



Collaborative governance within the Environmental planning Act

'Changing planning processes in sustainable inner-city area developments with the implementation of new Environmental legislation in the Netherlands'

Master Thesis

Spatial Planning
Nijmegen School of Management
Radboud University

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February, 2020

Image front page:

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Company internship: Over Morgen, Amersfoort

Date: 28 February, 2020
Version: Final version



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Summary

The Netherlands is facing challenges concerning its housing stock since it has been under pressure in recent years. Various conflicting, almost paradoxical, ambitions ensure that this pressure only increases. In 20 years' time, almost one million extra dwellings should be added to the current housing stock in order to meet future housing demands. In order to ensure that this addition is not at the expense of existing nature, and to keep urban sprawl within bounds, the government has adopted an important principle of adding the housing primarily to the inner city. Sustainable use of space is thus linked to the reduction of the decline of nature and landscape values in the Netherlands. To fulfil this assignment, different stakeholders have to cooperate in a more intensive and coherent way. In addition to these challenges, new environmental legislation will be implemented in the near future. Research will have to show, how this legislative transition will affect the relationship of the state, the market and civil society.

Currently there are more than 26 laws with 4700 law articles aimed at the living environment in the Netherlands. The new 'Omgevingswet' (hereafter: Environmental planning Act) will consist of one law with 349 law articles. The current 26 laws are aimed at different spatial policy areas such as spatial planning, nature and environmental policy, cultural heritage, urbanization, infrastructure and water policy. The task of the government is to combine these different policy areas and facilitate them in spatial projects. Also, more room is reserved for regional differences and for local customization in different development areas. In addition, various stakeholders will have more involvement during the development process. With the newly designed 'Omgevingsvisie' (hereafter: Environmental vision) the government creates a new vision of multi-actor and multi-level governance. The Environmental planning Act will come into force on January 1, 2021, and offers various opportunities for innovation on the governance side of spatial planning.

With the new Environmental planning Act more cohesion will be created between different sectors. Because of this, a more multi-level and multi-actor decision making model will emerge. Current legislation has a delaying and unclear effect on this decision-making process. This is why spatial plans have to be more integrated between different sectors. This will only succeed if collaboration between market, state and civil society will be more co-operative. A plan in which the Environmental planning Act may be an outcome in sustainable area developments. Municipalities are still seeking their role in this innovative process. On the one hand, public participation is encouraged, but on the other hand they struggle with the hesitation to let go of their responsibilities. This research will tend to seek a balance in which involved stakeholders will cooperate in a more extensive and integral way, with the aim to accelerate the process of the housing assignment.

Keywords: Omgevingswet | Sustainable | Real Estate Development | Governance

Acknowledgements

In front of you lies the final product of my Master's thesis. With this thesis, my time at the Radboud University of Nijmegen comes to an end after five years. This Master's thesis was written to complete the Master's degree Spatial planning (specialism: Planning, Land & Real Estate) within the Nijmegen School of Management. On 1 January, 2021, the Environmental planning Act (Omgevingswet) will be introduced. The choice for this subject arose from the fact that it will have a big impact on spatial planning. In addition, major challenges such as the increasing housing demand and the energy transition are widely discussed nowadays. The national government has expressed the ambition to mainly use the existing inner-city cores to realize housing. Current environmental legislation does not suit to the contemporary needs to overcome all these challenges. This thesis will research how cooperation between the state, market and civil society changes, as a result of the introduction of the Environmental planning Act, will help to approach these challenges in a better way. A number of projects have been designated which are developed in accordance with the conditions of the Environmental planning Act. One of these innovative projects is included in this research.

I would like to take this opportunity to personally thank a number of people who have contributed to this product. First of all I would like to thank my supervisor at the Radboud University, Professor Ache. He supported me throughout the process with his expertise and useful input.

September 2nd was the starting point of my internship at Over Morgen, Amersfoort. I would like to thank my colleagues who I have been able to meet in this short but educational time. They all have contributed to the realization of this Master's thesis in their own way. I have experienced the open atmosphere at the office as very pleasant. It was inspiring to experience how everyone is so passionate about realising a more sustainable living environment. A special thanks goes out to my supervisor at Over Morgen, Tjakko Dijk. His enthusiasm for his profession and his large network contributed to the improvement of this Master's thesis. Furthermore, he also made it possible for me to write my thesis at this special place for which I am very grateful.

Of course I would like to thank all the respondents who helped me with the interviews. I could not have done the research without them. They have often brought me interesting new insights. I am thankful for their time and input.

Finally, and most importantly, a huge thanks to my parents who supported me throughout this year. Although they have not contributed much in terms of content, their unconditional support was of incredible value.

Simon Oostdam

Nijmegen, February 2020

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Chapter 1 | Introduction

1.1 | Preface

The Netherlands is facing some considerable challenges concerning the housing stock. It is often assumed that 1 million extra dwellings should be added to the existing housing stock until 2040 (Duinen, Rijken & Buitelaar, 2016). In addition to this challenge, there is a broad support along all governmental bodies to use mainly inner-city areas to expand this housing stock (Nabielek et al., 2012). Over the past couple of years, countering urban sprawl have been the guiding principle in Dutch planning policy. According to the Ministry of Infrastructure and Spatial Planning (2011), these ambitions are further decentralized and should be executed by provinces and municipalities (IenM, 2011). Between 1996 and 2008, the amount of inner-city residents only increased in the provinces of Utrecht and Flevoland. Elaborating on this, there are major regional differences concerning the increase or decrease of residents in the existing built-up area (Nabielek et al., 2012).

There is an overall appeal that the maximum capacity of buildings of the inner city have been reached (Duinen et al., 2016). Nevertheless, there are a lot of benefits attached in making use of the inner-city capacity as Duinen et al. (2016, p. 18) emphasize, shown in figure 1. Besides this, costs of developments in inner-city areas are relatively high due to high costs of land acquisition, transformation and restructuring (IBO, 2004). You could argue that with the challenge to add approximately 1 million dwellings, it is reasonable to expand the housing stock outside the city. To cover this large housing requirement, the government has to expand the housing stock outside the urban area, which will eventually result in some form of urban sprawl. The main reason for counteracting this is because of the designated natural areas. PBL (2016) have calculated that in order to achieve the housing ambitions, 80.000 dwellings should be added to the housing stock each year. In order to do this, the existing urban area does not offer sufficient space for this development (Duinen et al., 2016). Nevertheless, the Ministry of Public Housing, Spatial Planning and Environment (2006) urged that around 40 percent of the extra housing should be allocated within existing urban areas. The ladder for sustainable urbanization is an important legally binding instrument which supports this development (Evers & Blom, 2016). This instrument is further explained in Appendix 1C.

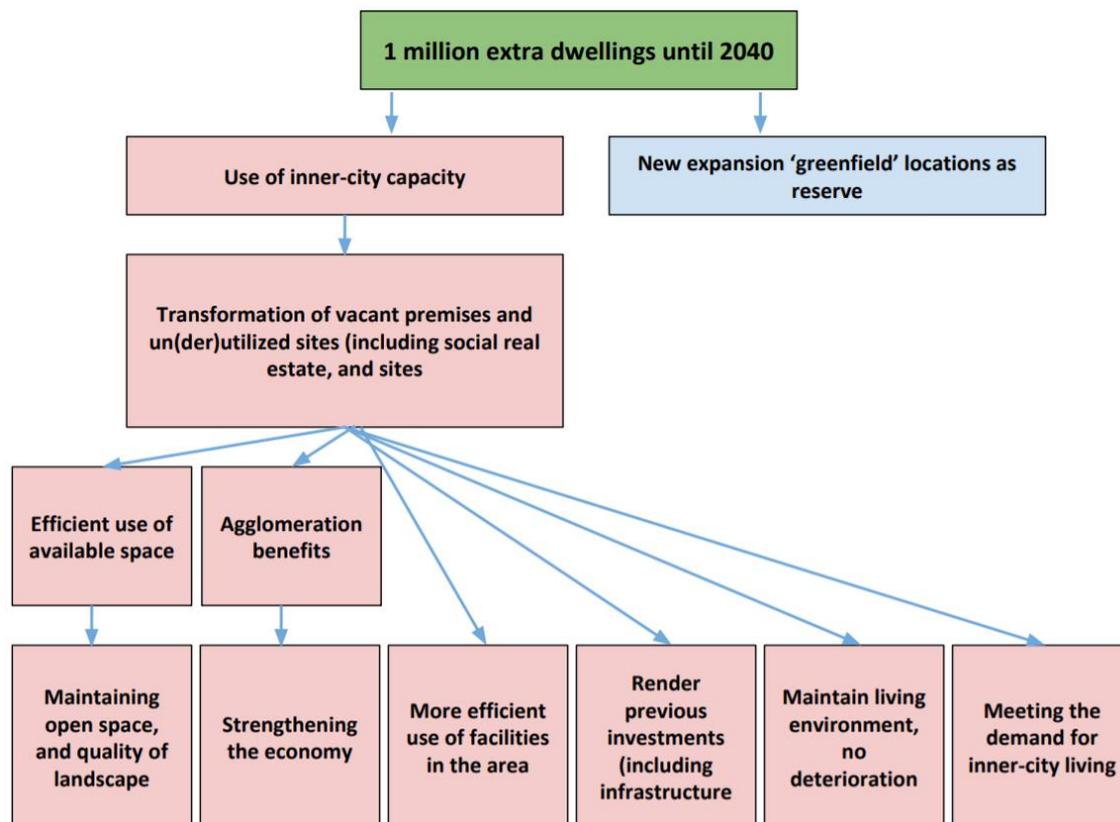


Figure 1. *Transformation of existing city.* Adapted from: van Duinen, Rijken & Buitelaar, 2016

There are multiple goals proposed by the government to intensify inner-city development. These ambitions are mainly about bringing accessibility, economy and quality of life better within reach to the residents of inner-city areas. Also, existing facilities can be used in a more efficient way. These ambitions can only be achieved through efficient cooperation between different levels of governance (Nabielek et al., 2012). With the arrival of new Environmental planning Act, there might be a turning point in this cooperative planning process concerning spatial developments. In addition to this, there will be more public participation considering spatial issues (Folkert, 2013; Carabain et al., 2013).

Environmental planning Act

Spatial planning in the Netherlands is set to change radically. In January, 2021, a new law will be introduced. Currently there are more than 26 laws with 4700 law articles aimed at the living environment in the Netherlands. After the implementation of the Environmental planning Act there will be one law with 349 law articles (Ministerie van Infrastructuur & Milieu, 2014). The current 26 laws are aimed at different spatial policy areas such as spatial planning, nature and environmental policy, cultural heritage, urbanization, infrastructure and water policy (Van der Wouden, 2017). The task of the government is to combine these different policy areas and integrate them in spatial projects. With the newly designed Environmental vision the government creates a new vision of multi-actor and multi-level governance. The Environmental planning Act offers various opportunities for innovation on the governance side of spatial planning.

A multi-level and multi-actor planning process will arise as a result. According to van der Wouden (2017) current legislation has a delaying and unclear effect on this planning process. This is why spatial plans have to be more integrated between different sectors and actors. This will only succeed if state, market and society will collaborate more co-operative and coherent. The Environmental planning Act should intervene and contribute to the complex issues where contemporary legislation is lacking. Paired with the implementation of the Environmental planning Act, there are six supporting legal instruments drawn up that play an important role in this process (IenM, 2017). The Environmental vision (Omgevingsvisie) and the overarching 'program', work through on different layers of the government. Decentralized instruments such as the Environmental plan have been drawn up as a result. The set of instruments is supplemented with general government rules for activities. In addition, there are two instruments that play an important role on a small scale: the environmental permit (Omgevingsvergunning) and the project decision (Projectbesluit) (IenM, 2017). A more detailed explanation of these instruments can be found in the Appendix 1A.

As stated before, the Environmental planning Act ensures more efficiency through the bundling of laws. Four starting points have been formulated by the government as a result:

1. Fewer and therefore clearer rules
2. More room for initiatives
3. Local customization
4. Increased trust (Aan de slag met de Omgevingswet, 2017)

The guiding motto: 'room for development, guarantees for quality' summarizes the implementation of the environmental law, focusing on two social goals: 'Achieve and maintain a safe and healthy physical living environment' and 'Effectively manage, use and develop the physical living environment to fulfil social needs' (Aan de slag met de Omgevingswet, 2017). To achieve these goals, the government leans on intensive participation from society. Municipalities have the ability to work under the conditions in anticipation of the Environmental planning Act under the Crisis and Recovery Act (Chw) (Rijksoverheid, n.d.). A more extensive summary of the Environmental planning Act (Ow) and the Crisis and Recovery Act (Chw) is placed in Appendix 1.

Sustainable area development

Sustainable area development is a rather new goal in spatial planning in the Netherlands. In Dutch spatial planning, almost every transformation area the term 'sustainable' is named as a goal. One of the chances of sustainable area development is to create and address new sorts of sustainable themes and aspects that lie outside the direct sphere of spatial planning. Vroom & van Straalen (2016, p.193) emphasize the complexity of the concept of sustainable area development: 'Academics are still debating the definition and content of the concept'. The definition of sustainable development in the Brundtland report 'Our common future' is the most well-known and socially supported. Brundtland et al. (1987, p.24) explain the term sustainable development as follows: 'Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs.' they emphasize the aforementioned statement in the following argument:

'Sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs.' (Brundtland et al., 1987, p.25)

Although this definition in the Brundtland report doesn't directly address the spatial interpretation of housing, the definition is often used as an overarching theme in non-legally binding vision reports of governmental bodies. Elaborating on this, sustainable development entails the link between economical, ecological and social-cultural interests (VROM-raad, 2010). Partly due to the Brundtland report, specific goals have been set up internationally. These international goals are subsequently used as a reference point per country to reach their own sustainable targets. Woestenburg (2017) discusses if the change in legislation really makes the difference in the ambitious sustainable targets that are set by cities. He claims that: 'cities that have set ambitious sustainability targets lack the legislative and regulatory power to actually achieve them'. He emphasizes a big role is reserved for municipality to coerce public and private stakeholders into making the required investment in reaching these sustainable development goals (Woestenburg, 2017). In this phrase both Woestenburg (2017) and van der Wouden (2017) argue that a new hierarchy of decision making have to come in play. The new Environmental planning Act have to be a form of a catalyst for these sustainable goals in area developments.

Current legislation and municipal policy instruments fall short when it comes to sustainable area development. Woestenburg (2017) also states that there are two important reasons for the delaying and difficult implementation of improved sustainable improvements in area development regions. One of them is the high level of actors involved. Because of fragmented ownership, acquisition prices at inner city locations are higher compared to soil outside the city (Duinen et al., 2016). The second one is created by the relatively high initial investments. In the end these investments will lead to lower costs due to energy savings when the development region has reached its full sustainable potential. But a lot of these actors look up to the costs. A big factor of this reticence of the future investor is that surrounding parties may benefit of this investment apart from the investor, a

phenomenon called 'split incentive'. That is why there is a need to explore new forms of collaboration. One in which the Environmental planning Act can be facilitative.

Changing governance

As mentioned before, the implementation of the Environmental planning Act enables actors from different sectors to work more integrally. This need is a result of changing social processes in the Netherlands. Increased decentralization and the will from society to set up more initiatives from bottom-up are a result of these changing social processes. Current laws and regulations will not lead to the full potential that these social processes encompasses. In other words, the institutional framework and current legislation on which current Dutch spatial planning is based appears to be not flexible enough to meet the demand of society to intervene in planning processes. However, progress has been made concerning the involvement of citizens and societal organizations in the process of policy development. According to van Heffen et al. (2013) this has led to an increasing form of cooperation between governmental authorities and social actors. But not only citizen interference in planning processes has enlarged. As van Heffen et al. (2013) mention, the involvement of the market in public processes have also taken a more influential turn. This is all in line with the shifting boundaries between government to governance in spatial planning network processes as Rhodes (2007) observed.

The weakening of state powers is often mentioned as a result of the decentralization. But Pierre & Peters, (2000) prefer to describe this otherwise. They prefer to assume that the government is obtaining a transforming role that is better suited to the contemporary societal needs by omitting the negative idea of 'getting weaker'. New opportunities for society and the market to exert more influence in planning processes have become available with the decreasing state influence in spatial planning. Elaborating on this, Louw et al. (2003, p. 357) state that 'boundaries between public and private sectors have become blurred'. However, this aforementioned decentralization doesn't directly mean a direct decrease of state influence. The influence of the central state is rather outsourced towards local authorities. Then, the boundaries between public and private sectors are not necessarily blurred, as Driessen et al. (2012) mention, but stakeholders could obtain a more influential role in the planning process, depending on the mode of governance. The introduction of the Environmental planning Act on January 1, 2021, will have a huge influence on the governance side of spatial planning once more. However, it is difficult to predict how this will take shape because there are various additional challenges and problems arising that may influence this collaboration. The next chapter will describe a problem statement forthcoming from the challenges the Netherlands is facing concerning governance in sustainable inner-city area developments.

1.2 | Research Problem

This chapter contains a problem statement. It focuses on the development of a guiding and clearly defined problem definition. With an adequate definition of the problem, a more precise formulation of the research can be achieved (Verschuren, 2012). The problem statement sets the stage for the research aim.

1.2.1 Problem statement

Sustainable area development is a widely supported concept for policy makers. The ongoing political and social pressure to design cities as sustainable as possible contribute to this concept development. The main reason for sustainable area development is the continuing climate change. Platform DGO (n.d.) claim that maximum reuse of existing materials, minimal pollution, developing energy neutral and climate adaptive development areas are essential in order to create climate resilient cities. But as discussed in the previous chapter, Woestenburg (2017) mentions that municipalities don't have legally binding measures and regulatory power in order to reach their predetermined sustainable targets. In thirty years' time, almost one million extra dwellings should be added to the housing stock in order to cope with the increasing demand for housing. An additional assignment arising from the vision of the government is to accommodate this increase in housing to the existing inner-city areas (Nabielek et al., 2012). Still, according to Meijer (2011, p.1): 'Area developments in the Netherlands have taken place more often in existing urban areas in relation to new expansion locations. This leads to the following spatial problem statement:

Spatial problem statement

Pressure on the housing demand in the future, which must be mostly complete within the existing inner city ring, in combination with sustainable targets provides a substantial task for all governmental bodies. New, governance related challenges arise due to social processes and a declining role of the government. The converging factors that lead to this spatial assignment in the Netherlands require new forms of cooperation between state, market and civil society. From a sectoral vision, to a joint implementation, often referred to as 'hybrid governance', facilitated by the Environmental planning Act.

It seems logically that the government want to keep urban sprawl within bounds by focusing on adding extra housing mostly within the inner-city area. Nevertheless, according to Van der Krabben & Van Dinteren (2008) the financial feasibility of inner-city development has been under pressure in recent years. A few reasons for this disruption of financial feasibility have been raised by Meijer (2011). The acquisitions costs of these locations are high due to fragmented ownership. Apart from the large number of landowners in inner-city development locations, the residual value of existing real estate that must be purchased is rather high (Meijer, 2011). Also, costs for function transformation of 'brownfield' locations are rather high due to additional costs for remediation and making land ready for construction. Brownfields are considered as desolated or under-utilized inner-city locations. One could think about abandoned factory sites where redevelopment goes hand in

hand with the obligation of remediation costs and uncertainty of costs in order to prepare the site for construction (Hoek et al., 2010; Portier, 2011). Hold-out problems due to fragmented ownership are also part of the complex redevelopment of brownfield locations (Adams et al., 2001). In contrary to the brownfield locations, greenfield locations include former agricultural or fallow land that will be cultivated for the first time (Adams & Watkins, 2008). These locations are often allocated for development as new expansion locations outside the boundaries of the city. Nevertheless, it is possible that these locations are still part of the inner-city circle (Hoek et al., 2010). Development on greenfield locations are much cheaper in comparison to brownfield locations due to the lack of remediation costs. These accumulating difficulties in current spatial planning become even more difficult as a result of social changes, as explained in the next section.

The introduction of the Environmental planning Act provides a new playing field for the living environment. Theoretically, this will ensure faster procedures and planning processes. Stakeholders will be more involved in the initiating phase of the planning process. Because of these institutional changes, attitude and behaviour of all involved actors will also have to be adjusted (Van de Pol, 2016). Social changes, such as a more empowered society and a decentralized government have ensured that the way spatial planning is practiced needs change. However, the roles of these actors in the playing field under the new Environmental planning are still unknown. Van Heffen et al. (2013) mention that decentralization led to a multi-actor governance. As a social need, citizens and private organizations expect that new policy will be formed in consultation with them, in line with the process of this decentralization. Van Heffen et al. (2013, p.5) claim that: 'As a consequence of this societal need, new and less hierarchical relationships have arisen in the relation between governmental authorities and citizens and societal organizations.' But on the other hand, it is often assumed that municipalities are hesitant with the decrease in control accompanying the implementation of the Environmental planning Act. Although there is some form of consensus about the positives of increasing public participation, municipalities are reserved when it comes to the actual development of re-assigning these responsibilities. This leads to the next problem statement.

Social problem statement

Many social developments are visible, such as a more articulate society that expect more influence in the development of spatial plans. But the institutional framework on which current Dutch spatial planning is based appears to be not flexible enough to meet this demand of society to intervene in planning processes.

Therefore, a different role for market parties and governments is required. The housing stock is under pressure because of the persistent demand on housing in the Netherlands. With additional Dutch planning principles such as the wish to add housing mainly in existing inner-city areas you could argue that enhanced actor involvement is needed in order to remove the obstacles of accelerating the housing assignment. The issue is whether the Environmental planning Act can be a solution for this problem.

1.3 | Research aim

This chapter will describe the objective of this research. This objective arises from the defined problem formulation to which this research will tend to give a solution contribution, as Verschuren & Doorewaard (2007) emphasize.

Research aim

As suggested by literature and national policy documents, current environmental legislation has a delaying effect on the planning process in sustainable development areas (Van der Wouden, 2017). Partly due to unclear regulations and lengthy procedures under the current legislation. It is therefore necessary to analyse the transition in interaction of the three most important overarching 'actors' involved in the planning process, often referred to as the state, market and civil society. In order to accelerate the energy transition and the housing assignment, it is important to explain the transition of influence of different stakeholders in the planning process. Especially with the arrival of new legislation in the Netherlands, a shift in the interaction between these stakeholders is expected. With the upcoming implementation of the Environmental planning Act, the government is searching for their new role within this transition.

The following objective can be drawn up based on the problem statement. The goal is to explore the shortcomings in governance between state, market & civil society based on the current environmental legislation. With the arrival of new legislation in the Netherlands, the 'Omgevingswet', the main goal is to research how new forms of collaboration in sustainable area development planning processes emerge as a result of the implementation of the Environmental planning Act. Current legislation has a delaying effect on the planning process due to a sectoral vision. With the Environmental planning Act, the government creates a new framework of multi-actor and multi-level governance. These statements above result in the following research objective:

Research aim

The aim of this research is to investigate the new division of roles between the state, market and civil society under the new Environmental planning Act. By focusing on the changes in formal and informal institutions, statements can be made about the changing collaboration in planning processes in sustainable inner-city area developments.

Verschuren & Doorewaard (2007) emphasize on the importance of the research aim as it is the base for achieving the objective by producing knowledge. Subsequently, the next phase is to determine what knowledge is needed in order to achieve the above mentioned goal. This required knowledge is formulated through research questions which are discussed in the next chapter.

1.4 | Research questions

In this chapter the research questions are formulated. Verschuren & Doorewaard (2007) indicate that these questions should be chosen and formulated in such a way that the following answer is useful for achieving the research aim as drafted in the previous chapter (1.3).

Main question

To what extent will new partnerships between state, market & civil society, as a result of the implementation of the Environmental Planning Act, lead to the improvement of the planning process in order to increase energy neutralization, and the acceleration of the housing assignment of inner-city development areas?

Sub-questions:

In order to answer the above-mentioned main question, this thesis will tend to answer the following sub-questions:

1. In what way does the current Environmental legislation and its encompassing regulations have a delaying effect on planning processes in sustainable inner-city development areas in the Netherlands?
2. What influence do informal institutions have on the planning process as a result of the introduction of the Environmental planning Act?
3. In what way will the Environmental planning Act create better legal conditions to improve the planning process in sustainable inner-city area developments?
4. What will be the new hierarchy between the different actors involved in these sustainable inner-city area developments? In other words: What are the new 'rules of the game' after the implementation of this new legislation on sustainable inner-city area developments?

Chapter 2 | Societal & scientific relevance of the research

In this section the societal and scientific relevance of this research will be further explained. When it comes to societal relevance one could ask the following question: In what way will this thesis contribute to the solutions of broader issues in practice? In addition to the societal relevance, the scientific relevance will be discussed. In section 2.2, an indication of the contribution to academic knowledge will be given. It is important to mention that some overlap between these two forms of relevance occurs. The problems stated in chapter 1.2.1 will be used as a reference point in order to formulate the societal and scientific relevance of the research.

2.1 | Societal relevance

As mentioned, the Environmental planning Act will be implemented on 1 January, 2021. The arrival of this law emerged from changing needs within society. Because of a declining role of the government in spatial plans after the economic crisis, more room has been freed up for initiatives by residents and market parties. However, the allocation of this new division of roles is difficult due to old fixed working methods under current environmental legislation. The societal added value of this research comes forth from the granting of the increasing interest of civil society in sustainable urban development. Hence, residents of inner cities play an increasing role in contributing to the planning process of sustainable development as Buitter & Verschoor (2014) emphasize.

As mentioned before, the research's aim is to expose the shortcomings in governance between state, market & civil society under the current environmental legislation. Furthermore, the aim is to investigate the new forms of collaboration associated with the introduction of the Environmental planning Act that will affect the planning process in sustainable inner-city development. The new Environmental planning Act is not yet in force. However, under the Crisis and Recovery Act (Chw), municipalities have the ability to work within the conditions in anticipation of the Environmental planning Act (Rijksoverheid, n.d.). Various municipalities already worked with the Crisis and Recovery Act by focusing on pilot projects, but very limited research has been done about the effect of this working method on the collaboration between state, market and civil society. It has a great social added value to expose the new division of roles in anticipation of the Environmental planning Act, because all mentioned actors are in fact searching for their role within this legislative transition phase.

The introduction of the Environmental planning Act entails a major social need for more participation, transparency, freedom and local customization within spatial plans. From an integral approach, the Environmental planning Act tends to 'use and develop the physical environment to accomplish social needs' (Aan de slag met de Omgevingswet, 2017). There is still much uncertainty whether all these goals will be achieved because the theory shows that actors are naturally, and institutionally, inclined to stick to their familiar working methods (Van der Pol, 2016). Research on

this topic is therefore needed into the changes that are going to take place as a result of the implementation of the Environmental planning Act.

This research will thus tend to provide insight to municipalities, market parties and civil society into the formal and informal changes that the Environmental planning Act encompasses. To anticipate on the arrival of this law, it is important to conduct research into the processes that should accelerate planning processes in overarching themes such as the energy transition and the housing assignment.

2.2 | Scientific relevance

There is a lot of literature available which stress the importance of sustainable area development (Buiten & Verschoor, 2014; Carton et al., 2015; de Zeeuw & Franzen, 2008; Evers & Blom, 2016; Vroom & van Straalen, 2016; Giezen et al., 2013). As mentioned before, the Netherlands is facing some important challenges. The government wants to use the current urban area to fulfill the demand for housing to prevent urban sprawl. Although there is sufficient research done about sustainable urbanization, such as the VROM-raad (2010) emphasize, the distribution of stakeholders within the process of this development is partly unknown. Certainly with the advent of new environmental legislation, there is a lot of knowledge to supplement in this field of science.

There is also plenty of literature available about the relationship between state, market & civil society (Innes & Booher, 2004; Dekker, 2002; van Heffen et al., 2013; Van Houwelingen et al., 2014; Warren; 1999). Carley & Smith (2013) discuss the importance and the role of the above mentioned actors in sustainable urban development. They also mention the change of governance between the state and the market over the years. However, the arrival of new environmental legislation and the will for more social involvement in sustainable urban development, will disrupt current cooperation once more. Further research in this thesis will tend to show how this development will unfold. There is a lot of empirical and theoretical scientific knowledge lacking because the Environmental planning Act hasn't been implemented yet. There are some municipalities working with flexible conditions in anticipation of the Environmental planning Act, but clear scientific results of these pilot-projects haven't emerged yet.

Furthermore, research on this development is relevant because of the huge influence this legislative transition will have on the cooperation between the state, market and civil society. This research will partly explain this transition by focusing on the institutional changes. Some institutional related theories are 'underexplored, and can be seen as a key variable in understanding institutional change and continuity' (Buitelaar et al., 2014, p.249). It is not only relevant to add scientific knowledge on cooperation under the Environmental planning Act, but it could also provide knowledge on cooperation from a broader perspective.

Chapter 3 | Theoretical Framework & Conceptual model

This chapter focuses on theories that address the problems as discussed in the problem statement. Several theories will be explained in order to expose the underlying structures of the topic of this research. After a discussion of the chosen theories, these theories will be weighed against each other and critically reflected on. The conceptual framework in chapter 3.2 is a result of the discussed theories in this chapter.

3.1 | Theoretical framework

The theories will all be applied to the topic of sustainable inner-city development areas. First, a critique coming from a neoliberal approach will be used to explain the shift of the socio-economic processes of the market (3.1.1). Forthcoming from this theory, the institutional change will be discussed (3.1.2). These changes create new relationships between state, market and civil society. The relationships between these three actors will be further outlined in this chapter (3.1.3). This theoretical framework will also entail a discussion about collaborative governance (3.1.4). This theoretical framework is supplemented with a chapter about land-use planning from a broader perspective (3.1.5.) The theoretical framework ends with a discussion about the complexity of inner-city development (3.1.6). These frameworks should be helpful in order to answer the composed research questions.

