



MARCH 2014

# QUALITY WITHOUT GROWTH

## ON THE FUTURE OF THE BUILT ENVIRONMENT

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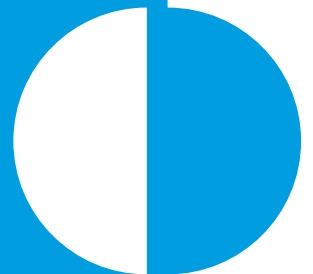
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**The Dutch version of this advisory report contains an additional analytical section.**

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# FOREWORD

How can the quality of the built environment be maintained, or brought up to the desired level, now that the necessary financial resources are dwindling due to slower demographic and economic growth, or even negative growth? This is the question addressed by the Council for the Environment and Infrastructure (Rli) in this advisory report.

The Council notes that, while this advisory report is largely prompted by the economic crisis, the issues themselves are long-term in nature. They are not a direct result of the current situation but have merely been made more apparent by recent developments. The Council further notes that the issues affect not only the regions in which slower – or in some cases negative – growth can be seen. Rather, they are manifest throughout the Netherlands. Many experts are aware of the problems and the challenges which await. However, these problems have yet to be given due attention in political and administrative circles. In the first instance, this report is therefore intended to place the issues on the agenda.

The Council has formulated a number of recommendations which are based on the premise that decisions regarding the quality of the built environment must, wherever possible, be made at the local level. This principle forms the foundations of the Council's argument in this report. The aim is to ensure that balanced and considered choices are made, whereupon the resultant quality of the built environment will be appropriate to the wishes and requirements of its owners and users. We therefore offer a number of guidelines for the benefit of local administrators responsible for realising the desired quality. The report also includes a number of recommendations for the provincial (regional) authorities and central government, partly with regard to the part they play in supporting and facilitating local authorities, and partly further to their statutory supervisory responsibilities. The Council nevertheless wishes to stress that creating and maintaining appropriate spatial quality is not solely a public sector responsibility. Various private parties also have a role to play.

This report's emphasis on the local perspective is in keeping with the Council's general vision for the future of urban areas, as described in another advisory report to be published at the same time. The two documents may be read in conjunction.

To accompany this report, the Council commissioned four researchers from the urban planning field to write an essay in which the issues facing the Netherlands are placed in an international perspective (Janssen-Jansen et al., 2012). It has been published on the Council's website ([www.rli.nl](http://www.rli.nl)) under the editorial responsibility of its authors.

The Council for the Environment and Infrastructure







# BACKGROUND AND MAIN QUESTION

# 1

The quality of the built environment has a major influence on social well-being and is an important prerequisite for a vital, sustainable economy. The question of how we can maintain and/or create the desired level of quality in the long term is therefore extremely pertinent. In recent decades, both the public and private sectors have made significant investments in the quality of the built environment. Those investments have helped to create attractive public areas and buildings of high architectural merit. They have reduced atmospheric pollution and have promoted the responsible spatial integration of major infrastructure. In the past, spatial developments have been funded not only by means of specific subsidies and investment budgets, but municipalities have also tapped into additional sources of funding by engaging in land development. Because the financial value of urban land is very much higher than that of farmland or open nature, there are significant profits to be made from developing agricultural areas into urban areas. It is not only the project developers and landowners (the former farmers) who have benefited. Many municipalities (local authorities) have also chosen to become involved in the spatial development process by buying up undeveloped land, installing the necessary utilities, and then reselling the land as 'fully serviced' construction plots. This is perhaps the simplest example. Other arrangements, such as 'building claims', concessions, and public-private partnerships, have also had a marked influence on spatial quality.

The reduced demand for development land and the decline in property prices seen in recent years have placed municipalities' income from land policy under pressure. It has been estimated that local authorities must write down the value of their land holdings by a combined total of up to EUR 6 billion, of which EUR 3.3 billion has already been subject to write-down. (Deloitte Real Estate, 2013). The financial implications are sometimes far-reaching. At least 14 (and possibly as many as 41) local authorities do not have adequate reserves to offset these losses (Deloitte Real Estate Advisory, 2012; Tweede Kamer, 2010). There are currently nine municipalities under 'special measures' (enhanced supervision). Six are in this position due to financial problems which relate directly to their land policy and activities (Tweede Kamer, 2013a).

