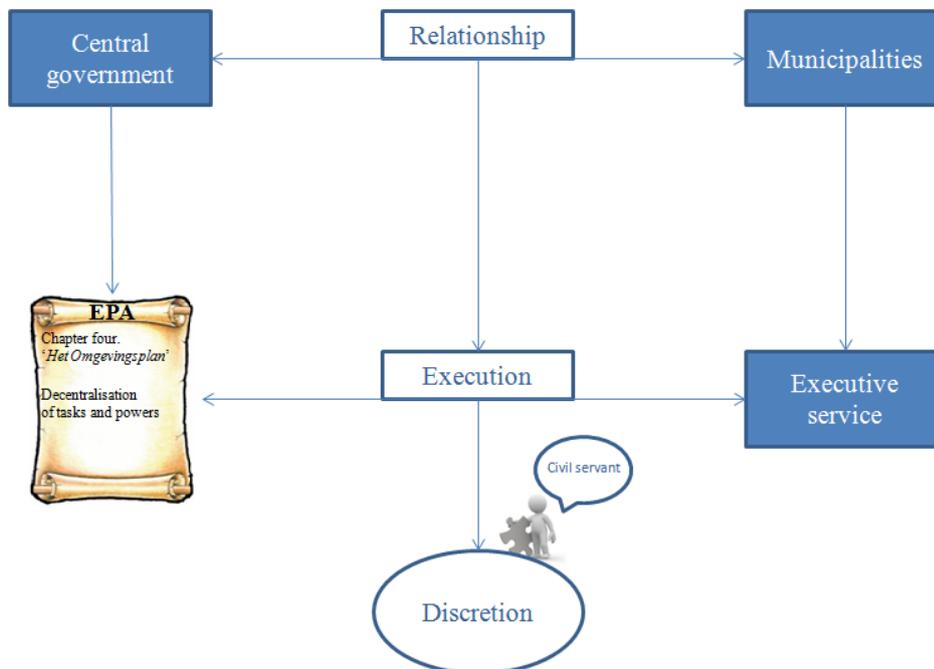
In order to answer this question the following sub-questions have been developed:

1. How will the EPA alter the tasks and powers of the Dutch municipalities?
2. According to theory, what kind of barriers can municipalities encounter when implementing policy?
3. How could this difference between policy design and policy outcome best be researched?
4. Which barriers will obstruct the proper execution of the EPA?

1.4 Conceptual model

Central government has constructed the Environmental Planning Act. This bill will decentralize powers and tasks to the Dutch municipalities. The executive services of the municipalities are appointed legislative and executive tasks that they will perform in relative autonomy and wide discretion. This transaction will alter the relationship between central government and the municipalities. Moreover, these appointed tasks will demand execution. In this civil servants from the Dutch municipalities hold all the cards. Will they execute their task in ideal terms, i.e. execute policy as designed?¹

Figure 1. Conceptual model



¹ Notes on the conceptual model, the following relations are illustrated with the help of arrows. [Central government and the Dutch municipalities have a reciprocal relationship within our public administration. Central government has designed this legislation. The EPA decentralizes tasks and powers to the Dutch municipalities. They entrust their executive service with the performance of these tasks. Central government has learned from previous legislative mistakes and has developed a bill which took the future execution into account. There was extensive consultation. Nevertheless, the success of this bill will ultimately depend on the civil servants at the municipal level who will perform their tasks in wide discretion].

1.5 Approach

This research is structured as follows: in chapter two, the Environmental Planning Act will be studied and the incentives behind this bill will be exposed. Attention is given to the reform of the field of environmental law and the goals and instruments of the EPA. There is focus on the instrument ‘*het omgevingsplan*’ (see glossary) and the decentralization of tasks and powers to the municipal organization. I will describe which tasks and powers municipalities hold in joint administration.

In chapter three, theory will be presented on what could prevent agencies from executing their tasks in ideal terms, i.e. what prevents policy from being executed as designed. The decentralization of tasks and powers will change the organizational relation between central government and the municipalities. Principal-agent and stewardship theory will characterize the type of relation that is likely to arise. It will elucidate the municipal attitudes towards the EPA. This is important, because street-level bureaucracy theory argues that executive agencies primarily determine policy implementation, instead of their superiors (Lipsky, 1985). This theory argues that civil servants cannot execute their tasks in accordance with ideal conceptions of practice because of the limitations of their work structures (Lipsky, 1985, preface XVII). Hence, both the relationship and work structures could determine whether the EPA will be implemented as designed.

Chapter four will discuss how the difference between policy design and policy outcome could best be researched. The choices behind the research design will be explained. It contains elaboration on qualitative research, case selection, methods, deductive coding and theoretical concepts will be put into operation.

In chapter five I present the empirical data of this research. This chapter will contain municipal expectations of the EPA. I will highlight central government and municipal role perceptions that determine which type of relationship is likely to develop. Furthermore, I will present which work structures can be expected to limit civil servants from executing their tasks in ideal terms, i.e. prevent policy from being executed as designed.

In chapter six I will summarize and conclude whether the adopted relationship and the limiting work structures are a direct result of the increase of discretionary power at the municipal level. Then, I will formulate recommendations to central government that might help increase the likelihood of correct policy implementation and proper execution of the EPA. Finally, I will reflect on the strengths and weaknesses of this research and provide suggestions for further research.

1.6 Scientific relevance

With my master thesis I will position myself in the debate on the correct implementation of policy; whether it is possible, impossible or only feasible under certain conditions. The Environmental Planning Act has been instituted recently. By engaging in an ex-ante-evaluation research I will study what (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented.

I have chosen a creative combination of theories in order to answer this research question. First of all, I have contrasted principal-agent theory with stewardship theory and filtered out nine binary oppositions. With these oppositions I can characterize the relationship of central government and the Dutch municipalities, and how both parties view it. It will provide me with a useful background in which problems (of the agent) in the execution of policy become more comprehensible. These problems or constraints will be derived from Lipsky's work. I will not only reintroduce his theory, but also wish to build on it. Lipsky does not talk about what happens to the problems of street-level bureaucrats when their discretion increases. In one example, he merely gave some insight into what could happen when discretion decreases. However, discretionary space is a major cause of problems in execution and policy implementation. I would therefore argue that it is important to involve the amount of discretion into the analysis. Beforehand, I expect that an increase of discretion will create more problems in the execution of policy. This study hopes to provide an answer on this matter and wishes to contribute to the street-level bureaucracy theory of Lipsky.

1.7 Social relevance

I will conduct this research for two reasons. Firstly, I would like to advise my former colleagues at the Ministry of Infrastructure and Environment on potential positive and negative discretionary effects of the EPA. I am confident that my research can be beneficial to the policy makers. When they reach better understanding of the likely policy outcome, they will be able to improve their communication towards companies and citizens, making it easier to manage expectations. Secondly, I would like to stimulate the sharing of experiences between Dutch municipalities. They will become increasingly interdependent and have expressed interest in my qualitative research in order to get acquainted with one another and learn from others' experiences.

Chapter 2: Case Description

In this chapter, I will give a detailed description of the Environmental Planning Act. Firstly (2.1.), I will briefly introduce the topic. Secondly (2.2.), I will elaborate on the field of environmental law in the Netherlands. I will briefly explain the problems that exist within the field of environment law. Moreover, I will show they fit poor to societal developments. It is perceived that the field of environmental law has become outdated. Hereafter, I will point out to which concrete beliefs among civil servants this understanding has led. As a result the improvement goals for the field of environmental law within the EPA become understandable. It will show how reform was perceived to be necessary and desirable. Next (2.3.), I will elaborate on the EPA. I will address the societal goals and instruments of the EPA. Thereafter (2.4), I will point out the position of decentralized government within the EPA. I am mainly interested in the established division of tasks and powers among administrative bodies. To be more specific, I am curious to see how the joint administration of municipalities takes form. All of the previously outlined intentions are conceived to help answer the subquestion: *how will the Environmental Planning Act alter the tasks and powers of the Dutch municipalities?*

2.1 Introduction on the Environmental Planning Act

‘Civil servants from the Ministry of Infrastructure and Environment detected a social problem within society on which they decided to act. Against the backdrop of an ongoing financial crisis societal initiatives and entrepreneurship decreased. The ‘*Crisis- en Herstelwet*’ was a temporary response by national government to stimulate the economy, especially in the construction sector, by speeding up the legislative process around big infrastructural projects. A more permanent and rigorous response towards imminent social problems soon followed.

On the 28th of June 2011, the Dutch minister of Infrastructure and Environment, Mrs. M.H. Schultz van Haegen, MA filed the formal policy proposal ‘*Simpler and Beter*’ at parliament. This proposal encompassed clarification on the departmental incentives to revise an outdated framework of environmental policies.

Environmental law was codified in more than 40 different sectoral laws, 120 AMvB’s and hundreds of ministerial regulations (Rijksoverheid, 2011). The EPA was presented as a means to decrease regulation, increase planning, and simplify procedures (Ministry of Infrastructure and Environment, 2012).

Reform was perceived to be necessary because the field of environmental law had become both inaccessible and nontransparent. Against the backdrop of global financial crisis and retrenchment the revision of environmental law would present government, businesses and civilians with the flexibility that would help stimulate social initiatives and entrepreneurship.

In short, the EPA was conceived to provide a coherent system of planning and decision-making procedures (Rijksoverheid, 2013). Some sectoral bills will be largely transposed, others will be replaced altogether, while some will only see an integration of certain elements (see annex 1 for an overview) (Rijksoverheid, 2013).

A draft or consultation version of the EPA was openly available since February 2013. Societal, corporate and political stakeholders were presented the opportunity to react on the consultation version of the EPA. On the 13th of January 2014 the Council of State published its formal advice. National government incorporated received input and put forward a modified bill to the House of Representatives by June 2014 (Ministry of Infrastructure en Environment, 2014). The EPA needs to be accepted by both the House of Representatives and the Senate before it can be published in '*het Staatsblad*' and reaches formal law-binding authority'. The '*Vereniging van Nederlandse Gemeenten*' does not expect a ratified bill before the 1th of January 2018 (Vereniging van Nederlandse Gemeenten, 2013). Subnational authorities will need time to prepare for the decentralization of tasks and their subsequent part in the implementation of this policy' (Noten, 2014).²

2.2 The reform of the field of environmental law

The Mining Act of 1810 was the first piece of environmental regulation in the Netherlands. Currently, the field of environmental law consists of some 26 laws, 120 general measures of good governance, and 120 ministerial regulations (MinIenM, 2014) (see annex 3, for an overview of these bills).

It is not surprising that this complex field of environmental law has developed some problems. It has become inaccessible and intransparent as a result of fragmentation by sectoral regulations on aspects of the physical environment like spatial planning, soil, water-maintenance, environment, mining, cultural heritage, sound, construction or infrastructure (MinIenM, 2014, MvT, p 8). This fragmentation created harmonization and coordination problems for all users (MinIenM, 2014, MvT, p 8) and entrepreneurs had to consult a wide variety of laws with differing procedures, plans and rules. Moreover, even authoritative bodies had problems in judging applications coherently and integrally. The pursuit of certainty often triumphed over dynamics (MinIenM, 2014). Therefore, the Ministry of Infrastructure and Environment (2014) adopted the creed: '*space for development, ensuring quality*'. Citizens, companies and governmental bodies will become collectively responsible for securing quality and developing the environment. This is called: '*de algemene zorgplicht*' (MinIenM, 2014, MvT, p 61).

The Ministry of Infrastructure and Environment has extensively described the problems in the field of environmental law (2013). It set four concrete improvement goals for its revision: (1) The field of environmental law has to be transparent, predictable and easy to use. (2) Care for the physical environment must be consistent at the center of policy, decision-making and rule setting activities. (3)

² This paragraph (2.1) has been constructed out of two previous essays, that I wrote in preparation of my master thesis (Noten, 2014).

This requires proactive and flexible governmental bodies that have the discretionary space. (4) The decision-making process on licensing projects has to be quicker and better. In short, rule-setting has to become simple, clear, quick, and adequate (MinIenM, 2014, p 9) (see annex nr. 4 for a more detailed description of this reform).

2.3 The Environmental Planning Act

The Environmental Planning Act has two societal goals: (1) The EPA must contribute to achieve and maintain a safe and healthy environment; (2) The EPA must contribute to and effectively manage the development of our physical environment to fulfill societal functions (MinIenM, 2014, MvT, p 9). By planning it aims to protect and utilize the physical environment. The creed of the law is: *'space for development, ensuring quality'* (MinIenM, 2014).

The EPA is a framework law. Many of the former regulations concerning the physical environment will be modified, simplified and integrated after this principle. For reaching the societal goals of the EPA six core instruments are developed. (1) The *'Omgevingvisie'*: is a coherent strategic plan for the physical environment. It contains a vision and long-term objectives for the development of the environment (MinIenM, 2013). (2) The *'Programma'*: contains concrete measures that protect, maintain, use or develop the environment (MinIenM, 2014). It specifies how the objectives will be reached (MinIenM, 2014). (3) *'De decentrale regelgeving'*: demands that administrative bodies integrate their regulations concerning the environment in one single area-wide regulation (MinIenM, 2014). This area-wide regulation is called *'het omgevingsplan'* for municipalities, *'de waterschapsverordening'* for the water boards, and *'de omgevingsverordening'* for and the provinces (MinIenM, 2013). It specifies the joint administration of sub-national authorities. (4) The *'Algemene regels'*: set rules for the development of activities in our physical environment (MinIenM, 2014). These rules are of general application (MinIenM, 2013). (5) The *'Omgevingsvergunning'*: regulates the activities of individual or concrete nature (MinIenM, 2014). It tests whether an initiative should be permitted or not. (6) The *'Projectbesluit'*: offers a uniform procedure for decision-making over complex and important projects. It will become possible to speed up procedures and diverge from the *'omgevingsplan'* (MinIenM, 2013).

Moreover, the EPA contains supportive instruments that are necessary to take decisions and execute them (MinIenM, MvT, 2014). These are: the *'gedoogplichten'*, rules for supervision and enforcement and measures for modernization and digitalization (MinIenM, MvT, p 10 2014).

2.4 The 'Omgevingsplan'

The Environmental Planning Act is a framework law, which provides the structure for a norm system of high and low order. Norms setting activity is distributed among several governmental layers. Because of this, one cannot yet fully determine the practical implications of the EPA. General guidelines structure governmental activity, but administrative bodies have a great amount of discretion that enables them to make their own authorities' decisions (Heldeweg, 2006). The municipalities are a

sub-national authority that will have to engage in norm setting of the lower order. The EPA provides municipalities with executive- and legislative tasks. Due to the subsidiary principle municipalities will become the competent authority (MinIenM, MvT, p 40).

One of the instruments of the EPA is the (3) '*decentrale regelgeving*' that contains the '*gemeentelijke omgevingsplan*', '*provinciale omgevingsverordening*' and '*waterschapsverordening*' (MinIenM, 2014). The municipalities will have to integrate their rules in one single area-wide regulation (MinIenM, 2014, p 48). The construction of an '*omgevingsplan*' is mandatory for each municipality (MinIenM, 2014, Art 2.4.). It will contain various sorts of rules, mainly regulating the activities of civilians and companies, '*omgevingswaarden*', '*beoordelingsregels*' and frameworks to test for licensing (MinIenM, 2014, MvT, p 46). The '*Gemeentewet*' already contains some regulation concerning the physical environment. However, much needs to be specified in the AMvB's (MinIenM, 2014, MvT, p 73) (see annex 7 en 8 for more information on the policy instruments).

Currently, rules are scattered over various schemes and often address one topic or one specific area (MinIenM, 2014, MvT, p 46). For example, many municipalities have hundreds of '*bestemmingsplanningen*' and '*verordeningen*'. Specialist Bert Rademaker has estimated the total to be around eighty-four thousand '*bestemmingsplanningen*' in the Netherlands (Rademaker, 2014). This situation certainly does not fit the vision of integrality and area-wide development of the Environment Planning Act. Therefore the '*omgevingsplan*' will come to replace the '*bestemmingsplanningen*', the '*beheersverordeningen van de Wro*', the '*erfgoed- en monumentenverordeningen*' and the '*welstandnota*'s' (MinIenM, 2014, MvT, 47).

The EPA will provide municipalities with the discretion and flexibility to stimulate societal initiatives and entrepreneurship. The '*omgevingsplan*' contains function- and location specific rules. These specific rules can vary from location to location (parcel, neighborhood etc) and from topic to topic (sound, water etc) (MinIenM, 2014, MvT, p 47). They will guide activity and development in a particular area. Municipalities are granted the flexibility to cultivate their territory (MinIenM, 2014).

Art 21 of the constitution entrusts government with the care of the land and the protection and improvement of the physical environment (MinIenM, 2014 MvT, p 46). The legislator installs a framework for the execution of this task and allocates appurtenant power. It is compatible to agreements like the '*bestuursafspraken 2011-2015*' and the '*Bestuursakkoord Water*' (MinIenM, 2014, MvT, p 41).

However, municipalities can also usher tasks on their own initiative. For example, the care for public space is managed by the municipalities (MinIenM, 2014, p 39). Furthermore, municipalities allocate space for development and assign it to societal functions. Moreover, municipalities approve or disapprove most of the activities of citizens and companies. It could therefore be argued that most care for the physical environment is located at the municipal level (MinIenM, 2014).

Decentralized governmental bodies can have autonomous tasks or tasks in joint administration (Michiels, 2014). For example, 'the determination of a '*verordening*' on the lumbering of wood within

the urban area is an autonomous act of the municipality' (MinIenM, 2014, MvT, p 41). However, when municipalities develop an '*omgevingsplan*' it is an act of joint administration (MinIenM, 2014, MvT, p 41). However, this distinction has become less relevant because municipalities are increasingly executing task in free joint administration. For example, they do this on spatial planning (MinIenM, 2014, MvT, p 41). The increase of discretion is stimulating this free joint administration. It lies at the heart of the EPA.

In the EPA the powers of decentralized government can be limited by legal restrictions. Central government and the provinces can enact instruction rules that will determine how administrative bodies should perform their tasks and powers (MinIenM, 2014, MvT). Moreover, municipalities can reduce their own discretionary space by constructing '*beleidsregels*'. However, overall the EPA is built on the principle of trust among governmental bodies. This principle takes shape in the '*wet revitalisering generiek toezicht 1 oktober 2012*' and intergovernmental commitments (MinIenM, 2014 MvT, p 44). It becomes clear that when rules are reduced and simplified administrative bodies must comply and properly execute their tasks and powers in order to make this system work (MinIenM, 2013).

National government has determined that each decentralized governmental layer should strive for one encompassing regulation (MinIenM, MvT, 2014). The municipalities are obliged to develop an '*omgevingsplan*'. However, they can arrange it as they see fit. The Ministry of Infrastructure and Environment (2014) declared: '*Decentralized discretionary power is the starting point*' (MinIenM, 2014, MvT, p 81). Only in some instances central government will intervene. For example, central government will develop '*algemene regels op rijksniveau*' for the construction of technical rules (MinIenM, 2014, MvT, p 81). However, the possibility of local- or regional tailoring will remain. Moreover, some tasks of the municipalities will contain more discretion than others. For example, municipalities have extensive discretion in setting '*omgevingswaarden*' or with the appointment of functions to locations (MinIenM, 2014, p 81). However, municipalities have most discretion in the development of their '*omgevingsplan*' (MinIenM, 2014, p 81).

2.5 Conclusion of this chapter

In this chapter, I have raised the following sub-question: *how will the implementation of the Environmental Planning Act alter the tasks and powers of the Dutch municipalities?* I will briefly summarize the answer.

Central government constructed a bill which tried to respond to societal developments and reform the outdated framework of environmental law. The EPA was conceived to provide a coherent system of planning and decision-making procedures (Rijksoverheid, 2013). The improvement goals for the revision of field of environmental law require proactive and flexible governmental bodies that have discretionary power.

The EPA is a framework law. It provides the structure for a norm system of high and low order. Norms setting activity is distributed among several governmental layers. The municipalities are required to engage in norm setting of a lower order. They will need time to prepare for the decentralization of tasks and their subsequent part in the implementation of this policy.

Within our public administration municipalities have clear tasks and powers in the care for the physical environment. Indeed, municipalities are the competent authority. They perform mandatory tasks in accordance to law and develop initiatives on their own account, like the care for public space. Municipalities can exercise tasks and powers in autonomy or in joint administration. However, the EPA will primarily create tasks and powers that are performed in free joint administration.

The instrument '*het omgevingsplan*' obliges municipalities to combine all of the rules that concern the environment in one single area-wide regulation. '*Decentralized discretionary power is the starting point*' (MinIenM, 2014, MvT, p 81). However, the boundaries of this discretionary space can still be altered by municipalities who formulate '*beleidsregels*' or central government and the provinces who impose '*algemene regels*', '*instructie regels*' and '*omgevingswaarden*'.

I conclude that the execution of the EPA contains both executive and legislative tasks for municipalities. There is an increase of discretionary power primarily to properly execute the '*omgevingsplan*'.

Chapter 3: Theoretical framework

In this chapter, I will present theory that could help answer the following sub-question: *According to theory, what kind of barriers can municipalities encounter when implementing policy?*

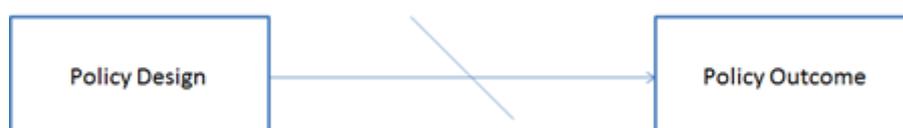
In the previous chapter I have outlined that municipalities are required to execute tasks under conditions of relative autonomy and wide discretion. In this chapter, I will first present the scientific debate on policy implementation. Secondly, I will position myself in the debate. Subsequently, I will explain why a bottom-up approach is most suiting with my research design. Then, I will explain why I look at principal-agent theory, stewardship theory and street-level bureaucracy for answers. Finally, I will briefly outline what these theories entail.

3.1 Debate on the implementation of policy

Implementation is putting policy into practice (Buse, 2005, p 135). Over the years, researchers have extensively debated policy implementation. Until the seventies, researchers argued that the execution of policy was simply not interesting, because it was a self-evident result of the policy design (Vries, lecture, 2012). However, a radical turn occurred at the end of the seventies. Correct implementation was no longer perceived self-evident but rather impossible to achieve (Vries, lecture, 2012). In the eighties this belief was somewhat modified or nuanced. Researchers were interested under which conditions the chance of proper implementation would increase (Vries, lecture, 2012). In the nineties researchers continued on this path studying how implementation processes should be interpreted. However, from the year 2000 onward, researchers primarily raised the question who was best fit for the task of implementation (Vries, lecture, 2012).

Furthermore, two schools of thoughts have developed that prescribed methods for researching implementation: the top-down approach and the bottom-up approach (Matland, 1995, p 146). The top-down approach focuses on the central level, analyzing which factors can be manipulated to improve implementation (Matland, 1995, p 146). The bottom-up approach focuses on the target groups and service deliverers, analyzing which factors can be manipulated to improve implementation. The latter approach departs from the belief that policy is really made at the local level (Matland, 1995, p 146).

Figure 2. General Assumption



3.2 Position in the debate

Meter & Hoorn (1975) argue that the nature of the policy determines the implementation process. A bottom-up approach would best suit the EPA. The Ministry of Infrastructure and Environment has proclaimed that this bill regulates the increase of discretionary space with priority (MinIenM, 2011). When the subordinate is given discretionary power he can be expected to play an active role in the process of implementation (Buse, 2005, p 121). As a result the subordinate could reshape the dictates of the principal (Buse, 2005). Policy outcome could thereby come to deviate from policy design. I deem it therefore most appropriate to study the implementation from a bottom-up perspective.

Smith has argued (1973) that policies establish new transaction patterns, institutions, or change patterns within institutions (p 202). Moreover, policy displays processes, structures, and relationships that influence the execution of policy (Meter & Hoorn, 1975, p 458). Most research on policy implementation from a bottom-up perspective tends to focus on constraints in the execution of policy, the interests of service deliverers and the relation between institutions (Vries, lecture, 2012).

In line with this previous bottom-up research I decided to focus on the transaction and the affected institution. (1) I will apply theory that explains how the relationship between central government and the municipalities might be affected by the EPA transaction. Moreover, (2) I will apply theory that helps explain changed patterns, i.e. work structures within the municipal organization that might be affected. Both factors could potentially reduce the chance of proper execution and correct implementation of the EPA. It could make the policy design differ from policy outcome. Moreover, this will occur in a context of increased discretion.

In short, (1) the decentralization of tasks and discretionary power will alter the relationship between central government and the municipalities. Central government has delegated responsibility to the municipal organization for the implementation of the EPA. However: *'discretion opens up the potential for ineffective or inefficient translation of government intent into reality since agents have their own views, ambitions, loyalties and resources which can hinder policy'* (Buse, 2005, p 127). I will apply principal-agent theory and stewardship theory that explains how this transaction is viewed and managed. Moreover, I will contrast both management theories that both offer a different amount of discretion to the agent. I will test if central government and the municipalities opt for the same kind of relationship on nine binary oppositions, with a greater or lesser extent of discretion. When there is congruence in role perception the chance of proper execution and correct implementation will be enhanced.

Furthermore, (2) the decentralization of tasks and powers will affect the municipal organization. The structure of work might change as a result of the EPA, for example through the introduction of the policy instrument *'het omgevingsplan'*. Street-level bureaucracy theory is a tool to research its consequences. This theory argues that *'street-level bureaucrats determine policy implementation not their superiors'* (Lipsky, 1985, p 207). This fits with the bottom-up approach which argues that policy is really made at the local level (Matland, 1995, p 146). Hence, limitations in

the work structures of street-level bureaucrats could prevent them from doing their job according to ideal conceptions of practice (Lipsky, 1985, preface XVII). By definition these street-level bureaucrats hold substantial discretion when executing their tasks.

In short, I will research whether correct implementation of the EPA by the Dutch municipalities is (im)possible and (un)likely. I will use a bottom-up approach and research if congruence in role perception and limiting work structures are conditions that might reduce the chance of proper execution and correct implementation. These conditions could make the policy outcome differ from the policy design. The application of principal-agent theory, stewardship theory and street-level bureaucracy theory will help answer this question.

3.3 Introduction to principal-agent theory and stewardship theory

The EPA delegates tasks and powers to lower governmental bodies. This decentralization will increase the discretion of municipalities. The EPA thereby creates a new relation, or alters the existing relation, between central government and the municipalities. This relation will be object of study in the following part of the theoretical framework.

The organization of public management will alter. It seems fitting to use organization theory to explain what is currently happening in the Netherlands. When we study contemporary literature we see two predominant perspectives on organizational relationships. (1) Principal-agent theory, a rational actor model with a homo-economicus model of man. (2) Stewardship theory, a sociological and psychological approach and model of man.

Principal agent theory appears to be the dominant paradigm underlying most governance research (Davis, 1997, p 20). Stewardship theory therefore originated as a response to principal agent theory. It offers a model to explain relationships and behavioral premises on noneconomic assumptions (Davis, 1997). The homo-economicus model of man is a simplification and unrealistic depiction of human behavior according to Jensen and Meckling (as cited in Davis, 1997, p 24). Doucouliagos agrees that it does not explain the complexity of human behavior (as cited in Davis, 1997, p 24), but according to Hirsch, Michaels and Friedman this simplification is solely done for the elegance of the economic model (as cited in Davis, 1997, p 24).

In this article I use the approach to principal-agency and stewardship theory that is offered in the work of Davis, who aims to '*reconcile the differences between both theories by proposing a model based upon the subordinate's psychological attributes and the organization's situational characteristics*' (Davis, 1997, p 20). However, I will work from this model by taking the characteristics of principal-agent theory and stewardship theory that are essentially reconcilable, and I will present the binary opposition in these characters (see figure 3). Given the fact that these characteristics are reconcilable the characteristics can essentially diverge in practice to a greater or lesser extent from the theoretical binary opposition. It will enable me, after empirical research, to present a detailed description of the relation between central government and municipalities that is

likely to develop with the implementation of the EPA. Problems in the execution of tasks become comprehensible against the background of this relationship (part two theoretical framework).

3.4 Principal-agent perspective

Underlying the PA theory are its assumptions on executives, meaning the people who execute the delegated tasks and powers. PA theory adopts a homo-economicus model of man (Davis, 1997). Civil servants are viewed as individuals who act on self-interest. This rational actor model argues that individuals or groups of persons seek to maximize their own utility (Davis, 1997).