Verschuren & Doorewaard (2010, p.17) consider the theoretical part, or in other words the 'research perspective', as an important section of the research. The goal of this chapter is to derive a final theoretical framework from the discussed theories. Hence, the theories have to be outlined and subsequently be adjusted in order to shape it towards the research object. This above mentioned theoretical framework eventually results in a conceptual model. In addition to the usage of the theories for setting up the conceptual model, an operationalization will be made afterwards.

3.1.1 | Changes in strategic spatial planning - Neoliberalism

In this section, an underlying political turn will be discussed which is often brought forward as a cause for changes in spatial planning in the Netherlands. According to Olesen (2014, p.1) 'strategic spatial planning practices have recently taken a neoliberal turn in many northern-western European countries.' New environmental legislation brings new challenges forward between state, market and civil society. This change in legislation, and the encompassing shift in collaborations, can partly be explained by this neoliberal turn starting in the 1990s (Olesen, 2014). It is also often assumed that political agendas have taken a neoliberal turn in order to gain economic growth and competitiveness through policy objectives (Allmendinger & Haughton, 2012). This section will contain an explanation of the concept neoliberalism from a strategic spatial planning perspective.

Critical note towards strategic spatial planning

The most important notion of this neoliberal turn in spatial planning is the new role of the state. Olesen (2014) acknowledges the fact that spatial planning in north-western European countries decentralizes. The result of this neoliberal turn is a reducing role of the state in planning practices. Especially in the Netherlands and Denmark, there were strong characteristics visible of governance reform (Olesen, 2014). The arrival of this neoliberal approach emphasized the fact that there was a need of a critical note towards strategic spatial planning. It is especially important to mention this change in order to explain an important factor for decentralization in spatial planning. Although this neoliberal turn causes a decreasing role of the state on the one hand, resulting in 'the blurring boundaries between public and private' (Olesen, 2014, p.299). Pedersen et al. (2011) acknowledges that the rules from which strategy-making in spatial strategies emerges are still imposed from above to a great extent. An additional consequence of this neoliberal turn is the depoliticisation during spatial planning practices. However, as Olesen (2014) outlines, the level of depoliticisation and the accompanying decentralization depends on a number of factors varying per country. Some unique characteristics such as planning culture, politics and socioeconomic variables have an influence on the way how this neoliberalism evolved (Olesen, 2014).

Neoliberal turn in Dutch spatial planning

Several research is done concerning this development from the Netherlands point of view. Although Dutch strategic planning received international praise over the years (Faludi & Van der Valk, 1994), Hajer & Zonneveld (1999) have indicated that the appraised strategic planning is at risk due to macro-sociological developments. They claimed that the Dutch system, as it is still designed like nowadays to a large extent, needed to 'change its institutional practice in order to remain effective and legitimate' (Hajer & Zonneveld, 1999, p.337). It is becoming increasingly important to adjust current planning practices in which the state still dominates. As Albrechts (2010, p.1126) emphasizes this matter by claiming a new role is reserved for civic engagement, as there is 'a strong belief in the capability of human beings to construct (within limits) their places.' This development means that reforms must be made at both political and institutional level in order to meet this demand from society. However, Albrechts (2013) nuances this argument by stating that civic engagement, in the

sense of co-production, is basically something to strive for rather than that it can be achieved. Strategic spatial planning is thus meant to support other (legally binding) planning tools in achieving the desired outcome of a plan (Albrechts, 2013).

3.1.2 | Formal & informal institutions

According to Woolthuis et al. (2013) institutional change is needed in order to pursue sustainable urban development. This institutional change can be fueled by focusing on two different forms of institutions. These institutions are an important guide to explain the actions of actors. Elaborating on this, Jepperson (1991) state that institutions are the rules of the game, leading to routine-like behaviour, derived from the prevailing norms. Buitelaar et al. (2011) emphasize that the existence of institutions leads to the predictability of actors. However, institutions also lead to restrictions on human behaviour (Buitelaar et al., 2011).

Woolthuis et al. (2013) make a distinction between hard or formal institutions on the one hand, and soft or informal institutions on the other hand. Formal and informal institutions are very important when it comes to the intended changes of the Environmental planning Act. Elaborating on this latter form of institutions, van de Pol (2016) mentions that the success of the implementation of the Environmental planning Act depends for 80% on these informal institutions such as attitude and behavioural factors. This estimation is rather high, considering the formal institutional changes on which the implementation of the Environmental planning Act is based. However, both forms of institutions could have an enabling or constraining effect on the way sustainable area development is practiced.

The factors on which institutional change is based are variable and lead to uncertainty. Hence, these formal and informal factors could counteract or delay institutional change, but could also ensure institutional stability, depending on the social setting (Genschel, 1997). According to Genschel (1997, p. 47) 'the main function of institutions is to help boundedly rational actors to act in a complex and potentially turbulent environment.' However, it is difficult to spur changes to these institutions. As stated before, formal- and informal institutions play an important role when it comes to reaching the goals of the implementation of the Environmental planning Act. Van der Pol (2016) mentions that it will take time to boost institutional changes, which is needed to reach the full potential of the working method of the Environmental planning Act. Hence, stakeholders are naturally, and institutionally, inclined to stick to their familiar working methods. In this chapter, both forms of institutions will be discussed with the arrival of new environmental legislation in hindsight.

Formal 'hard' institutions

The most common form of institutions focus on 'rules, laws, policies and regulations' as Woolthuis et al. (2013, p.91) claim. You could state that these formal or hard institutions are more tangible in comparison to informal or soft institutions. Viewed from the current Dutch spatial planning context, municipalities have the regulatory power to influence the built environment with land-use plans. In these documents the municipality can exert power by defining policy and legislation in order to restrain the possible use of land. Possible plans from project developers or other initiators must comply with these documents, meaning that they are constraint in their actions. So, formal institutions entail rules, laws, policies and regulations, often imposed by governmental authorities to constrain or enable the room for actions of different actors (Woolthuis et al., 2013).

Informal 'soft' institutions

The second form of institutions are more socially embedded in comparison to formal institutions. Vigar (2009) has an important notion with regard to the concept of informal institutions in combination with the development of spatial planning over time. In line with the implementation of the Environmental planning Act, the goal is to work more integrally between different sectors and stakeholders. According to Vigar (2009, p.1573), how this integral way of working evolves among these stakeholders depends 'on the soft institutional infrastructure of everyday practices, informal rules and cultures.' In this sense, cultural change is needed in order to change the way spatial planning is practiced, from a sectoral way of working towards integrated spatial planning. Van der Pol (2016) state that municipalities should obtain and take a different role as a result of the implementation of the Environmental planning Act. Van der Velde & de Boon (2015) supplement to this statement that this required change in behaviour, attitude and fixed working methods also needs to be addressed by private parties and society.

Interplay between formal and informal institutions

Woolthuis et al. (2013) have made a clear distinction between formal and informal institutions, but there is a strong interaction between these two institutions as displayed in figure 2. Elaborating on this, the composition of new formal institutions in the shape of legislation lead to the change of informal institutions. However, the opposite can also occur according to Buitelaar et al. (2011). The implementation of the Environmental planning Act must ensure a wider scope for consideration and ensuring greater flexibility. This cannot be achieved through laws and regulations alone (formal institutions), but also through the adjustment of behaviour and attitude (informal institutions). Partly due to changing social processes, the Environmental Planning Act has been enacted. The behaviour and actions of various actors can thus be explained by the interplay between formal and informal institutions (Buitelaar et al., 2011). In addition, the structuration theory of Giddens (1984) provides insight into the interaction between actors and institutions. This will not be explained into detail, because of its complexity. However, it is important to mention 'the duality of structure' as a theory to explain this aforementioned reciprocity between actors and institutions. The theory contains similarities with 'agents' as actors on the one hand and 'structures' as institutions on the other, but in reality it is a bit more complicated. Giddens (1984, p.25) points out that: 'The constitution of agents and structures are not two independently given sets of phenomena, a dualism, but represent a duality.' On the one hand, actors act on the basis of structures and rules, both enabling and constraining. On the other, these actors are responsible for the constant changes of these structures to which they act. Hence, the reciprocity of these concepts becomes clear (Giddens, 1984). These changes will be further elaborated in the next section.

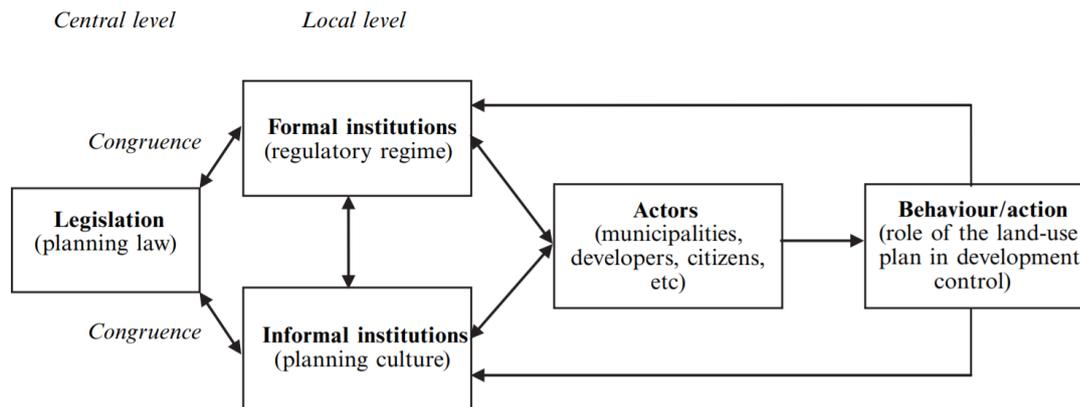


Figure 2. *Conceptual framework of planning law, institutions, actors and behaviour.* Source: Buitelaar, Galle & Sorel, 2011

Emergence of institutional change

As mentioned in the beginning of this chapter, institutional change is needed in order to pursue sustainable development (Woolthuis et al., 2013). According to Buitelaar et al. (2014) there are two windows of opportunity for institutional change. However, this must be preceded by (external) social and/or economic processes. If these processes provide sufficient pressure on dominant actors, then they could decide to adapt existing structures and institutions. The pressure that is created can be seen as 'a first window of opportunity' (Buitelaar, 2014, p.250). Subsequently, the next step can be taken to achieve institutional change. This second window takes form if actors agree on the perception of the existing problem and the solution as a result. This consensus-building is the next step in order to achieve institutional change. But there is one important question which result in a few contradictions concerning institutional change. This question is a consequence of the concept whether actors would be able to transform institutions since their behaviour is embedded in these institutions itself, in line with the reciprocal thought of 'the duality of structure' (Giddens 1984; Buitelaar, 2014).

The four contradictions forthcoming from the prevailing paradigm above will be discussed below.

1. Legitimacy that undermines functional efficiency:

The first contradiction is caused by the gap between legitimacy and efficiency. The state in which the institution finds itself is seen as suboptimal from a functional point of view. If this gap becomes too large, then action and change is needed.

2. Adaptation that undermines adaptability:

The concept of 'path-dependency' can be mentioned as an explanation in this second institutional contradiction. Elaborating on this, the more often an institution is subject to change, the less the adaptability becomes. As a result, the institution will be less flexible in the future. This form of specialization can be seen as 'path-dependency'.

3. Intra-institutional conformity that creates inter-institutional incompatibilities:

A dysfunctional system is created as a result of composed of laws and regulations by multiple actors in various settings. At first sight, these combined choices seem justified by rationality, but in reality the decision making process becomes fuzzy as a result of bureaucracy.

4. Isomorphism that conflict with divergent interests:

The final contradiction is formed by an unfair distribution of power. When institutions are formed in response to the ideas and goals of the more powerful at the expense of the less powerful, friction is created. (Buitelaar et al., 2014, p. 251; Seo & Creed 2002; Benson 1977)

3.1.3 | State, market & civil society

In this chapter the changing relationship between state, market and civil society will be discussed. There are various factors that underlie this changing relationship. A lot of information is available in the literature (Adams & Tiesdell, 2003; Baarsma et al., 2010; De Zeeuw et al., 2011; Buitelaar et al., 2008; Boonstra & Boelens 2001). The main focus of this chapter will be on the collaborations of these actors in relation to changing governance in spatial planning. According to Guimaraes (2001, p.1) it is important to acknowledge the fact of globalization as a driving force of changing governance: 'National governments are too small for global issues and too big for tackling local issues. This creates a 'meso' space in which local and regional authorities can play a role.' A result is that governments seek new roles in spatial planning governance. In addition, the financial crisis in 2008 also has been a major driver in changing governance in Dutch spatial planning (Van der Wouden, 2017). The so called 'meso' space will be better utilized with the implementation of the new Environmental Planning Act in the Netherlands. A result of the introduction of this law is that municipalities and civil society will get more involvement along the development processes. Before these changes become visible, the current relationship between these actors must be explained. Also, the underlying causes of the changes of governance between state, market and civil society must be examined. According to the Ministry of Infrastructure and Environment (2017) governments, entrepreneurs, residents, experts and social organizations all have their own interests on the physical living environment. A level playing field must be created in which all these interests of the actors should be weighed and considered. First the changing roles of the separate actors will be explained.

State

The role of the national government has been subjected to several changes. According to the scientific council for government policy (WRR, 2002), processes of internationalization and Europeanization have affected the authority of the national government. This development of power decline is reinforced by processes of deregulation, privatization and decentralization (WRR, 2002). The role of the state in the Netherlands is therefore changed. Subsequently, private parties have been given the space to bear more responsibilities as a result of this development. Partly, these overarching processes of privatization and decentralization could be attributed to the guidelines from national government policy. In addition to this, the process of decentralization could also be part of a more empowered society which will be discussed later (Van der Wouden, 2017). Adams & Tiesdell (2012, p.111) emphasize on the discussed privatization by stating the following: 'the role of the state changed from that of direct provider of collective goods and services to that of strategic enabler of alternative provision by the private and voluntary sectors.'

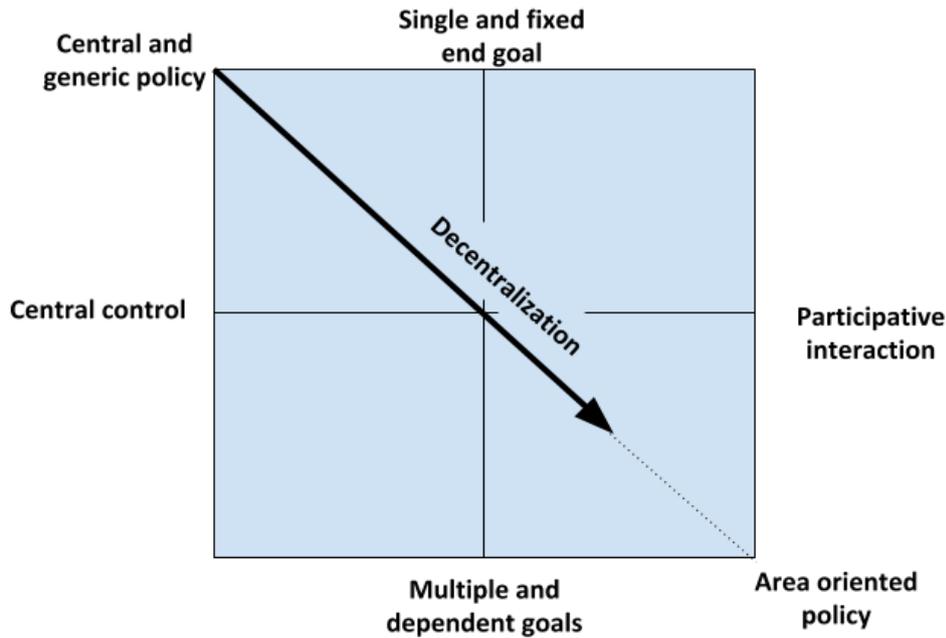


Figure 3. *Decision model.* Source: Roo, 2004

The degree of government intervention has often been subject to change over the last decades. De Roo (2004) gives an example of such a decision model. In recent years there is a shift visible as outlined in figure 3, where a more central policy turns into the direction of a more communicative and participatory policy (de Roo, 2004). According to Baarsma, Koopmans & Theeuwes (2010) an important role has been reserved for the national government to adjust market forces. The welfare theory states different factors why the government should intervene with the market. The biggest reason of state influence is to combat market failure. There are four major factors that lead to this market failure according to Baarsma et al. (2010). The first one has to do with incomplete markets due to monopolies or oligopolies. The second reason why authorities interfere is the absence of public goods produced by the market. This is often explained through the prisoners' dilemma. This concept can be used in various cases to explain social behaviour, but in spatial planning practice it is often explained as follows: Fragmented private owners are hesitant to invest individually because it seems difficult to estimate whether the efforts and investments outweigh the returns. These returns are partly depending on investments done by other owners. Private owners don't want their investments to lead to greater returns for other owners. This makes them all hesitant to make those investments in the first place (Buitelaar et al., 2008). The third one is the occurrence of negative external effects. The external damage caused by a company or an individual can be limited due to interference of the national government. Finally, market failure is created by unequal and incomplete information, leading to suboptimal or opportunistic choice behaviour. (Baarsma et al., 2010). Although these reasons above show the positive influence of the state in limiting market failure, the role of the state is declining in spatial planning processes.

Decentralization after economic crisis

The influence in urban area development lies primarily with the municipality. As mentioned before, the financial situation after the economic crisis in 2008, and the emergence of social initiatives led to a review of the government's' role (IenM, 2014). Since then, it is more often assumed that the top-down blueprint way of spatial planning no longer fits to the changing field of governance. According to De Zeeuw et al. (2011) it must be possible to respond flexibly and demand-oriented to changing market conditions. This should take shape through plan development focused on a more global end picture with an early involvement of the end users (De Zeeuw et al., 2011). In essence, it boiled down to the municipality taking a step back with a more facilitative role. In 2011, A coalition agreement in the Netherlands ensured that spatial planning and area development decentralized further towards provinces, municipalities, the market and citizens. On a side note, this trend of decentralization has been started already before the economic crisis but has been continued in strength after it. De Zeeuw et al. (2011) indicated a possible pitfall when this policy of decentralization would be partially implemented. As a result, fragmentation of tasks and responsibilities would lead to an increasing fragmentation of government layers resulting in unnecessary bureaucracy. This would in fact counteract the increasing role of the market and citizens in area development. In addition to a possible partial decentralization, this would lead to ambiguity in the formulation of urbanization plans as interests of multiple government layers, semi-governments and other stakeholders would be fragmented to a further extend (Romijn & Renes, 2013).

As will be explained later, area development in inner cities plays an increasingly important role. It is difficult to make this form of development financially feasible. After the economic crisis, government budgets for inner-city area development has been decreased. As a result, this had big repercussions for municipalities which initially took care for inner city transformation tasks. As will be discussed later, the most difficult thing about inner-city development is to keep the operating balance positive (Buitelaar et al., 2008). Due to decreasing government budgets and financial difficulties at municipal real estate companies, these inner-city developments will thus be less feasible without interference of private actors. Previously, deficits on operating balances could be offset by municipal reserves, but with a shortage after the crisis this will occur less frequently. Partly because municipalities are taking a step back as initiator in this type of risky inner-city developments (De Zeeuw et al, 2011). Developing outside the boundaries of the city is less costly and complex.

New role for the state in spatial planning

Despite the declining role of the government in these developments there is still an important role to play. The national government can influence the ratio of both inner-city and outer-city development by a formal set of legal terms to limit urban expansion. But also by providing financial incentives in order to discourage this urban expansion and promote restructuring within the existing urban area (Buitelaar et al., 2008). These legal instrument should have a positive influence on limiting urban expansion but Needham & Verhage (1998) refute this statement partly. They claim that new laws and legislative changes do not seem desirable as it restrains the willingness to invest of certain parties. The reason behind this is that a well-functioning market benefits under institutional

calmness. Smaller development risks creates more certainty to invest. This is how state and market interact on a juridical and economical matter (Needham & Verhage, 1998). Louw et al. (2003, p.1) emphasize on this juridical matter by stating the following argument with regard to the Dutch planning system: 'The interest in this concept is borne out of a feeling of the declining effectiveness of planning and a planning system which is unable to keep up with social change.' As non-governmental stakeholders obtain more power in the networks of spatial planning, Stoker (1998) mentions that this won't affect the governmental power on its own but rather recognize the limits of the government. Nevertheless, there are different models to develop land. Each of these models have a certain level of government control. In the next section the public exploitation model will be explained. This model has the highest degree of governmental involvement and will therefore be mentioned in this chapter. The public-private ground exploitation, concession and private exploitation models are discussed in the next chapter because of the increased market influence of these models.

Public exploitation model

The most common development model in the Netherlands was to develop land through the public exploitation model, also referred to as the 'active land policy'. Most municipalities have abandoned this development method gradually, especially after the economic crisis. Nowadays, most area developments consists of public-private partnerships. Especially with inner-city area developments where property is characterized by fragmented ownership. In this scenario, a full public exploitation model is not always possible because a form of cooperation is necessary to swap this property (Buitelaar et al., 2008). In the public exploitation model, the municipality acquires all the land and takes responsibility over the whole ground exploitation. The municipality finally sells the land to a corporation or developer when its ready for construction. This model is used especially for area development at expansion locations outside the city. Korthals Altes & Groetelaers (2000) found out that 64 percent of developments on these expansion zones were created using the public exploitation model. Nevertheless, it's also possible to make arrangements on inner-city areas with private parties through the 'building claim agreement' when fragmented ownership occurs. So, the public exploitation model also includes these kind of agreements where private parties initially acquire the land and subsequently transfer it to the municipality. The municipality then prepare the land for construction. The private parties then receive their originally purchased land back from the municipality. Therefore, some form of cooperation between the municipality and private parties exist in this form of public area development (Buitelaar et al., 2008). However, this is different in comparison with joint land exploitation. This public-private form of cooperation will be discussed in the next chapter.

Market

With the receding state in spatial planning processes, there is more room for private actors to interfere. Adams & Tiesdell (2012) mention that increasing neo-liberalism ensured that the alleged failures of the state could be a driving force for more market influence. Returning to the earlier discussed neoliberalism, significant activities were shifted towards the market that were previously undertaken by the public sector. Underlying privatization processes could also be mentioned as the cause of this changing governance (Adams & Tiesdell, 2012).

Growing market role in spatial planning

De Zeeuw et al. (2011) mention that private project developers, builders, consultancy corporations, investors and clients are part of this 'market' group. There is not only room for freedom due to changing state policy, but there is also an increasing interest in greater responsibility from the market itself. Louw et al. (2003, p.358) emphasize on this matter by stating the following: 'Private actors are showing a growing interest in the land development process and by doing so they have forced local authorities to rethink how they govern land development and land-use policy.' This development has accelerated due to the economic crisis. As mentioned, there are also additional economic incentives for a growing market influence in spatial planning processes. Some of these incentives are of course related to the economic crisis. De Zeeuw et al. (2011) state that the financing of projects has become more difficult over time. However, this applies to both public and private parties, but because the municipality are increasingly cautious with riskier investments, there is more room reserved for private investors to lead the investment of these riskier developments. Nevertheless, the role of the municipality remains important. For example, public-private partnerships have become more interesting. Other forms of area development have also emerged due to changing governance. The models below show that the relationships between the state and the market can fluctuate. This change of governance is of course a result of the discussed decentralization, but also because of the increasing social participation. The most important models that have arisen due to changes in governance will be discussed below. The active land policy where the municipality has the most influence during the development process was discussed in the previous chapter. In the models below, this municipality increasingly have a facilitative role instead of an active role.

Public-private ground exploitation model

The broad cooperation between state and market takes concrete forms in the public-private ground exploitation. All public and private parties jointly take over the ground exploitation. The cooperation then takes shape in the creation of a jointly formed company in which all the involved parties submit their grounds. In this model, the municipality also participate in bearing the risks in the property development. As already mentioned, the risks of inner-city development are higher so municipalities are generally reluctant to participate in these risky developments (Buitelaar et al., 2008).

Concession model

The concession model assumes that the municipality is in possession of the land. There are some similarities with the previously discussed model since there is some need for public-private collaboration in this development model. The biggest difference is that the municipality sells the land to a private developer through a tender competition without making the land ready for construction. However, agreements concerning the conditions of the plan are made jointly when the private developer develops the plan, including the public facilities. After completion of these public facilities, the private developer transfers this towards the municipality (Buitelaar et al., 2008).

Private exploitation model

This model can be seen as the opposite of the public exploitation model. In this model of development, a private developer has accomplished to acquire the land and subsequently has the responsibility over the ground exploitation. The private developer then continues to develop the land whereby the municipality primarily focuses to its public-law duties. They do not interfere with the ground exploitation so don't bear any risks during the development (Buitelaar et al., 2008).

We can conclude that there are several models for development policy. Some form of public influence in these models is desirable to prevent any form of market failure. But the same applies the other way around. Van der Wouden (2007) argues that market failure as a reason for state intervention always must be weighed up against government failure. The reasons for market failure were formulated in the previous chapter. In addition to this, literature suggests that the consequences of government failure can be even more severe. Disruption of price mechanisms, high information costs, or competing municipalities are an example of this government failure (Van der Wouden, 2007). The latter reason for possible government failure is worrying, as municipalities compete with each other with public money. Therefore, a good public-private relationship is most beneficial in spatial planning processes to counteract both forms of failure.

Civil society

The final actor that will be discussed in this chapter is 'civil society'. There is a lack of consent about the definition of this concept. However, everyone agrees that this group has become much more assertive in recent years. The WRR (2002) even suggest that coherent policy should be drafted in order to amplify the influence of this 'multi-actor society'. This suggested policy is then targeted towards a more operational and mobilizing policy. In principle, it needs to be more simplified. However, with an increasing amount of actors and the attendant opinions, the question is whether this simplification step is feasible.

Defining civil society

Before going into the relationship between the state and civil society, it must be clear which groups belong to this so called 'civil society'. Because, as mentioned before, there is some discontent about the boundaries of this concept. According to Dekker (2002), who combined this concept with globalization and sustainable development, civil society entails a large group that is mostly referred as the midfield of society. As civil society has a restraining effect on the government, the most comprehensive definition is given by Selznick (2002):

'Civil society is the largely self-generating and self-regulating world of private groups and institutions - family, business, advocacy, sports, locality, religion, and ethnicity. Here ordinary lives are lived, mostly unvexed by a distant and impersonal authority; here freedom, reciprocity, and mutual aid are nurtured. Civil society is the pre-eminent realm within which energies are liberated and well-being is enhanced. It is also a brake on government. Without a vibrant civil society, government is likely to be unrestrained and unresponsive' (Selznick, 2002, p.44).'

Dekker (2002) elaborates on the previous quote by acknowledging the tradition that 'civil society' is often opposed towards the state and the market. Besides this, there is a third polarity visible in the Netherlands in recent years. In this development, civil society is seen as opposed to 'modern society'. A further increasing individualistic and indifferent society is mentioned as a driver for this development. Despite this development, the roles reserved for this group remain the same. These roles, and the underlying arguments for these roles will be discussed in the next sections.

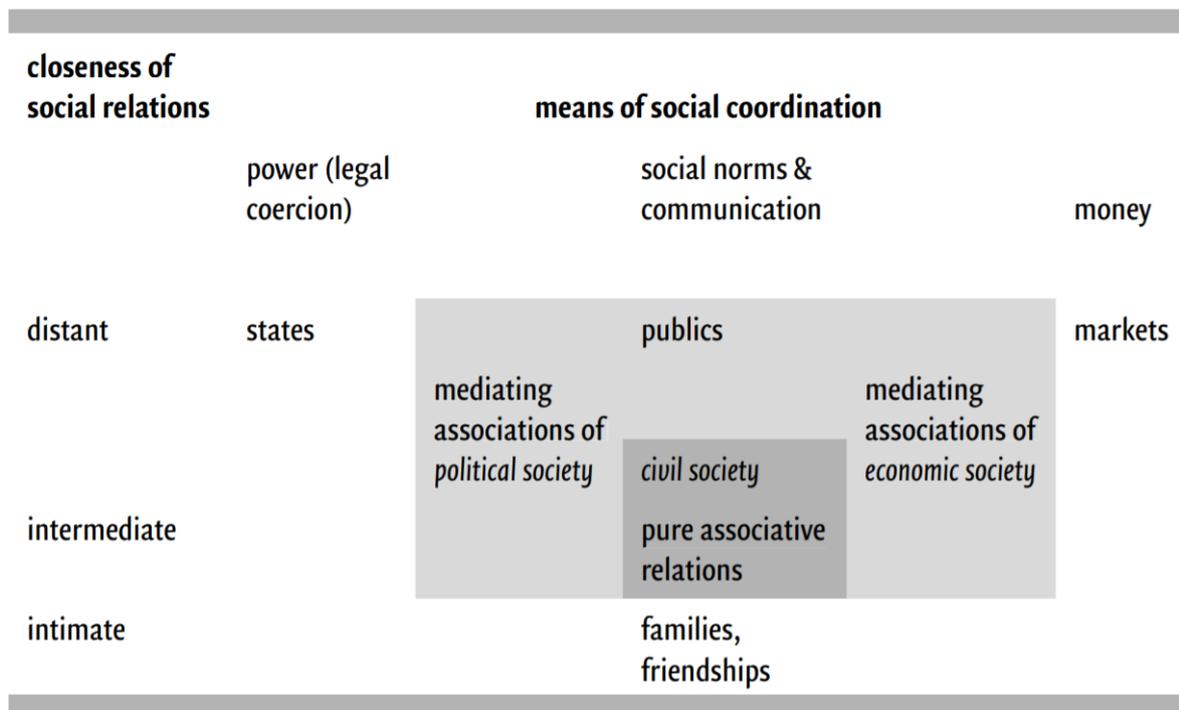


Figure 4. *Locating civil society.* Source: Warren, 1999

Figure 4 shows the boundaries of the concept of civil society as drafted by Warren (1999). In order to put civil society into perspective Warren (1999) tried to review this group's contribution to 'good governance'. Elaborating on this, you could argue what the term 'good governance' entails. According to Warren (1999, p.1) this is contestable as 'the normative expectations levelled at civil society are many, varied, and laden with incompatible ideological agendas.' Also, the boundaries of the concept civil society are sometimes variable and multifaceted. This is shown in figure 4, where the grey area includes the core of civil society, as the lighter grey area covers a transition area. According to Dekker (2002) the latter area is quite contradicting, as these groups do belong to the civil society but are not part of it. It shows ones more that there is some disagreement in the literature about the exact boundaries of the concept civil society. This disagreement can also be explained by a constantly changing political landscape.