The decline in income will also have a marked effect on spatial quality, due to the manner in which municipalities have chosen to spend income from land development in recent years. Profits from land development projects have sometimes been used to achieve a higher level of spatial quality for these projects than would otherwise have been possible. Moreover, the profits have been an

important source of income for the municipal 'development companies', which were then able to finance inner city restructuring and regeneration projects which would otherwise have been economically unviable. In some cases, the profits were even used to finance the regular maintenance or replacement of street furniture and public greenery. Both the quality and the costs of managing the built environment have risen due to the way in which many municipalities have opted to spend their land revenues. In other words, the level of quality has become dependent – at least in part – on the level of income from land development.

It is not only land revenues which have fallen. Other sources of (public) funding for spatial quality have been cut, or will be subject to a phased reduction over the years ahead. For example, the Dutch government has announced a reduction in its contribution to projects further to the 2004 Nota Ruimte (Policy Document on Spatial Development), as well as reductions in the Urban Renewal Investment Budget (ISV) and the Spatial Quality Investment Budget (BIRK) (Tweede Kamer, 2013b; Tweede Kamer, 2013c). Housing associations also have less investment capacity. In the past, much of their budget for urban regeneration projects was derived from the sale of residential property holdings. The current market situation, with its comparatively low prices and fewer transactions, has severely curtailed profits from this source. At the same time, the associations' costs have risen due to the introduction of the 'landlord levy' and the removal of their association tax exemption. Their investment capacity is therefore under serious strain.

Falling revenue from land transactions is not a temporary problem. Revenue and profit are directly related to the level of demand for new homes, offices, retail premises, and other property, and to market prices. Demand is in turn determined to a large degree by demographic and economic development. The Netherlands Environmental Assessment Agency (PBL) has produced and analysed various demographic scenarios. It concludes that the demand for urban expansion in many parts of the Netherlands will remain below the level seen in recent decades, with no recovery expected in the foreseeable future (Planbureau voor de Leefomgeving, 2010a; Planbureau voor de Leefomgeving, 2010b). In addition, the regional variation in demand will become more marked. Furthermore, uncertainty with regard to economic growth in the years to come remains significant. It is therefore impossible to forecast the likely development in demand for urban expansion, or the pace of urban development, based on an extrapolation of historic trends. The Council therefore believes that the problem of dwindling financial resources to support spatial quality is likely to be long-term in nature, continuing well beyond the current crisis. There will be areas in which demographic and economic growth will indeed be seen within a few years, but there will also be areas in which long-term stagnation or further shrinkage will be the order of the day.

The conclusion must be that many parts of the Netherlands face a long-term reduction in the primary source of funds to support the quality of the built environment. This conclusion has prompted the Council to formulate the following question underpinning this advisory report:

*How can the desired quality of the built environment be achieved and/or maintained in the long term if the primary source of funding is no longer available?*

It is this question which the Council seeks to answer by means of this advisory report. The various elements of the question are explained and defined below.

This report focuses on the built environment. The built environment comprises various components. First, there are the buildings themselves: houses, apartment blocks, shops, offices and other commercial property, garages, sheds, and so forth. Second, there are the fixtures and fittings which 'dress' the public area: paving, street furniture, and green amenities. A third, very important element of the built environment falls under the heading of spatial structure, which includes infrastructure (which determines accessibility) and various public amenities and utilities, either within the built environment itself or in close proximity. In this advisory report, we therefore consider the built environment at various geographic levels of scale, from that of the individual buildings to that of the region as a whole. For the sake of simplicity, we use the term 'spatial quality' as a synonym for 'the quality of the built environment'.

Chapter 2 describes four key features of the current system by which quality is achieved or maintained: the 'system characteristics'. Chapter 3 builds upon and modifies these system characteristics to form the basic principles of a new system. Chapter 4 proposes a new division of tasks and responsibilities with regard to spatial quality, and it is this new division which forms the basis of the Council's recommendations presented in Chapter 5.