The goals of the principal and the agent diverge as a result of the agent's self-interest, which puts his individual's goals above the collective goals. There is a culture of individualism (Davis, 1997). Moreover, there is information asymmetry between the principal and the agent, because the agent has inside information which the principal lacks. It will increase the opportunity for the agent to pursue his own self-interest. This situation could create conflicts of interests. However, these conflicts are generally viewed as constructive '*ways to work things out*' (Davis, 1997, p 35).

In the principal-agent theory the agent is motivated extrinsically rather than intrinsically. There is a programmability of task. This can be defined as '*the degree to which appropriate behavior by the agent can be specified in advance*' (Eisenhardt, 1989, p 62). When there is a programmability of task the outcome is measured more easily. According to PA theory there is a '*trade-off between the costs of measuring behavior and the cost of measuring outcomes and transferring risk to the agent*' (Eisenhardt, 1989, p 62). Normally, the outcome is easy to measure. However, when this is difficult, a contract should be made. It is both difficult and expensive for the principal to verify the behavior of the agent (Eisenhardt, 1989, p 58). This perception reflects an underlying orientation on risk and outcome uncertainty. PA theory argues that risk is there to be controlled. It therefore promotes a control oriented approach of management. The transfer of tasks and powers to the Dutch municipalities will alter the division of risk. PA theory argues that even in a predominantly stable environment, these risks should be guarded. The principal could '*impose control structures upon the agent*' (Davis, 1997, p 20), or '*tackle the potential for conflict by setting up measures like: incentives, sanctioning, information systems and monitoring*' (Van Slyke, 2006, p. 162).

In short, when the principal wants to manage the contract he inevitably needs to manage the people in order to guarantee their collaborative effort. In a principal-agent relation there is high power distance (Davis, 1997). A clear hierarchical relation exists between both parties and power is centralized. This view essentially supports and legitimizes the inherent inequality between the principal and the agent. The relation is more often a short-term relation than a long-term relation, increasing the need for controlling the relation (Davis, 1997).

Consequently, the dominant belief is that an agent will use discretion to the disadvantage of the organization and the principal.

3.5 Stewardship perspective

Stewardship theory originated from the fields of sociology and psychology (Davis, 1997). It developed a distinct model of man and approach to organizational thinking (Davis, 1997). In contrast to principal-agent theory it argues that the steward will have clear goal alignment with the principal. The civil servant is not motivated by his or her individual goals but by the alignment of objectives (Davis, 1997). A steward identifies with the organization's mission, vision and objectives (Davis, 1997). This will stimulate the successful completion of tasks (Davis, 1997, 30). The steward is a collectivist, pro-organizational and trustworthy subordinate (Davis, 1997, p 20-21). Stewardship theory therefore examines situations in which executive personnel will pursue the collective interest (Donaldson & Davis, as cited in Davis, 1997, p 24).

The steward is motivated intrinsically in comparison with an agent, who is motivated best extrinsically (Davis, 1997). The experienced meaningfulness of work, responsibility for the eventual outcome and knowledge of the situation and results are important issues for subordinates who act in a steward-like manner (Davis, 1997). If a principal will advocate the importance of skill variety, autonomy, task significance, task identity and feedback, they will stimulate the stewardship behavior (Davis, 1997, 28). The increase of professionalism and autonomy usually betrays the great complexity of work that stewards face. There is often little or no programmability of task in principal-steward relations. As a result the appropriate behavior of the steward cannot be specified in advance (Davis, 1997). The work and working conditions of the executive service is complex and the outcome is difficult to measure.

Stewardship theory adopts an involvement-oriented approach of management (Davis, 1997). This approach argues that when subordinates are given responsibilities and challenges they will develop mechanisms for controlling their own behavior (Davis, 1997, 32-33). In contrast to PA theory, the execution and testing of work needs no separation of services (Davis, 1997). Both management philosophies have a different view of risk. The involvement-oriented approach views the environment as unstable and uncertain (Davis, 1997, 33). It is managed most efficiently by transferring risk to the subordinate. Risk is transferred because the principal trusts the steward will perform the assigned responsibilities (Davis, 1997). Managing risk in this uncertain and unstable environment means providing training to the subordinates, empowering and trusting the executive (Davis, 1997, 33). This trust is essentially based on the personal power of the subordinate who is recognized in his/her expertise (Davis, 1997). Therefore there is little power distance between the principal and the steward (Davis, 1997, 31). These low power distance cultures predominately have decentralized organizational structures and much consultation in decision-making (Davis, 1997, 36). It helps establish a collective culture. In steward-principal relations group membership is an important source of identity. Success is collective and interaction is aimed at harmonization and mutual agreement, avoiding conflict and confrontation (Davis, 1997, 34). Long-term relationships are more supportive of this collective culture.

In a stewardship relationship executives will use discretion to the advantage of the

organization and the principles.

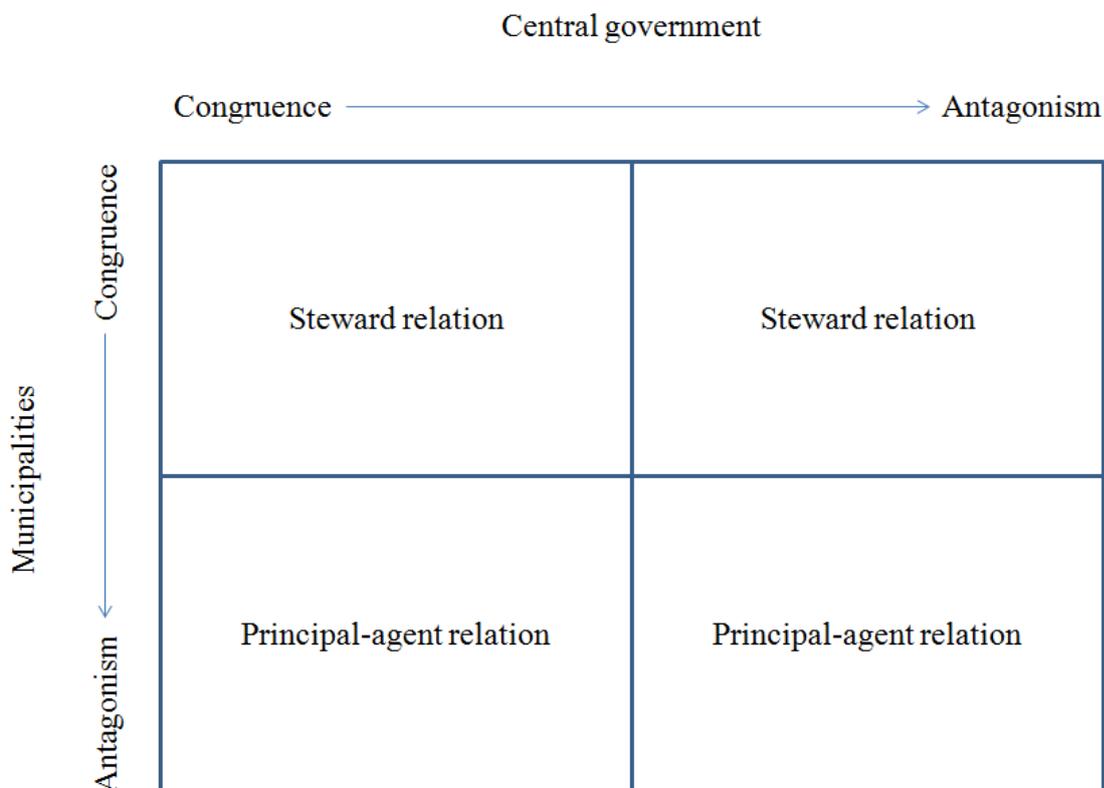
Figure 3: binary opposition's principal-agent relation and stewardship relation

Principal-agent relation	Stewardship relation
Goal divergence	Goal alignment
Pursuit of self-interest	Pursuit of collective interest
Extrinsic motivation	Intrinsic motivation
Programmability of task	No programmability of task
Measurability of outcome	No measurability of outcome
Orientation on risk –stable environment	Risk-unstable environment
Control oriented approach	Involvement oriented approach
Culture of individualism	Culture of collectivism
Short-term relation	Long-term relation

3.6 Conclusion on the first theory

The central object of investigation in this first part of my theoretical framework was the relationship between the principal and the agent, metaphorically described as being a contract (Eisenhardt, 1989, p. 58). Both parties must decide on whether to adopt a principal-agent relationships or a stewardship relation (see figure 4). Their choice is depended on their psychological motivations and their perceptions of the situation (Davis, 1997, p 43). The most effective relations will exist when both parties have chosen to adopt the same type of relation. We can describe their views in detail by elaborating on the before characteristics (see figure 3).

Figure 4: Role perceptions



3.7 Introduction to street level bureaucracy theory

We can distinguish written policy from the policy that is performed. In practice, the outcome of a policy always differs from the policy design. Researchers have extensively debated whether correct implementation of policy is possible, impossible or under which conditions it will be most likely to occur.

In this part of the theoretical framework I will focus on the civil servants of the municipalities that will have the authority to execute the Environmental Planning Act. They can be regarded as mere executioners or as policy makers themselves. Given the high degrees of discretion and relative autonomy street level bureaucrats have an important moderating (or influencing) position. Citizens will experience the policy first handedly through their contact with street level bureaucrats. The

individual actions of these street level bureaucrats will therefore add up to agency behavior (Lipsky, pp 12-13). In this thesis the expectations of civil servants from the Dutch municipalities are of vital importance. Studying these expectations from a street-level bureaucracy perspective will enable a prediction on future discretionary effects.

3.8 Street level bureaucracy perspective

Lipsky developed a theory on the work of 'street level bureaucrats'. He defined street level bureaucrats as: '*public service employment of a certain sort, performed under certain conditions*'. Or more specific: '*street level bureaucrats interact with citizens in the course of their job and have discretion in exercising authority, in addition, they cannot do the job accordingly to ideal conceptions of practice because of the limitations of the work structures*' (Lipsky, preface XVII). Lipsky adopts a bottom-up approach and argues that policy is really made at the local level. This can be derived from his central argument: '*the decisions of street – level bureaucrats, the routines they establish and the devices they invent to cope with uncertainties and work pressures effectively become the public policies they carry out*' (Lipsky, preface XIII).

Street-level bureaucrats are civil servants who have direct contact with the customer and enjoy discretion in the execution of their appointed tasks and powers (Lipsky, 1985). This customer is either a civilian or a company. Street level bureaucrats have some measure of autonomy in doing their job and are pressured to decide in the face of complex and unanticipated situations (Resodihardjo, lecture, 2012). Their working conditions often encompass nuanced and emotional problems and considerations. The decision making is therefore often complex and could have political consequences (Resodihardjo, lecture, 2012).

Street level bureaucrats meet demanding working conditions (see figure 5). There are insufficient means: a lack of time, funds and capacity (Lipsky, 1985). Meanwhile the demand for public services is ever increasing and overtakes the supply. The organizational goals are ambiguous, vague and conflicting (Resodihardjo, lecture, 2012). Customer goals often do not collide with societal goals, or with the organizational goals. Goal achievement is hard, if not impossible, for the street level bureaucrats (Lipsky, 1985). Correspondingly, their functioning is very hard to measure given the multitude of goals and variables and the granted autonomy and discretionary space (Resodihardjo, lecture, 2012). Street level bureaucrats are given wide discretion to resolve these paradoxes but also bring their personal goals into this dilemma (Resodihardjo, lecture, 2012). The work of slb'er is problematized by the incompatible expectations that people have of them (Resodihardjo, lecture, 2012). The work of street level bureaucrats demands a high level of professionalism. However, this is often insufficiently supported by training and education. Moreover, sometimes specialists even end up doing administrative work (Resodihardjo, lecture, 2012).

In response to their working conditions street level bureaucrats have developed certain working patterns (Resodihardjo, lecture, 2012). For example: the rationing of public services. Given

the limited amount of time, little information and psychological costs of work street-level bureaucrats can introduce a queue or send unwilling or undeserving clients to other organizations (Lipsky, 1985). Furthermore, street-level bureaucrats can control the customer to reduce uncertainty. They can use tactics of location, isolation, installing procedure, interaction and requirement (Resodihardjo, lecture, 2012). A third working pattern is the hoarding of resources. Street level bureaucrats screen customers and spend their resources critically. Fourthly, street level bureaucrats install routines to guarantee a similar output, creating legitimacy to act rigid and pursue equal treatment (Resodihardjo, lecture, 2012). Lastly, street level bureaucrats lower their own and others' expectations as they gradually move from optimistic attitudes towards cynical attitudes (Resodihardjo lecture, 2012).

Figure 5: Executive problems

Constraints	Patterns of Agency Behavior
Resources	Develop patterns of practice, simplicification and routinization
Demand	Modify the conception of the job
Uncertainty	Modify the concept of raw materials
Performance measurement	
Non-voluntary clients	

3.9 Conclusion

In this chapter I have raised the following sub-question: *what prevents municipalities and their civil servants from executing these tasks in ideal terms?* I will briefly summarize the answer.

The EPA is '*een wet in algemene zin*' which allocates tasks and powers to the municipal organization. They will govern in free joint administration. The legislator has provided municipalities with the discretion to make normative decisions of a lower order and apply it to individual or concrete cases. They can write degrees which hold public legal acts of general application (such as '*het omgevingsplan*') or of individual and concrete nature (such as a license). The municipalities have precise executive and legislative tasks which determine the policy outcome.

However, in science there is the dominant belief that this policy outcome will always differ from the policy design. The executive behavior of municipalities and their civil servants are to be blamed for this discrepancy. They have an important moderating function and the increase of discretion and autonomy only strengthens its potential. Therefore I research the expectations of municipalities on their future behavior and the likely policy outcome in order to advice central government on the likelihood of proper execution. Moreover, I want to provide insight in which manner the policy design can be expected to differ from the policy outcome.

This difference can be explained by studying the difference in orientation of central government and the municipalities on their relationship. The decentralization of tasks and powers in the EPA will alter this relation. Proper execution of the EPA will become much more likely when both parties adopt the same role perception. Furthermore, the difference between policy design and policy outcome can be also explained by studying the work structures that limit municipalities and their civil servants from doing their jobs in ideal terms.

I have learned from academic theory that correct policy implementation is nearly impossible. However, it is something we should strive for. I am interested under which conditions the chance of proper implementation would increase or decrease. I have identified two conditions that might reduce or enhance the correct implementation and proper execution of the EPA. (1) Congruence or antagonism in role perception between central government and the Dutch municipalities. (2) Limiting work structures within the municipal organization that could obstruct proper execution.

Chapter 4: Methodology

In this chapter I will explain the adopted methodology and operationalize theoretical concepts. I will address the following sub question: *how could this difference between policy design and policy outcome best be researched?*

Firstly, I will elaborate on the qualitative nature of my research. Secondly, I will explain the choices that resulted in a multiple case study design and a deductive approach of research. Thirdly, I will present why the methods of document analysis and semi-structured interviews were most suiting for this research design and how they were used during the research. Moreover, I will explain which data I have tried to collect. Fourthly, I will legitimize the multiple cases that I focused on. Fifthly, I will explain my strategy or approach of gathering data (sampling). Throughout this chapter I will try to defend my methodological choices and be critical to shortcomings at the same time. Critical reflection on the reliability and validity of this research are interwoven throughout the chapter.

4.1 Qualitative research

In this research I conducted qualitative research. This logically follows out of my research question. I studied which (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented. I engaged in ‘*ex-ante evaluation*’ of the EPA. There was no quantitative data available because I study potential future effects.

In order to answer my research question two possibilities of research remained: literature study and qualitative research. It was possible to conduct literature study. One can look for similar cases or general knowledge on implementation trajectories by conducting a literature study. However, the EPA is a legislative change that is comparable but also unique in many aspects. Therefore, literature study alone will not suffice. Hence, I complemented literature study with qualitative research. Experts on both sides of the spectrum (central government- municipalities) were asked to respond on what they think would be the likely effects of the increase in discretion in the EPA.

Qualitative research consists of all types of research that collects and interpretes lingual material (Bleijenbergh, 2013). On the basis of this material it makes statements on social phemonena that are manifesting in reality (Bleijenbergh, 2013, p 10). Among others, we distinguish the following approaches to qualitative research: discourse analysis, phemenonlogy, grounded theory, ethnography, and case study (Schapendonck, lecture, 2014). Some approaches to qualitative research are more common to specific scientific disciplines than others. For instance, in public administration a researcher would rather engage in case study than in ethnography.

4.2 Multiple case study

In this research I conducted multiple case studies. Case study research can be defined as: *'studies in which the researcher explores a single entity or phenomenon (the case), bounded by the time and activity (a programme, event, process, institution, or social group) and collects detailed information by using a variety of data-collecting procedures during a sustained period of time'* (Cresswell, as cited in Verschuren, 2010, p 122). In this kind of research one will study a social phenomenon by looking at one or multiple carriers that host the phenomenon in its natural environment over a determined period of time, with the use of diverse data sources (Swanborn, as cited in Bleijenbergh, 2013).

In this research multiple case-study will be more appropriate than single case study. When I research the expectations of multiple Dutch municipalities, I have a better chance of obtaining a proper and nuanced view on which (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented. Multiple case study is very useful for describing patterns of a social phenomenon and testing them to theory (Bleijenbergh, 2013). Differences in patterns can easily be described by elaborating on the characteristics of specific cases, so that one can predict likely outcomes, interpret certain patterns or evaluate interventions (Bleijenbergh, 2013). Furthermore, the researcher can formulate an advice on a (changing) social phenomenon (Bleijenbergh, lecture, 2013).

A research can either try to build theory on a social phenomena or test existing theory in practice (Bleijenbergh, 2013). When one wishes to build theory he/she will adopt an inductive approach. In this case, one extracts knowledge from empiricism and formulates a theory (Bleijenbergh, 2013). When one wishes to test theory he/she will adopt a deductive approach. In this case, one departs from theory, operationalizes it and compares it with empiricism (Bleijenbergh, 2013). In this thesis I will engage in policy evaluation of the ex-ante type. Evaluation will always be done on the basis of criteria. Therefore I will first have to develop theoretical assumptions. In this thesis I adopt a deductive approach.

I will engage in multiple case studies and deductive research in order to evaluate which (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented.

4.3 Methods

The absence of quantitative data prevents me from using mixed methods. However, case study research still provides the opportunity to gather data through various methods. It combines open interviews, participatory observation and document analysis (Bleijenbergh, 2013, p 32). Verschuren & Doorewaard (2007) state that the researcher can use persons, social situations, documents and media as an empirical source. In my thesis I will combine document analysis with expert interviews. I did not engage in participatory observation because many civil servants of Dutch municipalities are still unaware or modestly informed about the Environmental Planning Act. It was no topic of conversation

yet in meetings or in the corridors of city hall. There was therefore little added value in conducting participatory observation.

4.4 Document analysis

Document analysis is especially useful for gathering inside information on a specific aspect of the social reality within an organization (Bleijenbergh, lecture, 2013). It can help create understanding on how people think, which goals they set and how an organization can be expected to develop during a specific period of time (Bleijenbergh, 2013, p 47). Organizations are document producing communities (Bleijenbergh, 2013). By studying e-mails, memos, strategy documents, or minutes the researcher can develop an understanding of social reality and social phenomena. This understanding is developed on the basis of 'secondary sources'. In this research I will study the documents that the Ministry of Infrastructure and Environment produced on the EPA and the decentralization of tasks and powers. Eventually, I will combine these secondary sources with primary sources, interviews and less likely participatory observations (Bleijenbergh, 2013, p 47).

Bleijenbergh argues that documents are the best sources to reconstruct organizational change over time (Bleijenbergh, 2013, p 47). However, at the municipal level change has not manifested yet. The EPA will not be implemented before 2018. Nevertheless, central government has envisioned change and designed policy. Their thoughts have been laid down in documents. Document analysis will therefore primarily cover the perceptions of central government.

Documents can either be public, private or only accessible with permission (Bleijenbergh, 2013, p 47). My internship position at the Ministry of Infrastructure and Environment secured access to inside information and private documents. For example, I could view the '*Memorie van Toelichting*' of the EPA under strict confidentiality. It is important to notify that all documents in master thesis were handed to me at the Ministry or have been personally retrieved from its internal databank. Therefore, we need to be aware of the possibility of bias.

I selected documents on the following criteria: content, interdependence, domain, period, involved actors and medium (Bleijenbergh, lecture, 2013). In short, the content of the document had to be consistent with the research interest or should serve as necessary and relevant background material. They all need to address the domain of public administration, focusing mainly on the period of implementation. Moreover, the documents should bring together the views of relevant actors. The opinion of central government alone was not sufficient to make a document relevant. Documents that brought together the views of central government and municipalities are preferred (Van der Lee, lecture, 2013).

I have selected three types of documents (see figure 6). First of all, I distinguished legislative documents like the '*Memorie van Toelichting*' and the '*Artikelgewijze Toelichting*' of the EPA. These documents explained the policy design and elaborate on the envisioned (discretionary) effects of the EPA (at the municipal level). Secondly, I distinguished official documents that have been published by

political or social stakeholders. For example, it contained the advice of the council of state and an advisory of the consultancy agency King on the implementation of the EPA. Thirdly, I distinguished public documents that have been published by the Ministry of Infrastructure and Environment. It contains of information brochures, websites and other forms of publications. This document analysis will try to illuminate the opinions of central government that underlie the EPA. Whereas, semi-structured interviews will expose the municipal expectations on the EPA.

Figure 6. Document Analysis

Type of document	Name of document
Legislation	Memorie van Toelichting
	Artikelsgewijze Toelichting
Official documents	Advies van Raad van State
	Verkenning van de Implementatie, King
	Koersdocument
	Kamerstukken
Public documents	Information brochures.
	Websites, pleio

4.5 Semi-structured interviews

I will gather qualitative data by conducting several interviews. Civil servants from the Dutch Municipalities are asked to reflect on potential (positive and negative) discretionary effects of the Environmental Planning Act. These effects can only manifest by their future decisions. Their critical and honest opinions will be the most accurate predictions that can be made at this point in time on the future effects of the EPA.

When conducting interviews we can roughly distinguish two types: open interviews and closed interviews (Bleienbergh, 2013). Boeije argues that interviews that are conducted in organizations are almost exclusively open interviews (Bleijnberg, as cited in Boeije, 2005). Closed interviews have a firm predetermined categorization of answering. They are common when conducting a survey. In this research I will conduct open interviews because the expectations of central government and the municipalities, on potential future effects of discretion, cannot be narrowed down into predetermined categorizations of answering. They deserve a design that ensures the representation of various expectations and experiences.

There are two types of open interviews: the semi-structured interview and the unstructured

interview (Bleijenbergh, 2013). An unstructured interview will completely go with the flow, centering the story of the respondent (Bleijenbergh, 2013). The researcher will have no or little predetermined questions and no structure of questioning. In my opinion, this type is most suiting to an inductive research approach. Semi-structured interviews are a better fit with my research design. Moreover, some generalizability is necessary for developing conclusions. My questionnaire will therefore be somewhat predetermined. I installed an order in the questionnaire, but it might change a little during the conversation. When all respondents answer the same questions it will increase the reliability of my research. However, if I do not leave enough room for deviance in the questionnaire it can negatively influence the validity of the research (Bleijenbergh, 2013, p 65). I will therefore allow some deviance but it should not take the upper hand. However, there is great subjectivity in this judgment. This research will not be free from bias. For example, I expect that my internship at the Ministry of Infrastructure and Environment has influenced my presumptions. Furthermore, I will ask follow-up questions when a respondent has insufficiently answer the question. The questionnaire can be consulted in annex nr. 2. The first and the second block of questions are constructed to research dimension one: the institutional level (see figure 7). The third and fourth block of questions are constructed to research dimension two: the executive level (see figure 7). This documentation should increase the reliability of this research (Zwieten & Willems, 2004).

The interviews will last an hour and will be recorded. This will increase the reliability of the research (Boeije, 2013). Moreover, I have written down reflective remarks during this research, so that I can determine how my own opinion and attitudes have changed throughout this research. Furthermore, I have practiced the interview once before I began the interview sessions. All has been done to improve the reliability of my research. I have chosen to conduct multiple interviews but the total amount was not predetermined. I conducted interviews at six municipalities before I had the feeling that I reached the bottom. During the interview sessions I mainly focused on the conversation. I tried to make notes on body language and the environment but this has proven to be too difficult when conducting an interview alone. Therefore I must be critical and state that there are little reliable notes on body language and the environment. This will decrease the validity of the research.

De Vries argued that the extent to which an interview is preorganized can vary across a spectrum from structured to open interview (Vries, lecture, 2014). My questionnaire is somewhat predetermined, but I have tried to centralize the thoughts of the respondents. In order to facilitate this the questions are consciously more abstract. It will provide room for their interpretation of discretionary problems and opportunities. At the start of every interview, I clarified to the respondent how I came into contact. Moreover, I summarized my research design and highlighted the importance of linking up their answers to the increase of discretionary power. Furthermore, I promised all respondents the transcripts and results of this research. They expressed interest in the experiences and expectations of other municipalities.

4.6 Selection of cases

In the Netherlands there are currently 403 municipal organizations (CBS, 2014). In my research I have decided to focus on the municipalities of Amsterdam, Rotterdam, Nijmegen, Assen and Almere. These cases were selected mainly out of practical consideration. The EPA is a new bill that has not yet reached the implementation trajectory. Many municipalities were unaware of or knew little about the legislation changes. I therefore needed to select municipalities who already developed expectations, experience and knowledge of the EPA. For this reason I focussed on the bigger municipal organizations in the Netherlands.

The Ministry of Infrastructure and Environment argues that the EPA will grant the required flexibility to cities that will revitalize their construction projects. Increasing discretionary power at the municipal level should stimulate social entrepreneurship. Municipalities are invited to experiment with these flexibility measures under ministerial supervision in the '*Crisis en Herstelwet*'. The municipalities of Amsterdam, Rotterdam, Nijmegen, Assen and Almere engaged in experimentation or were included in structural platform meetings. More importantly, there were frequently updated on developments in the EPA. Therefore these municipalities could develop expectations of the EPA. Furthermore, central government a response of these municipalities on the consultation version of the bill. The contacts were established and I could easily arrange interviews at knowledgeable municipalities.

4.7 Selection of respondents

All respondents were preferred to be of middle-age. In my opinion it would be favourable if the respondents would have experience with discretionary judgement and legislative trajectories. All respondents experienced previous reforms, such as the WRO, WABO and VTH. These are the bills that the EPA was essentially built on. Moreover, it would be preferable that the respondent does not retire anytime soon. As a result he or she will have an interest in the policy outcome of the EPA. The respondent will be asked to characterize (their) likely future behavior. All respondents will receive executive and legislative tasks as a result of the implementation of the EPA. Civil servant who grants or deny licences will be most fitting street-level bureaucracy criteria. Moreover, their work will be severely affected by the EPA. However, these civil servants often had little expectations of the EPA. Therefore I mainly interviewed civil servants who coordinated and informed their municipal organizations on the EPA. However, many of these respondents also had experience either in licensing or in the construction of '*bestemmingsplannen*'. Most discretionary power will be assigned to the licensing trajectory and the construction of '*het omgevingsplan*'. I am therefore convinced that the selected respondents can adequately answer the questionnaire. However, I must place a critical remark. At the Ministry of Infrastructure and Environment, I obtained an informal contact list of correspondents at the Dutch municipalities. In all cases, these persons arranged the meeting with themselves or their colleagues. This strategy is called snowball- sampling.