Driving forces of civil society's involvement in planning

Dekker (2002) claims that public opinion formation is the most important role for civil society. Means of pressure are, for example, demonstrations and influencing policy from pressure groups focused on parliamentary debates. This is an example of the means of interaction between state and civil society. A second role reserved for civil society, according to Dekker (2002) is adding value to 'social capital'. This will be achieved by means of enhancing social capital through facilitating cooperation and contribution to the removal of obstacles for collective action (Putnam, 2001). In this sense it is important to expose the position of civil society in comparison to the state and the market, but also those groups around this area.

Positive influences of civil society involvement in spatial planning

Elaborating on the main reasons in the previous section for civil society involvement, Boonstra & Boelens (2001) add four additional reasons why some citizen involvement is desired in planning processes. Some of them have overlap with the arguments Dekker (2002) has put forward. The first reason why civil involvement is desired is the increase in social coherence. It is often claimed that citizen involvement in planning will contribute to social cohesion in an increasingly fragmented society (Boonstra & Boelens, 2011). The WRR (2005) add to this that minorities in neighbourhoods will be encouraged to participate in new social settings. Due to these new social settings, new networks will form and trust among citizens will ameliorate. Second, civil society involvement in spatial planning improves the spatial quality of their own working and living environment. The then-formed Ministry of Housing, Spatial Planning and Environment (VROM, 2007a) claimed that citizen involvement increased the embeddedness of spatial interventions as the support for these plans among the neighbourhood improved. The main reason for this is the ongoing commitment of the citizens itself during spatial interventions (VROM, 2007a). Thus, especially in disadvantageous neighbourhoods, citizen involvement was stimulated in order to improve their own living environment. Apart from a social and a spatial incentive, Boonstra & Boelens (2001) argue that there is an economic reason for civil society involvement in planning, as there is more willingness from citizens to invest in their own neighbourhood. Following the previous argument, the VROM (2007) claim that citizen involvement improves the connectivity of networks in a neighbourhood resulting in an improvement of the employment rate in deprived neighbourhoods. A fourth argument can be formulated from a political perspective. National government in the Netherlands aim to transform their planning processes which are more suitable and compatible with social support (Boonstra & Boelens, 2011). A result of this policy is that it narrows the perceived gap between the society and the national government. In this sense, social involvement in political processes could align authorities and citizens in order to resolve issues at stake (Tonkes, 2006).

Downsides civil society involvement in planning

Changing governance and the accompanied decentralization can create undesirable negative side effects. The WRR (2012) claim that some confusion between involved actors has arisen since the arrival of changing governance in the Netherlands. This changing governance expresses itself in the 'socialization of politics', or in other words the 'pollicisation of private actors' (WRR, 2012). A lot of uncertainty between the actors is created because of this process. In the event of these problems, 'civil society' continues to hold the government accountable. On the contrary, they wanted to bear more public responsibilities, but refuse to cope with the consequences as the national government will be held responsible. Especially with the ongoing focus on sustainable development, there is more interest from society to take action. Nevertheless, as WRR (2012, p.34) claim following this contradiction: 'changing governance based on the idea that sustainable development is not the exclusive responsibility of the government, but a value that concerns everyone, may not degenerate into a non-committed society'. It is clear that due to the blurring of administrative boundaries ensure that the responsibilities of different actors are under pressure. Dekker (2002, p.35) emphasizes on this matter by appointing the former institutional character of this development: 'Where once an

institutional domain could be limited, we now see organizations from the market and the sphere of government adopt civil society and conversely 'blur' civil society organization boundaries'.

With the ongoing trend of decentralization, civil society have obtained a larger influence in planning policy. This development is also a targeted planning tool for municipalities to involve local residents in the planning process. This so called bottom-up approach is mentioned in many policy documents of authorities in the Netherlands (VROM-raad, 2010). As discussed, civil society gain more influence in planning processes nowadays. Both enforced by themselves as by the targeted policy of the national government. Although this bottom-up development seems attractive for all actors involved, there are also downsides. The main reason for this struggle is caused by the state. Boonstra & Boelens (2011) claim that participatory planning proposals remain controlled by involved authorities. Although they encourage civil society participation, 'public government seems not to be very adaptive to initiatives that emerge from the dynamics of civil society itself, and thus is unable to address the growing complexity of present-day society' (Boonstra & Boelens, 2011, p.1).

Despite the positive reasons for social involvement in planning processes brought forward in the previous sections, these potential positive effects are marginal according to Innes & Booher (2004). We learnt that involvement of the civil society in planning processes are backed by a large number of arguments in the spheres of social, spatial, economic and political domains (Boonstra & Boelens (2001). There are a couple of reasons according to Innes & Booher (2004) why involvement of civil society in planning processes have poor outcomes. First, civic participation with national, regional or local affairs have a low turnout. Second, the public possesses insufficient information to provide authorities with matters that help them to make better decisions. And finally, this group would not consist of enough various people from the broad spectrum of society (Innes & Booher, 2004).

It is obvious that over time the role of civil society in spatial planning has changed several times. These moments of changes were somewhat in line with the evolving decentralizing policy of the national government. Boonstra & Boelens (2001, p.105) distinguish three roles for the civil society in this development: 'In the past 45 years citizens' participation in spatial planning has changed profoundly: from consultation via collaboration towards a sort of delegated management.' Nowadays, the business operations of authorities are still not established for initiatives arising from the dynamics of the civil society (Boonstra & Boelens, 2001). Three main arguments on which the political system is based have a reinforcing effect why civic participation still not got a foothold in spatial planning processes. First, The procedures for enabling civic participation in planning processes are time-consuming. Second, the political system is based on a decision hierarchy of formal influence. In this framework, civil society has little influence. Finally, Pløger (2001) claims that a lack of democratic distribution of authority and responsibility towards local people leads to a disagreement on multiple layers of society. The most comprehensive problem statement arising from the lack of civic involvement in planning processes is brought forward by Frissen (2007). He argues that inclusion of civil society on different aspects such as procedural, thematic and geographic inclusion are the reasons for the moderate influence of civil society in the decision making process. A

result of this inclusion is that governments are unable to respond to the remaining, somehow neglected, definitions, objectives, and problems of these excluded groups (Frissen, 2007). From this argument it emerges that there is no guilty party, but the system. However, Boonstra & Boelens (2001, p.107) add another view on this discussion, by arguing that authorities stick to their 'path-dependent' procedures that do not correspond to their ambitions to include citizen involvement and shared responsibility in their policy. A new applicable policy for this ambition is therefore desirable.

Some municipalities in the Netherlands attempt to facilitate in self-organization developments. This concept of facilitation is increasingly popular in order to get rid of the government-led framework. However, this notion of self-organization is not the same as civic participation in public policy as Boonstra & Boelens (2001) emphasize. With civic participation, residents and stakeholders contribute in urban development processes focusing on their own interests.

3.1.4 | Collaborative governance

Now that all three main actors, and some interconnections between them have been outlined, the aforementioned term 'hybrid governance', or in other words 'collaborative governance', haven't been discussed sufficient. This cross-boundary collaboration means in this sense a multi-faceted partnership between state, market & civil society. The most comprehensive definition of this concept is given by Emerson et al. (2012, p.2), as they define collaborative governance as 'the processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished.'

Elaborating on this, you could argue that the involvement of each of these actors can vary constantly. But variations in actor involvement are not the only obstacles in defining this concept. According to Emerson et al. (2012, p.5) there are five factors that lead to the lack of generalizability of the concept of collaborative governance: 'the inapplicability across different settings, sectors, geographic and temporal scales, policy arenas and process mechanisms'. These factors of collaborative governance vary across the research done and subsequently lead to the complexity of this concept. However, according to Ansell & Gash (2007, p.543) the goal of collaborative governance to counteract the rising costs of collaboration due to the politicization of regulation is increasingly being used as tool for decision-making purposes.

Emerson & Nabatchi (2015b) emphasize on this matter by addressing multiple benefits of this type of collaboration. There are still questions how this system would emerge as a result of the implementation of the Environmental planning Act, but the potential benefits of collaborative governance have already been researched. According to Emerson & Nabatchi (2015b, p.718) these benefits would include: 'Improved coordination of activities, better leveraging and pooling of resources, increased social capital, enhanced conflict management, better knowledge management, increased risk-sharing in policy experimentation and increased policy compliance.' These all come forth of the 'multi-stakeholder platform' as Steins & Edwards (1999) emphasize. These benefits can only arise under certain circumstances. Elaborating on this, the involved stakeholders need a common agreement of the problem. Secondly, these actors have to be aware of their interdependence in resolving it. Finally, the involved actors have to agree on a mutual strategy of action (Steins & Edwards, 1999). These factors are part of the drivers for collaborative action in which collaboration unfold: Leadership, uncertainty and interdependence. However, these factors are part of the much more extensive Collaborative Governance Regime (Emerson & Nabatchi, 2015).

Principled engagement

Before these mentioned factors of the collaborative governance come into play, Emerson et al. (2012) acknowledges that a shared definition of different concepts are needed. These concepts accumulate in common purposes and objectives carried by all involved actors. This 'definition' phase forms an important basic process element in the theory of collaborative governance as discussed by Emerson et al. (2012). In addition, Emerson et al. (2012) add the term 'discovery' as a basic process

element. This process means that individual and collective values, interests and concerns are exposed. These basic processes are part of the ‘principled engagement’ phase as Emerson et al. (2012) outline.

Shared motivation

After two elements of the principled engagement are discussed, Emerson et al. (2012) argue that there are several elements that influence shared motivation. An important element in order to reach shared motivation between involved stakeholders is trust. It is already discussed that Halleux et al. (2012) acknowledged that mutual trust is an important coordination mechanism in land use markets. Fisher & Brown (1989) mention that trust evolves and often enhances when actors work together over time. According to Fisher & Brown there are three factors that influences trust: dependency, predictability and finally reasonability. The element ‘trust’ also influences other elements within the described self-reinforcing cycle as Emerson et al. (2012, p.13) mention: ‘trust generates mutual understanding, which in turn generates legitimacy and finally commitment’

Capacity for joint action

According to Emerson & Nabatchi (2015b) there are four elements which are essential for joint action in collaborative governance platforms. First, procedural and institutional arrangement contains the way in which the organisational structures are shaped, in order to get a grip on repeating interactions they encounter. Secondly leadership plays a fundamental role as an (external) driving force for joint action. This is mostly important at certain moments of conflict during the decision-making process as (Agranoff, 2006) outlines. Then, knowledge is seen as an important factor for joint action. Emerson & Nabatchi (2015b, p.16) reinforce this argument by claiming that knowledge is the ‘currency of collaboration’. And finally, resources are seen as an element for joint action in collaborative governance. These resources are mostly not tangible, but include time, assistance and skills for example. The way in which these resources can be used as leverage or redistributed make the valuable to reach common goals in collaborative governance practices.

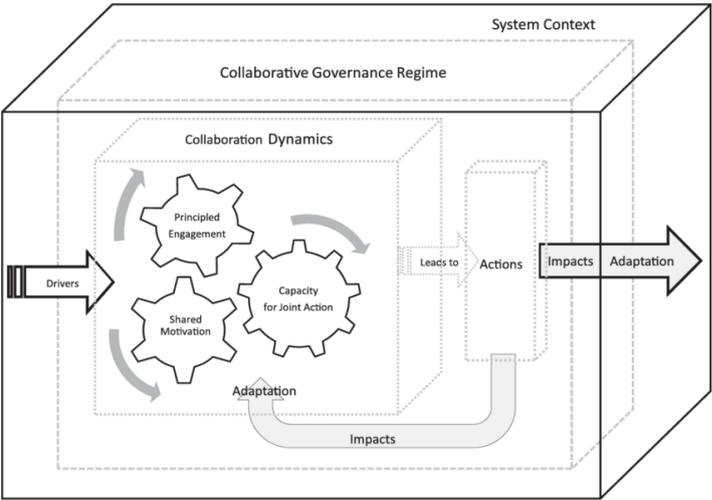


Figure 5. *The integrative Framework for Collaborative Governance.* Source: Emerson et al., 2012

These elements and the earlier mentioned benefits are all part of the Collaborative Governance Regime, as illustrated in figure 5. This integrative framework describes the causal mechanisms of these elements and the preceded driving forces (Emerson & Nabatchi, 2015b). The dynamics lead to the actions of actors which subsequently could lead to adaptation of the system context. A collaborative governance regime could lead to the change of the direction of a complex situation (Innes & Booher, 1999).

An important part of this is the degree of input from society. According to Buuren & Edelenbos (2008), there are different types of participation in the collaboration process. It is a derived framework of the participation ladder from Arnstein (1969), but from a somewhat conservative perspective in comparison, as is shown in figure 5. In addition, there is also a participation ladder from the government point of view. In relation to the ladder below, ‘letting go’ of responsibilities is an important factor in this sense. According to Albeda (2010), this stems from the idea of economical cuts of public authorities. The collaborative framework will play an increasingly important role in this development. Albeda (2010, p.37) adds the following concluding statement to this discussion: ‘Because municipalities will have to cut back considerably in the coming period, a reconsideration of their own tasks is needed. [...] Especially reforming the participation process with residents and developing policies, can help to maintain support for the retrenchment of that policy.’

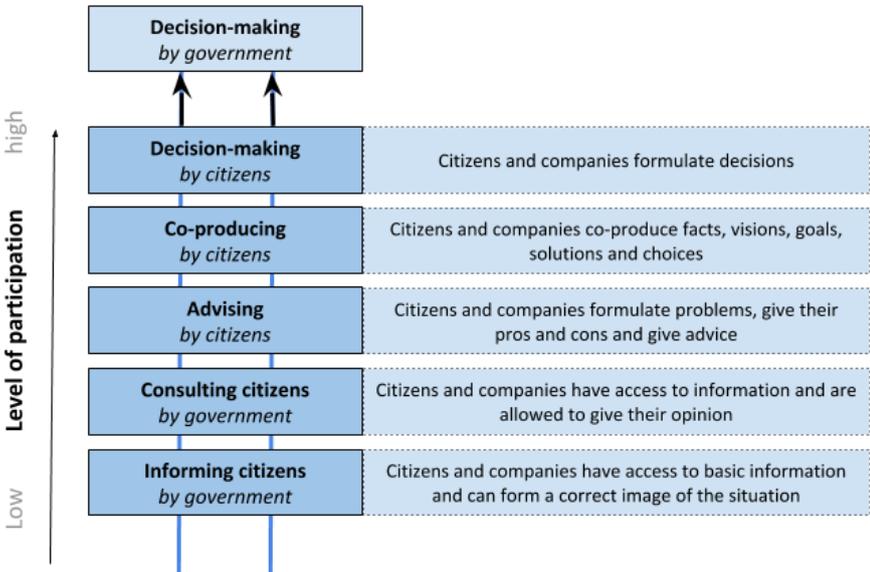


Figure 6. Ladder of participation. Adapted from: van Buuren & Edelenbos, 2008

3.1.5 | Land-use planning

It is often assumed that there are too little legislative rules in order to increase sustainable measures in new housing developments. Van der Wouden (2007) emphasizes that legally binding objectives for sustainable development in the Environmental Planning Act are not yet operative enough to reach ambitious emission reducing goals. On the one hand this can be explained because multiple parties use a different definition for the concept 'sustainability'. According to van der Wouden (2007) the concept is too abstract to become a supporting concept for environmental policy. This is also due to the increasing amount of involved actors and the amount of different policy sectors. The current society is therefore often referred to as a 'multi-actor' society (WRR, 2002). Due to the increase of involved actors there are also more interests attached in development areas. This makes the feasibility of sustainable plans more complicated. Various instruments will be discussed that will promote the development of sustainable measures in housing developments. First the overall use of land-use policy will be explained.

Land-use policy in the Netherlands

The use of land and the rules attached to it are increasingly important. Needham (2006, p.3) states: 'land-use planning can make a person poorer or richer, by affecting the value of the rights on her land'. The consequences of this land-use policy can thus be different for each actor involved. In previous chapters there was a discussion of changing governance due to evolving relationships between state, market and civil society. Allmendinger and Haughton (2012) argued that political agendas have taken a neoliberal turn in order to gain economic growth and competitiveness through policy objectives. The changing relationships could be a result of that. According to Halleux, Marcinczak & van der Krabben (2012), land use planning must adapt continuously to those mutations. Before the so-called neoliberal turn, land-use planning was mainly carried out by the national government. Due to an increasing rate of decentralization and privatization the degree of state influence has weakened. Nevertheless, the importance of the state remains of great value when it comes to land-use planning. Needham (2006, p.7) states that 'land-use planning is no more than the actions taken by a state agency to realize the ambitions which it adopts for the land use in a particular location'. However, the way the policy is implemented must evolve to accommodate the changes in changing relationships between state, market and civil society.

Land rights

In the Netherlands, a state agency can change the land use of a certain location. As mentioned before, these state agencies intervene in various processes in order to combat market failure such as negative externalities. In addition to this, Underhill (2001) claims that it is impossible to create markets without the influence of state agents. Because markets are based upon contracts between various stakeholders, there must be a system of laws to regulate the contracts. Therefore, state influence in land rights market is essential. According to Van der Vlist (1994), the influence of land use increased in the 1970s due to processes of suburbanization, and a revaluation of the existing nature. The most important result of this development was to create improved zoning for

urbanization. A solution was found, by giving more value to the regulation of land-use. Rights attached to the land are important in this discussion. According to Needham (2006) this property right is the right to use the land in a particular way. Especially in inner-city development processes these property rights are essential. Because these locations are often characterized by fragmented ownership, obtaining these rights before a certain development is very difficult. However, in the Netherlands there is a difference in public law and private law. According to the public law, the state is able to impose restrictions on the use of the land. In this sense, the state can regulate for building restrictions. But far more important for inner-city (re)development, the state may compulsorily take away the right or a part of that right (Needham, 2006). As discussed, examples of this public law instruments are pre-emption rights or expropriation rights. First, enforcing these public rights have to be justified. Secondly, the state has to be legally entitled when they decide to acquire the right of the land compulsorily. An explanation of this justification is that it is in the interest of the state of the Netherlands: 'In the public interest, it is also possible to expropriate in the name of natural persons or legal persons under private law with full legal capacity, to whom the execution of the work demanding expropriation is permitted (Wet Onteigening, 2017., 2017, 1 September').

Exchange of Land

Land ownership rights are well protected in the Netherlands. The expropriation law ensures that the owner of the right can claim a compensation. This compensation is often paid out in the form of an amount that covers the depreciation as a result of the changing land-use. There are many forms of compensation, but the latter is most common during processes of inner-city (re)developments. Coordination is an important factor when it comes to exchanging land (Buitelaar & de Kam, 2004). With the example of the expropriation law, you might assume that there is an unequal hierarchy on the market of these rights. However, Buitelaar & Kam (2004) claim that the state often operates on this market as a private actor. The price of land is of course the most important factor when it comes to the interactions among the involved actors. This happens in a rather neoclassical economic way: 'The price 'clears the market': demand and supply react, each independently, to prices and in that way come into agreement' (Buitelaar & Kam, 2004, p.2062). Yet, exchanging land is much more complex than the neoclassical economic way suggests. According to Maclennan's 'access-space trade off model' (1982) there are four major factors that influence the price and the exchange of land. First its location, the supply of land cannot be changed easily due to its particular locational characteristics. Secondly, the relative location is important to decide the value of land. Hence, 'the demand for a plot of land in one location is influenced by the qualities of land in nearby locations' (Buitelaar & Kam, 2004, p.2064). Then, the buildings on the land will have an influence on the value of the land. Finally, the users of the land itself do have an influence on the price, as they might speculate on future price rises. In doing so, they can react by delaying the supply of the land with higher revenues as a result (Maclennan, 1982). In general, you might assume that the land will be sold to the highest bidder on the market, but sometimes this doesn't apply to the market of land as multiple factors influence this market. Nevertheless, the price mechanism of land markets is shaped by the interaction between supply and demand (Buitelaar & Kam, 2004)

As discussed in the previous section, the price mechanism is mentioned as the most important coordination mechanism in land markets. In addition to this, Halleux et al. (2012) acknowledge that imposed rules and mutual trust could be added to the list of important coordination mechanisms in land use markets. Partly because there is a strong institutional and political support for land use planning in the Netherlands, these imposed rules play a significant role in the development of land against urban sprawl. Legal measures play an important role in that respect. The ladder for sustainable urbanization is one of the most important tools to control urban sprawl. This tool is discussed in Appendix 1C. First, insight must be gained into the way in which general contracts between the state and the market must increase the feasibility of sustainability goals in Dutch spatial planning. As discussed, it is often assumed that there are not enough binding legislative rules in order to increase sustainable measures in new housing developments (van der Wouden, 2007). However, there are some non-negotiable developer obligations that can be imposed by the municipality. In that case, three criteria, included in the Spatial planning Act (Wet ruimtelijke ordening (Wro)) must be fulfilled. It must be mentioned that this consists of investments, mostly on infrastructure, by the municipality in a development (Muñoz Gielen & Van der Krabben, 2019). The developer must contribute to this under public law if the development benefits directly from the public investment in infrastructure. In addition, there must be a causal connection between the development and the infrastructure. This is called accountability in legal terms. And finally, these public investment must be allocated proportionally to all profiting developments. In summary, these non-negotiable developer obligations come down to investments based on profit, accountability and proportionality (Muñoz Gielen & Van der Krabben, 2019). These costs can legally be recovered from the developer based on current legislation¹. These costs are based on public legislation. With the exploitation plan, included in the zoning plan, the municipality can enforce these costs partly to the developer. Nevertheless, the municipality and the developer both prefer to bargain through a private law contract. In this anterior agreement, the municipality and the developer secure the financial contributions to the land exploitation via private law². Both municipality and developer prefer this anterior agreement because it provides contractual freedom. This contract does not have to meet the aforementioned three criteria because it is possible to negotiate. If one agrees via an anterior agreement, negotiable developer obligations can be recorded according to Muñoz Gielen & Van der Krabben (2019). This legislation is important when it comes to sustainable area development because there can be an agreement under private law how costs can be recovered. It is often claimed that costs for sustainable development are much more expensive. Muñoz Gielen & Van der Krabben (2019, p.4) emphasize on this by claiming that ‘there are no legal prescriptions about whether and how contributions should be economically feasible.’ This is where the negotiations come in between the municipality and the developer. If both parties are unable to resolve it under private law, the exploitation plan will come into effect. The costs can then be recovered under public law.

¹ Art. 6.13 sub 6 & 7 Wro

² Art. 6.24 sub 1 Wro

3.1.6 | Brownfield & greenfield locations: Complexity of inner-city development

This chapter will contain an explanation of the complexity of inner-city development. The most important differences between brownfield and greenfield development locations will be discussed. Policy in the Netherlands has been drawn up in order to add housing mainly to the existing inner-city area. The main incentives for this policy in the Netherlands will also be addressed. As mentioned in the problem statement, the government wants to keep urban sprawl within bounds by focusing on adding extra housing mostly within the existing boundaries of the built environment. Nevertheless, this policy brings difficulties along. This chapter will contain an explanation of these difficulties. First a distinction will be made between the aspects of brownfield and greenfield locations on the basis of relevant literature.

It is often assumed that development on brownfield locations is more complex in comparison to greenfield locations. This complexity comes forth of economical, juridical and political difficulties. However, as Cao & Guan (2007) claim, brownfield (re)development as a land use strategy is the best scenario in order to pursue sustainable development. The main incentive to follow this particular land use policy in the Netherlands is to combat urban sprawl. The overarching vision to relieve environmental pressures on the non-built environment contributes to maintaining this policy. Elaborating on this, Ravesteyn et al. (2005) claim that a lot of 'green' areas are located around the spheres of urban areas and are therefore under pressures of urbanization. As a result of this pressure, it has been legally decided to develop mainly on inner-city areas. As discussed before, with the ladder for sustainable urbanization a first step has been taken in this regard. It is necessary to follow these guidelines because Asbeek et al. (2002) claim that in certain aspects, it is often no longer possible to make a clear distinction between the city and the countryside. Although the Netherlands have a legally binding planning tool in order to counteract urban sprawl, there are still certain shortcomings that make development outside the built environment possible. To compare this with other European countries, only England and Germany have integrated quantified brownfield targets in their policy guidance. In England the target is even to develop 60% of the building of new dwellings on brownfield locations (Ganser, 2008). In the Netherlands, there is a comparable measure of 40% of the housing to be realized within the existing built environment. The main difference is that this percentage is a non-legally binding directive drawn up by the then-operating Ministry of Public Housing, Spatial Planning and Environment (2006). First a definition and the pros and cons of the use of brownfield locations will be given. Afterwards, the same will be done for the concept of greenfield locations.

Brownfield locations

As mentioned before, development on brownfield locations is characterized by its complexity. However, pressure from the national government to develop mainly on these areas is increasing. In general, there is consent about the definition of the term brownfield. According to De Sousa (2000) it is the semantic counterpart of the term 'greenfield'. According to Cao & Guan (2007, p. 128) brownfields are inner-city developed locations which are characterized as contaminated (known or

potential) that are in need for treatment before development. Brownfield locations are often occupied by vacant commercial properties/warehouses. However, the most comprehensive and universal explanation of the concept is derived from Alker et al. (2000) as they define brownfield locations as follows:

“any land or premises which has previously been used or developed and is not currently fully in use, although it may be partially occupied or utilized. It may also be vacant, derelict or contaminated. Therefore a brownfield site is not necessarily available for immediate use without intervention.”
(Alker et al. 2000, p.49)

Elaborating on this, Alker et al. (2000) state the importance of a well-defined and delimited definition of this term. In order to prevent misunderstanding and confusion between the multiple stakeholders involved in planning processes it is important to get an equal understanding of this concept. Alker et al. (2000) argue that different interpretations of existing terminology exist between the various actors involved and that they may favour interpretations of the terms that reflect their own perspective. This does not apply to the term ‘brownfield’ but this assertion applies to any terminology where several stakeholders are involved with contrary interests. Especially in brownfield locations, various stakeholders are involved. This is one of the reasons why developing on these locations are more complex in comparison to greenfield locations. De Zeeuw & Franzen (2008) emphasize on this matter by claiming that, especially on inner-city locations, stakeholders are dependent on each other and therefore good coordination is required. A result of this fragmented ownership is lagging collective investments in the environment. This can be explained with the aforementioned prisoner’s dilemma as discussed in the ‘state’ section (Buitelaar et al., 2008). A solution of this dilemma could be that they all hand over their property rights to the municipality or a single investor. However, there are also hold-out problems occurring during this process. Also, investments in brownfield areas after the transmission of temporary ownership rights can be quite risky. The factors contributing to this complexity will be discussed in the next section.

The following figure illustrates the three most important groups involved during brownfield redevelopments (Cao & Guan, 2007). These groups contribute to the actor complexity during development processes of brownfield locations. Local governments provide overall control and give guidance to developers throughout the development process. According to Cao & Guan (2007), the developers can be divided into three separate groups: public, private and a combination of these two. The final group are the end-users. Those are the one who purchase, rent or inhabit the end result of the redevelopment. For each of these groups different roles are reserved. However, according to Portier (2011) these will differ per situation. Factors that influence the relationships between the actors are the location of the project, the program and phase of the project. Additional factors could be differences in stakeholders involved, land positions of these stakeholders and the value of the land in current use (Portier, 2011).