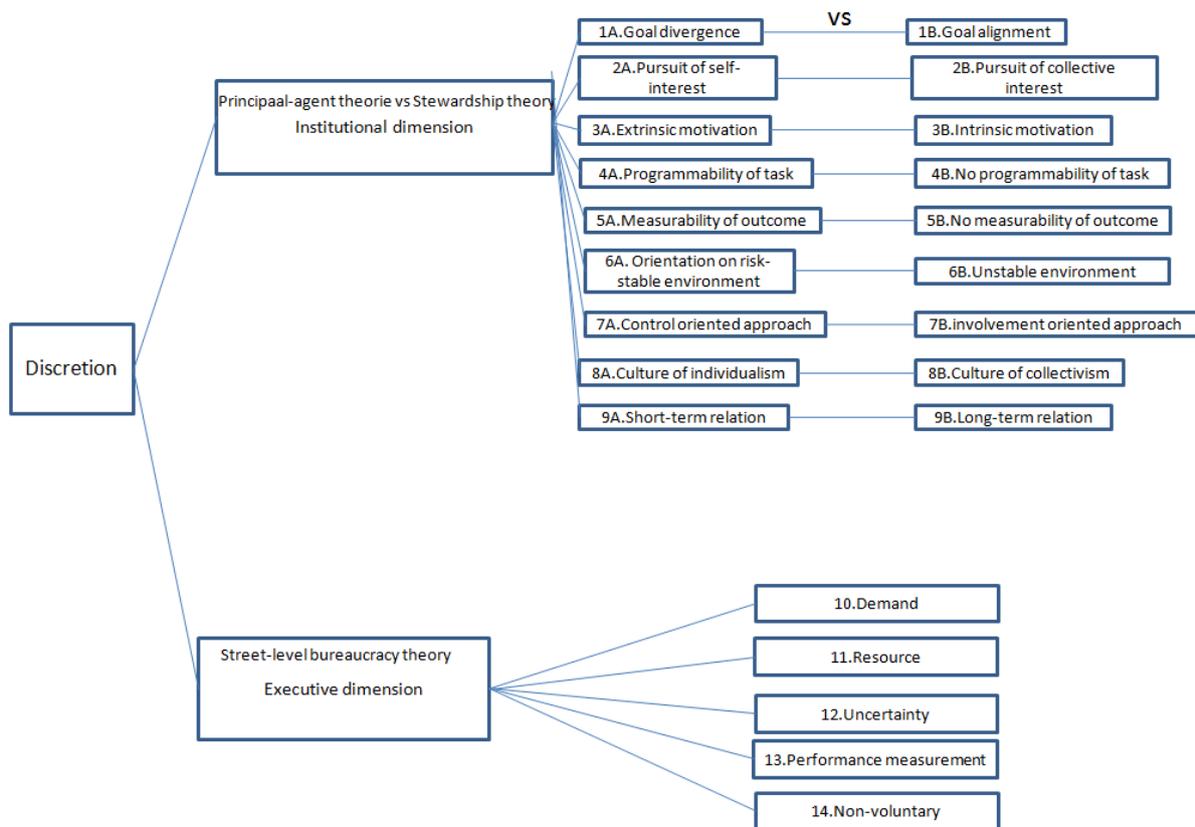
Nevertheless, there were some criteria for the selection of respondents: content, strategy, snowball, proximity, period, and involved actors (Bleijenbergh, lecture, 2013). The criteria content demands that the respondent is the right guy to ask questions, he/she should be knowledgeable on the matter (Bleijenbergh, lecture, 2013). I spoke with knowledgeable respondents who would experience the decentralization of executive and legislative tasks and discretionary power. The criteria strategy requires that a personal should grant access to information (Bleijenbergh, lecture, 2013). All respondents were cooperative and expressed interest in this research and the experience of other municipalities. They granted access to their municipal organization. The criteria of snowball prescribed reference to information or other respondents (Bleijenbergh, lecture, 2013). During the interviews the respondent and researcher both made references to obtained experiences and information. The criteria of proximity demands that the respondents could also inform about someone else (Bleijenbergh, lecture, 2013). Many of my respondents occupied coordinative functions and informed their colleagues on the legislative changes. The criteria period requires that the respondent was present at 'the right period of time' (Bleijenbergh, lecture, 2013). All respondents have worked at the municipality for quite some time and will likely continue to do so in the years to come. Finally, the criteria involved actors demands that the respondents represents a specific party in your research domain (Bleijenbergh, lecture, 2013). Hence, my respondents were civil servants at Dutch municipalities who work in street-level bureaucrat setting.

4.8.1 Operationalization

I will operationalize two theories in order to answer the following research question: *what (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented?*

With document analysis and interview sessions I have gathered textual material. This material will be interpreted deductively with the help of a coding tree (see figure nr 7). Theory will be operationalized. When doing so, fragments of text will be labeled with codes. I will do this manually (see annex nr 1). I am now able to interpret or analyze this textual material. Likely discretionary effects will be researched on two levels: the institutional level and the executive level.

Figure 7. Code tree.



4.8.2 The institutional level

On the institutional level the relation between central government and municipalities is researched. The comparison between principal-agent theory and stewardship theory has resulted in a theoretical framework of nine binary oppositions. With this framework we can determine which game both actors play. I will contrast the role perception of central government with the role perception of the municipalities. I will integrate the role perceptions of the five municipal cases into one general role perception of the Dutch municipalities. When doing so, I will carefully reflect on the limitations of this generalization. The most effective relations will exist when both parties have chosen to adopt the same type of relation. Document analysis will present how central government views their future relation with the municipalities. Semi-structured interviews will determine how the municipalities view their future relation with central government.

Central government has laid down its position and vision, concerning the nine binary oppositions, in the ‘*Memorie van Toelichting*’ of the EPA. This document is of primary importance. The other documents are of additional value. In the following chapter I will briefly summarize the role perceptions of central government. I will use the coding tree to select fragments of texts out of the ‘*Memorie van Toelichting*’ and additional documents. Municipalities are questioned in interview sessions on their position and vision concerning the nine binary oppositions. These binary oppositions are covered abstractly. I have constructed a questionnaire that centers the municipal perceptions on the

EPA, so that when civil servants answer these questions they immediately illustrate their underlying role perceptions. For example, when I asked: ‘*Welke incentives hebben gemeenten eigenlijk om te werken volgens de geest van de Omgevingswet*’? Respondents will likely highlight their motivation. I can subsequently interpret these motivations as belonging to the indicator's extrinsic motivation or intrinsic motivation. When I would ask this question more directly there is a greater danger of respondents trying to be politically correct. However, this abstract questioning is also a result of some debatable choices. I prematurely conducted interviews because of time constraints, since many respondents would be away during the holiday break. As a result, indicators were perhaps still insufficiently operationalized into useful labels. For this reason I also adopted a more abstract or open method of questioning that would at least cover all the indicators. It is a strength that respondents were less guided by overly structured questioning, but the interpretation becomes more subjective. The validity of this research decreases. Annex nr. 2 present an overview of how the questions cover the indicators. Moreover, the process of coding is made visible in annex nr 1. Making this deductive coding visible will decrease the subjectivity and increase the reliability of this research.

4.8.3 The executive level

On the executive level the potential future problems, resulting from the increase in discretion, are researched. I will operationalize five problems that can traditionally occur in street-level bureaucracies when tasks and powers are executed under the conditions of wide discretionary power and relative autonomy of street-level executive personnel. I am curious to see whether civil servants who work in street-level settings at the Dutch municipalities also expect these problems to manifest. The Environmental Planning Act increases discretionary power, but will executive problems also be more likely to occur? Document analysis will not play a role in my research at the executive level. Interviews will essentially question the expectations of municipalities on likely (positive and negative) future effects of the increase in discretion. Respondents are asked to reflect on the likely future impact of the EPA on the municipal organization. Sometimes they are more directly asked if problems are likely to occur, but more preferably they are somewhat guided or rather triggered by the questions to reflect on likely future problems. I do not wish determine in advance that these problems are all the problems that can occur. Therefore my questionnaire does not reflect this rigidity. For example, I decided not to directly ask whether municipalities will adopt routines to cope with uncertainty and work pressures but rather questioned how the EPA and increased discretion would affect or change their working patterns. In annex nr. 2 an overview is given on how questions cover indicators. The results will be presented per item or per case.

4.8.4 Empirical approach

In the next paragraph I will show how the different theoretical concepts will be put into operation. However, I will already provide some explanation in advance.

I have distilled nine binary oppositions from principal-agent theory and stewardship theory. The opinion of central government on these indicators has been laid down in the EPA. Hence, I will interpret this bill and determine the role perception of central government. On some indicators their opinion is clearer than on others. For example, the goals of the EPA and the plea for goal alignment are formulated quite literally. However, the orientation of central government on the risk environment is formulated less literally and requires more interpretation. As a result of this interpretation the reliability of this research will decrease. There is a chance that another researcher might interpret the bill differently. Therefore there are limits to the replicability of this research (Zwieten & Willems, 2014). Moreover, some theoretical concepts in this research cannot be observed on itself. For example, the pursuit of self-interest or collective-interest becomes observable when it is expressed in opinion, attitude or behavior. As a result of this approach the validity will decrease. In the next paragraph I have concretized per indicator what has to be observed in order to speak of: (for example) a 'pursuit of self-interest or a pursuit of collective interest'.

I think some subjectivity is unavoidable when one engages in ex-ante evaluation. Normally principal-agent theory and stewardship theory address the actual behavior of the agent. However, the EPA will not be implemented before 2018. I have therefore researched the desired behavior of the agent as described by central government in the policy design, and the expected future behavior of the agent as described by the municipalities in interview sessions. These expectations are more 'obscure' and less observable than actual behavior.

In figure nr. 7 I have presented the theoretical labels that have been used to interpret the acquired empirical data. Annex 1 shows the process of encoding. This carefully documentation enhances the reliability of this research (Zwieten & Willems, 2014). However, there is no triangulation of methods. Many research methods were not possible to execute. For example, no participatory observation was conducted because the EPA was not yet a theme in municipal meetings or in the corridors of city hall. The lack of triangulation reduces the reliability of this research. Nevertheless, I am convinced that if another academic would follow the adopted research design he or she will arrive at similar conclusions.

Central government enunciated one unified opinion in the policy design of the EPA. However, the expectations of the researched municipalities can differ. I will generalize these expectations into general statements if the majority of the respondents of the researched municipalities share the same opinion. For example, if three out of five municipalities adopt a role perception marked by congruence I will note 'congruence' as being the dominant role perception on that specific indicator. Furthermore if five out of nine binary oppositions mark congruence I will state that central government and the municipalities have 'congruence' on the overall role perception (see figure 9 and 10 for a graphical

depiction of this approach and the results). It will be extremely important to make nuances to this generalization. Therefore I present an extensive analysis which does not only cover similarities but also emphasized the many distinctions between the expectations of respondents.

Furthermore, the indicators ten to fourteen cover municipal expectations on executive problems. In the next paragraph I have described the theoretical characteristics of these problems. The more characteristics respondents have mentioned the more likely it becomes that an executive problem will actually manifest (see annex nr. 1). I will now show how the different theoretical concepts will be put into operation (see 4.8.5. →).

4.8.5 Operationalization of theoretical concepts

Indicator 1. Goal divergence versus goal alignment.

PA-The goals of the principal and the agent diverge as a result of the agent self-interest who puts his individual's goals above the collective goals (Davis, 1997).

ST-In contrast to principal-agent theory it is stressed that the steward has clear goal alignment with the principal (Davis, 1997).

→ Interpret whether the agent is supportive of the societal goals, improvement goals, policy instruments, and '*algemene zorgplicht*' of the EPA.

Indicator 2. Pursuit of self-interest versus pursuit of collective interest.

PA-Civil servants are viewed as individuals who act on self-interest, a rational actor model, individuals or groups of persons that seek to maximize their own utility. Moreover, there is information asymmetry between the principal and the agent. The agent has inside information which the principal lacks, which will increase the opportunity for the agent to pursue his own self-interest. This creates conflicts of interests. However, these conflicts are generally viewed as constructive '*ways to work things out*' (Davis, 1997).

ST-The civil servant is not motivated by his or her individual goals but rather by the alignment of objectives with the principal. The steward is a collectivist, pro-organizational and trustworthy subordinate (Davis, 1997, p 20-21). Stewardship theory challenged research by examining the instances in which act in the best interest of the principal (Davis, 1997).

→ Interpret which measures central government takes to guarantee the pursuit of collective interest and which conflicts of interest might arise from the policy design that could initiate the pursuit of individual interest.

Indicator 3. Extrinsic motivation versus intrinsic motivation.

PA-In principal-agent theory the agent is motivated extrinsically rather than intrinsically. Closely related to reward and sanction or control mechanisms (Davis, 1997).

ST- The steward is motivated intrinsically in comparison with an agent who is motivated best

extrinsically. According to researchers the '*experiences meaningfulness of work, their responsibility for the eventual outcome and the knowledge of the actual results*' are important facets for subordinates who act in a steward-like manner (Davis, 1997, p 28). If a principal would advocate the importance or increase of skill variety, autonomy, task significance, task identity and provide feedback, then the steward was stimulated to behave in his best interest (Davis, 1997).

→ Interpret how the work of municipalities will change, if they are supportive of envisioned changes and which measures they are already taking in anticipation of the EPA. This might give insight into their motivation on future tasks.

Indicator 4. Programmability of task versus no programmability of task.

PA-In principal-agent theory there is programmability of task. Programmability of task will be defined as: '*the degree to which appropriate behavior by the agent can be specified in advance*' (Eisenhardt, 1989, p 62). When there is a programmability of task the behavior of the agent is measured easily. According to PA theory there is a: '*trade-off between the costs of measuring behavior and the cost of measuring outcomes and transferring risk to the agent*' (Eisenhardt, 1989, p 61).

ST- In stewardship theory there is no programmability of task. The increase of professionalism and autonomy usually betrays the great complexity of work the executive service faces. This will mean that there is little programmability of task in a principal- steward relation. The appropriate behavior of the steward cannot be specified in advance (Eisenhardt, 1989). The work and working conditions of the executive service is complex and the outcome is difficult to measure.

→ Determine whether the policy design specifies agent behavior and interpret if and how municipalities expect their work to change.

Indicator 5. Measurability of outcome no measurability of outcome.

PA- Principal agent theory explains the condition under which to determine to contract behavior or outcome. Measurement by contract becomes attractive under '*varying levels of outcome uncertainty, risk aversion, information asymmetry and other variables described here below*' (Eisenhardt, 1989, p 60). In a simple case of complete behavior a contract on behavior is most efficient. However, it could well be that the principal has little insight in the work of the agent, and when there is also goal conflict we speak of an agency problem (Eisenhardt, 1989, p 61). There is a risk of moral hazard: the agent displays a lack of effort. Adverse selection is when, upon hiring, the principal cannot verify the competences of the agent. As a response the principal can set up '*information systems, budgeting systems, reporting procedures, boards of directors and additional layers of managers*' (Eisenhardt, 1989, p 61), or the principal could set up a outcome contract on the agent's behavior, ensuring the alignment of goals (Eisenhardt, 1989, p 61). However, work can be complex, demand a long time to complete or encompass collaborative effort (Eisenhardt, 1989, p 61). In this situation it is hard to set up outcome contracts. It is often both difficult and expensive for the principal to verify the behavior of

the agent (Eisenhardt, 1989, p 58). This attitude shows us an underlying orientation and risk and outcome uncertainty. Risk is there to be controlled. Principal-agent theory adopts a control-oriented approach (Davis, 1997).

ST- Stewardship theory is based on an involvement-oriented approach of management. The behavior of the steward needs less hierarchical control, self-management and self-control are ways to go about it (Davis, 1997, p 32-33). The basis of mutual responsibility in risk is also an important facet.

Moreover, the performance of a steward is heavily influenced by its surroundings or situation (Davis, 1997, p 25).

→ Determine how the measurement of the agent is arranged in the policy design and interpret how municipalities expect their measurement to change.

Indicator 6. Risk stable environment versus risk unstable environment.

PA- In a stable environment the control-oriented approach functions best (Davis, 1997, p 33). When encountering risk there will be a response of the principal of stricter control mechanisms. The general orientation on risk and outcome uncertainty is that it needs to be controlled (Davis, 1997).

ST- In an unstable environment the involvement-oriented approach functions best (Davis, 1997, p 33). When encountering risk the principal is wise to transfer the risk to the agent. Risk is transferred as the principal trusts the steward is best up to the task of performing assigned responsibilities. There is often more emphasis on long-term effectiveness (Davis, 1997).

→ Interpret which orientation on risk is laid down in the policy design and interpret how municipalities believe their risk environment will alter as a consequence of the EPA.

Indicator 7. Control oriented approach versus involvement oriented approach.

PA- The transfer of tasks and powers alters the division of risks, even in a predominantly stable environment, these risks should be guarded. *According to agency theory, losses to the principal resulting from interest divergence may be curbed by imposing control structures upon the agent* (Davis, 1997, p 20). The principal can tackle the potential for conflict by setting up measures like incentives, sanctioning, information systems and monitoring (Van Slyke, 2006, p. 162). The principal can only manage the contract by managing the people who execute appointed tasks. Dealing with uncertainty therefore means greater control in a context of high power distance (Davis, 1997).

ST- Underlying the stewardship theory is the management philosophy called the involvement-oriented approach. This approach emphasizes that when subordinates *'are given responsibilities and challenges they will develop mechanisms for controlling their own behavior'* (Davis, 1997, p 32-33). Managing risk in this uncertain unstable environment means providing training to the subordinates, empowering them and ultimately putting trust in your executives (Davis, 1997, 33). Trust is essentially grounded on the personal power of the executive being an expert. Providing the agent with an increase in autonomy and discretionary power will motivate the steward in an intrinsic manner (Van Slyke, 2006).

→ Determine which management approach is adopted in the policy design and interpret how municipalities expect to be measured, monitored, and controlled.

Indicator 8. Culture of individuals versus culture of collectivism.

PA-The goals of the principal and the agent diverge as a result of the agent's self-interest, which puts his individual's goals above the collective goals. There is a culture of individualism (Davis, 1997).

ST-Low power distances cultures predominately have decentralized organizational structures with many consultation in decision-making (Davis, 1997, 36). '*Power distance is generally defined as 'the extent to which less powerful members of institutions and organizations within a country expect and accept that power is distributed unequally (Hofstede, 1991, 28)'*' (Davis, 1997, 35). In a steward-principal relation there is a collective culture and group membership is an important source of identity. Success is collective and interaction is aimed at harmonization and mutual agreement, avoiding conflict and confrontation (Davis, 1997, 34). Long-term relationships are more supportive for a collective culture (Davis, 1997).

→ Determine which kind of culture the policy design evokes and interpret which culture municipalities deem likely to appear.

Indicator 9. Short-term relation versus long-term relation.

PA- The relation is more often a short-term relation than a long-term relation, increasing the need for controlling the relation. The transaction is often a cost-benefit analysis that is short-term oriented and on which both parties agree (Davis, 1997).

ST-Group membership is an important source of identity. Success is collective and interaction is aimed at harmonization and mutual agreement, avoiding conflict and confrontation (Davis, 1997, 34). Long-term relationships are more supportive for a collective culture. Both principal and agent prefer to 'get to know' each other before the transaction will occur (Davis, 1997, 35). Both parties invest in the development of trustworthy relationships (Van Slyke, 2006, p 166). Slyke calls it: '*negotiated relationships*' (Van Slyke, 2006, p 184). '*The assumptions of stewardship theory are that long-term contractual relations are developed based on trust, reputation, collective goals, and involvement where alignment is an outcome that results from relational reciprocity*' (Van Slyke, 2006, p 164).

→ Determine which type of relation the policy design and transaction reflects and interpret if municipalities deem it likely that this type of relation will actually develop.

In this part we will reflect on the work structures and circumstances which characterize the public service employment of street-level bureaucrats. They cannot do their jobs according to the ideal conceptions of practice which are laid down in the Environmental Planning Act because of limitations in work structures (Lipsky, 1985, preface XIII). They distinguish the following characteristics of the work of street-level bureaucrats.

Indicator 10. Demand.

Lipsky stated that the demand for public services will tend to exceed the supply (Lipsky, 1985, p 33). It seems that the *'perceived availability of services pulls demand, not the other way around'* (Lipsky, 1985, p 33). Moreover, this demand is highly unpredictable. Lipsky states that when a new piece of legislation requires implementation this could also lead to a surge in demand. Street-level bureaucracies will need backup capacity to respond in these cases. However, when handling the total demand they could also link up with other agencies thus preventing the depletion of resources. In street-level settings the civil servant is pressured by high case loads and quick decision-making (Lipsky, 1985).

Service programs can influence and manipulate demand by changing the nature, physical location or provided public information of the program (Lipsky, 1985, p 35). Moreover, they can increase the predictability of the demand by (1) developing patterns of practice, such as installing job routines, introducing procedures and gradual standardization. (2) The rationing of services or by (3) imposing costs on clients for seeking services. (4) Moreover, they can reduce the services geographically and (5) develop devices (Lipsky, 1985). Nevertheless, this management of the demand is only possible to some extent. The bottom line is that executing the job in ideal terms is possible (Lipsky, 1985, p 82). The civil servant will experience the pressing burden of work but the clients will *'bear the cost of agencies which are unable to meet demand'* (Lipsky, 1985, p 37).

The behavior of street-level bureaucrats has the following impact on the demand of clients. (1) Developing a pattern of practice tries to stimulate the compliance with procedures of clients and job routines limit the demand of clients on the system. (2) The rationing of services regulates the total amount of available services and its distribution. (3) Costs on clients are imposed to decrease demand by manipulating the available information on the service or introducing psychological costs, such as waiting lists and requirements in documentation. (4) Furthermore, the services could be reduced geographically. This could mean closing centers or selecting clients (Lipsky, 1985, p 91-104). (5) Lastly, devices could be developed to cope with demand. For example, automatic service systems could potentially decrease the demand and make it more predictable, but could in turn also lead to even higher demands of public service (Lipsky, 1985, p 224).

→ Interpret how municipalities expect that the policy design will have impact on the demand for public services. (Make use of the characteristics mentioned before).

Indicator 11. Resources

Street-level bureaucrats cannot perform according to the highest standards of decision-making because they lack the resources (Lipsky, 1985, p preface xvi). They often lack the time, information, funds, and capacity to treat every case both properly and individually (Lipsky, 1985). Street-level bureaucracies chronically experience resource constraints because demand tends to outgrow the supply (Lipsky, 1985, p 33).

The clients predominantly '*bear the cost of agencies which are unable to meet demand*' (Lipsky, 1985, p 37). For example, regarding time as a resource, clients often face long waiting lists when seeking social services. According to Lipsky time '*is often extracted from clients as a cost of service*' (Lipsky, 1985, p 89). This could be a working pattern in street-level bureaucracy to ration resources. Furthermore, it could be used strategically to decrease demand or attain more funding (Lipsky, 1985).

Hence, resource limitations of street-level bureaucracies often result in allocation decisions impose costs on clients (Lipsky, 1985). The routines that street-level bureaucrats install to ensure equality in treatment guarantee the legitimacy of the output (Resodihardjo, 2012). However, clients can enhance their influence when they have personal resources: '*money, status, information, expertise and capacity for work*' (Lipsky, 1985, p 88).

Street-level bureaucrats have developed coping mechanisms to exercise discretion and process high case loads with little resources. Shortcuts and simplifications aim to reduce the pressure of responsibilities (Lipsky, 1985, p 18). Nevertheless, tension remains between the '*high case load, the quality of work and the quality of decision-making*' (Lipsky, 1985, p 30).

Normally, street-level bureaucracies sacrifice quality to maintain quantity (Lipsky, 1985, p 178). Uncertainty in decision-making could be reduced by obtaining more information, but this costs resources. Moreover, street-level bureaucrats have less time for client processing because of additional administrative work. Hence, the resource constraints impact in various ways.

Most public policies try to increase the quality of street-level services. They have an orientation towards: '*resource management, efficiency, productivity and goal clarification*' (Lipsky, 1985, p 178). However, it has been proven hard to ensure this service quality. Proving additional resources tend to lead to: '*the reproduction of the same service quality at a higher volume*' (Lipsky, 1985, p 199), although they might decrease patterns of routinization and simplification (Lipsky, p 1985, p 20).

Street-level bureaucracies attempt to '*deploy resources more effectively or reduce the costs of work processing*' (Lipsky, 1985, p 125). However, productivity will only increase '*when costs remain the same while public services increase; when costs decline while services remain the same; or when costs increase but services increase stills more*' (1985, p 170-171). Lipsky (1985) stated that the implementation of new legislative measures often leads to an unpredictable surge in demand. Street-level bureaucracies might need to deploy reserve capacity in order to deal with this (Lipsky, 1985).

Lipsky has underlined a broad trend of specialization in social services. Street-level bureaucrats increasingly do only a part of the work with clients. It has often been proposed that subdivision in casework would increase quality levels (Lipsky, 1985). Others state that work is often done twice which is highly inefficient and costs resources (Lipsky, 1985, p 77). Moreover, street-level bureaucrats might lack personal resources for specialization. They could well be undertrained or lack experience (Lipsky, 1985, p 31).

→ Interpret if and how municipalities expect that resource constraints will limit the proper execution of their tasks. (Make use of the characteristics mentioned before).

Indicator 12. Uncertainty

Lipsky argues that *'the decisions of street-level bureaucrats the routines they establish, and devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out'* (preface xiii). Street level bureaucrats are pressured to decide in the face of complex and unanticipated situations (Lipsky as cited in Resodihardjo, 2012). With little resources they have to make frequent and rapid decisions (Lipsky, 1985). They can try to obtain more information for the decisions but this will cost resources. In short, decision-making is complex and could have political consequences (Lipsky as cited in Resodihardjo, 2012).

However, given this complexity of decision and the number of demands street-level bureaucrats can develop work patterns, routines and simplifications, to conserve resources. Moreover, it would also help *'if goals were clearer, workers could direct their energies with less ambivalence. If appropriate performance measures were available, street-level bureaucrats could be made more accountable for their behavior'* (Lipsky, 1985, p 199).

Lipsky made it clear that is hard for street-level bureaucrats to do their jobs in a proper way. He even stated that: *'some jobs cannot be done properly, given the ambiguity of goals and the technology of particular social services'* (Lipsky, 1985, p 31). What makes it so hard is that situations often encompass nuanced and emotional problems and considerations (Lipsky as cited in Resodihardjo, 2012). Moreover, street-level bureaucrats tend to experience work situations as individuals. As a result they often experience profound stress and pressure. The scrutiny of authorities aggravates this (see indicator 14) (Lipsky, 1985).

Moreover, uncertainty is also produced by conflicting and ambiguous goals which unevenly guide work (Lipsky, 1985, p 81). This ambiguity imposes psychological pressure on the street-level bureaucrat. However, it is hard to make such goals since: *'street-level bureaucrats often work in situations too complicated to reduce to programmatic formats'* (Lipsky, 1985, p 15). Their work also requires a response to a human dimension which is highly heterogeneous in appearance. Therefore, another working pattern to reduce uncertainty is controlling the client (Lipsky as cited in Resodihardjo, 2012). Street-level bureaucrats could use several tactics like: *'location (emphasize client's subordination), isolation, install procedures, customer must come to the organization instead of the opposite, interaction severely preordained and structured or by punishment'* (Lipsky as cited in Resodihardjo, 2012). However, street-level bureaucracies can also decide to extend the control of clients over complex systems and facilities in order to centralize them in street-level bureaucrats' tasks (Lipsky, 1985, p 196).

→ Interpret if and how municipalities expect that the policy design will cause uncertainty for civil servants in the execution of their tasks. (Make use of characteristics mentioned before).

Indicator 13. Performance Measurement

Street-level bureaucracies receive relative autonomy and wide discretion because it is deemed necessary for the proper execution of their tasks (Lipsky, 1985). However, their performance is hard to measure due to this autonomy and discretion. The interaction of street-level bureaucrats with clients is often private (Lipsky, 1985, p 169). Moreover, the ambiguity of goals and the multitude of involved variables also impede proper evaluation (Lipsky as cited in Resodihardjo, 2012). There is a lack of clear and trustworthy standards and indicators (Lipsky as cited in Resodihardjo, 2012). Hence, the measurement and evaluation of provided services and discretionary decisions are severely restricted (Lipsky, 1985).

Lipsky (1985) states that the measurement instruments in the public sector are often inadequate. As a result agencies could be not self-corrective. This could also lead to attitudes and behavior of resistance in the face of legislative changes (Lipsky as cited in Resodihardjo, 2012). It is important to note that *'the definition of adequate performance is highly politicized'* (Lipsky, 1985, 48).

However, there are alternative ways to measure and evaluate the performance street-level bureaucrats. For example, peer evaluation could be a suitable way to achieve accountability and increase quality of work (Lipsky, 1985). Moreover, increasing the training and experience of street-level bureaucrats could help increase quality (Lipsky, 1985, p 51). Through raising the professionalism of the organization we could stimulate self-monitoring (Lipsky, 1985). This could be supported by reward and sanction mechanisms and a clear orientation on the mission and objectives of the organization (Lipsky, 1985).

Measurement often depends on the written record of street-level bureaucrats (Lipsky, 1985). There are some aspects of street-level bureaucracy work which could well be quantified and measured. For example, we could register the amount of time that street-level bureaucrats spend on client processing (Lipsky, 1985). Moreover, clients could be empowered by providing information to them which enables their assessment and comparison of delivered services (Lipsky, 1985, p 53). Installing automatic information system could aid in this pursuit. It can also stimulate the responsiveness of street-level bureaucrats to clients. If clients withdraw from social service programs it signals malfunctioning (Lipsky, 1985, p 52). Finally, discretionary space could be limited in order to increase the ability for performance measurement.