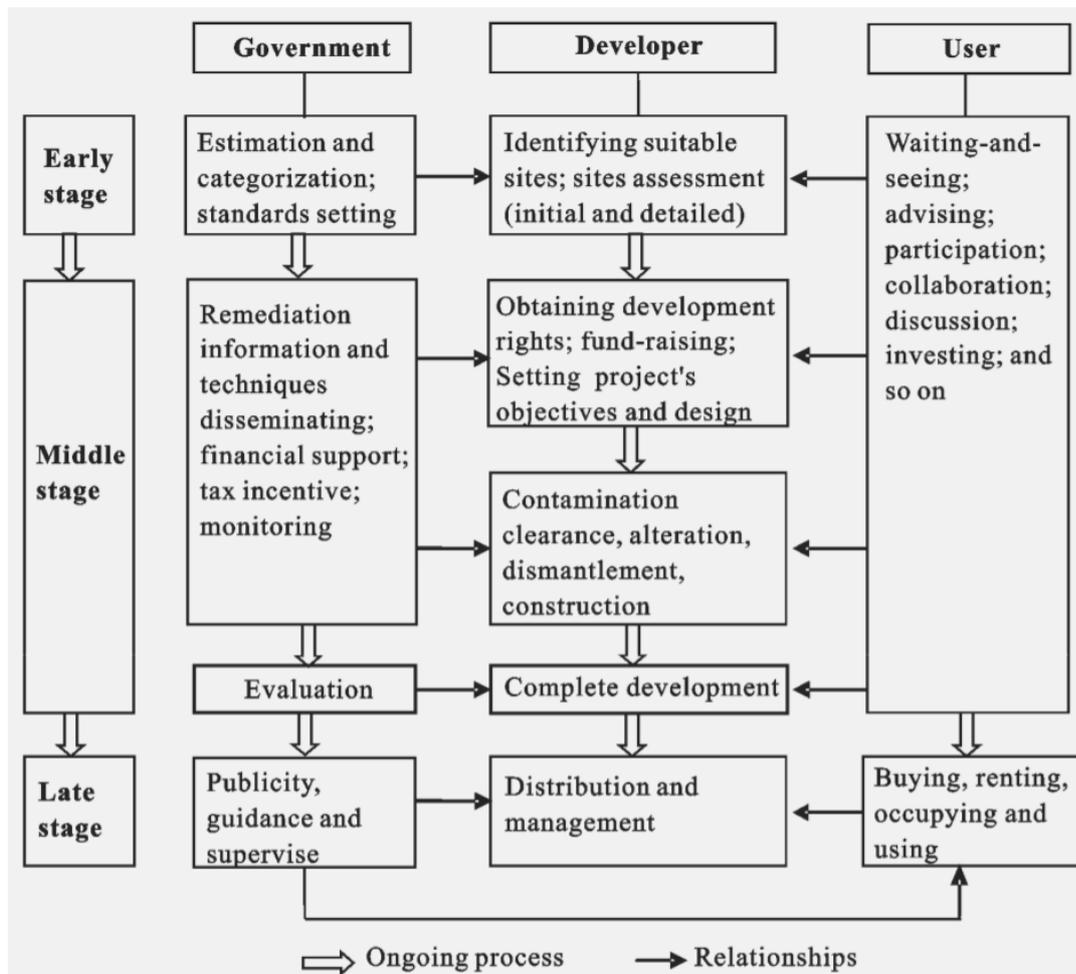


Figure 6. Interaction, behaviour and function of government, developer and user in brownfield redevelopment. Source: Cao & Guan, 2007

Complexity of developing on brownfield locations

There are a lot more factors contributing to this complexity which will be explained in this section. Firstly, building on brownfield locations is more expensive. Subsequently, due to multiple connected factors, these development costs on inner-city locations are higher. Laborious and costly acquisition costs are a result of fragmented ownership on brownfield locations. In order to make urban transformation on brownfield locations possible it is necessary to obtain the rights of the ground and buildings (Buitelaar et al., 2008). Obtaining these rights often ends in costly and time-consuming negotiations. Current landowners often do not want to cooperate on the transformation tasks at hand. Municipalities, corporations and developers are responsible for obtaining the ground and buildings of brownfield locations before it can be developed. As mentioned before, these acquisition costs, and the attendant risks are higher in comparison to greenfield locations. Municipalities are hesitant to make this acquisition as a result. A result is that the initiative for urban transformation on brownfield locations often lies with private parties instead of municipalities (Buitelaar et al., 2008). Nevertheless, this private urban transformation on brownfield locations are almost impossible without the interference of municipalities. Hence, they have public law policy instruments at their disposal with which they can force or stimulate current landowners to sell their land. Municipalities

in the Netherlands have gradually taken a more facilitative role in the process of urban transformation. Because private investors can't make use of these public policy instruments such as pre-emptive rights and expropriation, some form of public-private partnership is desirable.

Apart from these difficulties concerning ownership rights there are also difficulties occurring concerning the direct acquisition costs. It is very difficult to get a positive operating balance in inner-city transformation plans. Firstly, as discussed, the land acquisition costs are relatively high due to high land prices and long-term acquisition processes (Buitelaar et al., 2008). Secondly, revenue from land after transformations on brownfield locations are relatively low. The value of the land in the old situation is relatively close to the value in the new situation after the transformation. The allocation of land often doesn't change on brownfield locations, while on greenfield locations there is a high value leap. There is a strong change in land value because the allocation of land alters from agricultural to residential on greenfield locations for example. Due to the small increase in value and the high risks of development at brownfield locations, the municipality is reluctant to invest. High land acquisition costs result automatically on a reduction of the operating balance. The value of the land will therefore be low in the short term, partly due to the associated remediation costs (Portier, 2011).

Elaborating on the previous section, municipalities find it increasingly difficult to get the exploitation balance covered. Loss-making developments are often covered by funds or reserves, but according to Buitelaar et al. (2008), profits of developments at brownfield locations are low or even absent nowadays. The value of land at inner-city locations is already high. In addition, revenues for municipalities on greenfield development locations have not increased either. Because there are often private investors involved in these developments, they also obtain higher margins from these revenues at the expense of the municipality. Besides this, the importance for the development of brownfield locations is increasing compared to development of greenfield locations. As a result, revenues for municipalities have decreased and reserves are not supplemented (Buitelaar et al., 2008). A self-reinforcing effect seems to arise because mainly inner-city locations are allocated for development while expansion locations are running out.

Despite all the complexities arising from transforming brownfield locations, the large amount of stakeholders present at these locations should find agreement more often. To meet future housing demands, there is a broad support among all governmental bodies to use mainly inner-city areas to expand this housing stock (Nabielek et al., 2012). To obstruct the effects of urban sprawl, allocations for expanding outside the city boundaries are limited. A method have to be found to improve the development process at brownfield locations. Apart from the many complexities, there are also advantages of developing at brownfield locations, which are often underexposed. Besemer & Puylaert (2000) discuss the positives of developing on brownfield locations. Higher prices may be charged for the land after the development given the strategic locations of brownfields. The higher selling prices are interesting in terms of revenue (selling price per square meter) in comparison to greenfield locations. In addition, redevelopment of brownfield locations plays an important role for

existing facilities in the close environment. According to Besemer & Puylaert (2000): ‘developing an abandoned or under-utilized location gives a boost to the quality of the surrounding area in the broadest sense, as the value of the real estate of the whole area increases.’ Redeveloping brownfield locations also fulfils another important environmental task. Redeveloping inner-city space saves the increasingly scarce green space (Besemer & Puylaert, 2000). Especially the latter policy measure is of paramount importance in the Netherlands.

Greenfield

The general assumption of the term ‘greenfield’ is that it concerns land which has not been previously developed. According to the definition of Cao & Guan (2007), greenfield is ready for development without needing treatment like brownfields. Locations are mostly at the outskirts of the city. The current land use type of a greenfield locations before development is mostly agricultural. Since most assumptions have already been presented about the differences between brownfields and greenfields in the previous chapter, this term will be discussed in a less extensive way. Besides this, the focus of this research is on inner-city development. However, it is important to get a grasp on the concept of greenfield locations as well in order to understand certain policy decisions from the national government and the difficult challenges arising from inner-city development. Arguments of benefits for development on greenfield locations are therefore mainly based on the difficulties and complexities of building on brownfield locations (Hoek et al., 2010).

Although the economic advantages of development of greenfield locations have been mentioned, concrete numbers have not yet been exposed. According to Hoek et al. (2010) there is an average shortage of €10.000 per dwelling on an inner-city development location. In contrast, there is a surplus of €8.000 per dwelling on a development of a greenfield location at the outskirts of the city. It must be stated that Hoek et al. (2010) use a different definition of a greenfield location, as they claim that these can also be located in the inner-city circle. That is why they state that on average there is even a loss of €40.000 per dwelling on brownfield locations, due to the additional costs of remediation and high initial investment costs. These numbers have been analysed between 2004 and 2007 where 150 municipal property operating balances have been researched (Hoek et al., 2010). These numbers will differ nowadays due to various factors in addition to the differences that exist between individual projects anyway. Due to the economic crisis of 2008 in the Netherlands, operating balances of developments have deteriorated. Nevertheless, the economic differences between development on brownfields and greenfields will show almost the same average differences.

In addition to the economic benefits mentioned, there are also disadvantages. Hoek et al. (2010) emphasize on this notion that costs for additional infrastructure are relatively high. The ladder of sustainable urbanization contains that developments that cannot take place in the existing urban area must be made as infrastructural integrated as possible. Van Duinen et al. (2016) mention that it is inevitable to avoid development on greenfield locations outside the existing urban area at some point. The rising demand for housing in the Netherlands will ensure that the existing urban area can

no longer be used as development area at some point. However, the ladder for sustainable urbanization will be applied and enforced more often to protect the green area outside the city boundaries (Van Duinen et al. 2016). Developers prefer to invest and develop on greenfield locations as they require less complex resources to accomplish development. From an economic, legal and political point of view, developing on greenfield locations is much more beneficial in their eyes.

3.2 | Conceptual framework

Based on the written research topic, this Master’s thesis will be exploratory of nature. A framework provides an explicit explanation why the problem under study exists by showing how the variables relate to each other. Before we can illustrate a conceptual framework, an explanation is needed of the existing variables given the proposed subject above. These variables will be expressed in a diagrammatic form. It explains the key concepts and the relationship between them in order to provide a framework for the research. The theories provide a framework within which social phenomena can be understood and the research findings can be interpreted (Bryman, 2016). It is an abstract generalization that systematically explains the relationship among phenomena. As Bryman states: *‘The theories that social scientists employ to help to understand the social world have an influence on what is researched and how the findings of research are interpreted. In other words, the topics that are investigated are profoundly influenced by the available theoretical position (Bryman, 2016. p.5).’*

When we combine different theories and the most important factors from the research topic, the next conceptual model comes up. This framework provides an explicit explanation why the problem under study exists by showing how the variables are related to each other.

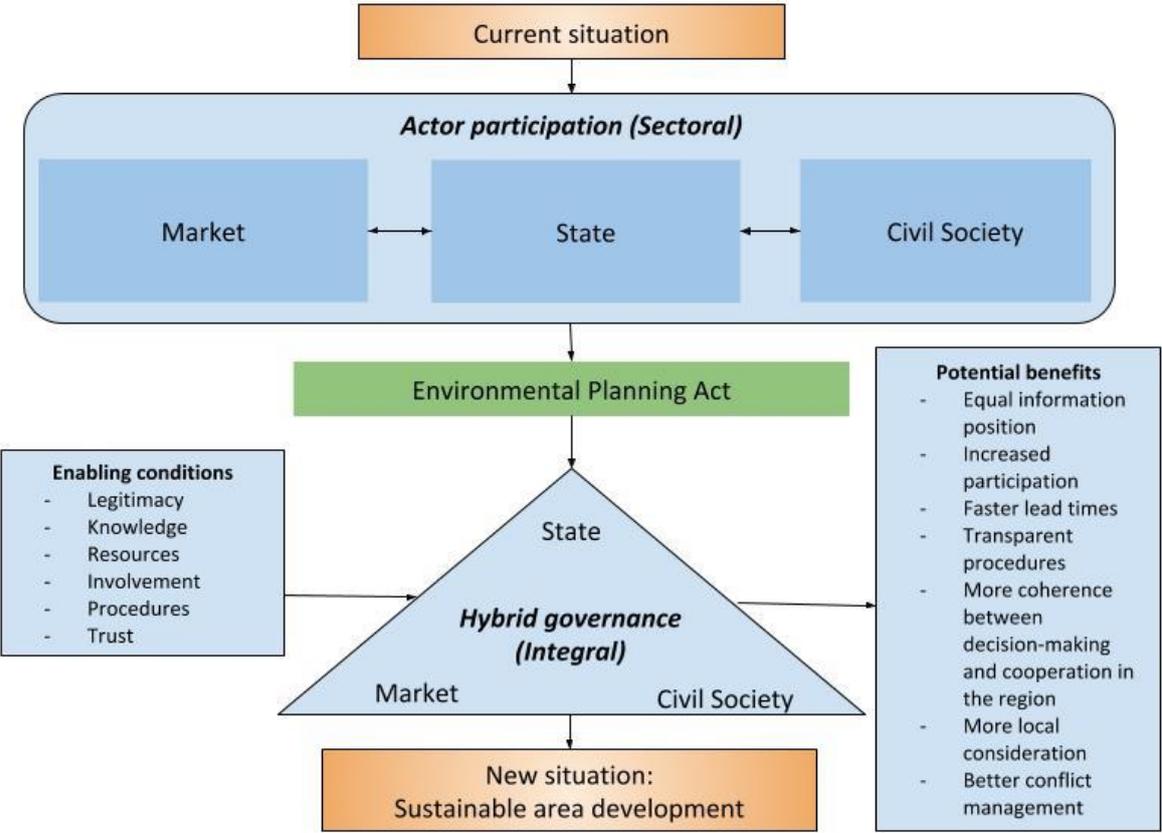


Figure 7. Conceptual model. Own creation, Derived from: Emerson & Nabatchi, 2015b; VNG, 2018

3.3 Operationalisation

In this chapter, the operationalisation of the theory will be discussed. Verschuren & Doorewaard (2010) state that defining and operationalising the concepts of your research is an important step in the process of the research. An exact definition of the key concepts will be the result of this operationalisation. Elaborating on this, Verschuren & Doorewaard (2010, p.22) argue that 'this step not only meant to present an exact description of these concepts, but also to provide a clear demarcation of which components and dimensions are included in this definition and which components and dimensions are left out.'

Operationalisation scheme

The figure below (figure 8) shows the operationalisation of the concept 'hybrid governance'. It is mostly derived from the collaborative governance regime, and additional concepts drawn up by Emerson & Nabatchi (2015b). It is used to explain the underlying factors that influence the degree of collaboration between state, market & civil society. The term 'hybrid' is used because it gives the best representation for the complex concept. In theory it means a close mixing of dissimilar matters, if these matters are brought together, they have a propelling effect. In this case on collaboration. In addition to clarifying and exposing the key factors of collaborative governance, the operationalization scheme is used as a reference for the interviews. The table below is based on the discussed theory in chapter 3. The purpose of the table is to clarify the discussed theory, highlight the most important factors, and subsequently make them measureable for analysing purposes. According to Verschuren & Doorewaard (2007) the research will be better defined in terms of key concepts. Results and concepts get better clarified which eventually helps with the focus on the search for specific information and empirical data. The key concepts resulting from the operationalisation will be used as a guideline for the questions as used for the semi-structured interviews.

Hybrid Governance	Variables	Dimensions	Indicators
	Drivers for collaborative action		
	Leadership	- Leadership	Willingness to absorb high transaction costs of initiating a collaborative effort
	Interdependency	- Interdependency	Sense of dependency as a need to accomplish something they can't do alone
	Uncertainty	- Uncertainty	Sharing concerns by collaborating to reduce, diffuse, and share risk
	Collaborative dynamics: Enabling conditions to collaborate		
	1. Principled engagement: 'shared theory of change'		
	Discovery	- Interests, concerns and values of participants	Level of which these factors are shared between actors
	Definition	- Shared meaning / common purpose and objectives	Level of which actors agree on formulated purposes and objectives
	2. Shared motivation: 'relational component of collaboration'		
	Trust	- Mutual trust	Level of trust in networks, measured in reasonability, predictability and dependency/ consensus-building by increasing transparency.
		- Transparency	
		- Mutual understanding	
	Shared commitment		
	3. Capacity for joint action: 'functional component of collaboration'		
	Legitimacy	- Leadership	Presence of power, as essential driver for responsibility/Position to initiate and support/ accountability
		- Responsibility	
	Knowledge	- Equal knowledge	Level of dialogue for mutual understanding/ Access to information, progress and task division
		- Transparency	
	Resources	- Skills	Willingness of actors to absorb high costs of initiating a collaborative effort, by providing and use several resources as leverage in order to reinforce collaboration.
- Funding			
- Expertise			
- Sharing			
Procedural/ institutional arrangements	- Legislation	Degree of existing regulation, influencing the degree to enable/disable collaboration both intra- & interorganizational.	
	- Structures		
	- Protocols		
	- Barriers		
Collaborative action & Adaptation			
Adaptation/ Collaborative action	- State	Extent to which collaborative action change the direction of a complex, uncertain, evolving situation, in order to move a community toward higher levels of social and environmental importance.	
	- Market		
	- Civil Society		

Figure 8. Operationalisation scheme. Own creation. Derived from: Innes & Booher, 2001; Ploger, 2001; Emerson et al., 2014; Emerson & Nabatchi, 2015b; Ansell & Gash, 2008

Chapter 4 | Methodology

Now that the theories and the ensuing operationalisation have been discussed in chapter 3, this chapter will focus on the methodology of the thesis. It will contain a discussion of the chosen path and methodological choices. As Verschuren & Doorewaard (2007, p.23) state: 'The following decisions concerns the way in which the thesis will approach the research object and how the thesis will approach the research.' First, the research strategy will be explained (4.1) followed by an explanation of the data gathering process (4.2). Finally, the research design will be outlined (4.3), concluding with a discussion in what way this data is reliable and how it could be validated (4.4).

4.1 | Research strategy

According to Verschuren & Doorewaard (2007, p.23) there are five strategies which you can choose, with one general goal: 'a strategy can be chosen that makes generally applicable statements about the subject of study.' The current research object requires a more in-depth approach due to its complexity. Therefore, a case study has been chosen to conduct the research. With the chosen case study, this thesis attempts to gain an in-depth and integral insight into a few (time-limited) objects and processes. The well-founded theories in the previous chapter will be applied on the observed objects and processes in the chosen case. In doing so, the results ensure a clear explanation of the idea on how these processes can be interpreted and explained (Verschuren & Doorewaard, 2007).

Case study

The next chapter (5.1) will contain a description of this case, but it needs a small introduction in advance in order to further elaborate on the research strategy. According to Stake (1995, p.XI): 'A case study is the study of the particularity and complexity of a single case, coming to understand its activity within important circumstances.' This particular case will focus on the project on Klein Plaspoelpolder in the Province of Leidschendam-Voorburg. The municipality will develop this area with flexible conditions in anticipation of the implementation of the Environmental planning Act. In addition, the municipality is drawing up a land-use plan with a broadened scope (Bestemmingsplan verbrede reikwijdte (Chw)) together with multiple stakeholders in the area of Klein Plaspoelpolder. Since the municipality of Leidschendam-Voorburg is already utilizing the overarching principles of the Environmental Planning Act in the form of this pilot-project, it is interesting to investigate how this influences the cooperation between the state, market and civil society. Subsequently, a profound analysis can be made about the influence of the Environmental Planning Act on the planning process in inner-city developments. Stake (1995, p.4) drafted some important criteria to choose the right case. With the limited time and access for fieldwork we have, a case has to be chosen that is 'likely to lead us to understandings, assertions and perhaps even to the modifying of generalizations' based on the drafted research aim, and research questions. Nevertheless, some important considerations have to be taken into account in terms of validity and generalisability. This will be further elaborated in chapter 4.4.

Expert interviews: Environmental Planning Act

To achieve the objective of this research, the results from the above mentioned case will be analysed. First, semi-structured interviews are done with four experts concerning the Environmental planning Act. The experts are program managers from municipalities in the Randstad. The knowledge gained from these interviews are used and tested on the case. This region has been chosen because these municipalities face a major challenge with regard to inner-city urbanism in comparison to the municipalities in the outlying areas. The analysis and results from these interviews provided a broad insight to the formulated research questions. Due to the complex process of implementing the Environmental planning Act, these expert interviews are done in the first phase of the research. More focused questions could then be asked to the stakeholders of the case.

Municipality	Function	Date of interview
Zuidplas	Programmanager Omgevingwet	29 October, 2019
Gouda	Programmanager Omgevingswet	5 November, 2019
Heemskerk	Project leader Omgevingswet	12 November, 2019
Amsterdam	Manager Omgevingswet	15 November, 2019

Semi-structured interviews: Case Klein Plaspoelpolder

After the expert interviews, various semi-structured interviews have been done with stakeholders of the case Klein Plaspoelpolder. As already discussed, the goal of this research is to investigate one case in which the Environmental planning Act is used as a pilot-project. The aim of this research is to investigate the new division of roles between the state, market and civil society under the new Environmental planning Act. By focusing on the changes in formal and informal institutions, statements can be made about the changes on collaboration in planning processes in sustainable inner-city area developments. Through semi-structured interviews on this specific case, answers can be given on the composed research questions. Case studies have a function of objectifying research and generalising statements about reality. With this case study, the intention of this research is to find empirical evidence but in an exploratory manner. Thus, it won't focus on the 'case' on its own: not objectifying. But it will try to understand the contextual 'small segments' better as Reiter (2017) states. However, important side notes are to be made regarding external validity. This will be made clear in chapter 4.4.

Company	Function	Date of interview
Municipality of Leidschendam-Voorburg	Ambtelijk opdrachtgever Klein Plaspoelpolder	10 January, 2020
Over Morgen	Project leader Klein Plaspoelpolder	29 January, 2020
Borghese	Real Estate Developer	6 February, 2020

4.2 | Data analysis

This section will further explain how the data will be collected in response to the mentioned research questions in chapter 1.4. This thesis will focus on an exploratory research method. This research will gather information through qualitative methods. Exploratory research is meant to examine a certain topic to gain further insight.

Research method

First, desk-research and the use of available literature will be the main research method. Then, expert-interviews with people who are working with the implementation of the Environmental planning Act will help to gain insight in the overall process. These interviews will provide a broad picture of the status of the implementation of the Environmental planning Act. After that, the most important part of the data gathering will begin. Chapter 4.1 already contained a short introduction of the case that will be investigated. Multiple semi-structured interviews with various stakeholders in the Klein Plaspoelpolder will be done. The research process can therefore be labelled as deductive, because specific statements are made derived from a general idea. The reason why this exploratory research fits best, is because of the proposed research question which is as follows:

- *To what extent will new partnerships between state, market & civil society, as a result of the implementation of the Environmental Planning Act, lead to the improvement of the planning process in order to increase energy neutralization, and acceleration of the housing assignment of inner-city development areas?*

Semi-structured interviews

Reiter (2017, p.131) mentions some other important points of attention when it comes to exploratory research: 'To be reliable, exploratory research should be conducted in a transparent, honest and strongly self-reflexive way - and follow a set of guidelines to ensure its reliability. Exploratory research, if conducted in this fashion, can achieve great validity and provide new and innovative ways to analyse reality.' As discussed, this research will focus on a single case. But before different theories will be investigated and applied to the phenomenon of the proposed topic. These theories will, as Yin (2014, p.36) describes: 'Tell a (hypothetical) story about why acts, events, structures, thoughts occur' (as they do)'. These interview guides will be semi-structured to gather data. There are some advantages of using this method. According to Galetta (2013, p.24): 'The semi-structured interview provides a repertoire of possibilities. It is sufficiently structured to address specific topics related to the phenomenon of study, while leaving space for participants to offer new meanings to the study focus.' In addition to this benefit, Cohen & Crabtree (2006) claim that this method of interviewing allows respondents to give their own views, without too many restrictions.

Coding

As mentioned, this research will focus on desk-research and semi-structured interviews as data gathering tools. The semi-structured interviews focus on four expert-interviews about the Environmental planning Act and three semi-structured interviews on the case. After these are done, the analysis will take place. First, a transcription of all interviews will be done in order to make the data ready for analysis. Subsequently, the program Atlas.ti is used to analyse the data. The indicators that emerged from the theoretical framework form the basis for the coding in Atlas.ti. The codes will match as much as possible between the interviews. In this way, similarities and connections can be made. Nevertheless, there will be exceptions in this regard. The expert interviews were conducted for a different purpose than the semi-structured interviews that were specifically aimed at the case. Furthermore, the questions for the stakeholders of the case also have a slightly different approach due to the different expertise of the respondents. The interviews have been held with the municipality, project developers and process managers. The coding of these interviews may therefore slightly differ.

The creation of the coding categories is done prior to the data gathering process. According to Stake (1995) this method is desirable because the researcher then knows where to find the most important assertions and potential correspondences. The coding categories bring structure to the interviews. In addition, these coding categories are used to make connections across the conducted interviews. As mentioned, these codes are based on the operationalisation scheme derived from the theoretical discussion in chapter 3. After analysing these results, an attempt is made to provide a conclusive answer to the research questions.

Focus group

When the analysis of the results are done and answers are given to the sub-questions, the results will be discussed in a focus group. The focus group consists of four experts in the field of the Environmental planning Act. The results from this research led to a discussion which provided new insights. In this way it was possible to reflect on the results from the research in an iterative way. Due to the broad experience in the field, the focus groups also helped to formulate recommendations for practice as discussed in chapter 7.2. The results were further validated by involving the focus group after the analysis of the results, as recommended by Thornhill et al. (2009). The following people were part of the focus group.

Name	Function	Company
Anouk Paris	Advisor Environmental planning Act	Over Morgen
Sanne Veldhuizen	Advisor Environmental planning Act	Over Morgen
Tabitha Mann	Advisor Environmental planning Act	Over Morgen
Tjakko Dijk	Advisor Environmental planning Act	Over Morgen

4.3 | Research design

This research is made up of four phases as is shown in the research model below (figure 9). Each phase will be briefly described in this section. The first phase has already been included in chapter 3. However, it is important to schematically review all phases of this research to show how all methodological steps correlate with each other.

Phase 1:

The theories are chosen in the first phase. Several theories will be explained in order to expose the underlying structures of the topic of this research. This phase is important, as it is the starting point for the operationalisation and subsequently the breeding ground for the semi-structured interviews. In this phase, a clear demarcation of components and dimensions of the theories are included in the operationalisation.

Phase 2:

The second phase emerges from the first phase. This phase indicates how the results of the research will be obtained. In this phase, the exploratory expert interviews will be conducted. These interviews are done with program managers from the municipalities who prepare the arrival of the Environmental planning Act. Then, important stakeholders of the case 'Klein Plaspoelpolder' will be interviewed. These interviews form the basis for the analysis that is done in the next phase.

Phase 3:

The analysis can be done after the necessary data from the expert-interviews and the semi-structured interviews on the case is collected. Subsequently, the raw data can be converted to codes that came forward from the operationalisation. In this way, all interviews can be linked and compared in order to give an inclusive answer to the composed research questions. The interviews are done in Dutch, but the coding will be done in English to make a better connection with the theory. The results forthcoming from this phase form the basis for the conclusions and recommendations in phase 4.

Phase 4:

The conclusions and recommendations will be outlined in the final phase. As mentioned, the research questions will be answered in the conclusion, based on the results of the analysis from Atlas.ti. In addition to the answering of the research questions, recommendations for praxis and follow-up research will be done.

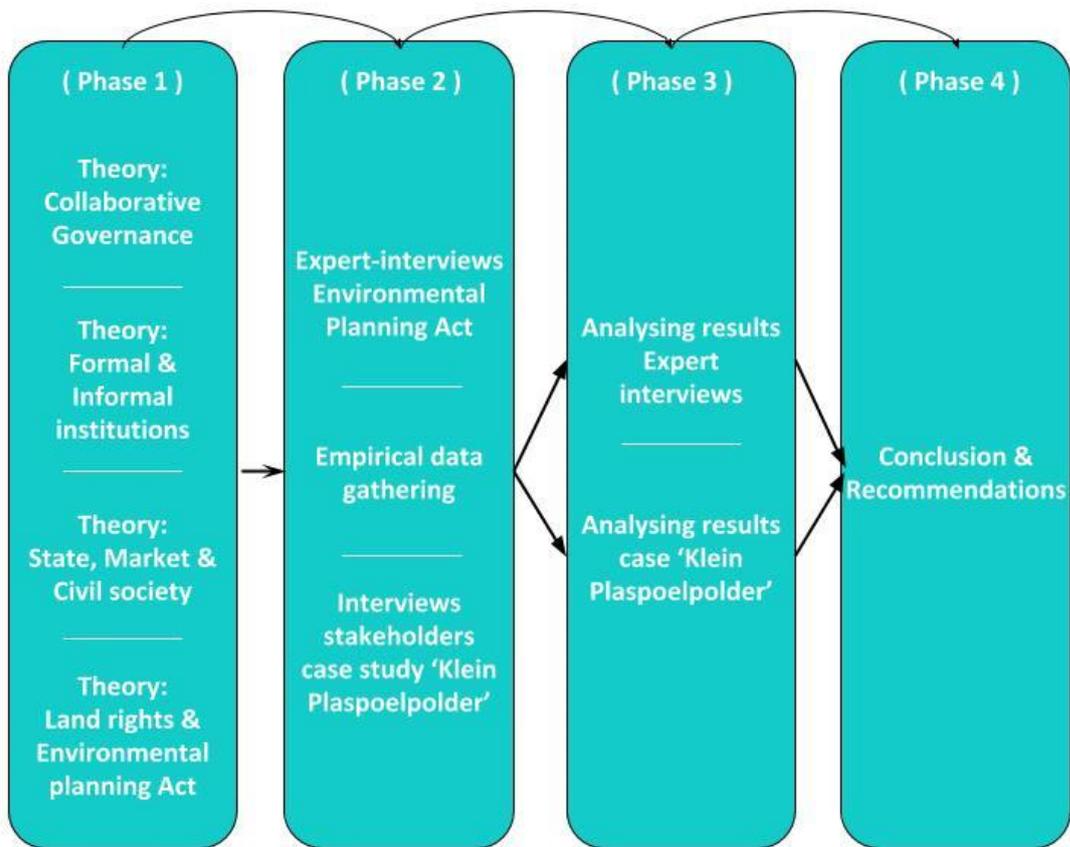


Figure 9. *Research model.* Own creation

4.4 | Discussion of reliability and validity

This section will contain a discussion of the reliability and validity of this research. According to Verschuren & Doorewaard (2007) there are two important factors that you need to monitor during and prior to the research. Reliability means that if you would do this research again, the same results would come out roughly. Also, validity is an important factor. Verschuren & Doorewaard (2007) make a distinction between internal validity and external validity. Internal validity means to what extent the research questions from the research measure what they are meant to measure. Elaborating on this, it is important that the correct methods are used in order to answer the research questions. External validity includes the generalizability of the research; Do the results from the research also apply to other research object elsewhere (Verschuren & Doorewaard, 2007)?

Reliability of the research

A tool to improve the reliability of a research is to use source triangulation (Verschuren & Doorewaard). Therefore, several sources have been used to answer the research questions. Firstly, available policy documents and applicable theories have been studied. Important points emerged from this study and formed the basis for the interview guides. The expert-interviews gave insight in the complex procedures of the implementation of the Environmental planning Act. A deliberate choice was made to involve these experts in the preliminary stage of the research due to the complex transition of this environmental legislation and to prepare the interviews for the case. All this information was thus tested on the case. Because several stakeholders were interviewed, information was collected from every perspective. As a result, the reliability of the research is rather high. Furthermore, It is important to create transparency in the research methods and results in order to improve the reliability. Therefore, all interviews have been recorded and fully transcribed. However, these results are only made available on request due to privacy reasons. This raw data was then made clear by means of coding. Due to this transparency, it is possible to get roughly the same results for this specific case.