→ Interpret how municipalities expect that the policy design will impact the measurement of their performance. (Make use of characteristics mentioned before).

Indicator 14. Non-Voluntary Clients

Street-level bureaucracies transform people into clients. Individuals with differing identities, characteristics, circumstances, experiences, and desires are processed by street-level bureaucracies into small categories and directed to specific bureaucratic slots (Lipsky, 1985, p 59). This social process is characterized by a coercive dimension which creates non-voluntary clients. The client is subordinate to

the agency. Clients are not among the primary reference groups of street-level bureaucracies (Lipsky, 1985). However, they are depended on the public service delivery which they often cannot obtain somewhere else. Governmental agencies often have a monopoly on social services (Lipsky, 1985). According to Lipsky the relationship is '*primarily determined by the priorities and preferences of the street-level bureaucrats, but the character and terms of the relationship are substantially affected by the limits of the job*' (Lipsky, 1985, p 59).

The client's main interest is attaining services and benefits, while the street-level bureaucracy is interested in controlling the client processing (Lipsky, 1985, p 60). Lipsky stated that street-level bureaucrats can exercise control by '*(1) distributing the benefits and sanctions that are supposed to be provided by the agencies; (2) structuring the context of clients interactions with them and their agencies; (3) teaching clients how to behave as clients; and (4) allocating psychological rewards and sanctions associated with clients entering into relationship with them*' (Lipsky, 1985, p 60).

Clients are managed in order to control both the demand and available resources, i.e. supply. As a result clients often encounter routines and procedures that conserve available resources. Individuals are socialized to the client role. Street-level bureaucrats try to ensure the compliance of the client. Clients can use their personal resources to influence the process, the street-level bureaucrats remain dominant in the interaction (Lipsky, 1985). Lipsky states that '*street-level bureaucrats convey to clients what their proper level of expectations of the bureaucracy should be*' (Lipsky, 1985, p 63). These expectations are central for the experience of public services. Street-level bureaucracies should negotiate the gap and reduce dissonance between public expectations and their actual service outcomes (Lipsky, 1985, preface xx). This is mainly done through the political process (Lipsky, 1985). Moreover, information about service delivery could be given in order to create understanding and sympathy for street-level bureaucrat positions (Lipsky, 1985). Furthermore, they could use strategy to teach clients how to work the system (Lipsky, 1985, p 63). Normally, the expectations of street-level bureaucrats themselves gradually move from optimistic to cynical attitudes (Lipsky as cited in Resodihardjo, 2012).

→ Interpret how municipalities expect that the policy design will have impact on client processing and affect their ability to transform people into clients. (Make use of characteristics mentioned before).

4.9 Conclusion of this chapter

In this chapter I have addressed the following sub-question: *how can this difference between policy design and policy outcome best be researched?* I will briefly summarize the answer.

In this research I will conduct qualitative research. Conducting quantitative research is not possible when engaging in ‘*ex-ante evaluation*’ of the Environment Planning Act. However, qualitative research will be complemented by literature study. Furthermore, I will engage in multiple case-study in order to research the expectations of several municipal organizations on the EPA. This type of research is useful for describing patterns of a social phenomenon and testing them to theory. Moreover, one can predict likely outcomes which can provide the basis for advice on this social phenomenon. I adopt a deductive approach which departs from theory, operationalize it and compares it with empiricism. The empirical materials is acquired through the methods of document analysis and semi-structured interviews. The relevant documents have been selected on the criteria: content, interdependence, domain, period, involved actors and medium (Bleijenbergh, lecture, 2013). The relevant respondents for the interviews on the criteria: content, strategy, snowball, proximity, period, involved actors (Bleijenbergh, lecture, 2013). Moreover, practical considerations were at play. This was also an important criteria for the selection of cases. The empirical methods gathered textual material which could be interpreted with the dimensions and indicators that have been deduced from theory. I have operationalized nine indicators on the institutional dimensions which will explain the likely future relationship between central government and the municipalities. Moreover, I have operationalized five indicators on the executional dimension which will explain limiting work structures that reduce the likelihood of proper execution. This operationalization clarifies how I will interpret the empirical data that has been gathered.

Chapter 5: Results

In this chapter I will present the results of my research. It derives from the operationalization of principal-agent theory, stewardship theory and street-level bureaucracy theory which has been applied characteristic of the likely future relationship between central government and the municipalities and potential executive problems of the EPA. These fourteen characteristics or indicators will be presented consecutively. First, those belonging to the institutional dimension. Second, those belong to the executive dimension. In this chapter I wish to answer the sub question: *which barriers will obstruct the execution of the EPA?*

5.1 Indicator 1

Central government

Central government formulated the (societal) goals of the EPA, set four improvement goals to reform the field of environmental law, and constructed six policy instruments which would help achieve the (societal) goals. Central government cannot reach these goals alone. Therefore they formulated the ‘*algemene zorgplicht*’ for governmental bodies, companies and citizens (see chapter 1 for a more detailed description). Central government requires all involved actors to play their part in the proper execution of the bill.

Municipalities

The respondents of the municipalities of Assen, Almere, Rotterdam, Amsterdam and Nijmegen proclaimed their support for the formulated societal goals of the EPA. The respondent of the municipality of Rotterdam stated: ‘*Yes, that is something I can agree with*’ (Barendrecht, 2014, annex p 42). Moreover, all respondents of the researched municipalities seemed to underline the necessity to reform the outdated field of environmental law. The respondent of the municipality of Nijmegen stated: ‘*so uhh I'm not against this and it is good to shake things up once in a while and it will make things well-organized... not bad at all*’ (Albers, 2014, annex p 79). The respondents of the researched municipalities were positive about the integration of sectoral legislation into one encompassing legislative framework. However, they are only skeptic about whether a true integration will take place. The respondent of the municipality of Almere stated: ‘*Yes. Look. When you say social goal: integration of all sorts of sectoral legislation that is a very noble goal, but I also hope it will actually take place. I'm a little afraid that it's an accumulation of things, but not an integration of things*’. (Laheij, 2014, annex p 29). It must not be an accumulation but a real integration. The respondent of the municipality of Nijmegen hopes that envisioned changes are not just rhetoric’s. He explained that when we move from twenty-four licenses towards one, from ten forms to one, from four procedures to one procedure, this one license, form, or procedure should not be a huge pile of paper of the same size

just stapled together.

Central government involved municipalities with the design of the Environmental Planning Act through consultation. Municipalities identify with the goals of the bill and seem to accept their responsibility and subsequent part within the *'algemene zorgplicht'*. However, the respondents of the municipality of Assen and Almere stated that the EPA could be characterized as a rather liberal piece of legislation. Nonetheless, all of the respondents of the researched municipalities still align themselves with the vision behind the EPA. The respondent of the municipality of Rotterdam stated: *'we're not really against it, we feel that we can't be against it, because well the thought behind the law is fine etcetera, to look at the environment in connection with spatial planning and all that.'* (Barendrecht, 2014, annex p 44). The respondent of the municipality of Rotterdam deemed it a good development to see themes like the environment and spatial planning in a more integral manner. However, in the consultation version of the EPA not all themes were equally represented. The respondent of the municipality of Assen emphasized that health was still largely absent while themes like water and construction were strongly represented. It seems that the respondents of the researched municipalities adopt an attitude of wait-and-see. They await the implementation regulations (*uitvoeringsregelgeving*) and expressing the hope that the AmvB's will not be mechanically reproduced out of previous sectoral regulation.

Moreover, municipalities will have to deal with the policy instrument *'het omgevingsplan'*. I got the impression from the respondents that the research municipalities are still struggling to figure out what this *'omgevingsplan'* will exactly entail. The respondent of the municipality of Assen stated: *'And we will soon have to contend with the 'omgevingsplan' too. So uh I'm also very curious as to how that will work'* (Smit, 2014, annex p 5). Moreover, there is debate on whether the *'omgevingsplan'* will bring change. The respondent of the municipality of Assen stated: *'But the way I see it now is that it is just a 'bestemmingsplan' plus. Some things are added, but the set of instruments does not really change'* (Smit, 2014, annex p 10). Moreover, the respondent of the municipality of Amsterdam states: *'right now, as municipalities, we can do much more than we're doing and think we can do'* (Bommel, 2014, annex p 67). The respondent of the municipality of Rotterdam highlighted that they rarely make full use of the current possibilities of deviation in the bill *'Stad en Milieu'*. On the basis of three stages municipalities are already able to deviate from environmental legislation. The respondent of the municipality of Rotterdam stated: *'but step 3 is barely ever taken because it's all not as bad as everyone thought'* (Barendrecht, 2014, annex p 52). He concludes that the current legislation is often not as restrictive as it is perceived to be. Therefore the municipality of Assen criticized: *'You don't have the chance to work with current set of instruments in order to use it more flexibly, even though those possibilities already exist'* (Smit, 2014, annex p 27). Finally, the respondent of the municipality of Rotterdam does not think it is possible to construct one *'omgevingsplan'* given the huge differences between areas such as the port or a residential area.

Furthermore, the respondents of the municipalities of Assen and Rotterdam explicitly pointed

out that the EPA does not have priority within their organizations. It has no political priority in '*het college*' 'the board' nor in the '*de raad*' 'the council' because it is more than one tenure away for governors. However, it does seem to have administrative priority among civil servants, at least for the respondents which I interviewed were already extensively occupied with the EPA. Moreover, the respondent of the municipality of Assen says: '*Officially I think it's a priority and at managerial level I think they don't really have an image, it's yes we know that there will be a new 'omgevingswet', but what does that really mean*' (Smit, 2014, annex p 18).

Role perception

The respondents of the researched municipalities identify with the societal goals, vision, reform of the field of environmental law and their subsequent part in the execution of the EPA or the '*algemene zorgplicht*'. However, grave concerns about the necessity and feasibility of the policy instrument '*het omgevingsplan*' remain. On the one hand, it seems that there is clear goal alignment between central government and municipalities who both adopt a stewardship role, but on the other hand, this could be undermined by existing concerns and questions regarding '*het omgevingsplan*'.

5.2 Indicator 2

Central government

With the implementation of the EPA central government will decentralize certain tasks and powers to the Dutch municipalities. It will become dependent on the municipalities for fulfilling their EPA goals. The municipalities have to play their legislative and executive part. The principle (central government) requires the compliance of the municipalities, who could either pursue their self interest as an agent or the collective interest as a steward. I will first reflect on the measures with which central government tries to strengthen the compliance of municipalities and stimulate the pursuit of collective interest. Second, I will address the likely future conflicts of interest which signal potential for deviant behavior or the pursuit of individual interest.

Central government tried to learn from previous legislative mistakes and decided to construct a bill that also took its execution into account. Moreover, central government involved the municipalities in the policy-making process through extensive consultation. In this manner they tried to stimulate the pursuit of collective interest. Furthermore, the respondent of the municipality of Amsterdam explained that central government questioned municipalities about bottlenecks in the execution, asked advice from governors and aldermen in the G4 meetings, maintains close contact with the VNG and has invited many municipalities to experiment with flexible measures of the CHW. These measures motivate municipalities and their civil servants to comply and pursue the collective interest.

Municipalities

The respondents of the municipality of Almere and Nijmegen do not expect conflicts of interest to arise between central government and the municipalities in the execution of the EPA. However, the respondent of the municipality of Assen stated: *'Well, it depends on how you organize it together'* (Smit, 2014, annex p 23). Central government proposes a relationship of trust among governmental bodies. The respondent of the municipality of Almere thinks this is a good foundation. However, the respondent of the municipality argues that central government does have a great amount of trust even in parties who do not radiate that trust. Nevertheless, the respondent municipality of Amsterdam highlighted that we should not be mistaken: *'you also see in some ministries in the State that there are grave concerns about whether municipalities will be able to handle it'* (Bommel, 2014, annex p 70).

The respondents of the researched municipalities do not expect a conflict of interest between central government and the municipalities following from the EPA. The respondent of the municipality of Almere argued that such a conflict of interest would only be likely when: *'[...] interests of the State conflict with the interests of the municipalities'* (Laheij, 2014, annex p 35). He gave an example: central government's interest in the development of airport Lelystad is at odds with municipal ambitions in the Oosterwolde, east of Almere. The respondent of the municipality of Rotterdam agrees that after the implementation of the EPA he would only expect steering or control from central government if it concerns such national interests.

However, conflicts of interest could also arise within the municipal organization as a result of the implementation of the EPA. The respondent of the municipality of Assen expects this to occur. He stated: *'There's more discussion about that with a broader 'bestemmingsplan'.... at least that is my experience, there's also a lot of discussion when a more flexible 'bestemmingsplan' is concerned'* (Smit, 2014, annex p 17). Hence, it could be expected that the increase of discretionary space in 'het omgevingsplan' will result in more discussion and comments.

Secondly, the respondent of the municipality of Assen argued that the construction of a global and integral 'omgevingsplan' will need generalist rather than specialist knowledge. This means that *'there will be more generalists and lesser specialists'* (Smit, 2014, annex p 16). The respondent of the municipality of Rotterdam also expects this to happen.

Thirdly, the advice of specialists will increasingly be ignored. The respondent of the municipality of Assen explained that with the 'omgevingsplan' and increased discretionary power some projects will only require nine out of ten checkmarks before they are granted permission. One partial interest will not necessarily be strong enough to obstruct a project of national importance. A specialist (advice) who represents this one partial issue could therefore be bypassed. The respondent of the municipality of Assen stated: *'and you do push out that colleague... you pass him by so you will have to reach an agreement on that together, because hey we live in a different world'* (Smit, 2014, annex p 16).

Some expert might find this reorientation hard. The respondent of the municipality of Assen stated that: *'the more is added, the more subordinate their little interest will be'* (Coenraads, 2014, annex p 16). This might increase the conflict of interest among civil servants. The respondent of the municipality of Rotterdam argued that there will always be conflict of interests because specialists want to protect their expertise. According to the respondent of the municipality of Nijmegen many specialists have already moved to more coordinative functions. He stated: *'I think some won't like it and many will think its fine'* (Albers, 2014, annex p 94). Only the respondent of the municipality of Almere expects less conflicts of interest among civil servants as a result of the EPA. He argues that the departments of municipalities are condemned to each other by the integral measuring of interest. This would stimulate both communication and alignment among civil servants.

Furthermore, the respondents of the municipality of Rotterdam expect an increase in conflict of interests between the municipalities and the provinces. He states that *'[...] by know the role of the province is starting to become a difficult one'* (Barendrecht, 2014, annex p 44). Previously the provinces did not interfere in intra-city matters. In their measurement the provinces approved issues, discussed them or stated that things needed to be supplemented. However, the respondent of the municipality stated that: *'Well we're noticing now that the province is playing a bigger role'* (Barendrecht, 2014, annex p 45). The provinces have currently addressed *'bestemmingsplannen'* directly, sometimes going even as far as directing square meters in development space. For example, in Schiedam the provinces disapproved the establishment of a sports outlet because there already were too many square meters of retail. Other municipalities did not speak of this development. It remains to be seen if decreased interference from central government will lead to increased provincial interference and if the EPA will come to stimulate direct involvement in *'het omgevingsplan'*. This would evidently lead to major conflicts of interest between the provinces and the municipalities.

Role perception

Central government tries to ensure the pursuit of collective interest by involving municipalities in the policy-making process through extensive consultation. Therefore the respondents of the researched municipalities do not expect any conflict of interests between central government and municipalities following out of the EPA. The respondent of the municipality of Almere highlighted that this is only expected when a national interest is at stake. This signals the pursuit of collective behavior. Nevertheless, the respondents of the researched municipalities do expect an increase of conflicts of interest within their organization. Moreover, the respondent of the municipality of Rotterdam expects conflicts of interests with the provinces. Hence, there is also potential for deviant behavior and the pursuit of interest following the implementation of the EPA.

5.3 Indicator 3

Central government

Central government has created a policy design which motivates the municipalities to act in their best interest. The EPA stimulates stewardship behavior. The decentralization of discretionary power to the Dutch municipalities and their subsequent position as the competent authority (*'bevoegd gezag'*) underlines the (1) significance of their tasks. Civil servants receive an increasing (2) multitude of tasks which might also redesign their job in terms of (3) task identity. These tasks are executed in relative (4) autonomy (see chapter 1 for all before mentioned aspects). Moreover, the proper execution demands an (5) increase of skill variety. This way of motivation characterizes a principal steward relation.

Municipalities

The respondent of municipality of Nijmegen argued that the *'omgevingsplan'* will become a complex product which demands more competence or skill from civil servants. The respondent of the municipality of Assen argued: *'Well, just a different sort of competence'* (Coenraadst, 2014, annex p 20). She underlined both that required competences will be distinct and civil servants must develop more generalist knowledge when working with the *'omgevingsplan'*. Hence, the execution will demand more skills and more skill variety. The measures mentioned before are ways in which a principal can try to intrinsically motivate their subordinate to behave in his best interest.

The EPA has a different importance and significance to civil servants, municipalities and other involved institutions. For example, the respondent of the municipality of Rotterdam explained that flexibility measures and discretionary space is much more needed in the port of Rotterdam than in a residential area. He stated that: *'this law helps in places you want to develop'* (Barendrecht, 2014, annex p 46). The respondent of the municipality of Rotterdam explained that there are municipalities that offer space for development with their plans and municipalities that are rather conservative. A municipality could want to revitalize an industrial area but it could also want to conserve when it is already well stocked. The respondent of the municipality of Almere argued that the main incentive for municipalities to act on the EPA is: *'and yeah, which incentives? I think it very much depends ... on whether you are talking about a municipality that's shrinking or one that's growing'* (Laheij, 2014, annex p 36). Hence, the motivation of civil servants, municipalities and other involved institutions when executing the EPA is heavily dependent on contextual factors.

The respondent of the municipality of Rotterdam has pointed out that many flexibility measures are already possible with current legal instruments. The respondent of the municipality of Assen therefore stressed that flexibility essentially remains dependent on whether governors have the courage to act upon discretionary space. He stated: *'...one is looking to restore that with the 'omgevingswet' by bringing back a component of policy. I think that that is very good, but I'm wondering whether aldermen and council members will dare to accept the challenge'* (Smit, 2014,

annex p 25). The respondent of the municipality of Almere is not convinced that this is a good development. He wonders if governors and aldermen will not always go for construction. The respondent of the municipality of Amsterdam is right that eventually we have to wait and see how the EPA will be executed, which discretionary space is given and which interest will be served.

However, the respondents of the municipality of Assen and Rotterdam honestly pointed out that the EPA currently has no priority within their organization. It has no political priority in *'het college'* or in the *'de raad'*. The respondent of the municipality of Assen stated: *'Yes, if you weigh it against the other priorities that have to be dealt with then this does not have a very high priority'* (Smit, 2014, annex p 18). Moreover, the respondent of the municipality of Rotterdam simply stated that it is still more than one tenure away for governors. However, the respondent of the municipality of Assen argued that that it does have administrative priority among civil servants. Moreover, the respondent of the municipality stressed that some civil servants also find it important simply out of anxiety for future changes: *'There are some people who are worried and uhh... the "welstandscommissie"'* (Barendrecht, 2014, annex p 51). Therefore the respondent of the municipality of Almere underlined the importance of informing colleagues on the implications of the EPA for their work. The respondent of the municipality of Nijmegen states that change does not come without resistance. However, the respondent of the municipality of Assen stressed: *'...some see chances and others think oh jeez I'm used to working like this and soon I will have to do things differently'* (Coenraads, 2014, annex p 22). Therefore the respondent of the municipality of Almere explained the importance of extensive missionary work.

The respondents of the researched municipalities were the most knowledgeable of the EPA within their organizations. All were actively involved in extensive consultation by central government (see indicator two). For example, the respondent of the municipality of Assen mentioned their involvement or experimentation with the CHW and the respondent of the municipality of Amsterdam underlined their frequent personal meetings with the Ministry of Infrastructure and Environment. In none of the researched municipalities institutional units were set up which prepared the organization for the changes of the EPA. The respondent of the municipality of Amsterdam stated: *'we haven't really started a special project team for the 'omgevingswet', because this is included in the procedures we're working on'* (Bommel, 2014, annex p 64). Moreover, the respondent of the municipality of Assen added that being a forerunner has not always proven to be beneficial. Nevertheless, both the municipality of Assen and Rotterdam expressed commitment to start making organizational arrangements in preparation for the EPA.

Currently, the initiative to act on the EPA still comes from individual civil servants who keep up with legislative development at the central level as a result of their job description or personal motivation. The respondent of the municipality of Nijmegen stated: *'Because it's also my job as a jurist.... that when there are substantial developments, I notify the management of the ODRM of those development in the form of a memo a couple of sheets'* (Albers, 2014, annex p 82). Moreover, the

respondent of the municipality of Nijmegen highlighted that he read newsletters, magazines, the 'Memorie van Toelichting' and participated in LinkedIn groups, ministerial forums such as frequently asked questions, the national assembly, and several consultation rounds. The activities of the respondent of the municipality of Nijmegen followed from both his job description and personal motivation. Furthermore, the individual civil servants inform their municipal organizations on legislative changes. The respondent of the municipality of Almere stated that he already organized a meeting in which he informed the licensing department on the EPA. Moreover, the respondent of the municipality of Assen explained that he involved all departments in the construction of a memo for the board.

Role perception

Central government has created a policy design that motivates the municipalities to act in their best interest. The respondent of the municipality of Amsterdam rightfully stated that we have to wait and see if this will happen. Whether increased discretionary space is used and flexibility measures are taken is heavily dependent on contextual factors and the courage of the governors and aldermen. At the moment the EPA does not have priority for the researched municipal organizations. Currently, initiatives are taken by individual civil servants. They are motivated by job descriptions and personal interest or intrinsic motivation of the civil servant. However, there is still much work to do in order to motivate their colleagues for the future changes of the EPA and convince them of its benefits.

5.4 Indicator 4

Central government

Central government has constructed a framework law. At this point in time the appropriate behavior of the municipalities can therefore not be fully specified. The respondent of the municipality of Amsterdam rightfully stated: *'that is exactly what we keep telling the State, we can't give a definite opinion on the law, because it depends on the rules for execution, how those will be drawn up'* (Bommel, 2014, annex p 64). However, the construct or design of the EPA does contain some fundamental characteristics or guiding principles to which appropriate behavior can be related (see chapter 1).

Central government decentralizes tasks and powers to the municipalities. Civil servants will receive autonomy and discretion to deal with their executive and legislative tasks. When autonomy and discretion increases it will become increasingly important to define the appropriate behavior of civil servants. However, it will also become increasingly harder. The increase of autonomy and professionalism usually betrays the complexity of work and signals that there is no programmability of task (Eisenhardt, 1989). The EPA increases the autonomy and discretion of the agent. As a consequence it also demands an increase of professionalism from the municipalities. Hence, given this autonomy increase I deduce that central government assumes there is no programmability of tasks and

therefore opts for a principle steward relation. In the following section I will reflect on the expected changes in the tasks of municipalities. I will address what is specified by central government in the EPA and what is expected by the respondents of the researched municipalities.

Municipalities

First of all, the respondents of the researched municipalities expect that their tasks will increase as a result of the EPA. The respondent of the municipality of Nijmegen explained: *'the 'ontgrondige wet' will be added I think and the soil protection law and archaeology permit that now lies with the State goes to the municipalities and a lot more'* (Albers, 2014, annex p 90). Furthermore, the respondent of the municipality of Nijmegen assumes that discretionary space and power will increase. It will happen if: *'the ministry keeps to its word and they keep in mind that it's a wish that comes from people in the actual practice, that one can be stuck to the rules too much'* (Albers, 2014, annex p 82). However, the respondents of the municipality of Almere and Amsterdam argue that we still have to wait and see if it will actually happen. The respondent of the municipality of Amsterdam stated: *'It's possible, it's not the aim'* (Bommel, 2014, annex p 65). When discretionary space and power does increase it will likely have most effect at the *'beleidsafdeling'* and the *'vergunningverlening'*. The respondent of the municipality of Assen explains that the impact of the EPA will be highly uneven. Some departments or disciplines will experience more change than others. He argued that especially the departments or disciplines *'algemene juridische zaken'*, *'de beleidsafdeling'*, *'de vergunningverlening'* and the RUD will be affected (Smit, 2014, annex p 6-7). Moreover, the respondent of the municipality of Nijmegen stressed that the EPA will also have a different effect on small municipalities compared to large municipalities (see indicator 13).

Secondly, municipalities will have to work with the policy instrument *'het omgevingsplan'*. The respondent of the municipality of Assen is curious to see how it will take form. The respondent of the municipality of Rotterdam explained: *'...with the introduction of the 'omgevingswet' all 'bestemmingsplannen' will legally become the 'omgevingsplan'. You don't start at zero, there's already something'* (Barendrecht, 2014, annex p 50). Some respondents therefore wonder if the *'omgevingsplan'* will be such a new instrument. The respondent of the municipality of Assen argues: *'...it is just a 'bestemmingsplan' plus. Some things are added, but the set of instruments does not really change'* (Smit, 2014, annex p 10). However, we cannot deny that some things will change. The respondent from the municipality of Almere explained how the construction of an *'omgevingsplan'* requires the involvement of more departments, for example the department of *'verordeningen'* or archeology. However, the respondent of the municipality of Amsterdam claimed that good spatial planning already encompassed this practice. She argued: *'But we already work much more flexibly than five years ago, ten years ago, 'bestemmingsplannen' are broader'* (Bommel, 2014, annex p 67). Nevertheless, even the respondent of the municipality of Amsterdam acknowledged that the *'omgevingsplan'* will become a wider instrument which obtains more functions and themes of the

physical environment.

Thirdly, central government proclaimed to integrate old sectoral regulations and revise the outdated field of environmental law. This integration would also have consequences for the work of civil servants. Central government states that we move from twenty four licenses to one, from ten forms to one, from four procedures to one procedure. However, the respondents of the municipalities of Almere, Assen and Nijmegen wonder whether a true integration will actually occur in the EPA. The respondent of the municipality of Almere said: *'I'm a little afraid that it's an accumulation of things, but not an integration of things'* (Laheij, 2014, annex p 29). The respondent of the municipality of Nijmegen stressed that this one license, form or procedure should not be a huge pile of paper of the same size just stapled together. He hopes that it is not mere rhetoric's. Moreover, he extends this logic to a possible integration of the twenty four 'toetsingsgronden' and states: *'see, real simplification or deregulation is that one just makes a coordinating ground for testing for it with a lot of freedom of policy, or that one strikes out things in the grounds for testing and say: we do not pay attention to some things, we do not think it's important, because all that is way too complicated'* (Smit, 2014, annex p 78-79).

Fourthly, the respondents expect that the character of their work will change as a direct result of the EPA. The respondent of the municipality of Assen states: *'I think, when reading the enactment that we will be director of processes rather than specialists'* (Smit, 2014, annex p 7). The respondent of the municipality of Almere added that municipalities will increasingly assume a facilitating role instead of an enforcing role. This facilitation is in line with the 'uitnodigingsplanologie' of the EPA. Municipalities should await or even stimulate societal initiatives and then guarantee tailoring and the fluency and swiftness of procedure. The respondent of the municipality of Assen is supportive of this measure. He states *'...that you take them along in the process as a sort of manager of clients or something. One should maybe aim to be a bit more facilitating'* (Smit, 2014, annex p 20). Moreover, this attitude is also laid down in the current 'collegeprogramma' of the municipality of Assen: *'do not look after, but make sure'* (Smit, 2014, annex p 8).

Furthermore, civil servants will have to meet new requirements. The respondents of the municipality of Assen and Rotterdam think that municipalities will need more collaboration and generalist's knowledge in order to properly execute the 'omgevingsplan'. According to the respondent of the municipality of Nijmegen this reflects a broader trend: *'A lot of civil servants have grown into a more coordinating role instead of only being experts concerning content'* (Alberts, 2014, annex p 94). For example, he stated: *'Someone who granted permits twenty years ago would not be able to test a permit anymore. It has increasingly become a co-ordinating task'* (Alberts, 2014, annex p 92). However, the respondent of the municipality of Rotterdam underlined that specialist knowledge has not become less important but is used differently. The respondent of the municipality of Assen agreed: *'and yeah you need that specialist knowledge, but that is disappearing inside the municipalities, it is all being privatized'* (Coenraads, 2014, annex p 16).

The respondent of the municipality of Almere provided an example of how changes in the EPA could impose new requirements on the licensing department. He explained that the ‘*omgevingsplan*’ will demand a whole new take on the permit trajectory. Formerly the permit was either granted or refused on the basis of a strict checklist of criteria which should be applied. However, the ‘*vergunningverlener*’ will need to: ‘*apply and judge issues which are currently done by the ‘bestemmingsplanmaker’’*’ (Laheij, 2014, annex p 30). The ‘*vergunningverlener*’ will have to engage in substantive testing and complex decision-making. Hence, it will require more expertise, skill, professionalism and generalist knowledge.