Validity of the research

Because this Master's thesis is explorative of nature, the external validity of the research is somewhat complex. Do the outcomes of the research object have the same result on other cases is the main question when it comes to external validity. As Reiter (2017) explains, it is possible but you have to be very cautious when making claims about reality. The Environmental planning Act will be implemented in the near future. As all municipalities will face the transition from the current legislation, they have to change their attitude towards sustainable inner-city area development. Nevertheless, some caution is required concerning the generalizability of the results of the research. Although the research focuses on the collaboration between the state, market and civil society, there are many external factors that might influence this collaboration, especially because it is a specific case. The external validity could be rather low due to the following factors: location factors, type of

companies involved in a project, phase of the project and the internal and external cooperation of those stakeholders involved.

The external validity may be low, but it is also less important in this research. Stake (1995, p.4) elaborates on this by stating: 'Case study research is not sampling research. We do not study a case primarily to understand other cases. Our first obligation is to understand this one case.' The results of the research might also be context-dependent. Because of this, collected information and corresponding theory might only be applicable within that context, making it difficult to generalize the data. Therefore, the focus will be on analytical generalization instead of statistical analysis. Hence, results of this research will be generalized, supported by the theoretical background as Yin (2014) states as an important factor within analytical generalization.

Nevertheless, it is important to make the internal validity as high as possible. This is done by focusing on data triangulation. According to Creswell & Miller (2000, p.126): 'Triangulation is a validity procedure where researchers search for convergence among multiple and different sources of information to form themes or categories in a study.' As already mentioned, there are different methods to collect the necessary data. First, policy documents and literature are analysed. Then, semi-structured interviews were done with experts concerning the implementation of the Environmental planning Act. Thereafter, semi-structured interviews were conducted with various stakeholders that have worked under the conditions of this law. After these interviews and the analysis of the results, a focus group was consulted to discuss these results. This discussion led to new insights and information that otherwise would not be achieved. The internal validity increased by consulting this focus group after the analysis of the results (Thornhill et al., 2009). Thus, the internal validity is high due to the collection of data from different angles.

Chapter 5 | Case: Klein Plaspoelpolder, Leidschendam-Voorburg

This chapter will contain a description of the case that is chosen to carry out the research. A case 'enables the researcher to answer 'how' and why' type of questions, while taking into consideration how a phenomenon is influenced by the context within which it is situated' (Baxter & Jack, 2008, p. 556). The characteristics of the area will be discussed in chapter 5.1. Then, the link with the research aim and questions is outlined in chapter 5.2, followed by an overview of the involved stakeholders in the Klein Plaspoelpolder. As discussed in the methodology chapter, this case study will be exploratory of nature. Yin (2014) states that this type of case study is used in which the intervention that has been evaluated has no clear, single set of outcomes. Because the Klein Plaspoelpolder has been registered as an experiment in preparation for the Environmental planning Act, this case can be classified as exploratory.

5.1 | Explanation of the case

Klein Plaspoelpolder is an industrial area situated in the Province of Zuid-Holland. It is part of the municipality of Leidschendam-Voorburg, illustrated in figure 10. The current area is characterized by its large vacant office buildings and functions that are undesirable in the city centre of Leidschendam nowadays. These vacant office and industrial buildings will mainly be replaced by housing. Thus, the municipality meets to the demand to develop housing to the existing urban stock without compromising the green areas on the outskirts of the city.



Figure 10. Gemeente Leidschendam-Voorburg. Source: Google maps, n.d.

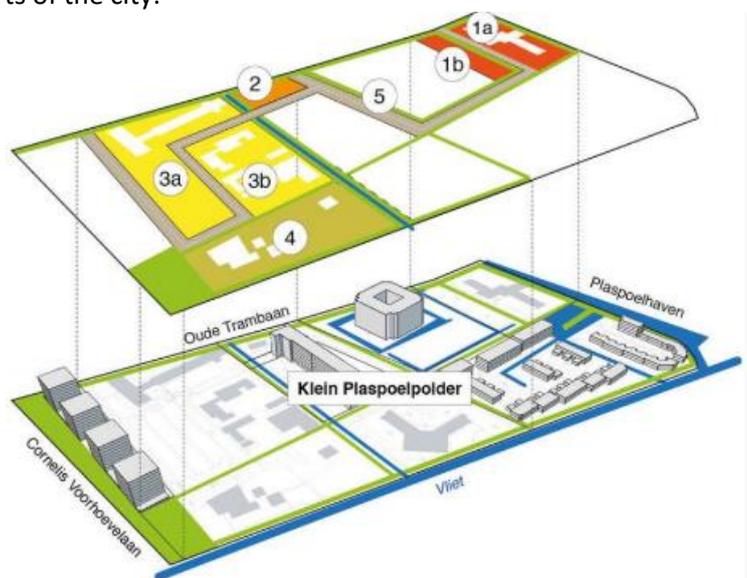


Figure 11. Klein Plaspoelpolder, sub-project sites. Source: Gemeente Leidschendam Voorburg, 2018

In addition, the Klein Plaspoelpolder and its ground exploitation is characterized by a complex division of land ownership. The area is therefore divided into four sub-project sites, as illustrated in figure 11. The municipality owns parts of land in three out of the four locations. The aim is to prepare these lands for construction and to sell them to interested market parties. The other parts of the sub-project sites are owned by third parties. The municipality actively develops the land where they are landowner and take on a facilitating role in the other areas. (Gemeente Leidschendam-Voorburg, 2018). Especially the process development of this area is interesting. The area will be organically developed. This means that the ambition for each sub-project site is broadly determined. This ambition has been shaped by so-called 'game rule cards' for each location. The rules on these cards are as abstract as possible and drawn up in participation with current and future residents. The underlying thought with this working method is to invite interested developers to use their expertise to develop innovative and high-quality solutions in this area. A number of important key points have emerged for the entire area. Important elements are 'urban integration into the environment, sustainability, life-course stability and social added value' (Over Morgen, 2018).

Land-use plan with broadened scope (Chw)

In addition to the development of the sub areas, the municipality creates a land-use plan with a broadened scope (Bestemmingsplan met verbrede reikwijdte) for the Klein Plaspoelpolder. This is an experimental land-use plan as a part of the Crisis and Recovery Act ('Crisis en herstelwet' (Chw)). The experiment for this type of land-use plan was actually intended to combat the latest economic crisis, but is still operative due to its positive effect. The land-use plan with broadened scope can be seen as the precursor of the Environmental plan as an instrument of the Environmental planning Act. The land-use plan with broadened scope will anticipate on the introduction of the Environmental planning Act and is therefore used in the Klein Plaspoelpolder. This allows the municipality of Leidschendam-Voorburg to set up rules more broadly instead of working with a detailed and predefined program as is common under the current Environmental planning. In this way, a broad and flexible framework is set up focusing on innovative solutions in terms of sustainability and social added value for the environment in the Klein Plaspoelpolder. (Gemeente Leidschendam-Voorburg, 2018)

5.2 | Link with research

The projects in these sub-locations of the Klein Plaspoelpolder will be carry out ‘in the spirit of the Environmental planning Act’ (Over Morgen, 2018). As mentioned, the working method in the Klein Plaspoelpolder can be characterized as organic area development. Klein Plaspoelpolder is registered as a pilot project in accordance with the Ministry of Infrastructure and Environment (Gemeente Leidschendam-Voorburg, 2018). In this way, the municipality can experiment with an innovative development strategy in anticipation of the Environmental planning Act. There is sufficient room for local customization and there are transparent working methods, different levels of participation in various phases of the development, all facilitated by the municipality. However, the accumulation of the deployment of these resources, requires a different working method and way of thinking for all actors involved.

The aim of this research is to investigate the new division of roles between the state, market and civil society under the new Environmental planning Act. By focusing on the changes in formal and informal institutions, statements can be made about the changes in collaboration in planning processes in sustainable inner-city area developments. The project in the Klein Plaspoelpolder has been signed in as pilot-project as an experiment to work with the flexible conditions of the Environmental planning Act. The conditions that have been created will affect the collaboration between the state, market and civil society in anticipation of the implementation of the Environmental planning Act. Therefore, the research results emerging from this case will help to answer the research questions and contribute to the research aim.

Stakeholders

Municipality Leidschendam-Voorburg - Land owner & Active/facilitative Project developer

Over Morgen – Process/Project leader

Focus group – Group of current & future residents / Involved in drafting game rule cards

Borghese Real Estate – Real Estate Developer

BPD - Project developer

Schouten - Project developer

Chapter 6 | Results & Analysis

This chapter contains an elaboration of the results. All relevant theories have been discussed and multiple interviews have been conducted. The discussions from the interviews are compared with the most relevant theories from chapter 3. To answer the research questions, this chapter is constructed according to the theories discussed. Subsequently, the most important findings from the analysis of the interviews are discussed on the basis of this theory. In this way an answer can be formed to each sub-question. As mentioned, four expert interviews were conducted. The findings from these interviews will be applied broadly to the theory. The findings from the interviews of the case can be elaborated on a more detailed level. All respondents are anonymously included in this research. Chapter 6.1 will focus on the shortcomings of the current legislation explained with the theory of institutional contradictions. Chapter 6.2 will entail an elaboration on the changes in the planning process between the state, market and civil society after the implementation of the Environmental planning Act. Finally, chapter 6.3 will apply the collaborative governance regime theory on the case Klein Plaspoelpolder.

6.1 | Shortcomings current environmental legislation: Formal & Informal institutions

During the interviews, several findings came forward that could be linked to the theory. First of all general remarks can be made that could explain the shortcomings of current environmental legislation. These shortcomings can be explained due to the reciprocity of the formal and informal institutions. The first remark that could be made is the external social pressure from society as the driver for institutional change. The Environmental planning Act has been drafted as a result from these social pressures. As a result of this social pressure, 'a first window of opportunity' for institutional change has been made in order to adapt existing structures and institutions (Buitelaar et al., 2014). This is also emphasized from the interviews.

Several general statements emerged from the discussions concerning the shortcomings of current environmental legislation. Respondent 1 states that the biggest shortcoming can be attributed to the current sectoral way of working. Because this way of working is so institutionalized, it is difficult to adjust it:

'We educated people for so long in a culture in which they were responsible for their own specialism, that the involvement of other stakeholders in the preliminary stage did not occur'
(Respondent 1, Manager Omgevingswet Amsterdam, p.7, line 348)

This shows that the problem of a sectoral way of working has arisen from the past. However, this is partly nuanced by Respondent 1 (Manager Omgevingswet Amsterdam, p.3, line 131): A difference must be made between small and large municipalities. Aldermen from smaller municipalities are responsible for multiple domains in comparison to alderman from bigger municipalities. Because they are responsible for several domains, an integrated way of working is becoming more self-evident. This way of working also has an effect on the preparation of policy and regulations, emphasized by Respondent 4 (Programmamanager Omgevingswet Zuidplas, p.28, line 1419). Current laws and regulations are fragmented, making initiatives difficult to proceed. This is because an initiative must be assessed across multiple domains. All interviews show that this current fragmented environmental policy-making is the biggest delayer for spatial plans. This also appears from the following statement:

‘A number of current policy documents have been investigated, and many of them are very sectorally prepared. It is necessary to formulate integral policy, but also to adjust the processes so that you get an acceleration in the process.’ (Respondent 2, Programmamanager Omgevingswet Gouda, p.11, line 584)

The above formulated quote shows that changing policies is not sufficient to achieve an innovative way of working alone. An adjustment must also be made to the process around this policy. Concluding, the interaction between formal institutions on the one hand and informal institutions on the other hand are very important to explain the changes in cooperation. As discussed from the theory, there are four contradictions that have an influence on changing institutions. These contradictions contribute to the explanation of the shortcoming in cooperation under the current legislation. As mentioned in the theory chapter, Buitelaar et al. (2014, p.250) state that institutional change is ‘a process that starts off as a result of (internal) institutional reflection, (external) social or economic processes or a combination of both.’ The same applies to the implementation of the Environmental planning Act according to various statements from the expert-interviews. These statements will be linked to the four contradictions from the theory. By making use of the adaptable characteristics of existing institutions, these contradictions could be avoided (Buitelaar et al., 2014). It is important to show how the Environmental planning Act plays a fundamental role in this process. In addition, there will be a critical reflection how this legislative transition could cause these undesirable contradictions.

According to Buitelaar et al. (2014) there are four institutional contradictions: Legitimacy that undermines functional efficiency; adaptation that undermines adaptability, Intra-institutional conformity that creates inter-institutional incompatibilities and isomorphism that conflict with divergent interests. These will successively be discussed in the next sections.

6.1.1 | Legitimacy that undermines functional efficiency

The first contradiction is caused by the gap between legitimacy and efficiency. The state in which the institution finds itself is seen as suboptimal from a functional point of view. If this gap becomes too large, then action and change is needed. Institutions continue to exist according to the 'logic of appropriateness' (Buitelaar et al., 2014, p.251). This means that institutions are not judged by their instruments and efficiency, but are reproduced according to their legitimacy. Which means that the social support it gains is more important than its instruments and efficiency (Buitelaar et al., 2014). The current legislative framework on which Dutch planning is based appears to be not flexible enough to meet to the demand of society to intervene in planning processes. According to the 'logic of appropriateness' the social support is lacking to gain trust from society. As a result, civil society demands more participation in planning processes and the formation of policy (van Heffen et al., 2013). This transformation is visible with the upcoming implementation of the Environmental planning Act. Municipalities are obliged to give citizens a role in the creation of an instrument of the Environmental planning Act, the Environmental vision. (Respondent 3, Project leader Omgevingswet Heemskerk, p.21, line 1088).

A transition is visible in which citizens increasingly participate in the future development of an area. This form of participation not only entails the formation of a vision document, but also about the establishment of rules for an area. A result is that citizens are placed high on the participation ladder (van Buuren & Edelenbos, 2008). This is for example the case in the Klein Plaspoelpolder. The rules of the area are constructed in consultation with a focus group consisting of current and future residents. A high level of participation means more public support for spatial plans. The focus group also discusses the developments around the Klein Plaspoelpolder with other residents, which further reinforces this public support (Respondent 6, Project leader KPP, p.50, line 2506). The formal and informal rules on which the Environmental planning Act is based therefore requires more trust in the actions of citizens. However, municipalities still struggle to outsource these responsibilities. Participation is a good thing, but it doesn't need to be exaggerated. This is elaborated by Respondent 5 (Ambtelijk opdrachtgever KPP, p.43, line 2151), as he claims that you need professionals in the end who have to make these decisions. Therefore a balance is needed between this legitimacy and the efficiency of the institutions on which the Environmental planning Act takes shape. With the current environmental legislation you see that this gap is too big. Hence, the trust of citizens in the actions of the municipality is rather low. The legal framework of the Environmental planning Act must ensure that citizens gain more influence in these planning processes for their own environment (Aan de slag met de Omgevingswet). The expectation is that the gap between this legitimacy and efficiency therefore will be narrowed which eventually strengthen the institutional framework of the Environmental planning Act.

6.1.2 | Adaptation that undermines adaptability

First, this concept will be briefly explained again for clarification purposes. The concept of ‘path-dependency’ can be mentioned as an explanation in this second institutional contradiction.

Elaborating on this, the more often an institution is subject to change, the less the adaptability becomes. As a result, the institution will be less flexible in the future. This form of specialization can be seen as ‘path-dependency’ (Buitelaar et al., 2014). This so-called ‘lock in’ phenomenon is also visible within the municipalities making it difficult to initiate a change in cooperation. Respondent 4 elaborates on this with the following quote:

‘Because now people from the municipality tend to speak behind closed doors first, and afterward with the society to some degree. It will be quite a breakthrough within our municipality to be sitting with an initiator at the table together and have an open conversation about the things that are and are not possible.’ (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.32, line 1608)

The working methods under the Environmental planning Act need to be adjusted in order to reach the full potential of this law. However, Van der Pol (2016) states that actors are naturally, and institutionally, inclined to stick to their familiar working methods. As a result, municipalities find themselves in a locked-in situation concerning their working methods. This is also the case with municipalities as they struggle to change the informal side of this legislative adjustment. Respondent 1 mentions that this behavioural change is not subject to this legislative adjustment alone, but that a larger social process is occurring:

‘the world has changed, and a lot more things are going on within the municipality that has to do with an altered way of working. The Environmental planning Act will therefore not be used as a coercive to work differently’ (Respondent 1, Manager Omgevingswet Amsterdam, p.4, line 189)

Respondent 1 (Manager Omgevingswet Amsterdam, p.4, line 194) also suggests that it is necessary to work less from your own specialty, but that actors should rely on integral collaboration to a larger extent. However, the difficulty to step down from this path dependency differs per municipality. Hence, several factors have an influence on this process. The size of the municipality was already mentioned as a factor that influences the extent to which institutional change can be achieved. In addition, the degree of conservativeness of the municipality also plays a role in this ‘path-dependent’ shape of a municipality. If a municipality is conservative, it makes sense that they are fairly reluctant to adjust known processes and familiar working methods. Subsequently, it is difficult to adjust these collaboration processes as a result:

‘We are a conservative municipality. With participation we expect a few things from the initiator. The municipality needs to have some confidence. (...) You can say: ‘we are going to let go of enormous things’ and then halfway through the ride you notice that this decision wasn’t the intention in hindsight. You need to monitor this process over time. (Respondent 4. Programmamanager

Omgevingswet Zuidplas, p.31, line 1573)

There is a difference in the role that municipalities take. One municipality will play a pioneering role, the other will look with greater interest at how other municipalities deal with this legislative adjustment. Others will be more neutral in this regard (Respondent 3, Project leader Omgevingswet Heemskerk, p.19, line 985). So there is a difference in the extent to which a municipality can change its familiar working methods. This depends on the role that the municipality takes. Subsequently, this has consequences to the extent to which they can break this 'path-dependency'. Nevertheless, most of the municipalities claim that a certain degree of caution is required because a lot is still uncertain. This uncertainty is also fuelled by the high degree of freedom that the Environmental planning Act can offer to municipalities (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.29, line 1443). The reserved attitude of these municipalities, as described above, is also considered as important to a certain extent. As discussed, institutional change is needed in order to enhance sustainable development (Woolthuis et al., 2013). This institutional change is partly facilitated by the implementation of the Environmental planning Act. After institutions change to these new circumstances under the Environmental planning Act, these institutions might become too embedded and tightly coupled, leading to an inefficient institution. As a result, prospective adaptations of these institutions to changing circumstances are more difficult, making them inert (Buitelaar et al., 2014). It is therefore important not to frame the process of adapting the working process under the Environmental planning Act too quickly. The need to arrange more and to establish a fixed framework varies from municipality to municipality appearing from the following quote.

'If you look at Amsterdam, I think the pressure is higher to arrange certain things. We need to arrange more at different places. (...) Not all residents are waiting for fewer rules. (Respondent 1, Manager Omgevingswet Amsterdam, p.3, line 149)

The quote above also shows that the Environmental planning Act isn't necessarily about deregulation. It is rather a decentralisation law (Respondent 1, Manager Omgevingswet, p.4, line 165). The will to regulate things therefore depends on the area and the municipality. The assumption is that the Environmental planning Act ensures clarity due to the bundling of legislation. Also less rules are needed (Aan de slag met de Omgevingswet, 2017). Nevertheless, it is up to the municipalities to provide guidance to the amount of rules in their area, also appearing from the aforementioned quote. However, the Environmental planning Act will ensure more clarity. The introduction of the Environmental planning Act must also prevent the institutional contradiction in the next section. This contradiction has been an important motive for creating the Environmental planning Act.

6.1.3 | Intra-institutional conformity that creates inter-institutional incompatibilities

The previous section contained an elaboration of the informal side of institutions related to the introduction of the Environmental planning Act. This section will elaborate on the formal side of institutions. Nevertheless, informal institutions are embedded in the formation of formal institutions due to its reciprocity (Giddens, 1984). Thus, the emphasis is on formal institutions, but you cannot use them separately. The third contradiction is useful to describe the importance of the Environmental Planning Act. This institutional contradiction can be seen as an important 'source for institutional change' (Buitelaar et al., 2014). This theory is described in the following way: A dysfunctional system is created as a result of the drafting of laws and regulations by multiple actors in various settings. At first sight, these combined choices seem justified by rationality, but in reality the decision making process becomes fuzzy as a result of bureaucracy (Buitelaar et al., 2014; Seo & Creed, 2002). The interviews also reveals that a change in environmental regulation is necessary in order to keep moving, according the next quote:

'A change in the spatial domain is necessary in order to keep moving as a municipality and to be able to determine your role again as a government.' Respondent 1 (Manager Omgevingswet Amsterdam, p.5, line 222)

This shows that the government and other actors are seeking for their new role within this legislative adjustment. This will be further elaborated in chapter 6.2. Returning to the theory, Buitelaar et al., (2014) appoint the environmental legislation in the previous decades as an example of this institutional contradiction. The environmental problems that existed then, were reason to create more and more legal norms and rules at different aggregate levels. As a result, a very inefficient system emerged. After years of bureaucratic hassle concerning the decision-making process of spatial plans, the environmental system needed to be reformed. As stated before, this legislative reform will therefore have to accelerate the granting of environmental permits so that bottom up initiatives can start earlier. This is also emphasized by Respondent 4 (Programmamanager Omgevingswet Zuidplas):

'Our current policy frameworks are outdated so we constantly run into problems, because if a nice initiative or idea comes up, we have to think: 'does this fit' (...) At these moments it is important to look at what you want and what you don't want as a municipality. Then, the requests of permits of these initiatives should be handled much faster.' (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.28, line 1425)

The problems that occurs as a result of this institutional contradiction as described by Buitelaar et al. (2014) corresponds to the problems in practice. Because a lot of policy has been drawn up from a sectoral perspective in the past, municipalities are now encountering problems with the granting of permits. These initiatives are often in conflict with one of the many policy documents. Because the

rules of this sectoral policy are often contradictory and overlapping, the decision-making process is unclear and can lead to some resistance from society (Respondent 2, Programmamanager Omgevingswet Gouda, p.15, line 798). Nevertheless, reforming these environmental rules could also lead to uncertainty, according to Respondent 3 (Project leader Omgevingswet Heemskerk):

'And of course, releasing rules sounds very nice on the one hand, but rules ensure that people know what is and what is not allowed within your area. And if you let go of these rules, you have to keep paying attention. Because then it can suddenly be different.' (Respondent 3, Project leader Omgevingswet Heemskerk, p.25, line 1313)

Therefore, a good balance must be found between maintaining rules and releasing rules. The interviews do show that these rules must be drawn up integrally with various stakeholders. Respondent 2, Programmamanager Omgevingswet Gouda, p.12, line 587; Respondent 4, Programmamanager Omgevingswet Zuidplas, p.32, line 1609). But a revision of environmental legislation will not always lead to faster processes concerning decision-making in spatial plans. The assumption is that the Environmental planning Act ensures faster lead times of the granting of permits for initiatives (VNG, 2018). That should also be a logical consequence with better environmental legislation and more integrated policy. However, there is some doubt whether these faster lead times will be achieved according to the municipality. The duration of a permit application is shortened from 26 to 8 weeks, apart from complex applications. The municipality will therefore have to involve residents and initiators more at the initial phase of the planning process to meet those 8 weeks.

'Those 8 weeks of procedural time, I think that's an illusion. You will be discussing everything more at the front. I think that is a very long process, in which you have to talk several times with an initiator. (...) I think that takes just as much time as the 26-weeks procedure we have now.' (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.30, line 1531)

'Look at those 26 weeks, everything you did previously in those 26 weeks now has to be done in 8 weeks. You have to do most in the initial phase and seduce people at the beginning to crystallize their plans. (...) Otherwise it is almost impossible to steer that in the right direction, because you are not only dependent on your own planning processes, you also expect from all your partners to do so within a short time.' (Respondent 3, Project leader Omgevingswet Heemskerk, p.22, line 1120)

According to the interviews, there is a lot of doubt whether the acceleration of spatial plans will be achieved. Respondent 1 (Manager Omgevingswet Amsterdam, p.9, line 467) states whether this acceleration is necessary. It is much more important that the process becomes more transparent and better accessible, but not necessarily faster.

6.1.4 | isomorphism that conflict with divergent interests

The final contradiction is formed by an unfair distribution of power. When institutions are formed in response to the ideas and goals of the more powerful at the expense of the less powerful, friction is created. According to Buitelaar et al. (2014, p.252), this power asymmetry 'lead to institutions that are likely to reflect the ideas and goals of the more powerful participants in a social arena at the cost of less powerful interests.' This institutional contradiction isn't necessarily about the involvement of citizens in the planning process, because that is the same for every citizen, depending on their interest in the area. This is much more about the extent to which the citizens are involved in the planning process. Current environmental legislation is much more based on hierarchy: The municipality makes the plan and then presents it to the citizens. Subsequently, they can make objections to the plan. That process must be shaped differently under the Environmental planning Act, in which the planning process is much more in consultation with the citizens (Respondent 5, Ambtelijk opdrachtgever KPP, p.38, line 1908).

The institutional setting might change if sufficient external processes lead to the temporary disruption of the persistent balance. This external (social) pressure has also been the case for spatial planning in the Netherlands. There are some pilot-projects which work under the conditions of the Environmental planning act. According to Buitelaar et al. (2014, p.265) 'these experiments will only take off when the institutional setting is sufficiently enabling.' The municipality has therefore influence in the scope for consideration and the way in which they citizens can participate in planning processes (Aan de slag met de Omgevingswet, 2017). Nevertheless, The Environmental planning Act will ensure that the institutional setting will be enabling so that the ideas and the goals of all participants are integrally included. This is already visible in the Klein Plaspoelpolder. As discussed in chapter 6.1.1, the focus group cooperates with the municipality in drawing up the rules for the environment, but also with the development of the developers' plans (Respondent 6, Project leader KPP, p.48, line 2396). As a result, the distribution of power becomes more equal under the Environmental planning Act. However, important decisions must be taken by the municipality in the end. It is still uncertain how big the influence of citizens with this important decision-making moment will be under the Environmental planning Act. In addition, this will be really context-dependent (Respondent 1, Manager Omgevingswet Amsterdam, p.8, line 401). As mentioned, the focus group in the Klein Plaspoelpolder has a big role in the drafting of rules for the sub-project sites. There are even considerations about allowing this focus group to participate in the tender process (Respondent 6, Project leader KPP, p.51, line 2554). This would be a unique situation, but this is not yet implemented into practice in the Klein Plaspoelpolder because various difficulties such as secrecy of plans are at stake. Yet, you see that municipalities have a lot of different options to choose such as the space they offer to developers and other initiators under the Environmental planning Act (Aan de slag met de Omgevingswet, 2017). As a result, you see that the municipality ultimately decides on important decisions because they also must safeguard social interests (Respondent 6, Project leader KPP, p.47, line 2323). Concluding, the municipality is therefore seeking for the right balance between legitimacy and efficiency. The formal and informal institutional setting will be much more enabling under the conditions of the Environmental planning Act. However, it will take a long time for all

stakeholders involved to make this law their own in able to get along with it. (Respondent 1, Manager Omgevingswet Amsterdam, p.7, line 348)

6.2 Changing governance: Government to governance

The Environmental planning Act enables actors from different sectors to work more integrally (Aan de slag met de Omgevingswet, 2017). After the latest economic crisis, a change in roles between the state, market and civil society became visible (Van der Wouden, 2017). It is a trend that has continued to develop over these years. This has led to a the emergence of social initiatives and a reviewal of the government's role (IenM, 2014). The changing roles in the planning process under the Environmental planning Act are explained on the basis of the data gathered from the interviews. An attempt is made to explain this development on the basis of the theory. First, general statements will be made about the changing roles of the state, market and civil society in the planning process. Simultaneously, an overview will be given how these changing roles take place in practice. The theory shows us that the top-down blueprint way of spatial planning no longer fits to this changing field of governance (De Zeeuw et al., 2011). Therefore, Klein Plaspoelpolder is chosen as a case were the plan development is focused on a more broad end picture with an early involvement of the end users. This case responds flexibly and demand-oriented to changing market conditions, as encouraged by literature (de Zeeuw et al., 2011). The most important principle of this chapter is to showcase that the transition from government to governance has accelerated in inner-city developments (Rhodes, 2007).

6.2.1 State

The role of the state have been subjected to change since the latest economic crisis. Since then, the municipality owned less land and therefore abandoned the risky public exploitation model more often (Buitelaar et al., 2008). In addition, the municipalities are searching for their new role within the spatial domain with the arrival of the Environmental planning Act, and the additional decentralizing environmental regulations. There is more room for local consideration due to this decentralization (Aan de slag met de Omgevingswet, 2017). This development has a major impact on cooperation within spatial plans. The municipality is therefore looking for their new role in this spatial domain (Respondent 1, Manager Omgevingswet Amsterdam, p.5, line 223). However, this role revision mainly takes place in areas where the municipality doesn't possess land. Because this is more common nowadays, it is important that municipalities determine their role again in spatial plans. The role of the municipality is facilitative more often in line of the development of decentralization and the decrease in land ownership. However, there is still much uncertainty within municipalities about this development as appears from the statement below:

'In recent years, in Amsterdam we are undergoing a transition where areas are no longer in our possession step by step. The people who are busy with this transition have a different kind of search' (Respondent 1, Manager Omgevingswet Amsterdam, p.4, line 241)

The changing role of the state is thus partly dependent on the type of land ownership. It is logical that the municipality continues to remain their influence in these areas. Furthermore, the type of plan is also important. Municipalities are taking a step back when it concerns risky inner-city developments due to higher investment risks. Previously, deficits on operating balances could be offset by municipal reserves, but due to shortages of these reserves after the crisis, municipalities are more likely to withdraw from these risky developments (De Zeeuw et al., 2001). However, if the municipal interest is large, then the influence from the municipal control will be bigger as a result:

'It depends very much on the kind of plan. In itself, the municipality of Gouda is used to putting a lot of effort into the plans of the initiator and therefore facilitating it, but if there really is a municipal interest, the municipality wants to take a pioneering role. Or if it concerns municipal land, for example. So that really depends on the initiative.' (Respondent 2, Programmamanager Omgevingswet Gouda, p.15, line 775)

It is often assumed that the power of the state is weakening as a result of this trend of decentralization. This assumption can be nuanced, because the influence from local municipalities have grown compared to the influence of the national government. This is because of the outsourced responsibilities towards lower governments in preparation of the Environmental planning Act. So there is no 'weakening' of the state, but there is a transforming role for the state that is better suited to the contemporary societal needs (Pierre & Peters, 2000). There is more room for local customization, allowing local governments to focus their rules on their own area (Aan de slag met de Omgevingswet, 2017). So municipalities have more control on their own area in line with the development of decentralization and the introduction of the Environmental planning Act. However, the Environmental planning Act is not the biggest driver for this changing role according to Respondent 1 (Manager Omgevingswet Amsterdam):

'As I just mentioned, this changing role is not so much determined by the Environmental planning Act, but more because we are no longer the big landowner in Amsterdam.' (Respondent 1, Manager Omgevingswet Amsterdam, p.4, line 284)

The changing role of the state is therefore mainly caused by social and economic processes leading to decreases in land ownership of municipalities. Because of this development, market parties have gained more influence in public processes and own more land compared to the time before the latest economic crisis (van Heffen et al., 2013). The changing of roles is therefore primarily due to this development. The Environmental planning Act ensures that this development can be better facilitated by revising current rules and regulations. This regulatory revision is also necessary because the will from citizen interference in spatial planning processes have enlarged (van Heffen et al. 2013). This also requires a different attitude from the government towards this group. A very important role is reserved for the Environmental planning Act to facilitate this social need, according to the respondents. However, this does not speed up the planning process, but it will lead to more transparency and clarity for residents:

'What can I do? Where can you count on? What are the rules here? Who does what in this area? Where can you develop initiatives? I think transparency and a clear division of roles are more important than faster.' (Respondent 1, Manager Omgevingswet Amsterdam, p.9, line 465)

'It depends on the municipality. If you state very clearly what you want and what you don't want, it [the process] can go pretty fast, if, of course, you give a lot of space and freedom of what is and what is not desirable. But I don't think it will cause a lot of acceleration.' (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.32, line 1647).

As stated earlier, speeding up this process is not really necessary (Respondent 1, Manager Omgevingswet Amsterdam, p.4, line 176). The most important thing is that the new division of roles become clear and that the rules and decisions become more transparent.

6.2.2 Market

The next 'overarching' actor that will be discussed in this section is the market. It is often stated that this group has gained the most in terms of influence in spatial planning processes. Significant activities were shifted towards the market that were previously undertaken by the public sector. This change of governance is a result of underlying privatization processes and the ongoing decentralization (Adams & Tiesdell, 2003). With the upcoming implementation of the Environmental planning Act, there is more room for initiatives emerging from these private organisations. Furthermore, the government sets the frameworks within which these actors can work. These frameworks will be drawn up per municipality and differ in the degree of freedom. This requires a different attitude and working method from both the market and the municipality in comparison with the current environmental legislation. Because the market is dependent on the frameworks set by the municipality, it is important that they can intervene in this policy formation. Thus, private organizations expect that new policy will be formed in consultation with them (Van Heffen et al., 2013). The principles of the Environmental planning Act are also shaped in this way. The degree of freedom of these frameworks set by the municipality also influences the willingness from private organisation to invest in land to develop. They are often hesitant when these frameworks offer too much freedom:

'If you are going to work with very general frameworks, I wonder if an initiator is really waiting for that. You already see this in different pilot-projects. So to speak you have a framework set that says 'it must fit in with the current vision of the streets' that they do not know what to do with it.' (Respondent 2, Programmamanager Omgevingswet Gouda, p.15, line 760).

This is in line with the statements off Verheul (2019) as he claims that private investors often need guidance. The main reason for this guidance is that they can anticipate on their development opportunities, the required permits and public investments in infrastructure (Verheul, 2019). If the frameworks set by the municipality are marginal it's difficult to anticipate on the factors mentioned

above. However, this is contradicted in the case Klein Plaspoelpolder. According to Respondent 7 (Real estate developer, p.54, line 2708) developers benefit from the extra space that is offered to them. The general rules will help them to develop a better product for the market without too many restrictions. This will be further discussed in chapter 6.3.

6.2.3 Civil society

Finally, the changing roles for civil society will be discussed. Their influence in planning processes concerning spatial plans has increased. This development is a result of desired planning processes which are more suitable and compatible with social support, prepared by the national government (Boonstra & Boelens, 2001). This policy should narrow the gap between the state and society. The underlying thought is that increased social involvement in political processes could align authorities and citizens in order to resolve issues at stake (Tonkes, 2006). The Environmental planning Act must facilitate this development even more. As a result, coherent policy should be drafted in order to amplify the influence of this 'multi-actor society' (WRR, 2002). Participation is found to be an important factor in the environmental policy formation under the new Environmental planning Act. Initiatives emerging from society will also be better facilitated (Aan de slag met de Omgevingswet, 2017). This environmental legislative adjustment was necessary because the working methods of spatial planning in the Netherlands was not flexible enough to meet to the demand of society to intervene in planning processes. Yet, there is still much doubt within municipalities whether that contribution from civil society will be increased under the Environmental planning Act. The formation of the Environmental vision is an obligatory part for municipalities under the Environmental planning Act (Appendix 1). Participation is also a compulsory part of this vision formation. Nevertheless, municipalities are free to determine how to implement this participation phase. Therefore, a lot of fluctuation between the municipalities is visible concerning this participation of policy formation:

'Participation is really an integral part of policymaking here, and as we have said in the creation of this Environmental vision, we are not going into a very extensive participation process, because we have done a lot of participation in previous policy documents' (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.32, line 1618)

Complete civic involvement is therefore not always a part of the policy formation. The Environmental planning Act consists of six core instruments, each of which requires a different interpretation of participation (Respondent 3, Programmamanager Omgevingswet Heemskerk, p.24, line 1253). Therefore, the way in which participation is implemented also varies per municipality. Residents find it important that they are involved in this process. Not only citizens, but also private organizations expect that new policy will be formed in consultation with them (Van Heffen et al., 2013). The participation ladder (figure 5) is an important tool to choose the level of participation in the collaboration process (Buuren & Edelenbos, 2008). Thus, within the core instruments of the Environmental planning Act, a different level of participation is possible (Respondent 3, Programmamanager Omgevingswet Heemskerk, p.24, line 1254). This principle is part of the freedom and degree of discretion that the Environmental planning Act offers to municipalities (Aan de slag

met de Omgevingswet, 2017). Respondent 1 (Manager Omgevingswet Amsterdam) therefore puts question marks whether citizens will agree to the role they are given in a certain situation:

‘And is it really going to work if you make good rules at the start with each other, and will people accept that we [municipality] decide something at a certain moment’. (Respondent 1, Manager Omgevingswet Amsterdam, p.8, line 391)

Hereby, a distinction must be made between the size of municipalities. In Amsterdam, for example, there is less freedom for initiatives than in the municipality of Heemskerk. Of course, there is less space available in Amsterdam for initiatives due to the high degree of buildings. Subsequently this has an effect on the strictness of rules within the possibilities of the Environmental planning Act (Respondent 1, Manager Omgevingswet Amsterdam, p.3, line 149). The municipality will therefore mainly limit itself to informing the residents, the lowest step of the participation ladder (Buuren & Edelenbos, 2008). However, the way in which this information is provided to citizens is due for revision. It will, as mentioned, become more transparent and accessible under the Environmental planning Act. Furthermore, if there is public participation, it is important to give feedback to those residents that something has been done with their participation (Respondent 1, Programmamanager Omgevingswet Amsterdam, p.8, line 412).

‘You have to create expectations at the start of a process, because you have those residents’ evenings and after they see the document, they think: ‘to what extent has our opinion taken into account’. We are already working on that, giving feedback to residents. We have picked this up and we have included this and incorporated it into the document, that they have an idea that they are of added value. So participation is not really co-creation, the highest ladder that there can be, we have never done that. It is very often informing.’ (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.32, line 1628)

So, it is often assumed that participation under the Environmental planning Act will result to a higher step on the participation ladder. Yet, there is still a lot of difference between how municipalities handle this. With the implementation of the Environmental planning Act, more room is freed up for local initiatives emerged from society (Aan de slag met de Omgevingswet, 2017). This is a social trend that has been going on for some time since new environmental legislation and this trend will only be more facilitated with the advent of the Environmental planning Act. The ‘socialization of politics’ is often named as a result of this changing governance (WRR, 2012). However, because of the uncertainty within municipalities concerning the possibilities of this legislative adjustment, they are reserved when it comes to outsource responsibilities towards residents. This concerns mostly initiatives where there is a larger municipal interest. The municipality will primarily take a facilitative role if the municipal interest is less. The role that the civil society is given therefore depends very much on the role that the municipality chooses:

'I don't really know if it's a question of releasing responsibility. But as a municipality, you have to put yourself much more as one of the cooperation partner or participation partner (...) and ultimately, as a municipality, you also have to weigh up the interests against each other and eventually go for the public interest. But the idea is to let the initiator take the initiator as much as possible and if necessary, do it together.' (Respondent 2, Programmamanager Omgevingswet Gouda, p.16, line 808)

6.3 | Collaborative governance in the Klein Plaspolder

Elements of the collaborative governance theory (Emerson et al. (2012) play an important role in defining the collaboration between the state, market and civil society. As explained in chapter 3.1.4, Emerson et al. (2012, p.2) define collaborative governance as 'the processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished.' This quote isn't entirely valid when it comes to the spatial domain. These public purposes could be accomplished on way or another, but the result is rather different. This has to do with public support and extensive involvement of actors in spatial plans under the Environmental planning Act. Some important indicators are included into the collaborative governance framework that could change after the implementation of the Environmental planning Act. These indicators will all be discussed separately. Some indicators will show more change than the other. First, the change in collaboration based on the expert-interviews will be discussed. Subsequently, all indicators will be tested against the results of the case study interviews. The discussed changes in collaboration are all in line with the observed shifting boundaries between government to governance in spatial planning network processes (Rhodes, 2007). The expectation in advance was that this shift became even greater with the arrival of the Environmental planning Act. However, it could be argued that these expectations can be adjusted. The context in which this change in cooperation takes place is very context dependent. Land ownership and the extent to which the municipality makes use of the freedom that can be offered to developers under the Environmental planning Act are very important for this context in which this change in cooperation occurs (Respondent 2, Programmamanager Omgevingswet Gouda, p.15, line 775). This is also underlined by Respondent 5:

'It is possible that you give a lot more responsibility to a project developer, but that is increasingly dependent on the context in which we are working. Who owns the land for example, that is all very contextual how you ultimately divide those roles.' (Respondent 5, Ambtelijk opdrachtgever KPP, p.37, line 1853)

There are five factors that could explain these context dependent results of the change in cooperation in spatial plans with the arrival of the Environmental planning Act in practice. These are discussed in chapter 3.1.4, and can be used to point out the difficulty of the concept of collaborative

governance. According to Emerson et al. (2012, p.5) 'the inapplicability across different settings, sectors, geographic and temporal scales, policy arenas and process mechanisms' could lead to the lack of generalizability of the concept of collaborative governance. This context dependency is thus also underlined by the Respondents. Nevertheless, this chapter attempts to map the changes that the Environmental planning Act will have on the cooperation between the state, market and civil society using the indicators of the concept of collaborative governance. How the collaboration between the state, market and civil society unfolds thus depends on the multi-layered context of several external influences such as the context in which socioeconomic, political, legal and environmental influences evolves (Borrini-Feyerabend, 1996).

6.3.1 | Drivers for collaborative action

There are several essential drivers included in the framework of Emerson et al. (2012) that have a major impact on how collaboration is established in the first instance. According to Emerson et al. (2012) these drivers work as an impulse in which collaboration otherwise would not unfold successfully. As discussed, three of these drivers are: leadership, uncertainty and interdependence. These drivers were presented to the respondents during the interviews. This section will be based on the interviews to see to what extent these drivers influence the changing collaboration under the Environmental planning Act.

Leadership

Designating a leader is a bit contradictory to the assumptions of the Environmental planning Act in which spatial plans emerge. Private developers obtain certain responsibilities that were previously undertaken by the state and there is more room for initiatives emerging from society (Aan de slag met de Omgevingswet, 2017). Yet, leadership has a different perspective from the collaborative governance point of view. The most important part of this driver is the 'willingness of a leader to absorb the high (and potentially constraining) transaction costs of initiating a collaborative effort' (Emerson et al., 2012, p.9). Implementing the Environmental planning Act costs a lot of money, because the entire legal, political, social and digital system on which the spatial planning is based has to be altered. It is therefore important to appoint a leader who is willing to take these costs and obtain an impartial role when it comes to the preferences of stakeholders involved in the collaboration. Actors involved agree that his 'leadership' must be occupied by the municipality (Respondent 7, Real estate developer, p.55, line 2760). Spatial plans will always encounter resistance, Then, the municipality can make a weighing of interests and decide to go for the largest public interest (Respondent 2, Programmamanager Omgevingswet Gouda, p.16, line 812). This expectation is that this situation won't be different under the Environmental planning Act. However, respondents do expect that certain decisions by the designated 'leader' have to be taken less often. This is because residents and other stakeholders are more often involved in the policy making with the creation of the Environmental vision and the Environmental plan in their municipality (Respondent 3, Project leader Omgevingswet Heemskerk, p.21, line 1087). Leadership will therefore be less important once the Environmental planning Act has been implemented. Especially with the implementation phase of the Environmental planning Act, it is important that the municipality will

obtain an active role. After that, the enabling environmental legislation must ensure that governmental action remains limited.

Interdependency

The second driver that will be discussed is interdependency. As discussed in the theoretical framework, interdependency is an important driver for collaborative action. Emerson et al. (2012 p.9) state that collaborations emerge 'when individuals and organizations are unable to accomplish something on their own'. Especially in the implementation phase of the Environmental planning Act, the municipality is dependent on other market parties for their expertise (Respondent 2, Programmamanager Omgevingswet Gouda, p.15, line 750). After the implementation, the expectation is that this interdependency decreases. Hence, spatial plans within the Environmental planning Act rests on the willingness of market parties and initiators to work within the broad framework of rules set by the municipality for the environment. The municipality is therefore dependent on these initiators because they take a much less active role within these area developments (Respondent 4, Programmamanager Omgevingswet Zuidplas, p,30, line 1512).

At plan level, this interdependence increases again, because the granting time of permits decreases from 26 weeks to 8 weeks. Because a plan often has to be tested on various domains, an integrated assessment is requested. This transition thus requires an extensive collaboration. Also because of an increase in participation from society (Respondent 3, Project leader Omgevingswet Heemskerk, p.22, line. 1120). It is undoubtedly certain that the upcoming implementation of the Environmental planning Act asks for more involvement of stakeholders. As van Heffen et al. (2013) mention, progress has been made concerning the involvement of citizens and market parties in the process of policy development. With the preparation of the Environmental vision and environmental plan, municipalities rely on the involvement of citizens and market parties (Respondent 4, Programmamanager Omgevingswet Zuidplas, p,30, line 1588). Therefore, interdependency between involved stakeholders increases and collaborative action is required.

Uncertainty

The final driver as a prelude to the collaborative dynamics is 'uncertainty'. This factor has many similarities with the above discussed 'interdependency' driver. Emerson et al. (2012, p.9) state: 'uncertainty that cannot be resolved internally can drive groups to collaborate in order to reduce, diffuse, and share risk.' In addition, this collaborative formation is important with managing societal problems in order to resolve this uncertainty. The upcoming arrival of the Environmental planning Act creates uncertainty for all parties involved in the spatial domain. This uncertainty is fuelled by the many choices and considerations that the municipality can make, partly due to decentralizing processes (Respondent 4, Programmamanager Omgevingswet Zuidplas, p. 29, line 1443). The pressure to make these choices adds to the complexity and uncertainty:

'There are so many choices to make. (...) Each choice is related to tens of thousands of other choices. I don't know if that is really an obstacle, it just makes it complex.' (Respondent 2, Programmamanager Omgevingswet Gouda, p.13, line 643)

Because of this uncertainty, municipalities tend to be quite vulnerable. In some cases, the municipality occasionally like to keep control of initiatives, while the Environmental planning Act sells itself as an instrument to create more freedom for private investors. This requires an important consideration for municipalities whether to keep control or release responsibility:

'With the flexible frameworks and so on, I do experience that we [the municipality] actually put ourselves in a very vulnerable position by saying: 'it is a search for us and we are still learning', but that works. But you also have to take back the control sometimes with these pilot-projects.' (Respondent 2, Programmamanager Omgevingswet Gouda, p.17, line 871)

This uncertainty emerging from the municipality is reasonably worrying. The quote above shows that that exposing this uncertainty works for the municipality, but it could also undermine the trust that market parties and residents have in the municipality. Because despite the increased form of participation, the municipality is still seen as the most important actor during the implementation phase of the Environmental planning Act. Because expertise and information about environmental subjects is often not equal to the available expertise and knowledge within the municipality. (Respondent 5, Ambtelijk opdrachtgever KKP, p.43, line 2514). This uncertainty is not only visible within municipalities, but also market parties encounter these feelings with the general rules set by municipalities within the Environmental planning Act. They often do not know how to develop a plan with these too general formulated rules (Respondent 4, Programmamanager Omgevingswet Zuidplas, p 30, line 1525).

Emerson et al. (2012) state that when these three discussed drivers are present to a larger extent and are recognized by the involved actors. It is more likely that collaboration is initiated. Because the interpretation of the Environmental planning Act creates uncertainty to some degree and specific knowledge and interpretation of different parties is required (interdependency), it is important that a leader is designated in order to shape this process (leadership). The established frameworks within which spatial plans take shape change under the Environmental planning Act (Respondent 4, Programmamanager Omgevingswet Zuidplas, p 31, line 1559). Subsequently, all parties involved are searching for their role within this legislative transition (Respondent 5, Ambtelijk opdrachtgever KKP, p.40, line 2007). The three drivers mentioned are intertwined and lead to the initiation of new collaborative action between state, market and civil society.

6.3.2 | Collaborative Dynamics

As discussed, there are three interacting components of collaborative dynamics according to Emerson et al. (2012). These components contribute to the creation of the collaborative governance regimes and the actions forthcoming from this collaboration. Three of these dynamics will be discussed in this section: Principled engagement, shared motivation and capacity for joint action. They will all be reflected on the case Klein Plaspoelpolder.

Principled engagement: ‘Shared theory of change’

First, the principled engagement will be discussed. This collaborative dynamic is an important part in the initiating phase of collaboration between the stakeholders involved in the planning process. The theoretical framework provided a formulation of this process in which collaboration takes form. Emerson et al. (2012) make a distinction between definition and discovery. The relationship of these variables in relation to the planning process under the Environmental planning Act will be discussed in this section.

Discovery

The first part of the collaborative dynamic phase is that ‘all involved actors reveal their individual and shared interests, concerns and values’ (Emerson et al., 2012, p.12). Transparency is therefore a key element in this process. This process takes place before the drafting of the game rule cards for the area of Klein Plaspoelpolder. According to Respondent 6 (Project leader KPP, p.49, line 2434) all interests of all involved actors are clear. Transparency is partly the cause of this collaborative dynamic. The interests of the municipality are clearly represented in the policy documents. In addition, the interests of the municipality and the focus group are clear for the developers because these interests are encrypted and expressed in the game rule cards (Respondent 7, Real estate developer, p.56, line 2834). The interests of the project developers are also clear to both the municipality and the focus group by ongoing conversations and through the presented plans of the developer. The aim was to establish common goals during the creation of the game rule cards. However, the fact that the interests of all stakeholders were clear to every stakeholder doesn’t directly mean that the goals during this process were in common. The municipality has much more control over the rules than the developers for example. The rules have been drawn up by the municipality and the focus group, and the developer acts to these rules accordingly. Despite the flexible rules, there was little room for negotiations (Respondent 7, Real estate developer, p.56, line 2786). Yet, the collaboration works because the interests are accepted and respected with these game rule cards (Respondent 6, Project leader KPP, p.48, line 2404).

Definition

It is important for involved stakeholders to develop a shared meaning. This must be the result by articulating common purposes and objectives (Emerson et al., 2012). This element has many similarities with the previously discussed part of the principled engagement. Collaboration is more likely to succeed if stakeholders in spatial plans accomplish to formulate this shared meaning. It is also important that the same terms and methodologies are used to describe problems and

opportunities. These common purposes and objectives are translated in the game rule cards of the area. As discussed, the rules for the sub-project locations have been drafted in consultation with the focus group to get more detail in the existent policy document on which these game rule cards are based (Respondent 5, Ambtelijk opdrachtgever KPP, p.38, line 1889). It is important that the terminology between the stakeholders is equal during this part of the collaboration process. The shared meaning is basically the same between all stakeholders, apart from the specific expertise of the market. This will be discussed in the 'capacity for joint action' section. In addition, not all actors are aware of the arrival of the Environmental planning Act. This doesn't really matter much for the collaboration. However, this creates no barriers for further collaboration in the Klein Plaspoelpolder. It is the task of the municipality to include all stakeholders in the process of the Environmental planning Act (Respondent 7, Real estate developer, p.55, line 2777).

Shared motivation: 'Relational component of collaboration'

The second collaborative dynamic is 'shared motivation'. Shared motivation is often mentioned as the outcome from the principled engagement collaborative dynamic. Emerson et al. (2012) state that there are four elements which form the self-reinforcing cycle of 'shared motivation'. The two most important ones concerning the change in collaboration with the implementation of the Environmental planning act will be discussed below: Trust and shared commitment.

Trust (Reasonable, predictable and dependable)

As discussed in the theoretical framework, there are three important factors which have an influence on trust. When stakeholders are reasonable, predictable and dependable, the element 'trust' enhances (Fisher & Brown, 1989). Trust is an important element in this collaborative dynamic because 'trust enables people to go beyond their own personal, institutional, and juridistical frames of reference and perspectives toward understanding other people's' interests, needs, values, and constraints' (Emerson et al., 2012, p.13). This section will focus on the variable trust in the Klein Plaspoelpolder. The importance of trust is emphasized by a project developer in the following statement:

'That gives the trust and transparency that you perceive, As a result, you also act accordingly, so you notice that you perceive this transparency from the other side and you also give that back. That's how we sit at this table. And I think this is very positive and also ensures that the process accelerates' (Respondent 7, Real estate developer, p.57, line 2866)

The expectation is that trust will play a more important role in planning processes when working in the conditions of the Environmental planning Act. An example that is often brought forward is that more responsibilities are outsourced towards market parties and civil society under the Environmental planning Act (Aan de slag met de Omgevingswet, 2017). The trust of the municipality in the market parties and in society must therefore be enhanced. This is also the case in the Klein Plaspoelpolder. As noted in the previous quote, transparency plays an important role in this sense. This is not only the case in planning processes but transparency is an important part of the implementation of the Environmental planning Act (Respondent 1, Manager Omgevingswet

Amsterdam, p.4, line 177). The trust of the municipality in the citizens is mainly reflected in the establishment of the rules in the area in the so-called game rule cards. The flexibility of these rules also means that the municipality must keep the focus group informed and updated about the developments in the Klein Plaspolder (Respondent 5, Ambtelijk opdrachtgever KPP, p.36, line 1808).

Nevertheless, the municipality's confidence in market forces can also miss its goal. In the neighbouring municipality there is an area that is also registered as pilot-project which is developed according to the conditions of the Environmental planning Act. The area 'Binckhorst' is also developed with broadly established rules for the market. As a result, 5000 houses will be developed, but public facilities are not taken into account. An active role of the municipalities is therefore required in some cases in order to safeguard these social interests:

'Giving space in the rules is a good thing, but if you have certain interests that you want to guarantee, you will have to set these rules more tightly' (Respondent 6, Project leader KKP, p.47, line 2330)

The Binckhorst example shows that there is also critique on the Environmental planning Act as a result of the trust that municipalities have in the market parties. Subsequently, this will be reflected in the trust of the citizens in the municipalities. They ask for a stronger role from the municipality as a result of the developers' actions in the Binckhorst (Hendriksma, 2020). This is quite a contradictory movement. Because the Environmental planning Act was made with the principles to shape Dutch planning more participatory with more trust in citizens and market parties. But in this example you see that citizens ask for an active role of municipalities as a result of these risky developments. According to Gebiedsontwikkeling.nu (2020), this trust in the government is a 'pendulum that will always go up and down'. This development in the Binckhorst is also something to take into account in the Klein Plaspolder. Nevertheless, stakeholders in the Klein Plaspolder argue that public facilities are a task for the municipality and should therefore be developed by the municipality (Respondent 7, Real estate developer, p.55, line 2758). The lack of public facilities in the Binckhorst can also have a positive influence on the public facilities in the neighbouring municipality of Leidschendam-Voorburg which don't do well sometimes (Respondent 5, Ambtelijk opdrachtgever KPP, p.37, line 1836). The question is whether this way of development is desirable.

Shared commitment

Shared commitment forms an important element in this collaborative dynamic. Emerson et al. (2012 p.14) state that shared commitment 'enables participants to cross the organisational, sectoral, and/or jurisdictional boundaries that previously separated them and commit a shared path.' This quote shows an important link to the legislative transition under the Environmental planning Act. This transition requires a different attitude from all stakeholders involved. However, the change that is requested with this legislative transition differs per stakeholder. The numbers are known and most stakeholders agree that the success of the implementation of the Environmental planning Act

depend for 80% on changes in attitude and behaviour (Van der Pol, 2016; Respondent 7, Real estate developer, p.54, line 2719). This change in behaviour must enable stakeholders to reach a shared commitment in order to cross these mentioned organisational, sectoral and jurisdictional boundaries. Respondent 5 (Ambtelijk opdrachtgever KPP, p.37, line 1844) argues that this cultural change is something that requires a long-term approach. It is important to keep all stakeholders committed during the process of implementing the Environmental planning Act and during the experimental pilot-project with this law. In this sense, the rules of these game rule cards can be seen as a catalyst in order to reach this shared commitment. The importance of these rules are also recognized and supported by all the involved stakeholders (Respondent 6, Project leader KPP, p.48, line 2395). The importance of 'commitment to the process' is emphasized by the previous quote, and is also an important factor in collaborative dynamics according to Ansell & Gash (2008, p. 17).

It is often stated that citizens and future residents of the Klein Plaspoelpolder are involved in the planning process. They form the focus group who were able to establish the rules for the environment in the area. It is therefore important to keep them involved throughout the process, because there is a long period between the establishment of the game rule cards and the first development in the area. From a political point of view, you have to be careful with this focus group, because they are the ambassadors of the initial plans (Respondent 5, Ambtelijk opdrachtgever KPP, p.40, line 2020). A shared commitment will be reached if the rules in which the interests of all stakeholders involved are safeguarded. In addition to this 'commitment to the process', there is also commitment and the willingness to make adjustments in order work under the conditions of the Environmental planning Act. These adjustments must ensure that previous boundaries that previously separated the stakeholders disappear, so that these stakeholders commit a shared path (Emerson et al., 2012). Yet developers are not proactive and consciously working with the Environmental planning Act (Respondent 7, Real estate developer, p.55, line 2775). They are aware of the existence of it and are happy with the extra development space that is offered (Respondent 6, Project leader KPP, p.47, line 2317). However, it is the task of the municipality to include everyone in that new working process that emerges from the Environmental planning Act (Respondent 7, Real estate developer, p.55, line 2777).

Capacity for joint action: 'Functional component of collaboration'

The previous discussed collaborative dynamics are supplement by the 'capacity for joint action'. This dynamic contains of four elements: legitimacy (leadership), knowledge, resources & procedural/institutional arrangements (Emerson et al., 2012). These will be discussed in light of the collaborative transition of the Environmental planning Act, applied on the Klein Plaspoelpolder.

Leadership (legitimacy, despite level playing field EPA))

Leadership is an important element in order to achieve better capacity for joint action. We learnt that leadership is a part of the three drivers for collaborative action. It is often mentioned that leadership and power are in line with each other and therefore distributed unevenly across stakeholders involved in the collaboration (Emerson et al., 2012). Moreover, leadership also plays a

role in this stadium of the collaborative governance regime. A leadership role during planning processes in light of the Environmental planning Act could be facilitative or during moments of conflict. It is still important to appoint a leader, despite that the difference in power is more equalized under the working process under the Environmental planning Act. This task is primarily for the municipality. Furthermore, It is important to continue to monitor the process because the Klein Plaspoelpolder is an experiment. The power of the municipality is also evident from the maintenance of the game rule cards. Negotiations within the framework of the rules is not possible:

'We are constantly working for an optimal product for the end user. We came to the conclusion that more room was needed for that purpose. We tried that, which meant that we should go beyond the boundaries of the game rule cards. We discussed that with the municipality, but it was not possible' (Respondent 7, Real estate developer, p.56, line 2786)

Mainly because the game rule cards had already been established by the council, negotiations were not possible. Furthermore, a long-time of participation has also preceded this establishment of the rules. So once you have determine the bandwidths of those game rule cards, all stakeholders have to work with it (Respondent 6, Project leader KPP, p.47, line 2364). The game rule cards therefore also act as the legal framework for the area of Klein Plaspoelpolder. it is the task of the municipality as a leader to ensure that the market remains within those frameworks. All stakeholders accept that role, so in that sense, not much has changed in terms of leadership. Nevertheless, things have changed in collaboration, because the involvement of the focus group in the development process of the rules is new and could not have been accomplished without the municipality. In addition, the municipality also aims for enhanced cooperation between the market and the focus group (Respondent 7, Real estate developer, p.56, line 2820). That cooperation is seen as pleasant as it provides more public support. The only downside is that process takes more time, but it will provide acceleration later in the process.