Sixthly, the EPA might stimulate the privatization of tasks to consultancy agencies. The respondent of the municipality of Rotterdam stated: ‘*Yeah, I think that consultancies will be happy with an amendment like that*’ (Barendrecht, 2014, annex p 54). He explained that many municipalities have a lack of specialist knowledge. As a result many municipalities already buy their ‘*bestemmingsplannen*’ from consultancy agencies, like the RBIO. This can be expected to increase because specialist knowledge will reduce. The respondent of the municipality of Assen explained: ‘*There will be more generalists and fewer specialists*’ (Smit, 2014, annex p 16). Moreover, the respondent of the municipality of Rotterdam states that it might not stop with the construction of ‘*bestemmingsplannen*’. He argues: ‘*Yeah soon consultancy agencies will make plans and then they could just as well test them, because they know those plans*’ (Barendrecht, 2014, annex p 57). The respondent of the municipality of Nijmegen already mentioned current discussions on the privatization of the supervision on construction.

Seventhly, some respondents expect that changes in work will also result in organization adjustment. The respondent of the municipality of Assen explained that previously policy, licensing and spatial planning were separated from ‘*bestemmingsplannen*’ within the municipal organization. However, the respondent of the municipality of Assen expects this to change: ‘*and I expect and hope that that will soon will also, well also be brought together a bit more. Especially at the level of the policy and the ‘bestemmingsplannen’’*’ (Coenraads, 2014, annex p 7). The respondent of the municipality of Nijmegen is positive that the EPA will inevitably lead to organizational changes. However, the respondent of the municipality of Rotterdam deems it unlikely. He does not think the EPA will have a similar effect as the WABO. The respondent of the municipality of Amsterdam argues: ‘*that is exactly what we keep telling the State, we can't give a definite opinion on the law, because it depends on the rules for execution, how those will be drawn up*’ (Bommel, 2014, annex p 64).

I have outlined the expectations of respondents on how they perceive their work to change as a result of the EPA. Central government has not specified the appropriate behavior of the municipalities in advance. However, it did construct a framework law which offers some guiding principles. On this basis municipalities formed their expectations of: (1) the decentralization of tasks and discretionary power, (2) the instrument ‘*het omgevingsplan*’, (3) the practical consequences of the integration of the

field of environmental law, (4) the changing character of work, (5) new requirements, (6) privatization and (7) organizational adjustments. The respondents of the municipalities still have a lot of doubt about in which manner the EPA will exactly change their work. Nevertheless, some respondents already gave insight in how they expect to respond. The respondent of the municipality of Assen argued they might need to re-educate or train personnel and make organization adjustments, fall back more on your back office or develop partnerships that stimulate the exchange of knowledge. Whereas the respondent on the municipality of Nijmegen argued: *'so uh just form a good organization, that is able to control democratically on a good scale and form a good professional official organization that is able to execute all those tasks in the correct way. It's my personal opinion that that is the trend'* (Albers, 2014, annex 98).

Role perception

The respondents of the research municipalities explained the complexity and uncertainty of expected changes for the execution of their tasks. Central government emphasized that an increase of autonomy and discretion would enhance the likelihood of the proper execution of tasks. On the other hand, the respondents of the researched municipalities emphasized that an increase of professionalism and organizational adjustments might enhance the likelihood of the proper execution of tasks. This complexity, autonomy and professionalism signals that both parties essentially think there is no or little programmability of tasks and therefore adopt a principle stewardship relation.

5.5 Indicator 5

Central government

Central government has adopted a clear approach to measure and monitor the agents who execute the EPA. At indicator 4 we have seen that the appropriate behavior of the agent cannot be specified in advance, there is little programmability of task. This means that the behavior of the agent is harder to observe and evaluate. In these situations there is often transference of risk to the agent. Central government decentralizes tasks and powers to the municipalities in the EPA. However, thereby they also transfer accompanied risk and accountability.

When central government wants to measure the behavior of the municipalities and its civil servants it could adopt measures which stimulate the measurement of behavior and outcome or it could encourage self-management. Nevertheless, the measurement and evaluation of service delivery and discretionary decision-making remains severely restricted in street-level bureaucracies (Lipsky, 1985). The EPA and the integration of the field of environmental law might simplify the executive work and performance measurement. However, the increase of municipal autonomy and discretionary power suggests that executive work, considerations and measurement will only become more complex.

Central government has laid down two fundamental principles in the EPA concerning the

measurement of municipalities: the principle of empowerment and the principle of trust. Moreover, central government has explained that high trust is accompanied with high penalties. The hierarchical control will be decreased. As a result a higher degree of professionalism will be demanded from the municipal organizations. From this approach I deduce that central government essentially acknowledges that performance measurement is hard to achieve. Therefore they primarily promote self-monitoring. In the following section I address the expectations of the researched municipalities on measurement in the EPA.

Municipalities

The respondent of the municipality of Almere and Amsterdam explicitly stated that they support the principle of trust among governmental bodies. The municipality of Amsterdam stressed: *'Uhhh... I think, well, I think that the basis of trust is a good starting point'* (Bommel, 2014, annex p 70).

However, the respondent of the municipality of Rotterdam wondered how this trust will manifest. He questioned the actual level of trust by stating: *'And then I think that with the new law, actually the whole course of lawmaking is declaring that municipalities on that level of detail will all arrange everything neatly, and that the State is not worrying. But how far will that go, eh. Especially when that sort of incidents happen and it turns out that it is a problem after all because municipalities take too many liberties then uh...'* (Barendrecht, 2014, annex p 47-48).

Furthermore, the respondents of the researched municipalities seem to support their subsequent empowerment. The respondent of the municipality of Nijmegen argued that the increase of discretion and autonomy essentially is a: *'...wish from people in the practice...'* (Albers, 2014, annex p 85). However, the respondents of the municipality of Almere and Amsterdam are not reassured that the increase in discretion will actually happen (see indicator 4). Moreover, the respondent of the municipality of Assen stated: *'I do think it's a shame that the WRO was never evaluated. Because there are a lot of possibilities for flexibility in there and that might have been a much easier way to uhm uhm bring about the same'* (Coenraads, 2014, annex p 12). Hence, the principle of empowerment is supported but also questioned.

The EPA and its principles of trust and empowerment will likely change the measurement of municipalities and their civil servants. First of all, the EPA is meant to increase the discretionary powers of the municipalities, which will affect the decision-making process. The respondent of the municipality of Nijmegen explained that the board of the municipality could use their discretionary power to surpass one interest in order to favor another. The respondent of the municipality of Almere criticized: *'But administrators, i.e. alderman.... he will always choose to build. Haha, and that makes me think, is he able to make that choice'* (Laheij, 2014, annex p 29). Therefore one might argue that this discretionary decision-making should be monitored and evaluated more extensively. In this regard the respondent of the municipality of Nijmegen underlined the importance of the *'motiveringsplicht'*. Governors and aldermen can be asked to provide explanation for the adopted policy, for example to

the judiciary or the media. The respondent of the municipality of Nijmegen added that democratically elected governors are controlled by city councils, the press and interests groups. He stressed: *'Let that man take a decision and defend it.... that's why he is a politician'* (Albers, 2014, annex p 85 and 93). Furthermore the respondent of the municipality of Nijmegen stated: *'and third parties can put forward their interests and then it's important that one is good at parrying'* (Albers, 2014, annex p 82). The respondent of the municipality of Rotterdam illustrated that citizens and companies are given the opportunity to ventilate their opinions and interest when an 'omgevingsplan' is constructed. This is more commonly known as: *'het indienen van zienswijze'* (Barendrecht, 2014, annex p 50). Hence, discretionary judgment is still democratically controlled in various ways. Moreover, the respondent of the municipality of Nijmegen pointed out that decision-making remains structured by the *'algemene beginselen van behoorlijk bestuur'*. After the implementation of the EPA discretionary decision-making can still be measured to some degree by peers, the judiciary, interest groups, the media and citizens.

Municipalities can increase the measurability of their discretionary decision-making by developing *'beleidsregels'*. These *'beleidsregels'* enforce a consistent application. The respondents of the municipality of Nijmegen and Almere explicitly mentioned their commitment to the development of *'beleidsregels'*. However, the respondent of the municipality of Rotterdam stressed that they would not limit themselves and reduce their flexibility by setting up *'beleidsregels'*. He argued: *'It's not that we never make 'beleidsregels'. We also have a programme ourselves concerning air quality, we also do a lot about where we want to go but recording it in rules for policy is not our greatest hobby'* (Barendrecht, 2014, annex p 49).

Furthermore the EPA will change the character of the executive work which also impacts on the measurability of performance. I will provide some examples on the most important changes. First of all, the respondent of the municipality of Rotterdam explained that municipalities were formerly obliged to actualize their *'bestemmingsplanen'* every ten years. However with *'het omgevingsplan'* this will no longer be mandatory. Secondly, municipalities had to research everything in accordance with *'het bestemmingsplan'* before a license could be granted. However, the *'omgevingsplan'* will direct this research (costs) to the licensing trajectory and upon the entrepreneur. The respondent of the municipality of Almere elaborated: *'It is a benefit.what a 'bestemmingsplan' currently requires, you will no longer have to do...like researching everything when only half is used. This obligation will be transferred to the entrepreneur'* (Laheij, 2014, annex p 30). Thirdly, the respondent of the municipality of Rotterdam and Nijmegen notified that several tasks and responsibilities will either be handed over to the RUD or be privatized to consultancy agencies. In short, the *'omgevingsplan'* is a different product which involves other parties in the execution of the EPA. Therefore it could be expected that the measurement will also change and become more diverse and complex.

Moreover, the respondent of the municipality of Nijmegen wonders whether the proclaimed integration of twenty four licenses to one, from ten forms to one and from four procedures to one

procedure will also result in the integration of the twenty four 'toetsingsgronden'. He states: *'see, real simplification or deregulation is that one just makes a coordinating ground for testing for it with a lot of discretion, or that one strikes out things in the grounds for testing and say: we do not pay attention to some things, we do not think it's important, because all that is way too complicated'* (Smit, 2014, annex p 78-79). He hopes that it is not mere rhetoric's. The respondent of the municipality of Almere states: *'I'm a little afraid that it's an accumulation of things, but not an integration of things'* (Laheij, 2014, annex p 29). Hence, if there will not be an integration or simplification of the twenty four 'toetsingsgronden'

the measurement by municipalities will not get any easier. The respondent of the municipality of Nijmegen explained that in this densely populated country we find many things important. One small piece of land can have various and sometimes conflicting functions. Municipalities will have to test and measure everything which makes their work increasingly complex and specialized.

Concerning the measurement of the municipalities the respondent of the municipality of Rotterdam expects a more active role of the provinces. He stated: *'Well we're noticing now that the province is playing a bigger role'* (Barendrecht, 2014, annex p 45). The provinces are increasingly interfering in intra-city matters, addressing 'bestemmingsplannen' more directly and sometimes going even as far as directing square meters in development space. It remains to be seen whether decreased interference from central government will also lead to increased provincial interference, for example in 'het omgevingsplan'.

Moreover, municipalities and civil servants can monitor themselves and each other. The integral character of the 'omgevingsplan' will increase deliberation and the possibility of peer review. Furthermore, the increase of discretionary power will enable the board of the municipality to grant permission to projects of social interest even if one checkmark is off. The respondent of the municipality of Assen argued: *'and you do push out that colleague... you pass him by so you will have to reach an agreement on that together'* (Smit, 2014, annex p 16). When interests of civil servants are at play it might stimulate peer review. Peer review does not stop at discretionary decision-making it is also present in the license application. The respondent of the municipality of Nijmegen argued: *'A sensitive permit won't go before it's discussed with the holder of the political portfolio, however we work with a mandate'* (Albers, 2014, annex p 91). The respondents of the municipality of Nijmegen explained that governors could give an 'aanwijzing' to civil servants, for example on the license application. Moreover, the respondent of the municipality of Rotterdam argued that the provinces could also give the municipality an 'aanwijzing' for example on the amount of square meters of retail in 'het bestemmingsplan'.

Central government also increases the measurability of executive work by setting up an information system: 'Laan van de Leefomgeving'. This measure could help reduce the information asymmetry. The respondents of the research municipalities are positive about this digitalization. The respondent of the municipality of Assen stated: *'I am also an immense supporter of openly sharing*

information' (Smit, 2014, annex p 14). However, the respondent of the municipality of Amsterdam seriously questioned its future functioning. She argued: '*because who will keep up with those data, keep them up to date, regulate them, etcetera. Uhm the basis of the system is completely favourable. But there are a lot of doubts about how we will manage that*' (Bommel, 2014, annex p 70). When the data is up to date, accessible, and transparent it could help bring about measurement of performance. For example, the clients who apply for a license could use the information system and perhaps existing '*beleidsregels*' to evaluate the logic of the decision of the civil servants who either grants or retains a license.

Role perception

Central government acknowledged that there is little programmability of task (see indicator 4). The appropriate behavior of the agent cannot be specified in advance. It seems that central government therefore adopts measures that encourage self-management and to a lesser extent stimulate the measurability of outcome. This approach is reflected in the principles of empowerment and trust and the associated attitude of high trust- high penalties. Central government adopts a principle steward role and blends in some principal agent measures, for example by setting up information systems. The respondents of the researched municipalities seem to support the principles of trust and empowerment. They have elaborated how they expect measurement to change as a result of the EPA. Discretionary decision making remains structured by the '*algemene maatregelen van behoorlijk bestuur*' and (democratically) controlled by peers, the judiciary, interest groups, the media and citizens. Municipalities can enhance the measurability of their performance by setting up '*beleidsregels*'. While some measures in the EPA change the character of the executive work and make measurement more diverse and complex, we still have to await the '*uitvoeringsregelgeving*' which might contain an integration of '*toetsingsgronden*'.

The respondents of the researched municipalities indeed expect less interference by central government. However, this might result in increased provincial interference. The respondents of the researched municipalities acknowledge the potential of peer review when working on an integral product and increased discretionary power. Encouraging self-monitoring therefore seems to have a chance. Furthermore, the respondents of researched municipalities accept the '*Laan van de Leefomgeving*' which enables the measurement of the outcome of behavior of the agent. Central government and municipalities both seem to adopt a principal steward relationship with principal agent characteristics concerning measurement.

5.6 Indicator 6

In this section we will address the expectations of the researched municipalities concerning the environment of executive work, being either risk stable or unstable. First I will reflect on the societal

trends that seem to be incorporated in the EPA. It betrays governmental orientation to a risk-stable environment or risk-unstable environment. Second, I will reflect on municipal expectations.

Central government

First of all, the respondent of the municipality of Rotterdam confirmed that there has been a decrease in projects and construction plans in the Netherlands. Therefore, central government has constructed the EPA, which tries to stimulating societal entrepreneurship. Economic development is pursuit against a backdrop of retrenchments and larger economic decline. In this context, central government is decentralizing various tasks and powers to lower governmental bodies. Furthermore, this is accompanied by a trend of privatization of public services. Central government is redrawing from public life and leaves more to the market. The shrinkage of the public sector is assisted by a trend of digitalization. The design of the EPA reflects these broader trends. The EPA decentralizes various tasks and powers to the municipal organizations. It tries to stimulate societal entrepreneurship by enhancing discretionary power. Moreover, it leaves more to the market. The respondent of the municipality of Assen explained how research costs will be imposed upon the societal entrepreneur. The ‘*Laan van de Leefomgeving*’ and other measures which stimulate the digitalization and should facilitate this transition and the proper execution of the EPA. Moreover, the respondent of the municipality of Nijmegen underlined that the EPA will result in shrinkage of the public sector. The respondent of the municipality of Assen and Rotterdam elaborated on the associated privatization. Hence, the design of the EPA and its transference of risk seem to depict an orientation of central government to a risk unstable environment.

Municipalities

The respondent of the municipality of Assen explained that municipalities have had to adjust to a large amount of revisions and regulations over the past couple of years, ranging from the WRO, WABO, ‘*Crisis en Herstelwet*’ to the EPA. Moreover, the EPA is a framework law. The respondent of the municipality of Almere argued that this means that much still needs to be determined in the AmvB’s. He stressed: ‘*And uh yeah well you still don't know how it will be set down and that creates a lot of uncertainty*’ (Laheij, 2014, annex p 32). However, the respondent of the municipality of Nijmegen is convinced: ‘*Of course they'll do it in a way so that they'll all economize... and uh uh that's just the practice, because you can regulate everything very well, but because cuts are the practice nowadays the story will be that you will get the tasks and you will have to sacrifice ten percent*’ (Albers, 2014, annex 94). Central government decentralizes tasks and powers to the municipal organization but also risk and accountability. According to the respondent of the municipality the VNG therefore lobbies for protect the municipal interests.

The before mentioned situation seems to create uncertainty and risk for the municipal organization. However, this might vary from municipality to municipality. The respondent of the

municipality of Amsterdam explained that the Netherlands is a small country where we wish to realize a lot of functions. She argued: *'And that's what makes it so difficult in the Netherlands, that on a lot of fields we're on the limits of the environment en there will always be conflicts and then we need to take care to.... well one time the one interest has priority while the other time the other interest will have priority. But you can never satisfy all parties involved, that's almost impossible'* (Bommel, 2014, annex p 68). Nevertheless, the respondent of the municipality of Rotterdam explained that there are both progressive and conservative municipalities. There are municipalities who provide space for development and municipalities who rather try to prevent it. The respondent of the municipality of Rotterdam argued that: *'this law helps in places you want to develop'* (Barendrecht, 2014, annex p 43). In the port of Rotterdam you might require extra flexibility while a residential area or a theme like *'beschermd stadsgezicht'* would demand conservative attitudes. Moreover, the respondents of the municipality of Assen explained that some sectors, like the retail market, will need more change than others. Moreover, some regions are in decline while others are flourishing. Hence, whether the EPA is perceived by the municipalities as a risk or opportunity is also largely depended on local circumstances.

Furthermore, it also depends on the courage of the civil servants of the municipality. Discretionary decision making will become more complex. Governors will have to make harder considerations. The municipality of Assen argues it is hard to determine which norm they find more important, for example: *'sound, road traffic noise, then there's noise from industries, noise from the railways, external safety'* (Smit, 2014, annex p 25). Moreover, the respondent of the municipality of Assen wondered if governors: *'have the courage to accept the challenge en say with discretion that we'll do that and we'll do that.... with the programmed approach of sound, of accepting that when one lives here there's a higher tax on sound and when one lives there we'll compensate for it... and then we make sure that in the first case there's a great living environment and in the second case the environment is average.... I wonder whether that will work and whether administrators will have the courage to do that'* (Smit, 2014, annex p 10). The respondent of the municipality of Assen added that one see it as an opportunity while the other might find it risk.

Moreover, the respondent of the municipality of Nijmegen argues that there is a higher risk for small municipalities than for large municipalities. According to the respondent of the municipality of Nijmegen the EPA can only be executed properly when there is an up scaling in some municipal organizations. They will not have the resources or capacity to deal with the legislative changes. He argued: *'Milsbeek is really not okay and child welfare, and services for the elderly, and the WABO, and archaeology, they have about ten civil servants or something. They will go out of their minds, so they feel....'* (Albers, 2014, annex p 97). Therefore the respondent of the municipality of Nijmegen expects that it is the logical consequences of the EPA that we move towards 150 municipalities of 100.000 plus. He stressed: *'I think we started in 1848 with eleven hundred municipalities, when I was studying there were eight hundred, now there are only four hundred and by the time I retire there will*

only be hundred fifty' (Albers, 2014, p 94). According to the municipality of Nijmegen this is the hidden agenda of central government. Providing a trigger or incentive to small municipalities to fuse

The respondent of the municipality of Nijmegen stated that the municipality of Groesbeek, Upbergen and Milsbeek are already fusing. He expects that the municipality of Wijchen, Beuningen and Druten will soon follow. According to the respondent of the municipality of Nijmegen municipalities will create all kinds of collaborations, arrangements and '*gemeenschappelijke regelingen*' to tackle executive problems and relieve pressure. He argued: '*so uh just form a good organization that is able to control democratically on a good scale and form a good professional official organization that is able to execute all those tasks in the correct way. It's my personal opinion that that is the trend*' (Albers, 2014, annex p 96-97). Furthermore, the respondent of the municipality of Nijmegen envisions that if municipalities are scaling up the provinces will feel obliged to do the same. In their wake there is the potential of provincial or even departmental restructuring. The respondent of the municipality of Amsterdam does not expect that the EPA will have organizational consequences. Unfortunately I have only researched urban medium and large scale municipalities and no rural small municipalities.

Role perception

The EPA reflects the trends of economic decline, retrenchment, decentralization, privatization and digitalization. The transference of risk to the municipalities seems to underline the orientation of a risk unstable environment. The municipalities experience the same trends but also risk and uncertainty that follows from the EPA. However, the respondents of the researched municipality underline that the experience of risk or opportunity differ from area to area, sector to sector, from governor to governor and from municipality to municipality, potentially also depending heavily on the size of the municipality. Overall, it seems that both central government and municipalities situate the EPA in a risk unstable environment. However, the municipalities make various nuances that set apart risk from opportunity.

5.7 Indicator 7

Central government

With indicator five I have outlined which approach central government has adopted that measures and monitors the performance of agents who execute the EPA. I discussed measurement and touched upon the topic of monitoring or control. Central government can either adopt a control oriented approach or an involvement oriented approach as a management strategy. Overall, management and control is based on the '*wet revitalisering generiek toezicht 1 oktober 2012*' and intergovernmental commitments (MvT, p 43). At indicator five I have explained how central government adopted two fundamental principles in the EPA: the principle of empowerment and the principle of trust. Moreover, high trust would be accompanied by high penalties. Hierarchical control would decrease

and power distance would reduce. As a result central government demands a higher degree of professionalism from the municipal organization. I have also explained the measures central government adopts that primarily encourage self-management and to a lesser extent stimulate the measurability of outcome. Therefore I state that central government primarily adopts an involvement oriented approach of management. The subordinated is ‘*..given responsibilities and challenges they will develop mechanisms for controlling their own behavior*’ (Davis, 1997, p 32-33). However, central government does blend in some control structures, for example by developing the information system ‘*Laan van de Leefomgeving*’. Therefore the involvement oriented approach is complemented by a control oriented approach: ‘*losses to the principal resulting from interest divergence may be curbed by imposing control structures upon the agent*’ (Davis, 1997, p 20). In the following section we will address the municipal expectations of this approach of management and reflect on measures which enhance the self-monitoring of civil servants.

Municipalities

The researched municipalities seem to question and support the principle of trust among governmental bodies and the principle of empowerment that has been laid down in the EPA (see indicator 5). Central government has adopted an involvement oriented approach of management. However, according to the respondent of the municipality of Amsterdam there remain civil servants at the central level who are still more in favor of control oriented approach. The respondent of the municipality of Amsterdam stressed that concern remains around the principles of trust and empowerment: ‘*you also see in some ministries in the State that there are grave concerns about whether municipalities will be able to handle it. They are in favor of central control so it's like... then also give municipalities the chances to do that*’ (Bommel, 2014, annex p 70). The respondent of the municipality of Assen underlined it essentially is politically motivated how strong you want to control.

The respondent of the municipality of Rotterdam explained that it is hard to trust. He stated it is scary because one gives up their influence. However, the respondent of the municipality of Nijmegen explained that it is eventually insurmountable because one cannot simply translate everything into rules and there will always be an unforeseen factor. Moreover, the respondent of the municipality of Amsterdam stressed that decision-making can become harder when one grants increased discretionary space. This could subsequently also make measurement, monitoring and control more difficult. Therefore the respondents of the municipality of Assen and Almere stressed that they only expect interference from central government when it directly involves a national interest. However, the respondent of the municipality of Assen stressed that some coordination is needed. Nevertheless he stated: ‘*I am worried about the province. You see just like with the WRO the province is trying to keep everything in its own hands, tries to direct everything. And maybe that's good because there are a lot of municipalities in one province and if everyone draws up their own policy it's impossible to work out on a higher abstraction level*’ (Smit, 2014, annex p 13). The

respondents of the researched municipalities support their empowerment and the increase of discretionary space (see indicator 3 en 5). However, the respondent of the municipality of Assen stressed: *'The moment this will start to run you will need more.... uh need more education and instruction from the ministry than with previous legislations'* (Coenraads, 2014, annex 19). Managing risk in this uncertain unstable environment means providing training to the subordinates, empower them and ultimately putting trust in your executives (Davis, 1997, 33). The respondent of the municipality of Assen agreed that a long implementation program will be necessary. The execution of the EPA will demand a higher level of professionalism from the municipalities. The respondent of the municipality of Rotterdam explained that especially in the licensing trajectory an increase of professionalism is needed, because they will have to engage in more substantiated and complex testing. However, the respondent of the municipality of Assen wonders: *'Yeah, but the question is whether it is possible to re-educate these people or give them further training'* (Smit, 2014, annex p 20). He underlined that municipalities could also make organizational adjustments to cope with the EPA. We will have to wait and see how central government will support the municipalities in the implementation of the EPA. Nevertheless, it seems clear that they envision a professionalization. The respondent of the municipality of Rotterdam underlined the importance of the bill VTH. Central government more or less wants to ensure the quality of the licensing trajectory and supervision apparatus. Therefore they constructed a bill which demands an X amount of FTE of the average education level Y and with the experience Z. According to the respondent of the municipality of Rotterdam more than half of the municipalities do not live up to this standard. The respondent of the municipality of Nijmegen stated that as a consequence the MBO-level personnel will gradually be let go. The respondent of the municipality of Nijmegen acknowledged that the bill VTH essentially demands a professionalization of the municipal organization.

Role perception

Central government has adopted a primarily adopted an involvement oriented approach of management which has been supplemented with measures belonging to a control oriented approach of management. It adopted measures with which it encourages self-management (also see indicator 5). Moreover, central government seems to desire a professionalization of the municipal organization. The bill VTH supports this assumption. The respondents of the researched municipalities seem supportive of the principles of trust and empowerment. However, they underline that they need support from central government for the implementation and desired professionalization. This support should exceed past efforts that central government offered at times of legislative changes. The respondent of the municipality of Assen argued: *'Because it has just been too feeble with the WABO and the WRO'* (Coenraads, 2014, annex p 19). Central government and municipalities agree on an involvement oriented approach with control-oriented elements. In doing so, they choose a principal steward relation. However, it seems that municipal benevolence will also be dependent on the amount of

support they will receive.

5.8 Indicator 8

Central government

When central government wants to improve the likelihood of proper execution of the EPA they also need to look towards aspects of culture. Municipalities can either have an individual or collective culture. The ‘omgevingsplan’ will increasingly become an integral product which will involve more departments than before. Moreover, the discretionary decision-making will often require more tuning. This is reflected in the tailoring central government desires. Hence, the proper execution of the EPA essentially demands a strengthening of the collective culture within municipalities. In the following section I will outline the stance and expectations of the respondents of the researched municipalities concerning this collective culture.

Municipalities

At indicator 1 I have explained that the respondents of the researched municipalities identify with the societal goals, vision, reform of the field of environmental law and their subsequent part in the execution of the EPA or the ‘*algemene zorgplicht*’. However, grave concerns over the necessity and feasibility of the policy instrument ‘*het omgevingsplan*’ remain. On the first hand, it seems that there is clear goal alignment between central government and municipalities, who both adopt a stewardship role. Nevertheless, this could be undermined by existing concerns and questions regarding the ‘*omgevingsplan*’. It seems that for now the collective goals still has priority over more individual goals. Therefore the respondents of the researched municipality essentially support a collective culture. However, at indicator two I have outlined in which instances the pursuit of individual interest is still likely.

The ‘omgevingsplan’ will become a more integral product. The respondent of the municipality of Almere explained that one will have to involve more departments in its construction. However, the respondent of the municipality of Amsterdam argues: ‘*they want something more integral... but good environmental planning already contains that*’ (Bommel, 2014, annex p 66). It is the expectation of the respondent of the municipality of Assen that a global and integral ‘*omgevingsplan*’ will demand more generalist than specialist knowledge. He argues: ‘*Yeah. There will be more generalists and fewer specialists*’ (Smit, 2014, annex p 16). Moreover, the respondent of the municipality of Nijmegen therefore expects that more specialists will move into coordinative functions. The respondent of the municipality of Almere underlined the importance of PR on the instrument ‘*het omgevingsplan*’ to get the departments on boards. The respondent of the municipality of Assen agreed that the execution of the EPA will demand even more coordination and balancing than before.