Knowledge

As mentioned in the theoretical framework, knowledge is seen as the 'currency of collaboration' (Emerson & Nabatchi 2015b, p.16). Collaboration is needed when knowledge becomes increasingly specialised due to complex institutional infrastructures (Ansell & Gash, 2008). There is a large information gap between the municipality, project developers and citizens, but it is logical that not all information is accessible to all stakeholders. If the interests are shared transparently, this gap can be narrowed. An integral way of working is therefore an important part of the Environmental planning Act (Respondent 3, Project leader Omgevingswet Heemskerk, p.20, line.1035). In addition, specific individual knowledge within an organization also plays a role in this legislative transition. It has already been described that everyone was educated in a very sectoral way in the past (Respondent 1, Manager Omgevingswet Amsterdam, p.7, line 384). Everyone inside an organization should therefore have much broader knowledge in addition to their specific knowledge to prevent that sectoral working. A so-called T-profile, in which specific knowledge is supplemented with broader knowledge (Respondent 5, Ambtelijk opdrachtgever KPP, p.40, line 2033). However, that requires a flexible

organization. The desire to work together and share information must also be present in order to improve collaboration. That is why participation is also such an important part of the Environmental planning Act. Allowing citizens to share information and the importance of participation is obvious for the municipality. Developers must also realize that participation is also beneficial for them. They will benefit in the rest of the trajectory of the development if they include participation in the beginning of the process (Respondent 3, Project leader Omgevingswet Heemskerk, p.23, line 1179). As stated before, this information distribution is mainly done by drawing up the game rule cards integrally in the Klein Plaspoelpolder. The importance of the information these cards contain is shared transparently with every stakeholder. Nevertheless, it should be noted that knowledge is not the same as information: According to Groff & Jones (2012, p.3) 'Knowledge is information combined with understanding and capability.' That is an important distinction to make within the case of Klein Plaspoelpolder. Because citizens may have enough information, but not the knowledge to convert that information into effective action. That is why there is some doubt whether the focus group is too much involved sometimes. There should be less doubt about the proposals that professionals make in general (Respondent 5, Ambtelijk opdrachtgever KPP, p.42, line 2151). Nevertheless, It is certain that collaboration improves if information is shared transparently.

Resources

There are a few resources that are relevant to discuss concerning planning processes under the new Environmental planning Act. Relevant resources are funding, time, expertise and skills (Emerson et al., 2012). Just like the previous discussed components, these are unevenly distributed across the involved stakeholders. Implementing the Environmental planning act is costly. It requires an injection of money from the municipality to fund this process (Respondent 5, Ambtelijk opdrachtgever KPP, p.42, line 2043). And despite decentralizing processes, municipalities do not receive financial support from the government (Respondent 4, Programmamanager Omgevingswet Zuidplas, p.28, line 1450). Nevertheless, the acceleration of the planning process, as a result of the implementation of the Environmental planning Act, should lead to cost reduction. So in the first instance, it will be a costly process to implement the Environmental planning act, but in the end it is possible to make a profit by saving time because the process will run more smoothly (Respondent 5, Ambtelijk opdrachtgever KPP, p.35, line 1771) . The next question is then: where does this profit ends up. There won't be a cost reduction for developers after the implementation of the Environmental planning Act in the Klein Plaspoelpolder. These developers still have to do costly research, so there won't change anything for them (Respondent 7, Real estate developer, p.58, line 2926). If the Environmental planning Act will lead to savings for developers, a discussion will arise whether this extra profit will be invested into more sustainable measures for future developments. This depends very much on the developer and how they want to present themselves in the market. This extra profit can be converted into sustainable measures if the Environmental planning Act will lead to cost reduction, and if developers consider sustainability and the image of their own company as important. (Respondent 7, Real estate developer, p.59, line 2976).

In addition to money, the implementation of the Environmental planning Act also requires expertise from external parties. That is also one of the reasons why this legislative transition phase is costly. There is not always sufficient expertise and skills within the municipality to steer this process in the right direction. Collaboration with other parties must ensure that this expertise and skills is shared and used in order to run this process more smoothly (Respondent 6, Project leader KPP, p.51, line 2536). But not only municipalities require expertise from external parties, it should also be the other way around. Integral cooperation and distribution of skills and expertise should therefore also lead to more shared responsibilities

'Market parties sometimes tend to keep wandering with certain things. It would be better to share this with the municipality in advance, because then you can help each other. So that is something to improve, that you look for that joint responsibility together.' (Respondent 5, Ambtelijk opdrachtgever KKP, p.40, line 2002)

Procedural/Institutional arrangements

These arrangements 'encompass the range of process protocols and organisational structures necessary to manage repeated interactions over time' (Emerson et al. 2012). An important addition is that these procedural and institutional arrangements work both on the intra-organizational as the inter-organisational level. In addition to the way in which cooperation is established through informal institutions, the importance of formal agreements and rules is also emphasized in the Klein Plaspoelpolder. The formal rules are established in a participatory form with a land-use plan with broadened scope. This is done under the Crisis and Recovery Act (Chw) as described in Appendix 1B. The benefits of these broadly established rules are set out in this section. These benefits emerged when a private owner who already planned something for the area sold his land to another developer (Respondent 6, Project leader KPP, p.46, line 2293).

The type of houses for example were not prescribed in these game rule cards, along with other broad rules. The result was that the land-use plan did not have to be changed for the new developer with a completely different plan. As a result, the development of the plan was not unnecessarily delayed. However, the consequence was that the focus group also had to be satisfied with the change of plans for the area (Respondent 5, Ambtelijk opdrachtgever KPP, p.41, line 2075). But because everything fell within the framework of the rules, the plan could be developed. Because the municipality wanted mixed typologies concerning housing, there was a subtle change of rules for the other sub-areas. In this way, the municipality was still able to manage and phase the plan area, because they didn't want to much uniformity (Respondent 6, Project leader KPP, p.46, line 2307). The example above shows the benefits of broadly established rules under the conditions of the Environmental planning Act. However, it does require a different attitude from the stakeholders involved. This shows that the interplay between informal and formal institutions play an important role in how the actions of different stakeholders are influenced. In this sense, informal norms must be supplemented by rules and regulations to construct more complex collaborative networks (Emerson et al., 2012)

6.3.3 | Adaptation

As discussed, the essence of collaborative governance is often mentioned as an important concept in order to transform and explain the complex context of a certain situation. As discussed in chapter 3.1.4, Innes & Booher (1999, p.413) mention that ‘one of the most important consequences of collaborative governance may be to change the direction of a complex, uncertain, evolving situation, and to help move a community toward higher levels of social and environmental importance.’ The planning process will alter as a result of the implementation of the Environmental planning Act. Innes & Booher (1999) make a distinction between social and ecological importance as a result of collaborative governance. According to the integrative framework for collaborative governance, the described collaboration dynamics as described in the previous chapter leads in an iterative way to actions. These actions have an impact on the system context and then lead to the transformation of a complex situation (Emerson et al., 2012). In this case, this complex situation is the transition towards the Environmental planning Act. This section will look at how cooperation in the Klein Plaspoelpolder leads towards enhanced planning processes under the Environmental planning Act. However, it is too premature to speak of clear changes yet because definitive implementation is set at 1 January, 2021. These changes can mainly be seen within municipalities, but also with improved involvement of the market and society.

The sectoral way of thinking of Dutch planning must be adjusted and this requires commitment from all parties involved. Not only inter-organizational, but also intra-organizational (Respondent 5, Ambtelijk opdrachtgever KPP, p.40, line 2030). The greatest gain can therefore be achieved with changes in attitude and behaviour (Van der Pol, 2016; Respondent 7, Real estate developer, p.54, line 2719). This legislative transition will therefore succeed if there are sufficient adaptations in informal institutions. As discussed in chapter 6.1, these informal institutions are related to changes in the Environmental legislation. An attempt was made to describe the changes in attitude and behaviour with the explanation of the collaborative dynamics in the Klein Plaspoelpolder. These changes are necessary in order to work within the conditions of the Environmental planning Act. The Klein Plaspoelpolder showed how planning processes unfolded within this legislative transition phase. Game rule cards were drawn up in consultation with current and future residents (Respondent 5, Ambtelijk opdrachtgever KPP, p.41, line 2075). The municipality also wanted developers to collaborate more with this participating group. A new dynamic was created between the stakeholders because these game rule cards provided more development space for developers. This has caused a change of the collaborative dynamics as described in the previous chapters. As a result, the conclusion is that an adaptation within the collaborative dynamics phase became visible. An adaptation of the system context is yet unknown because the development of the Klein Plaspoelpolder is not yet out of the execution phase. Nevertheless, all involved stakeholders in the Klein Plaspoelpolder agree that the collaboration is pleasant (Respondent 6, Project leader KPP, p.50, line 2491; Respondent 7, Real estate developer, p.58, line 2895). The integral way of working therefore has mainly positive effects on the social outcome. Public support is created because residents are involved in the beginning of the process. The ecological outcome is more speculative.

Municipalities can't force developers to develop more sustainably if they are not the landowner. In addition, the Environmental planning Act does not offer additional regulations to oblige developers to develop more sustainably in comparison to current legislation. Ecological objectives will therefore have to be achieved primarily from intrinsic actions of the developers themselves or through enhanced integral collaboration (Respondent 6, Project leader KPP, p.52, line 2600).

Chapter 7 | Conclusion & Recommendations

This chapter will contain the final conclusion of this research by answering the research questions. The results from chapter 6 form the basis for these answers. Furthermore, a number of recommendations will be given on the basis of these conclusions. These recommendations vary in degree of abstractness. Some might be better applicable than others. But all recommendations are carefully drafted in consultation with a focus group from Over Morgen. They stem from the results from the interviews and the conclusions made in this chapter. First, answers are given to the four sub-questions with the aim to give an inclusive answer to the main question.

7.1 | Conclusion

Sub-question 1:

In what way does the current Environmental legislation and its encompassing regulations have a delaying effect on planning processes in sustainable inner-city development areas in the Netherlands?

The most important results from the interviews are used to answer this sub-question. Municipalities are struggling with their current policy documents as they are very sectorally prepared. An initial plan is checked against these many sectoral policy documents when applying for a plan or a permit. This causes most planning processes to be delayed. Participation is also not yet a fixed part of spatial planning processes. The result is that many objections are raised when the plan has been made public. There will be fewer objections if stakeholders are involved in this planning process earlier. In addition to the inter-organizational collaboration, the intra-organizational collaboration also has a delaying effect on planning processes in inner-city development areas in the Netherlands. This is because employees within an organization have traditionally been educated in a specific subject. Society also expect that they are more involved in the planning process. However, this transition will take a long time, because the formal institutions on which current environmental legislation is based are not sufficient enabling enough.

The Environmental planning Act must ensure that an integral way of working becomes normal. But only regulatory changes are not enough for the law to function and to meet the goals on which the introduction of this law is based. This has to do with the fact that the success of the implementation of the Environmental Planning Act depends for a huge part on changes in attitude and behaviour. However, most stakeholders are institutionally and naturally inclined to stick to their familiar working methods. It is therefore even more difficult to implement the Environmental planning Act. This has to do with the fact that formal and informal institutions are reciprocal with each other. Hence, stakeholders in planning processes act on the basis of the rules of current spatial legislation. These rules work both enabling and constraining. Furthermore, these stakeholders are responsible for the

changes of these structures to which they act. The rules in the Environmental planning Act will enable that planning processes accelerate at a certain moment, but the informal institutions are not yet able to adapt to this legislative transition. Because of this, there will still be delay during planning processes after the implementation of the Environmental planning Act. But if every stakeholder has internalized the new working methods, it will ensure acceleration of the planning process. The developments in the Klein Plaspoelpolder show the first results of this statement. So concluding: the biggest delayer for planning processes in spatial plans is the sectoral way of thinking that is associated with current Environmental legislation and policy documents.

Sub-question 2:

What influence do informal institutions have on the planning process as a result of the implementation of the Environmental planning Act?

As mentioned in the previous section, the informal institutions that are based on the implementation of the Environmental planning Act are not yet able to adapt to this legislative transition. An integral way of working only evolves among stakeholders if the informal institutions, both intra-organizational and inter-organizational are enabling enough. A cultural change is needed in order to change the way in which spatial planning is practiced nowadays. This section elaborates on these informal institutions in the Klein Plaspoelpolder. The interviews showed that there were three drivers that worked as an impulse for collaboration in the Klein Plaspoelpolder: Leadership, interdependency and uncertainty. These could be seen as the drivers for collaborative action. The interviews show that the arrival of the Environmental planning Act leads to a lot of doubt and uncertainty among municipalities. In addition, a leader needs to be designated who can be seen as the process leader during the planning process and the overall implementation of the Environmental planning Act. All stakeholders agree that this task needs to be taken by the municipality. However, there is a sense of dependency because they needed citizens with the establishment of rules and market parties who wanted to develop based on these rules. These three factors ensured that collaboration was initiated in the Klein Plaspoelpolder.

There are three interacting components included in the collaborative dynamics phase after collaboration has been established. Stakeholders have to find common goals and interests during the principled engagement phase. These interests were made clear in a transparent manner when the rules in the game rule cards were drawn up. Because the collaboration in the Klein Plaspoelpolder can be characterized as organic area development, stakeholder work integrally to establish these rules and during further cooperation in the planning process. Then, shared motivation is an important factor in the collaborative governance regime as a part of the collaborative dynamics phase. The elements trust and shared commitment are important during this phase. The question is how these two factors influence the collaboration in planning processes when working within the conditions of the Environmental planning Act. Trust is increasingly important in these planning processes, because municipalities outsource their responsibilities more often towards the market and citizens when working within the conditions of the Environmental planning Act. They still

hesitate if this development is desirable, because they often stick to existing working methods. An integral way of working within the Environmental planning Act therefore requires a major cultural change. Every stakeholder involved must therefore be committed to achieve this change. There are a few dynamics that needs to be altered in light of the Environmental planning Act. These are included in the capacity for joint action. Despite the importance of informal institutions, the most important changes that influences planning processes could be attributed to procedural and institutional arrangements. The land-use plan with broadened scope enables the innovative working method within the conditions of the Environmental planning Act. An integral way of working is achieved with the framework of this instrument. The outcomes of the Klein Plaspoelpolder is a proof of this development. The working method that emerges from this context lead to collaborative action. These actions have an impact on the system context and lead to adaptation of a complex and evolving situation. In this sense, this context is the legislative transition from current legislation towards the Environmental planning Act. The informal institutions discussed in this research must be organised in such a way that collaboration takes place in an integrated manner.

Sub-question 3:

In what way will the Environmental planning Act create better legal conditions to improve the planning process in sustainable inner-city area developments?

Three instruments of the Environmental planning Act have been included in the results of this research. The Environmental vision, the Environmental plan and the Environmental permit influences the planning process in different ways. Municipalities are able to customize the instruments of the Environmental planning Act according to their own vision due to centralization processes. In this way, most of the environmental regulations regarding the living environment will be coordinated much more locally. There must be more congruence between these new instruments than current legislation does. This will lead to faster decision-making and more integral formulated policy documents. Acceleration is not the only positive effect that is achieved with these instruments. It is even more important that the process becomes more transparent and understandable for all stakeholders involved. In addition, municipalities can decide to what extent they want to add participation to these instruments. The three instruments described above are all coordinated and implemented locally. The outcomes that these instruments encompasses are therefore very context dependent. The case Klein Plaspoelpolder is chosen in order to make conclusions regarding this sub-question. The three instruments of the Environmental planning Act create new legal conditions to improve the planning process in sustainable inner-city area developments.

All municipalities in the Netherlands are obligated to draw up the Environmental vision. This instrument is not legally binding in contrast to the Environmental plan and the Environmental permit. However, this document is important because it contains the first opinions of the citizens of the municipality. The participation process is therefore an important factor within this instrument. The question is to what extent municipalities involve citizens in this process, because municipalities can decide on their own how they shape this. Some municipalities indicate that they already involved

citizens opinions in older policy documents, so they won't involve them in the Environmental vision to a large extent. Nevertheless, the Environmental vision is used as a starting point when drawing up the other instruments.

The Environmental plan hasn't been introduced yet in the Klein Plaspoelpolder. However, a land-use plan with broadened scope have been enacted which is legally binding and which is seen as precursor of the Environmental plan. The municipality is able to work within the conditions of the Environmental planning Act with this land-use plan that is included in the Crisis & Recovery Act (Chw). In this way, the general rules are established in the Klein Plaspoelpolder. These rules have been drawn up together with a focus group consisting of current and future residents. Developers can develop their product for the market on the basis of these rules. The freedom that is offered in the rules ensures that this product gets better. It also ensures that the planning process improves because the focus group has contributed to the general rules in the framework for the area. The plan that will be developed thus encounters less resistance, which ensures acceleration of the process and more public support in the area. The land-use plan with broadened scope also offers advantages when changing owners of land. Due to the wide-ranging rules and the space that is offered to developers, there is no need to establish a new land-use plan. However, one important thing have to be taken into account. The municipality have to take an active role in safeguarding public interests. Due to market forces and the broadly established rules, developers won't take public facilities into account when developing their plan. Land ownership is an important factor in this sense, because additional requirements can be imposed on municipal land.

The permit process under the Environmental planning Act is set to change radically. The procedure of the permit process goes from 26 weeks to 8 weeks. Everything that is previously done in these weeks must become more transparent and accessible for citizens. Municipalities are moderately positive about this development, because they doubt whether this acceleration will be accomplished. This doubt emerges because the municipality is dependent on other parties when granting an environmental permit. In addition, the digital system to which all municipalities must be connected is also not ready yet. Ultimately, this working method should ensure better legal conditions for planning processes. But because nobody has worked with it yet, it will not lead immediately to an acceleration of the process after the implementation of the Environmental planning Act.

Sub-question 4:

What will be the new hierarchy between the different actors involved in these sustainable inner-city area developments? In other words: What are the new 'rules of the game' after the implementation of this new legislation on sustainable inner-city area developments?

The involvement of market parties and civil society increased in planning processes in recent years. With the expected arrival of the Environmental planning Act, some municipalities experiment with innovative planning processes in order to facilitate this development. Furthermore, citizens demand more participations in planning processes. Due to a changing role of municipalities in spatial plans

and the aforementioned social processes, there has been a shift from government to governance. Nevertheless, the interviews show that these processes cannot fully be attributed to the arrival of the Environmental planning Act. The shifting of government to governance is mainly caused by the fact that municipalities are no longer the largest landowners after the latest economic crisis. As a result, municipalities were already forced to look for a new role in planning processes. The arrival of the Environmental planning Act only has a more reinforcing effect on this search. As mentioned, decentralizing processes allowed municipalities to make local choices concerning spatial plans. The question is whether these developments have created a level playing field in planning processes. The interviews show that this is very context dependent due to the Environmental planning Act and the possibility of local customization that it encompasses. The Klein Plaspoelpolder is used to make statements about the new division of roles in planning processes in inner-city area developments.

Current and future citizens have been involved in the establishment of rules in the Klein Plaspoelpolder because participation is an important element in the Environmental planning Act. In this way, citizens obtain a more influential role in the development of their own living environment. Therefore, an enhanced level playing field is created through this innovative way of participation. The influence of this so-called focus group doesn't stop after the rules are established. The municipality wants developers to collaborate more with this focus group and vice versa. This is a new development that is not included in the legal framework of the Environmental planning Act but it will contribute to the improvement of public support for spatial plans. However, the willingness to collaborate in this way must be present with all stakeholders. Nevertheless, the developer also sees the positive aspects of this increased citizen involvement. Normally, they would have presented their plan without the participation of citizens in the beginning of the process, with much objections as a result. The results of the Klein Plaspoelpolder show that there are less objections because this plan was developed integrally with all stakeholders. So for market parties, not a lot has changed in terms of hierarchy when working in the conditions of the Environmental planning Act. They develop their plans within the established rules drawn up by the municipality and the focus group. You could argue that citizens are much more involved in planning processes in inner-city area developments. It is also important to report that municipalities have not been given a less influential role in planning processes. This role is only shaped differently within the conditions of the Environmental planning Act. They no longer play an active role because they are often no longer landowner. Municipalities are much more process facilitators and active in safeguarding the public interests in planning processes. It is important that municipalities continue to guarantee participation in planning processes due to increasing market forces. An integral way of working ensures that interests become more transparent in planning processes and a more level-playing field is created between stakeholders involved.

Main question:

To what extent will new partnerships between state, market & civil society, as a result of the implementation of the Environmental Planning Act, lead to the improvement of the planning process in order to increase energy neutralization, and the acceleration of the housing assignment of inner-city development areas?

During this research, the innovative planning process within the conditions of the Environmental planning Act between the state, market and civil society have been explored. The question was whether this collaborative governance or 'hybrid' cooperation could lead to the improvement of the planning process in order to increase energy neutralization and the acceleration of the housing assignment. The expectation is that these objectives are better within reach when the planning process is shaped according to the conditions of the Environmental planning Act. The developments in the Klein Plaspoelpolder show positive signs for one of these objectives. The Environmental planning Act could ensure that the planning process accelerates. Hence, the process from the planning phase towards the development phase will go faster. The result is that the objective to realize 80.000 houses each year as mentioned in chapter 1 can be achieved more easily. This will be further elaborated in this section. The other assumption was that the improvement of the planning process would lead to improved integration of sustainable measures in spatial plans when the planning process is shaped according to the conditions of the Environmental planning Act. Interesting results emerged from the interviews with regard to this assumption. First, statements will be made about the acceleration of the planning process and the housing assignment. Then, a conclusion will be given concerning the increase of sustainable measures as a result of the introduction of the Environmental planning Act.

The planning process won't accelerate initially after the implementation of the Environmental planning Act because the working process has to be altered. All things related to change takes time. This also applies to new planning processes after the implementation of the Environmental planning Act. This requires a flexible organization from all stakeholders, but also willingness to use the law as it is intended. So this cultural change is just as important as the legal changes that the current environmental legislation is undergoing. This also shows that adjustments to informal institutions are necessary for the formal institutions to function. Current policy is drawn up in a very sectoral way, so integrating these policy documents take a lot of time. If everyone is used to the new system, the Environmental planning Act will accelerate the planning process. Due to a broad framework and more broadly drawn up rules, permits can be granted faster. As a result, the housing assignment can be resolved faster. This requires an active role from the municipality to facilitate this movement. Also because citizens expect that they are more involved during planning processes in inner-city area developments. There will be less resistance from this group if the plan is established because obliged participation in the Environmental planning Act provides better public support. The planning process must also become more transparent in addition to the objective of the Environmental planning Act to accelerate the planning process. This objective must be achieved by promoting an integral way of working. The municipality must ensure that the market and residents are included in this process. In addition, the municipality have to examine internally whether they can achieve the objectives of the

Environmental planning Act with the way in which they are organized today. The interviews show that they tend to stick to fixed patterns and procedures while the working methods of the Environmental planning Act require change in this regard. This is different for developers, they will always be searching for a more efficient process. If a process worked well in the past, it doesn't mean that you don't have to change it in order to make it even better. Even though private developers are not actively busy with the implementation of the Environmental planning Act, an innovation in environmental legislation ensures that this planning process is adjusted again in order to make it more efficient. An extensive form of collaboration between the municipality and the market and enhanced involvement of citizens will emerge as a result.

Collaborative governance in inner-city area developments leads to enhanced cooperation. This may also have an impact on the integration of sustainable measures in spatial plans. It is therefore good that there is more insight into each other's interests as a result of integral collaboration. Sustainable area development is an objective that is high on the political agenda. Municipalities need to take an active role to coerce public and private stakeholders in order to make the required investment to reach this objective. New collaborations in the planning process in inner-city area development areas will not lead to these extra investments. Hence, there is no extra legislation included in the Environmental planning Act to achieve the objective to increase sustainable measures in spatial plans. In fact, the Environmental planning Act ensures broader rules for the environment which result in extra space in rules for developers to create their spatial plans. In addition, it is more costly to develop sustainably so the extra space that is offered does not necessarily encourage developers to develop sustainably. It is therefore often an intrinsic matter whether developers want to invest in extra sustainable measures in spatial plans. However, the municipality can add additional requirements via private or public law if it concerns municipal land. Apart from that, new collaborations in planning processes within the Environmental planning Act do not lead to increased energy neutralization of inner-city areas. The Environmental planning Act ensures that integrated cooperation in planning processes in inner-city areas run more smoothly. However, designated natural areas are better preserved because spatial plans are established more quickly in inner-city areas after the implementation of the Environmental planning Act.

The Environmental planning Act ensures that municipalities can set their ambitions more locally. That's why strategies can vary between municipalities. The final development of an area therefore depends on the level of ambition of the municipality. If they are not the landowner, they can opt to leave room for the market or initiators based on a general framework of rules. This ambition can also be seen as planning on invite. However, municipalities can also choose to set stricter rules and frameworks if they want to keep control. This is necessary in areas with a higher building density which requires more regulation. The Environmental planning Act offers the possibility to adjust frameworks and rules accordingly. The extent to which citizens and the market are involved therefore also depends on this ambition. It can be concluded that planning processes will proceed faster due to this local consideration because municipalities are able to set ambitions based on specific areas.

7.2 | Recommendations

This section will contain recommendations for further research and recommendations for praxis. These recommendations emerge from the results and the conclusions that are made in the previous chapters. The intention is to translate the results into recommendations for planning purposes. These recommendations are more focused towards the municipality but these can also be useful for market parties. These recommendations were carefully drafted in consultation with a focus group from consultancy firm Over Morgen. The advantage of this method is that the validity of the results from this research were also discussed. The visual outcome of the discussion with the focus group can be seen in Appendix 3.

7.2.1 | Recommendations for praxis

There are a few recommendations for municipalities that emerge from the results. These will be discussed in this section. These recommendations are made on the basis of the instruments of the Environmental planning Act. As stated, these instruments are further elaborated in Appendix 1A. Recommendations will be given below, based on six important conclusions derived from the results. Each of these conclusions or statements were discussed during a focus group session. The results of this discussion will be outlined below.

1. Current policy documents are drawn up in a very sectoral way. Municipalities encounter difficulties merging those documents into a widely supported vision.

First of all it is important that employees of municipalities need to be aware of the arrival of the Environmental planning Act. Furthermore, it is important that existing policy needs to be listed and monitored. These documents need to be put on top of each other in order to map the similarities and collisions. In this way, overlaps can be removed and rules can be added where necessary. It has also become clear that participation is an important element in the drafting of policy under the Environmental planning Act. It is therefore important that municipalities have to look at the extent to which they already included citizens with the drafting of previous policy documents. Citizens must get the feeling that something has been done with their opinion. Municipalities can start a discussion with these citizens whether their opinions in previous documents are still relevant nowadays. The most important thing remains that municipalities draw up an Environmental vision towards 2050 and map which existing documents are still relevant to achieve the goals in this vision document.

2. Just adapting and merging rules is not enough to make the Environmental planning Act successful. An internal organizational change is needed in attitude and behavior.

An important result derived from this research is that adaptations in attitude and behaviour are as important as the actual formal legislative transition. It is therefore important to monitor how the internal organization operates with existing projects. Subsequently, municipalities can reflect their

current working methods under supervision to create awareness of the new way of working. So municipalities need to reflect internally how to work in the conditions of the Environmental planning Act. In doing so, they can request help from neighbouring municipalities. At the same time, they can also help with the development of working methods and reflect on each other's way of working. Furthermore, it is important that municipalities start to work task-oriented. This means that people have to start thinking outside their own domain. Solutions can be proposed on the basis of these domains but it is important to keep the bigger picture in mind. An educational plan can be set up in order to achieve this way of working. Nevertheless, persistent reflection on informal institutions is one of the most important points to focus on.

3. Municipalities have doubts about how much space they should offer to the market with regard to rules in the Environmental plan. As a result, not enough attention is paid to develop public facilities if the rules are too flexible.

The results show that municipalities sometimes offer too much space to developers. As a result, unwanted developments take place in an area or surrounding areas. The instruments of the Environmental planning Act must be better coordinated to avoid the problem above. The impact of the non-legally binding Environmental vision towards the program and the Environmental plan is of great importance here. The recommendation is to clearly describe the management philosophy in the Environmental vision in which you offer preconditions for private parties in specific area developments. These preconditions could be adjusted locally and properly anchored in the Environmental plan. In this way, spatial developments can be controlled more locally. That is also how the Environmental planning Act is intended in the end. In addition, public facilities need to be developed by municipalities themselves. These public facilities therefore need to be developed on municipal land or in extensive cooperation with developers. Nevertheless, municipalities need to take an active role when it concerns public facilities.

4. Developers and initiators are not encouraged enough to develop sustainably, because of the additional freedom that could be given to developers/initiators in the Environmental Planning Act.

This recommendation is in line with the one in the previous section. The coordination between the instruments of the Environmental planning Act are of great importance here. Clear rules and preconditions must be given to developers to impose sustainable measures in spatial plans. This is possible with so-called KPI's (Key performance indicators). Agreements in the rules of the Environmental plan can be made measurable in this way. This is very important because rules in the Environmental planning Act tend to be drawn up too broadly. A balance must therefore be found between flexibility and strictness of rules. Because the intention is not to fall back to a system as it currently exists.