Less conflict of interest is expected between central government and the municipalities (see indicator 2). However, the EPA could result in an increase of conflicts of interests within the

municipal organization. The respondent of the municipality of Assen states: *'There's more discussion about that with a broader 'bestemmingsplan'.... at least that is my experience, there's also a lot of discussion when a more flexible 'bestemmingsplan' is concerned'* (Smit, 2014, annex p 17). Increased discretionary space will also mean that the advice of specialists will increasingly be ignored. Projects of national importance will only require nine of ten checkmarks before they are granted permission. The respondent of the municipality of Assen explained: *'the more is added, the more subordinate their little interest will be'* (Coenraads, 2014, annex p 16). The municipality of Almere added that changes will always provokes resistance and people will always hang on to what they got. Reorientation is hard.

The respondent of the municipality of Almere therefore underlined the importance: *'Well within the organisation I think you will need a lot of missionary work to draw the others in. That won't happen from one day to the next'* (Laheij, 2014, annex p 39). The respondent of the municipality of Nijmegen added that this is currently the primary occupation of the director of the municipality of Nijmegen. Moreover, the respondent of the municipality of Assen stressed: *'...to be able to deliver some material for it, uhh presentation materials, which you can use to get you board and colleagues more involved.. yeah yeah there's a role for the municipalities but also for the ministry'* (Coenraads, 2014, annex p 19). Hence, civil servants can also inform each other about future changes. The respondent of the municipality Almere declared that he had arranged a meeting with guest speakers of the ministry who informed the department of licensing on the EPA and its instruments. The respondent of the municipality of Nijmegen informed his colleagues by e-mail and personal elucidations. These actions support the development of a collective culture. The respondent of the municipality of Rotterdam argued that the *'uitvoeringsregels'* of the EPA are still unknown. Much uncertainty remains. Nevertheless, the respondent of the municipality of Amsterdam is convinced that the EPA will demand a behavioral change. She argued: *'We can create legislation how we want, we can make a fantastic 'omgevingswet', but if we keep working in the same way the 'omgevingswet' won't bring us anything new'* (Bommel, 2014, annex p 67). The respondent of the municipality of Amsterdam explained that you can achieve this by gradually informing people, explaining the pros and cons of a change and convincing them of the desirability. This could be facilitated by the creation of a strong collective culture.

Role perception

The integral character of the *'omgevingsplan'*, the tailoring of discretionary decision-making and essentially the overall execution of the EPA demands a strengthening of the collective culture within the municipal organization. Central government thereby opts for a principal steward relationship. The respondents of the researched municipalities have explained that there is goal alignment between central government and the municipalities. They expect that the execution of the *'omgevingsplan'* will demand more interaction, coordination and balancing between departments and civil servants.

However, they expect that this reorientation will lead to discussions and problems. Therefore the respondents of the researched municipalities underlined the importance of harmonization and communicative effort to get everyone on board. The respondent of the municipality of Amsterdam stressed this would demand a larger behavioral change. Hence, central government and the EPA essentially demand the strengthening of a collective culture. The respondents of the researched municipalities seem to agree that the expected changes in executive work demand a reorientation and underline themselves the importance of measures which could help bring about such a collective culture.

5.9 Indicator 9

Central government

Central government has a long-term relation with the Dutch municipalities. This relationship is characterized by the many transactions that have occurred: decentralization waves versus centralization waves. In this instance central government decentralized tasks and powers in the EPA to the municipal organization. Moreover, central government has tried to involve municipalities through consultative measures with the development of the EPA. The respondents of the researched municipalities emphasized that this encompassed sending questionnaires to municipalities about bottlenecks in the execution, asking advice from governors and aldermen in G4 meetings, maintaining close and frequent contact with the VNG, inviting municipalities to experiment with flexible measures already present in the bill CHW, and asking feedback on a provisional version of the EPA. Hence, time was spent on getting to know one another prior to the transaction. Moreover, there are efforts of harmonization and mutual agreement. These characteristics fit a long-term relationship and argue that central government adopts a principle steward relationship.

Municipalities

The respondent of the municipality of Assen confirms that municipalities have had to adjust to a large amount of revisions and regulations over the last couple of years. These transactions ranged from the WRO, WABO, CHW to the EPA. Moreover, the respondent of the municipality of Nijmegen elaborated on his involvement in various meetings, consultation on the provisional EPA, attendance at the 'landelijke bijeenkomst', experimentation with the CHW, engagement in forums and websites such as '*Veelgestelde vragen.nl*'. Hence, the respondents of the researched municipality were actively involved. The respondent of the municipality of Almere stated: '*for this we will set up two omgevingsplannen: one for Weerwater, where the Floriade lies, and one for Oosterwolde. So that is something we're experimenting with*' (Laheij, 2014, annex p 33). However, the respondent of the municipality of Assen argued that the WRO has thought that being a forerunner is not necessarily a good thing. Those municipalities that were a forerunner with the WRO eventually had to modify their '*bestemmingsplannen*' because they did not suffice.

From both parties there is investment to build a trustworthy relationship. When one takes the lobby activities of the VNG into account it is also a negotiated relationship. Moreover, the respondents of the researched municipalities agreed that this relationship and transaction are built on the basis of trust (see indicator 5), collective goals (see indicator 1) and involvement (see indicator 7). Nevertheless, it is inevitable that the envisioned changes will lead to some conflict and confrontation (see indicator 2).

Role perception

Given the before mentioned characteristics I conclude that the municipalities agree that there is a long-term relationship with central government which would likely bring about a principal steward relationship. The construct of the EPA supports the development of a long-term relation. Moreover, this long-term relationship is supportive of the development a collective culture (see indicator 8).

5.10 Indicator 10

Lipsky (1985) stated that the demand for public services tends to exceed the supply. The EPA is designed to stimulate societal entrepreneurship: '*uitnodigingsplanologie*'. However, some of the researched municipalities are skeptical whether this will happen. The respondents of the municipality of Assen and Almere do not think that the EPA will lead to an increase in demand for public services. With regard to the '*omgevingsplan*' this should primarily manifest in more or less license applications. However, the respondent of the municipality of Rotterdam does think that the demand will increase. He states: '*this law helps in places you want to develop*' (Barendrecht, 2014, annex p 46). However, this '*uitnodigingsplanologie*', i.e. demand, remains highly unpredictable. The respondent of the municipality of Assen therefore explained that they still struggle how to arrange it (Smit, 2014, annex p 9). Moreover, demand takes shape in a context of economic decline, retrenchment and shrinking civil service. The respondent of the municipality of Assen highlighted that in some sectors we are still dealing with a shrinking market, such as the office and retail market. In this situation one might expect a decline in demand. However, the implementation of a new legislative piece, such as the EPA, often leads to a surge in demand. The respondent of the Amsterdam already expressed their anxiety about the current reserve capacity: '*I know the WABO cost millions for us as well, I believe we had... there was an enormous budget, at this moment we don't have that for the implementation as Amsterdam*' (Bommel, 2014, annex p 69).

Nevertheless, street-level bureaucrats can take measures to deal with the unpredictability of demand. The respondent of the municipality of Nijmegen expressed his hope that the EPA will lead to a true integration. It is stated that we move from twenty-four licenses to one, from ten forms to one, from four procedures to one. These procedures could help limit the case load if this integration will take place and is not mere rhetoric's. Moreover, the demand on public services could be limited when the EPA will impose costs on clients. This will happen to some extent. The research costs will be

moved to the licensing trajectory and transferred to the client in his license application. The respondent of the municipality of Almere explained: *'that 'omgevingswet' assumes much more that entrepreneurs will take the initiative* (Laheij, 2014, annex p 39).

Moreover, the EPA advocates local tailoring. This tailoring opposes standardization and the development of routines. Hence, the demand will be less predictable and resources less rationed per individual case when it will require tailoring. Furthermore, central government has decided to abolish the *'actualiseringsplicht'*. The respondent of the municipality of Rotterdam explained that municipalities were formerly obliged to actualize their *'bestemmingsplanen'* every ten years. However, with the introduction of the *'omgevingsplan'* this will no longer be necessary. The respondent of the municipality of Assen stated: *'the obligation to actualize has faded away, there's devaluing again, positions are reorganized out of existence again'* (Smit, 2014, annex p 20). Hence, this abolishment of the obligation to actualize will decrease some of the workload for civil servants.

The respondent of the municipality of Assen stated that they are able to handle and manage the future demand. However, they also declared that pressure should not increase. Some municipalities try to increase the predictability of future demand by experimenting with the CHW. The respondents of the municipality of Amsterdam even spoke on individual basis with the ministry about future changes. Overall, the ministry tried to involve all parties. The respondent of the municipality of Assen stated: *'Municipalities are so short of staff. That we have trouble with the day-to-day work, just doing our things.... we do it... we experiment with a couple of things, but well nothing more can be added'* (Smit, 2014, annex p 7). Therefore he advised that municipalities should not be pressured to have their *'omgevingsplan'* ready by 2020. However, not all municipalities have the resources to gather information and enhance the predictability of demand. The respondent of the municipality of Assen stated: *'Yeah. As a large municipality we have some chance en then you also go to national meetings, but the rural municipality with only one RO advisor, who does policy as well as 'bestemmingsplannen', and initiatives, to have this to do as well that is quite a lot for such a.... well smaller municipal organization'* (Smit, 2014, annex p 22). Moreover, the respondent of the municipality of Nijmegen stated that not all municipalities will be able to handle the future demand: *'Milsbeek is really not okay and child welfare, and services for the elderly, and the WABO, and archeology, they have about ten civil servants or something. They will go out of their minds'* (Albers, 2014, annex p 97).

It seems increasingly important that municipalities clearly demarcate the boundaries in which it operates. The respondent of the municipality of Almere states: *'think that municipal services or the municipalities should more clearly state the framework in which it operates'* (Laheij, 2014, annex p 39). When doing so, they could stimulate societal entrepreneurship, i.e. stimulate demand or reduce it. The respondent of the municipality of Rotterdam explained that that this is dependent on the space for development one offers in ones former *'bestemmingsplannen'* and future *'omgevingsplan'*. Municipalities are either conservative and limit this space or are progressive and offer space for development. This is a direct result of discretionary decision-making. The respondent of the

municipality states: *'I hope that governments, municipalities will think ahead more about what might be desirable or possible'* (Barendrecht, 2014, annex p 58).

Moreover, Lipsky states that the available information can be manipulated in order to impose costs on clients and decrease their demand. The automatic service system and digital environment called the *'Laan van de Leefomgeving'* should increase the transparency in the licensing trajectory. Central government wished that the *'vergunningverlener'* and the *'vergunningaanvrager'* will be able to attain the same information, equally accessible. Hence, it could therefore be expected that this measure will increase the demand on public services. The respondent of the municipality of Amsterdam stated: *'how the 'Laan van de Leefomgeving' will function is of great concern'* (Bommel, 2014).

However, we have seen a trend in which public services increasingly link up with other agencies. The EPA will also create changes in the division of work. For example, the respondent of the municipality of Almere stated: *'Permits will, of course, play an increasingly important role. Because as part of the environment, more and more inquiries will take place during the final stage of the 'omgevingsvergunning'* (Laheij, 2014, annex p 29). Moreover, tasks are more often transferred to the RUD. Furthermore, many tasks will be privatized. The respondent of the municipality of Rotterdam stated: *'in Rotterdam there's RBIO, they're called differently nowadays, that those sort of clubs will create the plans for the municipality and the municipalities will actually uhhh buy plans and maybe be even less of a commissioner for spatial plans than they often are now. And there are municipalities who don't make their own 'bestemmingsplannen' now, for example because it's too complicated for the people they have. Yeah, I think consultancies will be happy with such an amendment'* (Barendrecht, 2014). This development could also limit the demand on public services. Some specialist knowledge will be privatized. The respondent of the municipality of Assen stated: *'You just notice that they want to go more broadly, with us as well... and well you do need that specialist knowledge because that's disappearing within the municipalities, it's all being privatized'* (Coenraads, 2014, annex p 16). The municipality of Assen state: *'yeah well some things disappear, yeah'* (Smit, 2014, annex p 13).

5.11 Indicator 11

According to Lipsky street-level bureaucracies cannot execute their tasks in ideal terms. One of the reasons is inadequacy of resources. The EPA will have to be executed in a broader societal context of retrenchments and a shrinking civil service. The respondent of the municipality of Assen stated: *'And the screws are tightened everywhere. We have to explore a lot of new things, and there is so little space for those sorts of things. Municipalities are really short of staff'* (Smit, 2014, annex p 7-8). The respondent of the municipality of Assen thinks that there is an overall shortage in resources. They state: *'we run short of capability'* (Smit, 2014, annex p 19) and *'No and I think we also lack money'* (Coenraads, 2014, annex p 19). The respondent of the municipality of Nijmegen agrees that there is not enough capacity and expertise at the municipality to execute delegated tasks and powers nor has

there been sufficient time or means provided by central government to arrange this. The respondent of the municipality of Nijmegen stated: *'because cuts are the practice nowadays the story will be that you will get the tasks and you will have to sacrifice ten percent'* (Albers, 2014, annex p 94).

However, the respondent of the municipality of Assen think that they will be able to manage if the pressure should not increase. Municipalities should be given a reasonable period of time to develop the 'omgevingsplan'. All respondents of the researched municipalities spoke of the many legislative changes that occurred in the RO domain. According to the respondent of the municipality of Assen states: *'You don't have the chance to work with current set of instruments in order to use it more flexibly, even though those possibilities already exist'* (Coenraads, 2014, annex p 27). There is a clear lack of resource time. Moreover, the respondent of the municipality of Rotterdam and especially of Amsterdam strongly argued that many things are already possible with current legislation.

It remains to be seen how many resources will be allocated to the municipalities for the execution of the EPA. However, central government seems to devote much attention to the resource of information. In this phase of the legislative trajectory many consultative measures are already taken, such as feedback on *'toetsversie'* of the EPA by stakeholders, personal meetings with some municipalities, involving some municipalities in OIM meetings or all at the *'landelijke bijeenkomst'*. Moreover, the respondent of the municipality of Assen explained: *'Well, we're there with the 7th and 8th portion of the CHW and we'll get to practice with the 'omgevingsplan' already and we'll that well that we can gain some experience already'* (Coenraads, 2014, annex p 6). Nevertheless, it is the question whether all municipalities are equally included. The respondent of the municipality of Assen highlighted an important bottleneck: *'As a large municipality we have some chance en then you also go to national meetings, but the rural municipality with only one RO advisor, who does policy as well as 'bestemmingsplannen', and initiatives, to have this to do as well that is quite a lot for such a.... well smaller municipal organization'* (Smit, 2014, annex p 22).

Furthermore, the proper execution of tasks by civil servants on the street-level also depends on their personal resources, like training, education, or expertise. The respondent of the municipality of Assen stated: *'I expect that that will demand quite some competences'* (Coenraads, 2014, annex p 6). Nevertheless, they thought that they would be able to deal with the required professionalism and expertise. The respondent of the municipality of Almere explained that especially the *'vergunningverlener'* will have to meet their new requirements. He stated: *'they will also have to interpret the rules for policy... and they don't like that, because it's black or white, and for those people a completely different competence is appropriate. They put the responsibility with the 'vergunningverlener' even they are not used to judging good spatial foundations, at least with us, and uh... considering interests within the framework of a rule for policy that is applicable'* (Laheij, 2014, annex p 36). Therefore the municipality of Amsterdam declared that civil servants will need training and education to cope with the apparent changes. However, the respondent of the municipality of Assen questioned whether this is possible: *'Yeah, but the question is whether it is possible to re-*

educate these people or give them further training' (Smit, 2014, annex p 20). They provided the alternative to make organization changes so one could fall back on ones back office. The respondent of the municipality of Nijmegen noted the importance of the bill VTH. In this context it could be used to guarantee the required professionalism. He stated: *'That's the whole purpose of the VTH, a big stick. So if you haven't done it voluntarily... hand over those tasks if you can't do it.'* (Albers, 2014, annex p 98).

There are different perceptions among the researched municipalities about the organizational consequences of the EPA. The respondents of the municipalities of Amsterdam and Rotterdam are not that anxious. The respondent of the latter municipality stated: *'So I'm a little less scared or anxious about really big consequences an 'omgevingswet' like this might have. Uhm and also that the 'omgevingswet' is such a fundamental alteration... because right now, as municipalities, we can do much more than we think we can do'* (Barendrecht, 2014, annex p 69). However, the respondent of the municipality of Assen is more concerned *'Yeah well, we are now connected with the VDG, the 'Vereniging Drentse Gemeenten, and we feel that this thing, this law will have organizational consequences... our colleagues in Drente also have that feeling'* (Coenraads, 2014, annex p 7). The respondent of the municipality of Nijmegen gives reason to think that this contrast can be explained by a difference in size and capacity of a particular municipality. According to him the small municipalities with little resources will have most coping problems with the execution of the EPA. He stated: *'And uh small municipalities are in fact no longer able, because they took the course towards that WABO and the clustering of those things and that knowledge is necessary you just feel that small municipalities are no longer able to cope. So the effect of the WABO and the 'omgevingswet' will be, I think, an extra incentive to do away with the small municipalities and I also think that that is the State's hidden agenda'* (Albers, 2014, annex p 96).

Hence, the municipalities will be pressured to varying extent by the lack of resources. Both the execution of tasks and the implementation of the EPA will cost a tremendous amount of resources (see indicator 11 on demand). Public policy often tries to increase the quality of the street-level service, note the creed of the EPA: *'simpler and better'*. However, resource constrains often lead to the reduction of quality in street-level bureaucracies in order to maintain quantity. The respondent of the municipality of Nijmegen expressed this concern: *'we have to do with little money uhm... and that is unpleasant that can present problems, you can make mistakes, you can do things wrong but well it's the same discussion we have with child welfare, we also have it regarding this topic'* (Albers, 2014, annex p 94). Some respondents seemed to share the opinion of the respondent of the municipality of Assen *'And I'm allergic to standardization'* (Coenraads, 2014, annex p 18). However, the respondent of the municipality of Almere deemed it not unlikely or undesirable to create new routines and standardization. He stated that it is often seen as bad but that it also enhances efficiency and reduces the chance of mistakes. Nevertheless, it will remain to be seen if we will witness working patterns, like standardization, that aim to ration resources. The respondent of the municipality of Assen stated: *'As I*

see it, within the 'omgevingswet' there'll be more made-to-measure work and that's at odd with more standard processes' (Smit, 2014, annex p 19).

5.12 Indicator 12

Street level bureaucrats are pressured to decide in the face of complex and unanticipated situations. The respondent of the municipality of Assen underlined that municipalities are currently dealing with a situation of retrenchment, a shrinking civil service and economic decline in some sectors, like the office and retail market, in which one wants to provide flexibility to societal entrepreneurs. However it takes courage to translate this flexibility into policy. The execution of the EPA is demanding and pressures municipalities and their personnel (see indicator 12). This increases the uncertainty. For example, the respondent of the municipality of Rotterdam stated: *'But I wouldn't know how to lead a plan for the whole city through a procedure'* (Barendrecht, 2014, annex p 50). Moreover, there is a threat that public services might become more privatized. Work is increasingly done by external parties; either public such as the RUD, or private consultation agencies like the RBIO. According to the respondent of the municipality of Rotterdam the level playing field is changing and municipalities have increasingly less expertise in their organizations. For example, the respondent of the municipality of Rotterdam explained that privatization of the building inspection department *'will lead to 90% of the municipalities not having their own building and housing inspection department'* (Barendrecht, 2014, annex p 57). All respondents of the researched municipalities declared that the RO domain has been highly dynamic and municipalities had to cope with many legislative changes.

With regard to the EPA the respondent of the municipality of Almere stated that *'the 'omgevingswet' is a framework law but there's a lot that still needs to be laid down in the AmvBs. And uh yeah well you don't know how it will be recorded there and that creates a lot of uncertainty'* (Laheij, 2014, annex p 32). Therefore the respondent of the municipality of Amsterdam stressed that it is still not possible to adequately judge the EPA. The respondent of the municipality of Rotterdam ventilated some of the ensuing uncertainties: *'We're expecting it to have a great impact, but what impact and what it will mean I can't say because we'll first have to start implementing it, introduction law and all that, know how the digitalization will work, the scale, then we'll know how big the impact will be, whether some other organization is needed and in what way we'll have to do processes differently... well that's impossible to say right now'* (Barendrecht, 2014, annex p 65-66). However, much can also change in the municipal organization before the implementation trajectory kicks off. The respondent of the municipality of Amsterdam highlighted that they will have a different alderman, a different board and different priorities by that time. Hence, this underlines the necessity to speak of the likely impact of the EPA and municipal expectations of this impact in this research. It seems clear that we are dealing with a complex and unanticipated situation.

The execution of the EPA will create complex decision-making which could have political consequences. The respondent of the municipality of Amsterdam stated that flexibility could [...]

also make decision-making more complex, especially in places where you need the administrative space for consideration because you're at the limit of environmental possibilities, monitoring, temporary measures and the like and that is an intense route' (Bommel, 2014, annex p 73). The respondent of the municipality of Nijmegen underlines that we are living in a densely populated country in which we find many things important. This becomes visible in the total amount of 'toetsingsgronden'. He states: *'well and that remains complex because you need to test it all, weigh it all, and that becomes ever more complicated and more and more specialistic'* (Albers, 2014, annex p 79). The respondent of the municipality of Amsterdam made clear that when one uses flexibility and discretion to create margins it also creates a tasks for municipalities. It will mean more research and monitoring. Especially the respondent of the municipality of Assen wonders whether governors will have the courage to act upon discretionary space. He stated: *'I don't mean to be very negative, but I wonder whether administrators will dare... whether they'll have the courage to accept the challenge en say with freedom of policy that we'll do that and we'll do that.... with the programmed approach of sound, of accepting that when one lives here there's a higher tax on sound and when one lives there we'll compensate for it... and then we make sure that in the first case there's a great living environment and in the second case the environment is average.... I wonder whether that will work and whether administrators will have the courage to do that'* (Smit, 2014, annex p 10). The respondent of the municipality of Rotterdam thinks it will only happen at times and depended on the area if it makes sense. The respondent of the municipality of Assen added that it essentially remains politically motivated to what extent you want to provide flexibility or assert control. He states: *'so on the one hand people have a great need for clarity and on the other hand, from the building industry, a need for flexibility and swiftness. And we have an understanding for both. But bringing the two together isn't very easy'* (Smit, 2014, annex p 17). Hence, civil servants will be pressured to make frequent and rapid decisions which are highly complex and have political consequences.

Moreover, when decisions are made and one provides flexibility as a municipality it could well be that one ignores the advice of a specialist colleague. The respondent of the municipality of Assen explains: *'It could be that with an 'omgevingswet' one might say, we have nine green ticks, we have a red tick next to plant and animal life, oh well... but that thing is of such general interest, we'll just continue. And you do push out that colleague... you pass him by so you will have to reach an agreement on that together, because hey we live in a different world'* (Smit, 2014, annex p 16). This could bring in nuanced and emotional problems and considerations. It will be a radically different situation than before, when advice was followed.

5.13 Indicator 13

The performance of civil servants, executing the EPA and its subsequent tasks, is hard to measure given their relative autonomy and discretion. The extent of this autonomy and discretionary space is not yet clear. The respondent of the municipality of Rotterdam stated: *'We'll have to see whether that*

happens, what room the state and the province will give us. It's possible, it's not the aim'

(Barendrecht, 2014, annex p 65). The increase in discretionary powers of the municipal organization is a fundamental principle in the EPA. Nevertheless, the respondent of the municipality of Amsterdam stressed that we should wait and see how this is laid down in the AMvB. Central government could still potentially reduce the discretionary space by setting '*algemene regels*' and '*instructieregels*'. However, the respondent of the municipality of Rotterdam states that they already experienced an increasing interference of the province in municipal affairs. He stated: '*by now the role of the province is starting to become a difficult one. Because for years, as a municipality, we have never had trouble with the provinces and ours were approved and we had conferred with the province and sometimes you had to add something or something was adapted, but lately we've noticed that the province is working more seriously on testing plans and uhh Rotterdam's ideas*' (Barendrecht, 2014, annex p 44-45).

Central government has developed many consultative measures (see indicator 12). Therefore the respondent of the municipality of Almere stated: '*I know that no hard standards are entered into the AmvBs, but that a margin is adopted for that standard. So that the board can be flexible with it. But I am very curious how that will work*' (Laheij, 2014, annex p 29). He wondered whether governors would be able to make the considerations, whether they would not always give priority to construction. The respondent of the municipality of Nijmegen stated that the '*raad*' will acquire the discretionary power to grant permission to initiatives of great social interest which otherwise would have been halted when one detail is off. When doing so one will go against the advice of one specialist in your organization and his partial interest. Hence, there is ambiguity of goals.

Moreover, the respondent of the municipality of Nijmegen explained that the twenty-four '*toetsingsgronden*' for the licenses i.e. activities will remain in the EPA. He stated: '*process is uhh takes a long time and the reviewing is complicated and uhh... it's not getting easier! So it's a bit like... see, real simplification or deregulation is that one just makes a coordinating ground for testing for it with a lot of freedom of policy, or that one strikes out things in the grounds for testing and say: we do not pay attention to some things, we do not think it's important, because all that is way too complicated. The process is becoming complicated because we find a lot of things important in this densely populated country*' (Albers, 2014, annex p 78-79). Hence, there is and a multitude of involved variables and ambiguity of goals which impedes proper evaluation.

However, the governors still have a '*motiveringsplicht*' and this discretionary judgment which could be controlled be a judge. The respondent of the municipality of Nijmegen stated: '*so I think... a bit more freedom of policy to be able to make sensible decisions by a chosen legislator who is controlled democratically and on whom the press is keeping an eye, that should be possible. Let that man take a decision and defend it*' (Albers, 2014, annex p 85). Decision-making can be repealed. The granted license can become invalid when an error has been made. This can be done on the ground of the '*relativiteitsbeginsel*'. Hence, agencies are not necessarily self-corrective and their discretionary

space can give them more room for deviation. However, their discretionary decision-making can still be controlled by the media and judge and tested against the *'beginselen van behoorlijk bestuur'*. Governors will have the duty to publically defend their policies.

However, municipalities can also set rules for themselves which enables measurement, these are called *'beleidsregels'*. The respondents of the municipality of Almere and Nijmegen already acknowledged that they will develop *'beleidsregels'*. Whereas the respondent of the municipality of Rotterdam made it perfectly clear that it was not their 'biggest hobby' to do so. The respondent of the municipality of Assen stated that it will depend on the future color of *'het college'*. *Beleidsregels* restrain decision-making and enforce a consistent application. They could function as a standard or indicator to which policy could be measured.

However, there are also alternative ways to measure, control, or evaluate the performance of municipalities and their civil servants. For example, civil servants could engage in self-monitoring and peer review. For example, the respondent of the municipality of Assen explained that advices by civil servants which are politically motivated will be rebuffed: *'I know that if you do that twice with our board you won't get through with a motion'* (Smit, 2014, annex p 26). Moreover, the respondent of the municipality of Almere stated that with the construction of an *'omgevingsplan'* one will have to explore the opinion of other civil servants and departments. Peer review could be facilitated when one works on an integral product. However, according to the respondent of the municipality of Almere stated that much was already going on with the *'bestemmingsplannen'* although some more disciplines might be included in the *'omgevingsplan'*. Through peer review one might help increase quality and accountability. Moreover, increasing the training and experience of civil service would also stimulate quality. Moreover, this professionalization would stimulate self-monitoring. The respondent of the municipality of Rotterdam underlined the importance of the bill VTH. It imposes quality standards and indicators which municipalities should meet. The licensing trajectory and supervision should have an x amount of FTE, with an educational level of y and the expertise of z. The respondent of the municipality of Rotterdam stated: *'That you can see it coming that half of the municipalities won't meet the criteria'* (Barendrecht, 2014, annex p 56).

The interaction of street-level bureaucrats is often in private and therefore hard to measure. Central government is constructing the *'Laan van de Leefomgeving'*: a digital information system which will support the EPA. It will grant the *'vergunningverlener'* the same information as the *'vergunningaanvrager'*. This stimulates the responsiveness of civil servants to clients but also enables the client to assess or even compare the delivered services. This will increase performance measurement. The respondents of the municipalities of Assen, Almere and Amsterdam explicitly mentioned that this is a good development. However, some caution remains. The respondent of the municipality of Assen stated: *'That information is available for everyone. That we provide insight into why some decisions are made uhhh well I see uh.... I can really see the 'Laan van de Leefomgeving'... but I do hope ehh that they'll go the right way about it for once'* (Smit, 2014, annex

p 14). The respondent of the municipality of Amsterdam stated: *'So that means good supervision and a good instrument for enforcement. Because who will keep up with those data, keep them up to date, regulate them, etcetera. Uhm the basis of the system is completely favourable. But there are a lot of doubts about how we will manage that'* (Bommel, 2014, annex p 70).

The measurement instruments in the public sector are often inadequate. Central government has taken some measures to increase the performance measurement. Nevertheless, the municipality of Assen stated that: *'I do think it's a shame that the WRO was never evaluated. Because there are a lot of possibilities for flexibility in there and that might have been a much easier way to uhm uhm bring about the same'* (Coenraads, 2014, annex p 12).

5.14 Indicator 14

Clients are non-voluntary because they cannot attain services somewhere else. This is not any different for clients who wish to obtain a license from a municipal organization. However, they do have a choice in which territory or municipality they wish to deploy their business or engage in physical activities. The respondents of the municipality of Amsterdam explained that municipalities even compete over some clients: *'But the competition about the establishment of businesses, yeah. Uhm... and it that scope is, that competition is there and has been there all that time, and it will remain'* (Hofhuis & Bommel, 2014, annex p 72). However, this competition could be reduced by setting up partnerships. The respondent of the municipality of Amsterdam discussed the *'responsible capital'* (Hofhuis, 2014, annex p 72). It entails that the municipality of Amsterdam has made agreements with other municipalities in the region about the settlement of companies. The respondent of the municipality of Almere explained that such agreements exist but that they are not the rule. Nevertheless it illustrates municipal efforts to control and direct clients.

Clients have a subordinate position to the agency. The respondent of the municipality of Assen illustrated this with the following quote: *'Many people with whom you sit around the table say that they rather have that I immediately say it's not possible, than that I keep them in suspense for eight weeks and then still say it's not possible'* (Smit, 2014, annex p 24). Companies and citizens who wish to engage in entrepreneurial activity require some certainty before they will be comfortable to invest. Hence, they are dependent on public service delivery. The respondent of the municipality of Rotterdam illustrated this dependency by referring to the story of an entrepreneur whose resources were gradually drained because he needed to meet requirement after requirement, which followed out of a sequence of advice from municipal specialists, before was allowed to open up a club. Hence, the relation between civil servants and clients is characterized by a coercive dimension which creates non-voluntary clients.

The EPA and appurtenant *'omgevingsplan'* will change the license application process. For example, entrepreneurs will have to apply for fewer licenses but will come to bear much of the research costs. The respondent of the municipality of Assen explained that the apparent changes will

desire a reorientation from both client and civil servant. Concerning the reorientation of the client, the respondent of the municipality of Assen stated: *'Civilians have already had a lot of difficulty to get used to the current system of 'bestemmingsplannen' and spatial plans and well that's going well now... and soon it will be overturned again, it will be different and more information will be attached to it'* (Coenraads, 2014, annex p 11). And concerning the reorientation of the civil servants the respondent of the municipality of Amsterdam stated: *'There are civil servants who are very much like we need to protect everything and uh control everything and then I say no, because politics in Amsterdam is about giving more freedom to the civilian and that also means that you need to give them some space and that is... that is difficult for people who care a lot about their affairs'* (Bommel, 2014, annex p 71). The respondent of the municipality of Assen envisions that civil servants will become more of a customer manager which facilitates clients but will also have to put more effort in enforcement. Hence, clients will still be managed by the civil servants but in a different way.

This way of clients processing seems to provide more liberty to the client. The EPA is accompanied with a digitalization. The automatic service system and digital environment called the: *'Laan van de Leefomgeving'* aims to increase the transparency of the licensing trajectory. The *'vergunningverlener'* and the *'vergunningaanvrager'* will be able to attain the same information which is equally accessible. As a result, individuals might be less socialized in their client roles. Nevertheless, it is likely that the civil servant will remain dominant in the interaction.

Moreover, the client is not among the primary reference groups of street-level bureaucracies. The respondent of the municipality of Assen illustrated this by stating: *'Uhhh... but what happens when a man starts to complain about a neighboring company, well to that bad, you exploited it, not that bad. When five people start to complain, when ten people start to complain, then fifteen people start to complain... it will be brought up in the council. The council will discuss it, and then the bench of mayor and aldermen will have to do something with it'* (Smit, 2014, annex p 23). Nevertheless the before mentioned increase in information might stimulate clients' influence over the licensing process and might enable or teach him to work the system.

Lipsky explains how the expectations of clients are extremely important for the experience of public services. Therefore street-level bureaucracies should: *'convey to clients what their proper level of expectations of the bureaucracy should be'* (Lipsky, 1985, p 65). Central government has already created expectations during the construction of the EPA, both among clients and civil servants.

With regard to the expectations of clients the respondent of the municipality of Nijmegen stated: *'The biggest issue is the uhh the image that's created, also by the ministry in official documents, towards businesses and civilians that it will be a lot easier to obtain a permit, and with that it's suggested that the testing will be more liberal or that the levels will be lowered, because then it's easier to obtain a permit'* (Albers, 2014, annex p 84). The respondent of the municipality of Nijmegen explained that it might be become a little simpler but not a lot. Central government states that we move from twenty-four licenses to one and from four procedures to one. However, the

respondent of the municipality of Nijmegen reflects that this will be mere rhetoric's when the one form will be twenty-four times longer than before. He states: *'So it's kind of an illusion to think that when you uh put the laws together that... then I'll have a permit in no time at all, piece of cake... it's not like that and it won't happen. It's a bit of a uh on paper it's slimming down and a simplification, simply better is what you just called it, eh? Better? Then I think all those things... why, why, why simple and why better? You can arrange some stuff around and you can improve some things but I think that it will be the same process and the same testing for 90%. And you can make it easier for ten percent and they suggest that things can get fifty percent easier, faster and better'* (Albers, 2014, annex p 79). The respondent of the municipality of Amsterdam acknowledges that we should not expect 'miracles' in terms of societal initiatives from the EPA. Hence, central government sets wrong expectations among clients. In turn, municipalities will have to negotiate the gap and reduce dissonance between these public expectations and their actual service outcomes (Lipsky, 1985, preface xx). The respondent of the municipality of Nijmegen stated: *'And that is... that can create problems because people will be disappointed or you'll have to explain it all like that's what you thought and that's what you read, but actually it doesn't work like that! Ooh. Well, I had a completely different idea. Oh well, sorry'* (Albers, 2014, annex p 85).

With regard to the expectations of civil servants the respondent of the municipality of Amsterdam explained that the expectations of increased discretionary space should be tempered. She stated: *'And I think that a problem is probably also that the expectation is that the 'omgevingswet' will create a lot of freedom for considerations en that you can balance a lot with environment norms but of course when you look at the existing coercive European norms that will only apply to a limited amount of fields'* (Hofhuis, 2014, annex p 73). The respondent of the municipality of Assen stated: *'I also say to you sometimes that that whole propaganda machine that's about not everything is awful and soon everything will be great. Those videos that were shown during the national meeting as well. John is civil servant, John does his work badly right now and when John has the 'omgevingswet' he'll do everything correctly'* (Smit, 2014, annex p 13). This is not realistic, according to the respondent of the municipality of Assen. The respondent of the municipality of Almere stressed that a lot of missionary work has to be done in the municipal organization to inform colleagues on future changes. The respondent of the municipality of Assen underlined that both central government and municipalities have a communicate role to play. She stated they use some presentation materials. Moreover, the respondent of the municipality of Nijmegen informed that the director is predominantly preoccupied with: *'travel around and create trust in that it's more professional and faster and cheaper, because that plays a role nowadays'* (Albers, 2014, p 92). The respondent of the municipality of Amsterdam highlighted the importance of informing civil servants and creating the proper expectations: *'Well, I think the most important thing is, and that is in the 'omgevingswet' in general, we need to change the culture. We can create legislation how we want, we can make a fantastic 'omgevingswet', but if we keep working in the same way the 'omgevingswet' won't bring us anything new'* (Bommel, 2014, annex

p 67).

5.15 Results

In figure 5 I have portrayed the results on how central government and the respondents of the researched municipalities view their future relation. These results have been specified per indicator. In figure 6 I have presented to which role perception this leads. There can either be congruence or antagonism of the role perception. I conclude that in general there is congruence in the role perception of central government and the municipalities. They both opt for a principle-steward relation. However, there is (potential for) antagonism on some indicators. These indicators require extra attention and effort from central government. They underlie the recommendations that will be presented in the conclusion chapter.

Figure 8: results (1)

Indicator	Central Government	Municipality of Assen	Municipality of Almere	Municipality of Rotterdam	Municipality of Amsterdam	Municipality of Nijmegen
1	+	+	+	+	+	+
2	+	-/+	+	-/+	+	-/+
3	+	+/-	+/-	+/-	-/+	+/-
4	+	+	+	+	+	+
5	+/-	+/-	+/-	+/-	+/-	+/-
6	+	+	+	+	+	+
7	+/-	+/-	+/-	+/-	+/-	+/-
8	+	+	+	+	+	+
9	+	+	+	+	+	+

+ choice for a stewardship relation. - choice for a principal agent relation. +/- in between

If a majority, at least 3 out of 5 municipalities, adopt the same role perception this will be generalized as the general position of the municipalities on the matter.

Figure 9: results (2)

Indicator	Central government	Municipalities	Result for role perception
1	+	+	Congruence
2	+	-/+	In between (so Antagonism)
3	+	-/+	In between (so Antagonism)
4	+	+	Congruence
5	+/-	+/-	Congruence
6	+	+	Congruence
7	+/-	+	In between (so Antagonism)
8	+	+	Congruence
9	+	+	Congruence
			Congruence

If less than 4 indicators mark congruence – there is antagonism on the role perception. If more than 5 indicators mark congruence – there is congruence on the role perception. In between signals the potential of antagonism, it will demand extra attention of central government.

Figure 10: results (3)

Indicator	Municipalities	Results on executive problems
10	+	Nuance is important, see indicator 5.10
11	+	Nuance is important, see indicator 5.11
12	+	Nuance is important, see indicator 5.12
13	+	Nuance is important, see indicator 5.13
14	+	Nuance is important, see indicator 5.14

When an executive problem is likely to occur at the municipal level +

When an executive problem is not likely to occur at the municipal level -

5.16 Conclusion of this chapter

In this chapter I have raised the following sub-question: *Is a difference in role perception and limiting work structures likely to cause executive problems when the EPA is implemented?* I will briefly summarize the answer.

The institutional level

On the institutional level I have concluded that in general there is congruence in the role perception between central government and municipalities who both opt for a principle-steward type of relationship. This congruence makes the proper execution of the EPA more likely. However, on some indicators there is still antagonism in role perception which leaves room for improvement. I will summarize the main findings per indicator and present recommendations.

There appears to be goal alignment between central government and the researched municipalities. The respondents of the researched municipalities identify with the societal goals, the underlying vision, the reform of the field of environmental law and their subsequent part in the execution of the EPA: the *'algemene zorgplicht'*. However, the researched municipalities are skeptic about whether a true integration will take place. Moreover, they expressed their concerns on the necessity and feasibility of the policy instrument *'het omgevingsplan'*. The respondents of the researched municipalities stated that this rather liberal bill does not have priority yet in their organization.

The researched municipalities will most likely pursue the collective interest. However, there is serious potential for deviant behavior. Central government learned from previous legislative mistakes and constructed a bill which also took the execution into account. Moreover, they involved the municipalities in the policy-making process through various consultative measures. Conflicts of interest between central government and municipalities are only expected when it directly involves a national interest. However, the EPA is expected to increase conflict of interest within the municipal organization and with the provinces. The increase of discretion in *'het omgevingsplan'* demands a difficult reorientation which will result in discussion and critical remarks. It might initiate the pursuit of self-interest.

Central government predominantly tries to intrinsically motivate municipalities and their civil servants by increasing the multitude and significance of tasks, redesigning their jobs in terms of identity and granting relative autonomy and increased skill variety. The researched municipalities did not reject these measures but expressed some concerns. They underlined the importance of intrinsic motivation but wondered whether governors would have the courage to act on discretionary space and would publically defend their decisions. They acknowledged that the *'omgevingsplan'* will become a more complex product which demands more competence and skill from civil servants. However, the EPA does not have political priority in *'het college'* and the *'raad'*. It does have administrative priority among civil servants who are required to keep up with legislative changes as part of their job

description and among civil servants who are anxious of future changes. The researched municipalities underlined the need for extensive missionary work within their organizations. Currently, this initiative resides with individual civil servants who inform their organizations of future changes. It seems safe to state that much work still needs to be done in order to inform and motivate the municipalities and their personnel for their future executive and legislative tasks.

Central government and the researched municipalities agree that there is no programmability of task. At this point in time the appropriate behavior of the municipalities cannot be fully specified. The EPA is a framework law, much is still dependent on the construction of the 'uitvoeringsregelgeving'. Moreover, the increase in autonomy and discretion further reduces the programmability. The researched municipalities expect their tasks and powers to increase but also argue that they will have to wait and see if it will actually happen. The EPA is expected to affect some departments more than others, for example: the 'beleidsafdeling' and 'vergunningverlening'. Furthermore, the 'omgevingsplan' will be a wider instrument which will demand a different approach. The researched municipalities expect to become a facilitator instead of an enforcer. The job will require more expertise, skill, professionalism and generalist knowledge. Especially the 'vergunningverlener' will have to engage in substantive testing and complex decision-making. Some municipalities will not be able to meet this challenge. Therefore the researched municipalities expect that the EPA will stimulate the privatization of tasks to consultancy agencies. Furthermore, the changes in the character of work might require organizational adjustments. It differs per municipality whether they deem this necessary and likely. The researched municipalities argue that they could combat these new requirements by taken educational, organizational or collaborative measures.

Central government encourages the self-monitoring of municipalities and adopts measures which enhance outcome measurement. The decentralization of tasks and powers to municipalities is also a transfer of risk and accountability. It is based on the principles of trust and empowerment. The researched municipalities seem to support these principles but wonder how it will manifest and question its extent. It stimulates self-monitoring but reduces the measurability of performance. However, the researched municipalities outlined which measurement options remain, for example: 'de motiveringsplicht'. Moreover, they elaborated how changes in the EPA will make measurement more diverse and complex, for example: the abolishment of the actualization of the 'omgevingsplan', no integration of the 'toetsingsgronden', transfer of research costs and the transfer of some tasks to the RUD and consultancy agencies. However, the integral character of the 'omgevingsplan' will demand increased deliberation which enhances the possibility of peer review. Furthermore, the respondent of the municipality of Rotterdam expects an increase of provincial interference, directly involving in 'het omgevingsplan'. Moreover, the information system will dissolve the information asymmetry, clients can assess and even compare the delivered services.

Central government and the researched municipalities situate the EPA in a risk unstable environment. The bill has been developed in order to stimulate societal entrepreneurship given the

decrease in projects and construction plans in the Netherlands. This pursuit of economic revival occurs against a backdrop of retrenchment and larger economic stagnation. The EPA examines trends like: economic decline, retrenchment, decentralization, privatization and digitalization. Central government is decentralizing tasks, powers, accountability and risk to the municipalities as a result of general retrenchment. Moreover, there is governmental shrinkage, privatization and digitalization which support the transfer of services to the market. The researched municipalities underlined the large amount of revisions that occurred in the environmental domain. They underlined that there is uncertainty because the AMvB still needs to be written. However, the respondents of the researched municipality explained that the experience of risk or opportunity differs from area to area, sector to sector, from governor to governor and from municipality to municipality. Potentially also depending heavily on the size of the municipality.

Central government has adopted an involvement oriented approach of management which is supplemented with measures of the control oriented approach. Self-monitoring and peer review is accompanied by the information system '*Laan van de Leefomgeving*'. This approach essentially departs from the principles of trust and empowerment. The researched municipalities seem to support these principles but wonder how it will manifest and question its extent. However, this empowerment and trusts needs to be accompanied by training of the subordinate. The researched municipalities believe that more training and education is necessarily than with previous legislative changes. The professionalization requires a long implementation program. The bill VTH demands an X amount of FTE of the average education level Y and with the experience Z. According to the municipality of Rotterdam more than half of the municipalities will not live up to this standard.

The proper execution of the EPA demands a strengthening of the collective culture within the municipal organization. The '*omgevingsplan*' will change executive work by demanding more interaction, coordination and balancing between departments and civil servants. However, this reorientation is expected to result in discussions and problems. Therefore the respondents of the researched municipalities underlined the importance of harmonization and communicative efforts to get everyone on board. The respondent of the municipality of Amsterdam stressed that the EPA will demand a larger behavioral change. In order to achieve this, municipalities will need extensive missionary work which stimulates the development of collective culture?

Central government and the municipalities have a long-term relationship. It is characterized by the many transactions that occurred, ranging from the WRO, WABO, CHW to the EPA. During the construction of the EPA time was spend on getting to know one another prior to the transaction. Central government tried to involve municipalities through consultative measures with the development of the EPA. They tried to learn from previous mistakes and took its future execution extensively into account. There were efforts of harmonization and mutual agreement. Both parties invested to build a trustworthy relationship. However, when you take the lobby activities of the VNG into account it is also a negotiated relationship. The respondents of the researched municipalities

acknowledged that that the relationship and EPA transaction is built on the basis of trust (see indicator 5), collective goals (see indicator 1) and involvement (see indicator 7). These characteristics are fitting to a long-term relationship.

The executive level

On the executive level I conclude that executive problems will occur as a result of limiting work structures. I will summarize the main findings per indicator and present recommendations.

The demand for public services will tend to exceed the supply. Municipalities will receive more tasks and increased discretionary space. The *'uitnodigingsplanologie'* of the EPA is designed to stimulate social entrepreneurship. The perceived availability of service pulls the demand.

Nevertheless, the respondents of the researched municipalities argue that demand will not necessarily increase. It depends on many variables. For example: *'Deze wet helpt waar je ontwikkelingen wilt laten plaatsvinden'* (Barendrecht, 2014, bijlage p 46). Municipalities could either be conservative and limit the space for development or be progressive and enhance it. Furthermore, it is dependent on wider societal factors. For example, some sectors like the office and retail market are in decline and this could lead to less license applications. Moreover, the design of the EPA impacts on the demand. For example, the abolishment of the *'actualiseringsverplicht'* will reduce the workload. However, the implementation of the EPA will lead to a surge in demand. It is clear that the demand remains highly unpredictable. The researched municipalities stressed that they still struggle with it. Nevertheless, some measures can increase the predictability. For example, demand will be limited by imposing research costs on clients that seek services through license applications. Moreover, the respondent of the municipality of Nijmegen argues that services will reduce geographically as a consequence of fusion that has been triggered by the EPA. The development of devices like the information system *'Laan van de Leefomgeving'* will also make demand more predictable. However, advocating local tailoring reduces this predictability. It opposes both standardization and the formation of routines. Moreover, municipalities could also link up with other agencies to handle demand. The researched municipalities deem it likely that some tasks will be handed over to the RUD and consultancy agencies. Nevertheless, the respondents of the researched municipalities are still convinced they will be pressured by a high case load. The respondent of the municipality of Assen argues that they will be able to handle demand if pressure would not increase. However, the respondent of the municipality of Nijmegen stresses that small municipalities will not be able to handle the demand.

The researched municipalities will not be able to execute their tasks in ideal terms due to resource constraints. In a context of retrenchment and governmental shrinkage the researched municipalities argue that they lack funds. The respondent of the municipality of Assen underlined that this lack of funds also concerns the execution of the EPA. Moreover, municipalities also expect a lack of time. They referred to the many legislative changes in the RO domain and stressed that they often had insufficient time to utilize the flexibility measures in the instruments. The respondent of the

municipality of Assen requested a reasonable period of time to develop the *'omgevingsplan'*. However, the researched municipalities did receive extensive information on the EPA. Central government has devoted a lot of effort to the development of consultative measures. Furthermore, the researched municipalities have different opinions on the availability of capacity. However, the implementation of the EPA will also demand reserve capacity. The respondent of the municipality of Amsterdam argued that they have fewer reserves than during the implementation of the WABO. Moreover, it seems that many civil servants from the researched municipalities lack the personal resources for proper execution: training, education and expertise. The respondent of the municipality of Assen underlined that the execution of the EPA will require quite some competence, especially from the *'vergunningverlener'*. Civil servants will need extensive training and education. However, the respondent of the municipality of Assen wonders whether their personnel can be re-educated. Nevertheless, the bill VTH effectively demands a professionalization. Municipalities could also make strategic organizational adjustments. Some of the researched municipalities deem it necessary while others don't. Municipalities can be expected to develop coping mechanism to deal with the before mentioned resource constraints. The EPA tries to increase the quality of public service: *'simpler and beter'*. However, when the before mentioned resource constraints are at place it could be expected that quality is reduced in order to maintain quantity. The respondent of the municipality of Nijmegen expects that these resource constraints will even more severe at the small municipalities.

The executive work of municipalities and civil servants contains a lot of uncertainty. They are pressured to decide in complex and unanticipated situations. Moreover, their rapid and frequent decisions could have political consequences. For example, municipalities and their civil servants will need to decide in a risk unstable environment (see indicator 6). Municipalities will have the discretionary space to surpass one interest in order to favor another. For example, they could grant a big infrastructural project passage despite one environmental concern. It takes courage to translate flexibility into policy and publically defend it. Moreover, the advice of a specialist colleague might be ignored who argues against this license. Therefore decision-making could also contain nuanced and emotional problems and considerations. Furthermore, the construction of the *'omgevingsplan'* will be demanding and complex. The respondent of the municipality of Rotterdam honestly stated: *'I do not know how I will guide a plan for whole the city through one single procedure'* (Barendrecht, 2014, annex p 50). Moreover, the level playing field is changing. Municipalities have increasingly less expertise within their organizations as a consequence of privatization. At this point in time municipalities can still insufficiently judge the impact of the EPA. Moreover, municipalities will also have a different alderman, a different *'college'* and a different set of priorities when the implementation begins. All of this will likely increase anxiety and uncertainty at the municipal level. Civil servants are pressured making the proper execution of the EPA less likely. The performance of municipalities and their civil servants will become harder to measure by the increase in autonomy and discretion. Even though the researched municipalities are supportive of their empowerment they also

seem to underline the necessity of some measurement. For example, the respondent of the municipality of Almere wondered whether governors will not always favor construction in discretionary decision-making. The researched municipalities explained which measurement mechanisms remain: ranging from their '*motiveringsplicht*' to '*het indienen van zienswijze*'. They underlined that it is politically motivated how strong you want to control. Some municipalities argue that we still have to wait and see if discretionary space will be limited. It still remains possible by the construction of '*algemene regels*', '*instructieregels*' or '*beleidsregels*'. This would also increase the ability of performance measurement. Currently, some municipalities expect to formulate '*beleidsregels*' while others refrain from it. Furthermore, the respondent of the municipality of Rotterdam does expect more provincial interference. However, the respondent of the municipality of Nijmegen thinks that the '*toetsingsgronden*' will not be integrated. This will mean that a multitude of involved variables and ambiguity in role remains which impedes proper evaluation. However, the EPA design contains alternative ways to measure and evaluate the performance of street-level bureaucrats. There is great potential for self-monitoring and peer review. The integral character of the '*omgevingsplan*' demands communication and collaboration between departments and their civil servants which enables peer review. Moreover, the respondent of the municipality of Assen argued that '*the raad*' checks if advices are not politically motivated. Furthermore, the researched municipalities argue that the EPA demands a professionalization which would enhance the potential of self-monitoring. Contact with clients is often private. However, the information system '*Laan van de Leefomgeving*' dissolves much of the information asymmetry and empowers clients to assess or even compare the delivered services. Hence, performance measurement remains hard but there is potential in the alternative ways of measurement and evaluation.

Municipalities and civil servants will likely deal with non-voluntary clients. They cannot attain services somewhere else. However, they have a choice in which territory or municipality they wish to deploy their business or engage in physical activities. The researched municipalities explained that municipalities can compete over clients. However, this competition could be reduced by setting up partnerships like the '*verantwoordelijke hoofdstad*'. Companies and citizens wish to require some certainty before will invest. As a result of the EPA entrepreneurs will have to apply for fewer licenses but will come to bear much of the research costs. The respondent of the municipality of Assen envisions that civil servants will become more of a customer manager which facilitate license applications and control the enforcement. Clients are still subordinate to the agency but will be managed differently. However, the '*Laan van de Leefomgeving*' dissolves much of the information asymmetry between civil servant and their clients. In my opinion this might less coercively socialize individuals in their client roles. The researched municipalities argue that central government created a lot of false expectations of public service delivery. It has been suggested to clients that it will be much simpler to attain a license and that measurement will relax. However, according to the respondent of the municipality of Nijmegen it cannot be done much simpler. Municipalities will have to negotiate

the gap and reduce the dissonance of clients' expectations and the actual service outcomes. Therefore the respondent of the municipality of Nijmegen expects a lot of disappointed clients. Furthermore, the respondent of the municipality of Amsterdam added that expectations of increased discretionary space should also be tempered. Many European norms in the environmental domain do not allow discretionary considerations. Moreover, the respondent of the municipality of Assen does not conform to the depiction of his work as evolving from hard to simple.

Chapter 6: Conclusion

6.1 Motivation

During my internship at the Ministry of Infrastructure and Environment I helped to create the Environmental Planning Act. This ambitious legislative operation will change the field of environmental law and consequently have great implications for the realization of activities in the physical environment. I wondered whether the societal goals would be reached and if all involved parties would simply play their part. In short, I wondered whether policy could be executed as designed. This motivated me to research the execution of the EPA by the municipal organization.

6.2 Research objective

The purpose is to inform central government on potential bottlenecks in the execution of the EPA.

6.3 Research questions

This research is built on the following question:

-What (positive or negative) effects of increased discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented?

In order to answer this question the following sub-questions have been developed:

- 1. How will the Environmental Planning Act alter the tasks and powers of the Dutch municipalities?*
- 2. What could prevent municipalities and their civil servants from executing their tasks in ideal terms?*
- 3. How could this difference between policy design and policy outcome best be researched?*
- 4. Is a difference in role perception and limiting work structures likely to cause executive problems when the EPA is implemented?*

6.4.1 Answer to sub-question 1

In this chapter, I have raised the following sub-question: *how will the implementation of the Environmental Planning Act alter the tasks and powers of the Dutch municipalities?* I will briefly provide a summary of the answer.

Central government constructed a bill that tried to respond to societal developments and reform the outdated framework of environmental law. The EPA was conceived to provide a coherent system of planning and decision-making procedures (Rijksoverheid, 2013). The improvement goals for the revision of field of environmental law require proactive and flexible governmental bodies that have discretionary space.

The EPA is a framework law. It provides the structure for a norm system of high and low

order. Norms setting activity is distributed among several governmental layers. The municipalities are required to engage in norm setting of a lower order. They will need time to prepare for the decentralization of tasks and their subsequent part in the implementation of this policy.

Within our public administration municipalities have clear tasks and powers in the care for the physical environment. Indeed, municipalities are *'het bevoegd gezag'*. They perform mandatory tasks in accordance to law and develop initiatives on their own account, like the care for public space. Municipalities can exercise tasks and powers in autonomy or in joint administration. However, the EPA will primarily create tasks and powers that are performed in free joint administration.

The instrument *'het omgevingsplan'* obliges municipalities to combine all of their rules concerning the environment in one single area-wide regulation. *'Decentralized discretionary power is the starting point'* (MvT, p 75). However, the boundaries of this discretionary space can still be altered by municipalities who could formulate *'beleidsregels'* or central government and the provinces who could still impose *'algemene regels'*, *'instructie regels'* and *'omgevingswaarden'*.

I conclude that the execution of the EPA contains both executive and legislative tasks for municipalities. There is an increase of discretionary power primarily to properly execute the *'omgevingsplan'*.

6.4.2 Answer to sub-question 2

In this chapter, I have raised the following sub-question: *According to theory, what kind of barriers can municipalities encounter when implementing policy?* I will briefly summarize the answer.

The EPA is *'A law in a general sense'* which allocates tasks and powers to the municipal organization. They will govern in free joint administration. The legislator has provided municipalities with the discretion to make normative decisions of a lower order and apply it to individual or concrete cases. They can write degrees which hold public legal acts of general application (such as the *'omgevingsplan'*) or of individual and concrete nature (e.g. a license). The municipalities have precise executive and legislative tasks which determine the policy outcome.

However, in science there is the dominant belief that this policy outcome will always differ from the policy design. The executive behavior of municipalities and their civil servants are to be blamed for this discrepancy. They have an important moderating function and the increase of discretion and autonomy only strengthens its potential. Therefore, I research the expectations of municipalities on their future behavior and the likely policy outcome in order to advice central government on the likelihood of proper execution. Moreover, I want to provide insight in which manner the policy design can be expected to differ from the policy outcome.