5. The flexibility of the Environmental plan is at the expense of the legal certainty of citizens.

From practice, this is one of the most discussed considerations that comes along with the introduction of the Environmental planning Act. Participation on the one hand is an important principle in the formulation of policy and rules. But at the same time, more flexibility is expected in these rules which could jeopardize the legal certainty of citizens. It is therefore important that municipalities start to experiment in order to find the right balance between these factors. Trial-and-error is therefore also part of the implementation phase of the Environmental planning Act. In addition, municipalities must not forget that this entire legislative transition is part of a further liberalization of the environmental policy. It is therefore primarily up to citizens to take up that role. Municipalities must show them the way to work in these conditions. It is important to note that municipalities doesn't need to act differently, but society have to think differently. Hence, the Environmental planning Act also largely relies on self-reliance and independence of end-users

6. Using participation for spatial plans can also be exaggerated, causing planning processes to delay.

Municipalities must determine in advance how participation contributes to the intentional plan of an area. They also need to determine to what extent this input will be included in advance. The participation process needs to be effective and efficient. It is therefore important to prevent that citizens become tired of these participation processes. This can be avoided by showing citizens the added value of citizen participation as also mentioned in the first recommendation section. This also about a new relationship that is being established between the government and the citizen. Therefore, transparent information must be provided where citizen participation is expected and where stricter rules are needed where participation is not required. This balance between flexibility and strictness of rules will be of great importance for municipalities to reflect on.

7.2.2 | Recommendations for further research

Some recommendations for further research emerge from the results in addition to the recommendations for praxis. As mentioned before, the Environmental planning Act hasn't been implemented yet. Municipalities are able to experiment within the conditions of the Environmental planning Act with the Crisis and Recovery Act (Chw). Statements are made based on these experimental projects. As a result, specific statements about changes in collaboration between the state, market and civil society under the Environmental planning Act are based on future assumptions and these pilot-projects. It is therefore recommended to repeat this research approximately 5 years after the implementation of the Environmental planning Act. In this way, results from this research can be further validated. In addition, statements could be made about the added value of pilot-projects. It is important to gain insight into how far these pilot-projects deviate from the working method after the actual introduction of such a large legislative transition.

Furthermore, it was intended to focus on sustainability within the Environmental planning Act. It was very difficult to make the link between this theme and the Environmental planning Act. The case matched well with the development in existing urban area, but the application of sustainable measures in those areas deserve additional attention. Something that can certainly be taken into account for further research. Because to date, only existing regulations related to sustainability have been included in the Environmental planning Act. Much more attention can be paid to this subject, because the flexibility of the rules in the Environmental planning Act could be at stake.

Chapter 8 | Reflection

This chapter will contain a critical reflection of this research. A number of shortcomings will be mentioned in this section. These are related to external factors or can be partly attributed to the research methods.

Critical reflection on results, methods and recommendations.

This research made an attempt to get an answer to the question: 'To what extent will new partnerships between state, market & civil society, as a result of the implementation of the Environmental planning Act, lead to the improvement of the planning process in order to increase energy neutralization, and the acceleration of the housing assignment of inner-city development areas?' The biggest limit of this research is that this law hasn't been implemented yet. Therefore, the quotes in the interviews are mainly based on future assumptions. An important result from the research is the great uncertainty where municipalities seem to be struggling with. The respondents had a lot of expertise about implementing the Environmental planning Act, but even their expertise was not always sufficient to overcome all the uncertainties that the implementations of the Environmental planning Act encompasses. As mentioned in the recommendations, follow-up research after the implementation of this law will help to further validate the results from this research.

In addition, it emerged from the interviews that the results are very context dependent. Also, this was already predicted in chapter 4.4. The external validity, and therefore the generalizability, must be examined critically. A case has been taken where the development process has been carried out within the conditions of the Environmental planning Act. Because these cases are limited, it is difficult to generalize the results derived from this case. The fact that the law has not yet been implemented also contributes to this lack of generalizability. Nevertheless, It is also important to point out that several findings from the interviews came forward to explain the various factors that influence this context dependency. The degree of conservativeness, the size of the municipality and the building density, for example, contribute to the way in which the Environmental planning Act is implemented. Furthermore, this context-dependency doesn't directly mean that generalization is not possible. Yin (2014) claims that analytical generalization is possible, instead of statistical generalization, because the results are generalized with the use of theories. Using the theory of Emerson et al. (2012) about collaborative governance helped to partly generalize the change in collaboration in planning processes under the Environmental planning Act. Appendix 2 shows the large amount of questions that emerged from the operationalisation of this theory. These could not all be addressed during the interviews, which meant that strategic choices had to be made. The most relevant questions per respondent were discussed during the interviews.

Another pitfall of this research is the link of the relationship between the Environmental planning Act and the increase in energy neutralization and sustainability of housing. This part of the main question will partly remain unanswered because there is still too much uncertainty. The municipality in the case Klein Plaspoelpolder offers a lot of space to market parties on the basis of those game rules cards, but market parties did little to make their buildings more sustainable if these rules were not there. Apart from an intrinsic motivation and the existing environmental regulation, little action is done to enhance the sustainability of housing. A declaring factor in this sense is land ownership. Land ownership remains the most important factor in planning processes, regardless of the introduction of the Environmental planning Act. If the municipality is land owner, additional requirements can be given to the project developer. Only after the implementation of the Environmental planning Act, concrete statements can be made about the changes in collaboration in planning processes. Until then, results, statements and recommendations have to be carefully taken into consideration.

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Appendix 1: Environmental legislation

1A | Environmental Planning Act (Ow): Instruments

The general idea of the Environmental planning Act has been discussed in the first chapter of this research. The instruments of the Environmental planning Act will be discussed in more detail in this appendix. In order to gain a better understanding of this law, the Environmental planning Act bundles all the laws of the living environment as shown in figure 12. The objective of this Act is to enhance the integral approach towards the Environment. In doing so, there will be more room for local initiatives. In addition, there is more space to create customized solutions. (Aan de slag met de Omgevingswet, 2017). Because there are less rules, more confidence is demanded for all actors involved. Also because the rules can be implemented more locally by local authorities. The following section shows how the various core instruments affect the various government layers.

Current legislation	Environmental planning Act
26 Laws	1 Law
4700 articles	349 articles
120 General administrative measures	4 General administrative measures
120 Ministerial regulations	10 Ministerial regulations

Figure 12. *Changing environmental legislation.* Derived from: IenM, 2014

Six core instruments Environmental Planning Act

There are six core instruments with which the living environment will be managed under the Environmental planning Act. All these instruments will be separately discussed below. All these instruments have an influence on different scales. Some instruments are legally binding, others not.

Environmental vision (Omgevingsvisie)

The first instrument is the Environmental vision. This is an integral long-term strategic vision report for the entire living environment. All governmental layers are obligated to draw up an Environmental vision document for their living environment according to the consolidated version of the Omgevingswet and contains the following aspects for the exercise of the duties and powers³ (Rijksoverheid, 2018, p.17):

1. A description of the main points of the quality of the physical living environment;
2. The main points of the intended development, use, management, protection and the preservation of the living environment.
3. the main points of the integral policy to be pursued for the living environment.

This consolidated version is not yet legally binding, but serves as an information provision document to prepare governments for the final implementation on the 1st of January, 2021. It states that the state, the province and the municipality have to prepare this vision document. The intention is that as these documents become more local, this vision will relate to the documents on a higher scale. This guarantees an integral vision. Furthermore, the focus is on a horizontal, integral vision. To elaborate on this, themes such as climate adaptation, energy transition, circular economy, sustainable agriculture, health and accessibility and mobility will be applied in an integral way to the living environment (Aan de slag met de Omgevingswet, n.d.-a). Existing policy documents on these themes can also merge with the environmental vision. Another important factor is participation. Aan de slag met de Omgevingswet (n.d.-a) states that it is important to work integrally in order to establish a coherent environmental vision document. That is why all parties such as the security region (veiligheidsregio), GGD (Municipal health service), environmental associations, water boards, neighbouring municipalities and citizens have to work more integrally. This integrated way of working creates a broadly supported vision on different layers, both horizontally and vertically. The national and most of the provincial environmental vision documents have already been established (Rijksoverheid, 2019). Following these vision reports, most of the municipalities are still working to finalize their environmental vision documents. Subsequently, the program can be drawn up. The non-legally binding objectives in these vision reports can be made semi-legally binding with the program as described in the next section (Aan de slag met de Omgevingswet, n.d.-a).

³ Art. 3.1 Environmental planning Act.

Program (Programma)

As mentioned above, a program contains concrete measures following the objectives drawn up in the Environmental vision documents. These concrete measures are described with environmental values. These environmental values doesn't affect citizens and companies, because these programs are policy documents with so-called guidelines to achieve these environmental values. These values are not entirely legally binding as mentioned. However, the general board of the municipality can ask the executive board for clarification if these values are affected (Aan de slag met de Omgevingswet, n.d.-b). The consolidated version of the Environmental planning Act contains a description of the content and authority of the program⁴ (Rijksoverheid, 2018, p.17).

1. Elaboration of the policy to be pursued for the development, use, management, protection or preservation of the living environment
2. Measures to meet one or more environmental values for the living environment

These programs are established for multiple governmental layers in the same way as for the environmental vision. Following the program, legally binding rules are set out in the environmental plan. This will be discussed in the following section.

Decentralized regulations (Decentrale regelgeving) | Environmental plan

The two instruments above are both non-legally binding, although the environmental values in the program have more public legislative influence than the environmental vision. The decentralized rules for the living environment in the Environmental plan are legally binding. The Environmental plan can be seen as the successor of the land-use plan. The consolidated version of the Environmental planning Act prescribes that decentralized governments have to draw up one area-wide environmental plan⁵ (Rijksoverheid, 2018), in contrast to the land-use plan, which could contain multiple plans in the municipality. The Environmental plan regulates the allocation of functions to locations. Furthermore, the municipality can set rules about activities in the living environment. The rules that are set by the municipality in this Environmental plan apply to everybody in the living environment, just like the land use plan used to: 'Citizens, businesses and government agencies must adhere to the rules of the environment plan when carrying out activities in the living environment (Aan de slag met de Omgevingswet, n.d.-c).' The responsibility to enforce these established rules then lies with the municipality. Participation is to a lesser extent important for the environmental plan. However, a municipality is free to involve residents and companies in the policy formation process. The municipality can indicate how they will involve participation in the process. In addition, the municipality is obliged to notify that they are drawing up an Environmental plan (Aan de slag met de Omgevingswet, n.d.-c).

⁴ Art. 3.5 Environmental planning Act

⁵ Art. 4.2 Environmental planning Act

General government rules for activities (Algemene rijksregels voor activiteiten)

Next to the more local rules for activities and allocation of functions to locations, there are general government rules for activities. Sometimes, it is more valuable to set national rules for the protection of the living environment. In the line of thought of the Environmental planning Act, these rules are more generally applicable. Because of this flexibility in the rules, citizens and citizens don't have to request permission for every activity from the municipality. A division has been made in these general governmental rules.

1. Besluit activiteiten leefomgeving (Bal):
2. Besluit bouwwerken leefomgeving (Bbl):

Both decisions ('Besluiten') are part of the four general administrative measures as shown in figure 12 (Aan de slag met de Omgevingswet, 2017, n.d.-d).

Environmental permit (Omgevingsvergunning)

Article 5.1 of the consolidated version of the Environmental planning Act prescribes which activities are prohibited without an environmental permit⁶ (Rijksoverheid, 2019). The permit application is complex due to the fragmented and bureaucratic characteristics of the current environmental legislation. Because of the current sectoral working methods, applications must go through several counters ('loketten') in order to obtain a permit. The permit application procedure will go more smoothly and faster under the Environmental planning Act (Aan de slag met de Omgevingswet, n.d.-e). Initiators for spatial plans only have to go through one integral counter when they apply for a permit (IenM, 2014). A major digital move will be made in order to improve these procedures. The procedure application will go from 26 weeks to 8 weeks. That is why an integral working method is needed.

Project decision (Projectbesluit)

The final core instrument under the Environmental planning Act is the Project decision. Just like the Environmental permit, the procedures for decision-making have to be faster and better in comparison to the previous working methods. 'The project decision offers a uniform procedure for decision-making on complex projects that arise from the responsibility of the central government or provinces (IenM, 2014). The decision-making of the project decision therefore takes place on a higher level. It is possible to deviate from the environmental plan, just like the current regulation (Aan de slag met de Omgevingswet, n.d.-f).

⁶ Art. 5.1 Environmental planning Act

1B | Crisis and Recovery Act (Chw)

Municipalities can work with the conditions of the Crisis & Recovery Act in anticipation of the Environmental planning Act. With this law, municipalities can take an intermediate step to the Environmental planning Act. Municipalities can experiment with the reduction of rules and procedures. The most important content is described in article 2.2 of the Crisis & Recovery Act:

‘By way of experiment, an area, being existing urban area or existing business parks, can be designated as a development area for a maximum period of ten years, if this is to strengthen sustainable spatial and economic development.’⁷ (Crisis- & Herstelwet, 2019, 16 June)

As mentioned before, the Crisis & Recovery Act (Chw) emerged during the latest economic crisis. Plans that could not go ahead due to the economic crisis were still be able to be developed. Shorter procedures were made possible. Important construction projects could therefore be developed (Rijksoverheid, n.d.). The intention was to keep the law temporary, but due to the success of the law, it was extended eventually. The Crisis & Recovery Act remains valid until the moment that the Environmental planning Act comes into force on 1 January, 2021. Then, the Crisis & Recovery Act will be included into the Environmental planning Act. Until then, municipalities can continue to experiment with the shortened and flexible procedures (Rijksoverheid, n.d.). There are 150 projects and several innovative experiments allocated to participate in anticipation of the Environmental planning act (Rijksoverheid, n.d.). The Environmental plan is an important instrument under the Environmental planning Act. It replaces the land-use plan under the current environmental legislation. The Environmental plan will be more flexible, area-oriented and may apply for a longer term. To practice in the run-up to the implementation of the environmental plan, municipalities can work with the land-use plan with broadened scope under the Crisis & Recovery Act⁸. Similar to the environmental plan, the land-use plan with broadened scope concerns one integrated plan for a large area. There are not only rules included for activities and function allocations, but it also focuses on more general rules concerning the living environment such as safety, healthy, nature and sustainability. In this way, more generally applicable rules for the living environment are created. The land-use with broadened scope can help municipalities to experiment with the integrated approach of the Environmental planning Act (van Moorsel, 2018). Parts of the zoning plan with broadened scope can therefore also be included in the environmental plan.

⁷ Art. 2.2 Chw

⁸ Art. 7c Besluit uitvoering Chw

1C | Ladder for sustainable urbanization

One of the most important legally binding regulation in Dutch planning law concerning sustainable development is the ladder for sustainable urbanization⁹ (Ladder voor duurzame verstedelijking). The Ladder for sustainable urbanization is required along the drafting of the land-use plan in the Netherlands. It is important that involved authorities motivate their reasons for the use of available space (IenM, 2011) The description of this law is as follows:

'The explanation of a land-use plan that allows new urban development contains a description of the need for that development and, if the land-use plan allows that development outside the existing urban area, a justification why this development cannot be provided within the existing urban area (Wet Bro, 2017., 2017, 1 July).'

To elaborate on this, it is important that the whole development has to be investigated before implementing. The first step is to examine whether the new development is actually needed. If so, it first must be investigated whether this development can be accommodated within the existing urban area. In this sense, sustainability means that future developments reuse existing urban areas and limit developments in greenfield areas (IenM, 2011). The ladder for sustainable urbanization was mentioned 1045 times in Dutch land-use plans in 2014 (25% of the researched plans). There is a linear growth visible of the use of this ladder. Compared to the numbers of 2014, the ladder for sustainable urbanization was mentioned in 45% and 66% of the zoning plans for respectively 2016 and 2018 (CLO, 2018). However, sometimes in these cases the ladder was only mentioned and not applied. There is an important distinction between the old and the new ladder for sustainable urbanization. The three steps below are part of the previous ladder for sustainable urbanization and will be explained next.

Step 1: Regional need for development

The first question involved authorities should ask themselves before establishing a plan according to the ladder is: Is there a regional need for development? The substantiation for this regional need differs per allocation of an area. CLO (2018) mentions that the allocation of retail and horeca are better substantiated in terms of regional need, in comparison to housing and businesses. However, there is only a small margin visible between these allocation areas when it comes to this substantiation. These substantiations are often quantitative rather than qualitative. This quantitative rating contains an elaboration of the amount of units per hectare depending on the allocated function in the area. IenM (2011) further operationalize this whether the allocated development provides a regional and inter-municipal need for housing, business parks, offices, retail and urban facilities are not yet provided sufficient elsewhere. As mentioned there is also a qualitative review. Involved authorities examine if the proposed development is in line with the established overarching vision document.

⁹ Art. 3.1.6. sub 2 Wet Bro

Step 2: Inner-city development

After the first step is sufficiently researched and motivated the second step is taken in the process of the ladder for sustainable urbanization. The following question one should ask themselves is whether this regional need can be implemented in the existing inner-city area. Involved authorities assess whether the intended development can be realized on existing urban soil for restructuring or transformation (IenM, 2011). However, the term 'inner-city' can be quite broad and vague. In many cases, areas on the outskirts of the city are part of these inner-city developments. Another way in order to answer the question from step two is to check the financial feasibility of a development. This is often a reason for the development to fail. This financial feasibility is often accompanied by the lack of space and quality of the existing living space in the inner city area. According to CLO (2018) this reason is mentioned the most for failing to start a development.

Step 3: 'Multimodality' of development

The final step of the ladder for sustainable urbanization can only be used if the previous step has failed. According to CLO (2018) this step only concerns developments that cannot take place in the existing inner-city area. It is, however, the intention to keep the area accessible for various means of transportations if the development of the plan continues. Thus, the area has to be suitably accessible, in other terms 'multimodal'. This third step is not often applied, because most of the time in zoning plans and the accompanied plan explanation the developments are already allocated in inner-city areas. However, if the development is outside the boundaries of the inner-city area, authorities apply the third step of the ladder voluntarily in their zoning plans. This third step no longer exists in the new ladder for sustainable urbanization which was introduced in 2017.

Improved Ladder for sustainable urbanization

After an evaluation process the old Ladder for sustainable urbanization was changed from 1 July 2017 onwards. In order to improve the applicability of the Ladder for sustainable urbanization, step one and two of the Ladder have been converted. Also, an extra section has been added in order to improve flexibility to the zoning plan. It is possible to introduce the ladder in a further phase in an elaboration plan (in Dutch: uitwerkingsplan) without mentioning it in the overarching zoning plan. As mentioned before, the third step has been deleted completely. The current shape of the Ladder for sustainable urbanization is the aforementioned definition in the 'Besluit ruimtelijke ordening' article 3.1.6. It is however necessary to name the method of the old Ladder for sustainable urbanization to understand the underlying thought of this process.

It is often difficult to determine the level of sustainability of real estate. One of the reasons for this is that there is no clear definition of the concept of sustainability between municipalities, builders, investors and end users (Van der Wouden, 2017). It is therefore difficult to make suitable agreements with involved actors about the expected degree of sustainable solutions of the development. That is why the government have developed a comprehensive framework with which one can measure the environmental performance of a building. In that sense, the concept of sustainability is given a more quantitative approach. This is important because only a qualitative way of working with the

definition of sustainability has been discussed so far. Sustainability in qualitative sense entails mainly the allocation of developments in the existing urban area. As a result, green areas outside the boundaries of the existing urban area are protected. There are, however, various calculation methods to check whether buildings are sustainable. These calculations are often executed by organisations that have developed these tools commissioned by the government. These calculations are an addition to the Compendium for the Living Environment (CvL, 2018). According to Carton, Laak & Wiering (2015, p.15): 'Environmental standardization and legislation are often an obstacle to inner-city area development and densification of the existing city.' Subsequently, mitigating measures were taken to enable inner-city development, despite possible negative effects on the environment. An example of these mitigating measures is the 'National Air Quality cooperation program' (NSL) (IeM, n.d). As a result, it is possible to develop outside the assigned limit values, thereby contributing 'significantly' to air pollution¹⁰. The NSL was introduced in 2009 and has been extended several times. The main goals of the NSL are to improve air quality for public health so European limit values are met. And secondly to offer space for spatial projects and facilitating their substantiation for air quality (Folkert & Wieringa, 2006). Municipalities are obliged to follow the measures in the NSL (IeM, n.d.)

In addition to the increasing legislation concerning sustainability, sustainable measures are more and more being implemented today. This is mainly about the application of sustainable energy, and a responsible use of materials. But one of the most important factors for sustainable building is the optimization of the service life of building components and installations (SenterNovem, 2018). Nevertheless, users of buildings are reluctant to invest in these sustainable measures because they make a loss in the short term. According to various calculations, the development of a sustainable building is 5-10% more expensive in comparison to the development of a regular building. SenterNovem (2018) states that these additional costs are recovered over time by the lower maintenance costs. In addition, it can be a smart investment for project developers to profile themselves in a positive manner.

¹⁰ Art. 5.12. Wet milieubeheer

Appendix 2A
Interviewguide:
Based on the
operationalisation

Onderwerp	Dimensie	Vraag	Code
Betrokken actoren	Betrokkenheid	Welke actoren spelen een rol bij deze ontwikkeling?	Actors_role
	Betrokkenheid	Kunt u verdeling maken van betrokkenheid tussen de genoemde actoren?	Actor_involvement
	Betrokkenheid	In hoeverre worden bewoners betrokken bij het planvormingproces?	Citizen_involvement
	Leiderschap	Zijn jullie bereid om burgers meer invloed/verantwoordelijkheid te geven in het planvormingproces?	Citizen_responsibility
	Leiderschap	Is er een verschuiving zichtbaar mbt de mate van betrokkenheid van burgers in het proces?	Changing_responsibility
	Leiderschap	In hoeverre is de gemeente bereid om verantwoordelijkheden los te laten?	Releasing_responsibility
	Leiderschap	In hoeverre neemt de gemeente ook daadwerkelijk een terughoudende rol in bij het proces?	Reluctant_role
	Leiderschap	Zijn er naast interorganisatorische conflicten, ook conflicten binnen de organisatie die het proces beïnvloeden?	Reluctant_role
	Procesvorming	Leiderschap	Is er vooraf een duidelijk procesgang waarin het proces wordt vormgegeven?
Proces		Hoe gaan jullie om met veranderingen van deze procesgang?	Changing_process
Leiderschap		Is er vooraf een duidelijk rolverdeling gemaakt waarin het proces wordt vormgegeven?	Division_roles
Leiderschap		Bent u van mening dat u zich houdt aan die opgegeven rol of is er ruimte om hieruit te treden?	Changing_roles
Leiderschap		Is er voldoende vrijheid om buiten deze opgegeven rol te treden?	Freedom_roldivision
Wederzijds doel		Hoe wordt er omgegaan met meningsverschillen/tegenstrijdige meningen gedurende het proces?	Disagreement_process
Factoren samenwerking	Definitie	Is er naar uw mening een gemeenschappelijk geformuleerd probleem?	Problem_formulation
	Definitie	Wordt dat gemeenschappelijk geformuleerde probleem door alle aanwezige actoren gedragen?	Mutual_problem
	Transparantie	Is de beschikbare informatie van andere actoren transparant genoeg naar uw mening?	Transparency_info
	Transparantie	In hoeverre is die transparantie van invloed op het planvormingproces?	Influence_transparency
	Transparantie	In hoeverre zijn jullie op de hoogte van elkaars belangen/meningen/doelen?	Transparency_stakes
	Verantwoordelijkheid	In hoeverre voelt u de verantwoordelijkheid in het proces om tot het gewenste resultaat te komen?	Responsibility_actors
	Wederzijds doel	Hoe zorgen jullie voor een gemeenschappelijk doel tijdens het planvormingproces?	Common_goal
	Wederzijds doel	Is het gemeenschappelijk doel voor alle actoren gelijk naar uw mening?	Common_goal
	Vertrouwen	Hoe is het vertrouwen tussen de betrokken actoren onderling in het planvormingproces?	Trust_actors
	Vertrouwen	Welke factoren zijn naar uw mening van invloed op dit vertrouwen tussen de actoren?	Factors_trust
	Kennis	Is er naar uw mening voldoende kennis bij andere actoren om goede afwegingen te maken bij het proces?	Available_knowledge
	Kennis	In hoeverre wordt de beschikbare kennis gedeeld onderling/en is dit voldoende?	Sharing_knowledge
	Vaardigheden	Beschikt u naar uw mening over voldoende vaardigheden om uw rol waar te maken binnen het proces?	Skills_process
	Expertise (ervaring)	In hoeverre speelt eerdere opgedane ervaringen (eerdere planvorming) een rol bij het planvormingproces?	Expertise_process
	Afhankelijkheid	In hoeverre zijn jullie afhankelijk van andere actoren voor het bereiken van het gewenste resultaat?	Interdependency_result
	Afhankelijkheid	Wat voor rol speelt deze afhankelijkheid in het proces naar uw mening?	Interdependency_process
Wet- en regelgeving	Participatie	Denken jullie dat een integrale manier van werken leidt tot een beter draagvlak van een plan?	Public_support
	Participatie	Hoe groot is de bereidheid om van het initiële plan af te stappen na gesprekken met stakeholders?	Flexibility_process
	Wederzijdse winst	Is er een gevoel van een gemeenschappelijk winst tussen de betrokken actoren?	Mutual_gains
	Betrokkenheid	Voelt u zich betrokken in het planvormingproces?	Involvement_process
	Barrières	Zijn er obstakels in de huidige wet- en regelgeving die samenwerking lastig maakt?	Obstacles_law
	Wetgeving	Bent u op de hoogte van de komst van de Omgevingswet?	Environmental_act
	Wetgeving	Hoe kijken jullie (vanuit positie) aan tegen de komst van de Omgevingswet?	Arrival_act
	Wetgeving	In hoeverre voelen jullie de urgentie om met de Omgevingswet aan de slag te gaan?	Environmental_act
	Wetgeving	Merken jullie iets van een rolverandering naar aanleiding van de werkwijze met de Omgevingswet of is die hetzelfde gebleven?	Changing_process
	Wetgeving	Zijn jullie bereid om ipv sectoraal, integraal een planvormingproces in te gaan?	Integral_process
Uitkomsten praktijk	Wetgeving	Wat voor kansen denkt u dat de Omgevingswet biedt vanuit uw positie?	Chances_act
	Barrières	Op welke vlakken loopt samenwerking naar jullie mening spaak?	Barrières_collaboration
	Procedures	Zijn jullie bereid om de in beton gegoten procedures los te laten en op zoek te gaan naar nieuwe vormen van samenwerking?	Path_dependency
	Historie	Hebben jullie al eerder met de betrokken actoren in dit proces samengewerkt?	Previous_collaboration
	Historie	In hoeverre is die historie (van eerdere samenwerking) van invloed op het planvorming proces?	Process_history
	Inzet	Bent u van mening dat de inzet van alle betrokken actoren even groot is?	Commitment_actors
	Tijd	In hoeverre speelt de geïnvesteerde tijd per actor een rol bij de totstandkoming van het plan?	Invested_time

Appendix 2B: Coding scheme

Code	Indicator	Theoretical background
Involved actors		(Emerson et al., 2012)
Actors_role	Amount of actors involved	
Actor_involvement	Extent of involvement of each actor	Principled engagement
Citizen_involvement	Extent of citizen involvement in process	Capacity for joint action
Citizen_responsibility	Extent of influence of citizens	
Changing_responsibility	Extent of shift in citizen involvement	Capacity for joint action
Releasing_responsibility	Extent to which government outsources responsibilities	Capacity for joint action
Reluctant_role	Extent of willingness to release responsibilities	Shared motivation
Process		
Process_development	Extent to which process have been discussed in advance	Principled engagement
Changing_process	Extent to which actors deal with changes in process over time	
Division_roles	Extent to which role distribution has been made clear in advance	Principled engagement
Changing_roles	Extent to which actors adhere to specified roles	Principled engagement
Freedom_roledivision	Extent of freedom in which actors can step outside the specified role	Principled engagement
Disagreement_process	Extent of approach with dealing conflicting opinions	Principled engagement
Factors collaboration		
Transparency_info	Extent of transparency of available information for each actor	Shared motivation
Influence_transparency	Extent of influence of transparency on process	Shared motivation
Transparency_stakes	Extent to which actors are aware of each other's interests	Principled engagement
Responsibility_actors	Extent of responsibility to achieve the desired result	Capacity for joint action
Common_goal	Extent to which actors share a common goal	Principled engagement
Trust_actors	Extent to which actors trust each other during the process	Shared motivation
Factors_trust	Amount of factors which influence 'trust' along the process	Shared motivation
Available_knowledge	Extent to which knowledge is available for each actor	Capacity for joint action
Sharing_knowledge	Extent to which knowledge is distributed towards other actors	Capacity for joint action
Skills_process	Extent of available skills to handle role within the process	Capacity for joint action
Expertise_process	Extent to which expertise play a role in the process	Capacity for joint action
Interdependency_result	Extent of interdependency between actors for achieving the desired result	Capacity for joint action
Interdependency_process	Extent of factor 'interdependency' on the process	Capacity for joint action
Public_support	Extent to which work is done integrally in search for public support	
Flexibility_process	Extent of flexibility of the planned process	
Mutual_gains	Extent to which actors experience a feeling of mutual gains	Capacity for joint action
Involvement_process	Extent to which actors feel involved in the process	Capacity for joint action
Legislation		
Obstacles_law	Extent to which actors experience obstacles as a result of current legislation	
Environmental_act	Extent to which actors are aware of the arrival of the Environmental Planning Act	
Arrival_act	What position does each actor occupy in relation to the arrival of the EPA	
Integral_process	Extent of willingness to alter working process from 'sectoral' to 'integral'	
Chances_act	Attitude towards introduction Environmental Planning Act	
Barriers_collaboration	Amount of factors which causes cooperation to fail	
Path_dependency	Extent to which actors stick to grounded procedures	
Outcomes Practice		
Previous_collaboration	Number of times actors have worked together	
Process_history	Extent of influence of previous collaboration between actors	
Commitment_actors	Extent of commitment from each actor	Shared motivation
Invested_time	Extent of time invested by each actor in the process	Capacity for joint action