This difference can be explained by studying the difference in orientation on their relationship of central government and the municipalities. The decentralization of tasks and powers in the EPA will alter this relation. Proper execution of the EPA will become much more likely when both parties adopt the same role perception. Furthermore, the difference between policy design and policy outcome can

also be explained by studying the work structures that limit municipalities and their civil servants from doing their jobs in ideal terms. I conclude that a differing role perception and limiting work structures could decrease the likelihood of proper execution.

I have learned from academic theory that correct policy implementation is nearly impossible. However, it is something we should strive for. I am also interested under which conditions the chance of proper implementation would increase or decrease. I have identified two conditions that might reduce or enhance the correct implementation and proper execution of the EPA. (1) Congruence or antagonism in role perception between central government and the Dutch municipalities. (2) Limiting work structures within the municipal organization that could obstruct proper execution.

6.4.3 Answer to sub-question 3

In this chapter, I have raised the following sub-question: *how can this difference between policy design and policy outcome best be researched?* I will briefly summarize the answer.

In this research, I will conduct qualitative research. Conducting quantitative research is not possible when engaging in ‘*ex-ante evaluation*’ of the Environment Planning Act. However, qualitative research will be complemented by literature study. Furthermore, I will engage in multiple case studies in order to research the expectations of several municipal organizations on the EPA. This type of research is useful for describing patterns of a social phenomenon and testing them to theory. Moreover, one can predict likely outcomes that can provide the basis for advice on this social phenomenon. I adopted a deductive approach which departs from theory, operationalizes it and compares it with empiricism. The empirical material is acquired through the methods of document analysis and semi-structured interviews. The relevant documents have been selected on the following criteria: content, interdependence, domain, period, involved actors, and medium (Bleijenbergh, lecture, 2012). The relevant respondents for the interviews on the criteria were content, strategy, snowball, proximity, period, involved actors (Bleijenbergh, lecture, 2012). Moreover, practical considerations were at play. This was also an important criterion for the selection of cases. The empirical methods gathered textual material which could be interpreted with the dimensions and indicators that have been deduced from theory. I have operationalized nine indicators on the institutional dimensions which explains the likely future relationship between central government and the municipalities. Moreover, I have operationalized five indicators on the executional dimension which will explain limiting work structures that reduce the likelihood of proper execution. This operationalization clarifies how I will interpret the empirical data that has been gathered.

6.4.4 Answer to sub-question 4

In this chapter, I have raised the following sub-question: *which barriers will obstruct the execution of the EPA?* I will briefly summarize the answer.

The institutional level

On the institutional level we have concluded that in general there is congruence in the role perception between central government and municipalities who both opt for a principle-steward type of relationship. This congruence makes the proper execution of the EPA more likely. However, on some indicators there is still antagonism in role perception which leaves room for improvement. I will summarize the main findings per indicator and present recommendations.

There appears to be goal alignment between central government and the researched municipalities. The respondents of the researched municipalities identify with the societal goals, the underlying vision, the reform of the field of environmental law and their subsequent part in the execution of the EPA: the '*algemene zorgplicht*'. However, the researched municipalities are skeptic about whether a true integration will take place. Moreover, they expressed their concerns on the necessity and feasibility of the policy instrument the '*omgevingsplan*'. The respondents of the researched municipalities stated that this rather liberal bill does not yet have priority in their organization.

The researched municipalities will most likely pursue the collective interest. However, there is serious potential for deviant behavior. Central government has learned from previous legislative mistakes and constructed a bill which also took the execution into account. Moreover, they involved the municipalities in the policy-making process through various consultative measures. Conflicts of interest between central government and municipalities are only expected when it directly involves a national interest. However, the EPA is expected to increase conflict of interest within the municipal organization and with the provinces. The increase of discretion in the '*omgevingsplan*' demands a difficult reorientation which will result in discussion and critical remarks. It might initiate the pursuit of self-interest.

Central government predominantly tries to intrinsically motivate municipalities and their civil servants by increasing the multitude and significance of tasks, redesigning their jobs in terms of identity, and granting relative autonomy and increased skill variety. The researched municipalities did not reject these measures but expressed some concerns. They underlined the importance of intrinsic motivation but wondered whether governors would have the courage to act on discretionary space and would publically defend their decisions. They acknowledged that the '*omgevingsplan*' will become a more complex product which demands more competence and skill from civil servants. However, the EPA does not have political priority in '*het college*' and '*de raad*'. It does have administrative priority among civil servants who are required to keep up with legislative changes as part of their job

description and among civil servants who are anxious of future changes. The researched municipalities underlined the need for extensive missionary work within their organizations. Currently, this initiative resides with individual civil servants who inform their organizations of future changes. It seems safe to state that much work still needs to be done in order to inform and motivate the municipalities and their personnel for their future executive and legislative tasks.

Central government and the researched municipalities agree that there is no programmability of task. At this point in time the appropriate behavior of the municipalities cannot be fully specified. The EPA is a framework law and much still depends on the construction of the *'uitvoeringsregelgeving'*. Moreover, the increase in autonomy and discretion further reduces the programmability. The researched municipalities expect their tasks and powers to increase but also argue that they will have to wait and see if it will actually happen. The EPA is expected to affect some departments, for example the *'beleidsafdeling'* and *'vergunningverlening'*, more than others. Furthermore, the *'omgevingsplan'* will be a wider instrument which will demand a different approach. The researched municipalities expect to become a facilitator instead of an enforcer. The job will require more expertise, skill, professionalism and generalist knowledge. Especially the *'vergunningverlener'* will have to engage in substantive testing and complex decision-making. Some municipalities will not be able to meet this challenge. Therefore, the researched municipalities expect that the EPA will stimulate the privatization of tasks to consultancy agencies. Furthermore, the changes in the character of the work might require organizational adjustments. Municipalities differ in whether they deem this necessary and likely. The researched municipalities argue that they could combat these new requirements by taking educational, organizational and collaborative measures.

Central government encourages the self-monitoring of municipalities and adopts measures that enhance outcome measurement. The decentralization of tasks and powers to municipalities is also a transfer of risk and accountability. It is based on the principles of trust and empowerment. The researched municipalities seem to support these principles but question its extent and wonder how it will manifest. It stimulates self-monitoring but reduces the measurability of performance. However, the researched municipalities outlined which measurement options remain, for example *'de motiveringsplicht'*. Moreover, they elaborated how changes in the EPA will make measurement more diverse and complex, for example the abolishment of the actualization of the *'omgevingsplan'*, no integration of the *'toetsingsgronden'*, transfer of research costs, and the transfer of some tasks to the RUD and consultancy agencies. However, the integral character of the *'omgevingsplan'* will demand increased deliberation which enhances the possibility of peer review. Furthermore, the respondent of the municipality of Rotterdam expects an increase of provincial interference, directly involving in the *'omgevingsplan'*. Moreover, the information system will dissolve the information asymmetry and clients can assess and even compare the delivered services.

Central government and the researched municipalities situate the EPA in a risk unstable environment. The bill has been developed in order to stimulate societal entrepreneurship given the

decrease in projects and construction plans in the Netherlands. This pursuit of economic revival occurs against a backdrop of retrenchment and larger economic stagnation. The EPA examines trends like: economic decline, retrenchment, decentralization, privatization and digitalization. Central government is decentralizing tasks, powers, accountability and risk to the municipalities as a result of general retrenchment. Moreover, there is governmental shrinkage, privatization and digitalization which support the transfer of services to the market. The researched municipalities underlined the large amount of revisions that occurred in the environmental domain. They emphasized that there is uncertainty because the AMvB still needs to be written. However, the respondents of the researched municipality explained that the experience of risk or opportunity differs from area to area, from sector to sector, from governor to governor and from municipality to municipality, potentially also depending on the size of the municipality.

Central government has adopted an involvement oriented approach of management which is supplemented with measures of the control oriented approach. Self-monitoring and peer review is accompanied by the information system '*Laan van de Leefomgeving*'. This approach essentially departs from the principles of trust and empowerment. The researched municipalities seem to support these principles, but wonder how it will manifest and question its extent. However, this empowerment and trust needs to be accompanied by training of the subordinate. The researched municipalities believe that more training and education than with previous legislative changes is necessary. This professionalization requires a long implementation program. The bill VTH demands an X amount of FTE of the average education level Y and with the experience Z. According to the municipality of Rotterdam more than half of the municipalities will not live up to this standard.

The proper execution of the EPA demands a strengthening of the collective culture within the municipal organization. The '*omgevingsplan*' will change executive work by demanding more interaction, coordination, and balancing between departments and civil servants. This reorientation is expected to result in discussions and problems. Therefore, the respondents of the researched municipalities emphasized the importance of harmonization and communicative efforts to get everyone on board. The respondent of the municipality of Amsterdam stressed that the EPA will demand a larger behavioral change. In order to achieve this, municipalities need extensive missionary work that stimulates the development of collective culture.

Central government and the municipalities have a long-term relationship. It is characterized by the many transactions that have occurred, ranging from the WRO, WABO, CHW to the EPA. During the construction of the EPA, time was spent on getting to know one another prior to the transaction. Central government tried to involve municipalities through consultative measures with the development of the EPA. They tried to learn from previous mistakes and took its future execution into account extensively. There were efforts of harmonization and mutual agreement. Both parties invested to build a trustworthy relationship. However, when one takes the lobby activities of the VNG into account it is also a negotiated relationship. The respondents of the researched municipalities

acknowledged that the relationship and EPA transaction is built on the basis of trust (see indicator 5), collective goals (see indicator 1), and involvement (see indicator 7). These characteristics are fitting to a long-term relationship.

The executive level

On the executive level I conclude that executive problems will occur as a result of limiting work structures. I will summarize the main findings per indicator and present recommendations.

The demand for public services will tend to exceed the supply. Municipalities will receive more tasks and increased discretionary space. The *'uitnodigingsplanologie'* of the EPA is designed to stimulate social entrepreneurship and the perceived availability of service pulls the demand. Nevertheless, the respondents of the researched municipalities argue that demand will not necessarily increase. It is dependent on many variables. For example: *'This law helps when you want to develop.'* (Barendrecht, 2014, annex p 46). Municipalities could either be conservative and limit the space for development, or be progressive and enhance it. Furthermore, it depends on wider societal factors. For example, some sectors like the office and retail market are in decline, which could lead to less license applications. Moreover, the design of the EPA impacts on the demand. For example, the abolishment of the *'actualiseringsverplicht'* will reduce the workload. However, the implementation of the EPA will lead to a surge in demand. It is clear that the demand remains highly unpredictable. The researched municipalities indicated that they still struggle with it. Nevertheless, some measures can increase the predictability. For example, demand will be limited by imposing research costs on clients that seek services through license applications. Moreover, the respondent of the municipality of Nijmegen argues that services will reduce geographically as a consequence of fusion that has been triggered by the EPA. The development of devices like the information system *'Laan van de Leefomgeving'* will also make demand more predictable. However, advocating local tailoring reduces this predictability, opposing both standardization and the formation of routines. Moreover, municipalities could also link up with other agencies to handle demand. The researched municipalities deem it likely that some tasks will be handed over to the RUD and consultancy agencies. Nevertheless, the respondents of the researched municipalities are still convinced they will be pressured by a high case load. The respondent of the municipality of Assen argues that they will be able to handle demand if pressure would not increase. However, the respondent of the municipality of Nijmegen stresses that small municipalities will not be able to handle the demand.

The researched municipalities will not be able to execute their tasks in ideal terms due to resource constraints. In a context of retrenchment and governmental shrinkage the researched municipalities argue that they lack funds. The respondent of the municipality of Assen underlined that this lack of funds also concerns the execution of the EPA. Moreover, municipalities also expect a lack of time. They referred to the many legislative changes in the RO domain and stressed that they often had insufficient time to utilize the flexibility measures in the instruments. The respondent of the

municipality of Assen requested a reasonable period of time to develop the *'omgevingsplan'*. However, the researched municipalities did receive extensive information on the EPA. Central government has devoted a lot of effort to the development of consultative measures. Furthermore, the researched municipalities have different opinions on the availability of capacity. However, the implementation of the EPA will also demand reserve capacity. The respondent of the municipality of Amsterdam argued that they have fewer reserves than during the implementation of the WABO. Moreover, it seems that many civil servants from the researched municipalities lack the personal resources for proper execution, i.e. training, education, and expertise. The respondent of the municipality of Assen underlined that the execution of the EPA will require quite some competence, especially from the *'vergunningverlener'*. Civil servants will need extensive training and education. However, the respondent of the municipality of Assen wonders whether their personnel can be re-educated. Nevertheless, the bill VTH effectively demands a professionalization. Municipalities could also make strategic organizational adjustments. Some of the researched municipalities deem it necessary while others don't. Municipalities can be expected to develop coping mechanisms to deal with the resource constraints mentioned before. The EPA tries to increase the quality of public service: *'simpler and better'*. However, when the resource constraints mentioned before are at place it could be expected that quality is reduced in order to maintain quantity. The respondent of the municipality of Nijmegen expects that these resource constraints will be even more severe at for the small municipalities.

The executive work of municipalities and civil servants contains a lot of uncertainty. They are pressured to decide in complex and unconsidered situations. Moreover, their rapid and frequent decisions could have political consequences. For example, municipalities and their civil servants will need to make decisions in a risk unstable environment (see indicator 6). Municipalities will have the discretionary space to surpass one interest in order to favour another. For example, they could grant a big infrastructural project passage despite one environmental concern. It takes courage to translate flexibility into policy and publically defend it. Moreover, the advice of a specialist colleague who argues against this license might be ignored. Therefore, decision-making could also contain nuanced and emotional problems and considerations. Furthermore, the construction of the *'omgevingsplan'* will be demanding and complex. The respondent of the municipality of Rotterdam honestly stated: *'but I wouldn't know how lead a plan for the whole city through the procedures'* (Barendrecht, 2014, annex p 50). Moreover, the level playing field is changing. Municipalities have increasingly less expertise within their organizations as a consequence of privatization. At this point in time municipalities can still insufficiently judge the impact of the EPA. Moreover, municipalities will also have a different alderman, a different 'college' and a different set of priorities when the implementation begins. All of this will likely increase anxiety and uncertainty at the municipal level. Civil servants are under pressure, making the proper execution of the EPA less likely.

The performance of municipalities and their civil servants will become harder to measure

because of the increase in autonomy and discretion. Even though the researched municipalities are supportive of their empowerment they also seem to underline the necessity of some measurement. For example, the respondent of the municipality of Almere wondered whether governors will not always favour construction in discretionary decision-making. The researched municipalities explained which measurement mechanisms remain, ranging from their *'motiveringsplicht'* to *'het indienen van zienswijze'*. They underlined that it is politically motivated how strong they want to control. Some municipalities argue that we still have to wait and see if discretionary space will be limited. It still remains possible by the construction of *'algemene regels'*, *'instructieregels'* or *'beleidsregels'*. This would also increase the ability of performance measurement. Currently, some municipalities expect to formulate *'beleidsregels'* while others refrain from it. Furthermore, the respondent of the municipality of Rotterdam does expect more provincial interference. However, the respondent of the municipality of Nijmegen thinks that the *'toetsingsgronden'* will not be integrated. This will mean that a multitude of involved variables and ambiguity of roles remains, which impedes proper evaluation. However, the EPA design contains alternative ways to measure and evaluate the performance of street-level bureaucrats. There is great potential for self-monitoring and peer review. The integral character of the *'omgevingsplan'* demands communication and collaboration between departments and their civil servants, enabling peer review. Moreover, the respondent of the municipality of Assen argued that *'the raad'* checks if advice is not politically motivated. Furthermore, the researched municipalities argue that the EPA demands a professionalization which would enhance the potential of self-monitoring. Contact with clients is often private, but the information system *'Laan van de Leefomgeving'* dissolves much of the informational asymmetry and empowers clients to assess or even compare the delivered services. Hence, performance measurement remains hard but there is potential in the alternative ways of measurement and evaluation.

Municipalities and civil servants will likely deal with non-voluntary clients, who cannot attain services somewhere else. However, they have a choice in which territory or municipality they wish to deploy their business or engage in physical activities. The researched municipalities explained that municipalities can compete over clients. However, this competition could be reduced by setting up partnerships like the *'verantwoordelijke hoofdstad'*. Companies and citizens wish to acquire some certainty before they invest. As a result of the EPA, entrepreneurs will have to apply for fewer licenses but will come to bear much of the research costs. The respondent of the municipality of Assen envisions that civil servants will become more like customer managers that facilitate license applications and control the enforcement. Clients are still subordinate to the agency but will be managed differently. However, the *'Laan van de Leefomgeving'* dissolves much of the information asymmetry between civil servants and their clients. In my opinion this might less coercively socialize individuals in their client roles. The researched municipalities argue that central government created many false expectations of public service delivery. It has been suggested to clients that it will be much simpler to attain a license and that measurement will diminish. However, according to the respondent

of the municipality of Nijmegen things cannot be done much simpler. Municipalities will have to negotiate the gap and reduce the dissonance between clients' expectations and the actual service outcomes. Therefore, the respondent of the municipality of Nijmegen expects a lot of disappointed clients. Furthermore, the respondent of the municipality of Amsterdam added that expectations on increased discretionary space should also be tempered. Many European norms in the environmental domain do not allow discretionary considerations. Moreover, the respondent of the municipality of Assen does not conform to the depiction of his work as evolving from difficult to simple.

6.5 Answer to research question

In this research, I tried to answer the following question: *what (positive or negative) effects of discretion in executive and legislative tasks are likely to occur at the Dutch municipalities when the Environmental Planning Act is implemented?*

I conclude that the increase in discretion is likely to result in goal alignment. The pursuit of the collective interest is supported but there is room for deviation and the pursuit of individual interest. Intrinsic motivation of municipalities and their civil servants might work, but currently there is primarily need of extensive missionary work and behavioral change. Given the increase of discretion and autonomy municipalities agree that there is no programmability of task. Moreover, measurement will become more difficult. Central government encourages both self-monitoring and enhances outcome measurement to increase the likelihood of proper execution. The transfer of tasks and powers is accompanied by risk and accountability. Municipalities experience a risk unstable environment and will need support to perceive this decentralization in terms of opportunity instead of risk. They expect that the principles of trust and empowerment will be accompanied by an 'enforced' professionalization. This will demand a strengthening of collective culture to harmonize and execute a demanding integral 'omgevingsplan'. Central government decision, to involve municipalities prior to the transaction through various consultative measures, was wise. However, their long-term relationship has to be carefully maintained. The demand for public services is expected to increase although municipalities receive tools to increase its predictability. Moreover, the increase of discretion will result in a higher case load. Municipalities are expected to have insufficient resources to do their job in ideal terms. Especially a lack of funds, time and personal resources of the civil servants will preclude the proper execution of tasks. The increase of discretion and autonomy will put municipalities and civil servants under pressure. They will have to make complex, nuanced and emotional considerations in uncomplemented situations. Decisions that involve substantial discretion could have political consequences. Therefore governors will need courage to act on increased discretionary space. Furthermore, false expectations of clients on increased discretionary capabilities are likely to pressure municipalities and their civil servants. They will have to reduce the dissonance between clients' expectations and the actual service outcomes.

At this point in time the Dutch municipalities agree on a stewardship type of relationship.

They are supportive of the EPA policy design. However, on several indicators there is still room for improvement. Moreover, the Dutch municipalities foresee serious problems in the proper execution of this bill. Limiting work structures and demanding conditions will prevent municipalities from executing their tasks in ideal terms. I therefore conclude that a difference in role perception will not likely obstruct the correct implementation of the EPA, but limiting work structures and demanding conditions at the municipal organization will likely obstruct the proper execution of the EPA. I expect that the policy design of the EPA will differ from the policy outcome.

6.6 Recommendations

On the basis of this research I have formulated the following recommendations to central government, in order to increase the likelihood of correct implementation and proper execution of the EPA.

Indicator	Recommendation
1	Continue communicative and consultative efforts with a focus on the ‘ <i>omgevingsplan</i> ’ during construction of the ‘ <i>uitvoeringsregelgeving</i> ’.
2	Help harmonize conflicts of interest between municipalities and the provinces and within the municipal organization.
3	Help municipalities to inform and motivate their personnel.
4	Help translate legislative changes into practical consequences for executive and legislative work. This will enable municipalities to take preparatory measures.
5	Focus efforts on the professionalization of the municipal organization and the construction of a well-functioning information system.
6	Convince municipalities that the tasks are an opportunity instead of a risk.
7	Assist the professionalization of the municipal organization by installing a long implementation program which provides extensive training and education.
8	Support missionary work and escort behavioral change within the municipal organization.
9	Spend a lot of time on getting to know one another prior to the transaction.
10	Assist municipalities during the implementation trajectory and ease the burden on small municipalities who would likely fall over from legislative changes.
11	Relieve resource constraints. Focus on providing financial assistance, especially during the implementation and professionalization. Maintain current communicative efforts while providing municipalities with sufficient time to realize the ‘ <i>omgevingsplan</i> ’.
12	Express sincere understanding of work pressure and experienced uncertainty.
13	Increase self-monitoring and peer review by stimulating the professionalization and collaboration in the municipal organization.
14	Limit rhetoric and set proper expectations.

6.7 Reflection

In this research I positioned myself in the debate on the correct implementation of policy. My conclusions underline the notion that good implementation is impossible or only possible in certain conditions. At the start of this research I presumed that an increase of discretionary power at the municipal level would only reduce the chance of proper execution. Currently, I stress that this is not necessarily the case. I argue that antagonism in role perception and limitation of work structures would rather reduce the likelihood of proper execution. Hence, the role perception and limitations of work structures might be two conditions which help determine correct policy implementation. Moreover, they might have a relation of reciprocity. However, discretion is a moderating factor. It influences the relationship and the limiting work structures. Furthermore, I would argue that an increase of discretion is more fitting to a principle-steward relation than a principle-agent relation. Moreover, in a context of wide discretionary space it might be more important to reduce some limiting work structures over others. For example, it might be more important to increase the personal resources of civil servants than to limit uncertainty on the job. However, this assumption requires more extensive research.

I have limited this research to middle-scale and larger municipalities, but it would have benefited from an inclusion of smaller municipal organizations. The expectation is that executive problems are most severe at small municipalities. One of the respondents argued that the proper execution of the EPA demands a fusion of the smaller municipalities. He argued that this is a hidden agenda of central government. This would be an interesting topic for further research. Furthermore, in my research I described how the EPA will alter the tasks and powers of the municipal organization, but much will change for the provinces as well. This research could be transposed to the provincial level. Moreover, some municipalities expect more provincial interference which could reduce discretionary space. I am also curious to see how this will develop.

Furthermore, I expect that the municipalities and their civil servants would have developed more accurate expectations of their future behavior if this research was conducted after the construction of the *'uitvoeringsregelgeving'*. Perhaps it would have been better to conduct this research at a later time.

When I reflect on the process of this research it often contained enthusiasm but lacked structure. Especially the legal part of this thesis on the appropriation of power was very difficult to understand. The decision to start a second master at the Radboud University delayed the progress of this research. I still have a lot to learn on time management. I thank my supervisor for his patience.

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Respondents

Respondent 1: Olga Coenraads (O), Frans Smit (F). Gemeente Assen. 08-07-2014. 14:00-15:00.

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Respondent 2: Harry Laheij (L). Gemeente Almere. 09-07-2014. 14:00-15:00.

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Respondent 3: Hans Barendrecht (B). Gemeente Rotterdam. 15-07-2014. 10:30 – 11:30

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Respondent 4: Ymke Hofhuis (H), Mevrouw van Bommel (B). Gemeente Amsterdam. 09-07-2014.

10:30-11:15. Contactpersoon: Y.Hofhuis@dro.amsterdam.nl

Respondent 5: Jan Alberts (A). Gemeente Nijmegen. 23-07-2014. 14:00-15:00.

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Glossary

EN-NE

Administrative bodies (*bestuursorganen*)
Area-wide regulation (*één gebiedsdekkende regeling*)
Autonomy (*autonomie*)
Area-wide regulation (*één gebiedsdekkende regeling*)
Bounded jurisdiction (*gebonden bevoegdheden*)
Bounded powers (*gebonden bevoegdheden*)
Care for the public space (*zorg voor de openbare ruimte*)
Construction technical rules (*bouwtechnische regels*)
Competent authority (*bevoegd gezag*)
Compels (*belastend*)
Degree (*besluit*)
Development space (*ontwikkelruimte*)
Discretion of rating (*beoordelingvrijheid*)
Discretionary space (*afwegingsruimte*)
Executive service (*de uitvoerende dienst*)
Exemptions (*ontheffingen*)
Free joint administration (*vrij medebewind*)
Free jurisdiction (*vrije bevoegdheden*)
Free powers (*vrije bevoegdheden*)
Governors (*bestuurders*)
Government (*regering*)
Governmental relations (*overheidsverbanden*)
Grants (*begunstigend*)
Horizontally articulated (*verticaal geled*)
Instruction rules (*instructieregels*)
Integral measuring of interest (*integrale belangenafweging*).
Joint administration (*medebewind*)
Law in formal sense (*wet in formele zin*)
Licenses (*vergunningen*)
Licensing regulations (*vergunningvoorschriften*)
Ministerial regulations (*ministeriële verordeningen*)
The Municipality Act (*gemeentewet*)
Norm system (*normenstelsel*)
Offices (*ambten*)
Of a general application (*van algemene strekking*)

Policy discretion (*beleidsvrijheid*)
Policy advisor (*beleidsmedewerker*)
Policy rule (*beleidsregels*)
Polity (*staatsbestel*)
Powers (bevoegdheden)
Principle of subsidiarity (*subsidiariteitsbeginsel*)
Principle of equality (*gelijkheidsbeginsel*)
Principle of legalization (*legaliteitsbeginsel*)
Principle of speciality (*het specialiteitsbeginsel*)
Private powers (*privaat rechtelijke bevoegdheden*)
The Provinces Act (*provinciewet*)
The public administration (*openbaar bestuur*)
Public bodies (*overheidsorganen/ ambten*)
Public legal acts (*publiekrechtelijke handelingen*)
Public powers (*publiek rechtelijke bevoegdheden*)
Royal degrees (the amvb)
Tailoring (*maatwerk*)
Tasks and powers (*taken en bevoegdheden*)
Vertically articulated (*verticaal geled*)
The water boards (*waterschappen*)
Water boards regulations (*waterschapsverordeningen*)

NE-EN

‘*Algemene zorgplicht*’= the duty of collective care for the physical environmental.
‘*Beleidsregels*’= policy rules imposed on own the organization to limit discretionary space and guarantee a consistent application of the rules.
‘*Beoordelingsregels*’= rules for the granting or denying an environmental license.
‘*Beheersverordeningen van de Wro*’= management regulations of the WRO
‘*Bestuursafspraken 2011-2015*’= management agreements 2011-2015
‘*Bestuursakkoord Water*’= the agreement on the management of water
‘*Bestemmingsplanningen*’= zoning plans
‘*Crisis- en Herstelwet*’= Crisis and Recovery Act
‘*Decentrale regelgeving*’= Decentralized regulation (a policy instrument of the EPA).
‘*Eenvoudig en Beter*’= Easier and Beter.
‘*Erfgoed- en monumentenverordeningen*’= heritage and monument regulations
‘*Gebiedsdekkende structuurvisies*’= vision document concerning a particular area
‘*Gemeentelijke omgevingsplan*’= decentralized regulations concerning the municipalities.

‘*Gemeentewet*’= The Municipality Act

Generale rijksregels voor activiteiten’= rules of general application concerning physical activities (a policy instrument of the EPA).

‘*Omgevingsplan*’= The environmental plan

Omgevingsvergunning’=granting a license for certain activities that affect the physical environment (a policy instrument of the EPA).

‘*Omgevingsverordening*’= regulation of individual application issued by municipalities.

‘*Omgevingsvisie*’= vision concerning the environment (a policy instrument of the EPA).

‘*Omgevingswaarden*’= indicators for the quality of the physical environment that guide activity.

‘*Programma*’= Program (a policy instrument of the EPA).

‘*Projectbesluit*’= The execution of a project

‘*Provinciale omgevingsverordening*’= decentralized regulations concerning the provinces.

‘*Waterschapsverordening*’= decentralized regulations concerning the water boards.

‘*Welstandnota*’s’= rules for the external appearance of buildings

‘*Wet in algemene zin*’= a law of general application

‘*Wet revitalisering generiek toezicht 1 oktober 2012*’= Act of the revitalization of generic supervision October 1, 2012.