# HOW SPATIAL QUALITY IS ACHIEVED: AN ANALYSIS

# 2

The (significant) reduction in several important funding flows places spatial quality under strain, both today and in the future. As noted above, the issues are not solely the result of the current economic crisis; they are more complex and more long-term in nature. They existed even before the recession, although it is likely that some problems were not given due attention as they were overshadowed by the enormous profit potential of spatial development. Some parts of the Netherlands suffered from a high office property vacancy rate even before the crisis (Janssen-Jansen, 2010). Moreover, the obsolescence of industrial estates was already on the political agenda in 2006 (Commissie Noordanus, 2008; Tweede Kamer, 2008). And the negative impact of large-scale retail parks on city centres was a matter of concern as long ago as 2005 (Ruimtelijk Planbureau, 2005).

The current system of spatial planning and development, which determines the level of spatial quality achieved, has a number of key features or 'system characteristics'. The Council concludes that these system characteristics serve to restrict the degree to which spatial quality can be safeguarded in the longer term, so they must form the focal points for any permanent revision and upgrading of the system. The new system must be fully equipped to ensure long-term spatial quality. This chapter describes the four system characteristics in detail.

## 2.1 Over-dependence on growth

Since the Second World War, the main objective of spatial planning and development has been to meet the burgeoning demand for homes, offices, commercial property, and shops (Van der Cammen & De Klerk, 2003; Needham, 2007). The rise in demand was fuelled by strong population growth and a marked increase in national (and global) prosperity. As a result, the *per capita* space requirement increased. The system by which quality is achieved has not merely attempted to keep pace with growth, it has been largely dependent on it. That system is so closely intertwined with economic and demographic growth that it is no longer possible to realise or maintain quality in the absence of growth.

As the funding of spatial quality has been heavily reliant on revenues derived from the sale of land for development (the very reason for this report), some municipalities have themselves become almost entirely dependent on growth, without which they are unable to balance their books. The costs of management and maintenance can no longer be met from the municipal operating budget or

reserves. It should be noted that there are also municipalities with no ambitions or requirement for expansion, and where the relationship between growth and financial capacity is far less marked.

Because the municipality's land management department – or 'development company' – made a significant contribution to municipal finances in growing municipalities, its role has actually determined the hierarchy over other municipal departments and services, according to several interviewees. The development company and the spatial planning department in growth regions were generally considered more important than, say, the departments of public works, maintenance or cleansing. This both reflected and perpetuated the focus on expansion and renewal. Moreover, the prominence of municipal development companies has had a great influence on the definition of spatial quality, whereby expansion / new developments and complete renewal are almost automatically regarded as superior to maintaining what is already in place (Wytzes, 2013).

A strong reliance on growth has also been seen in the private sector. The substantial pre-crisis demand for new real estate gave rise to a veritable 'development machine' notable for its speed and scale (Planbureau voor de Leefomgeving, 2012). In the past, some development projects were so large-scale that they could only be undertaken by a handful of large project development consortia, banks, and institutional investors.

Alongside this reliance on growth, the system includes several other elements which prevent municipalities from achieving any stabilisation or from downsizing their activities even when it would be appropriate to do so (Bregman, 2012). Article 6.1 of the Spatial Planning Act (WRO) entitles owners to claim compensation from the municipality should the value of their land or real estate fall as a result of changes to the local area development (land use) plans, even if the change affects an adjacent property rather than their own. This arrangement poses an obstacle to any effective response to overcapacity, be it of offices, retail premises, commercial property, or residential property. It applies to existing (vacant) buildings as well as real estate which has yet to be built, provided its development is not expressly excluded under current plans, visions or contracts. This is a significant risk, as the conventional response to overcapacity is to preclude any development of the same (or similar) spatial function, which may entail revoking planning permission that has already been granted. The current legislation requires municipalities to follow strict procedures and to give ample notice of such measures. Failure to do so lays them open to significant compensation claims, which is clearly a disincentive to any action intended to resolve overcapacity and overplanning (Bregman, 2012).



## 2.2 Planning, 'overplanning', and competition

In recent years, municipalities have been repeatedly urged to facilitate new spatial developments. The Council notes that some municipalities have entered into a sort of competition with each other. This has resulted in 'overplanning' and a situation in which scenarios are not always used in the manner intended.

### **Competition as a cause of 'overplanning'**

For several decades, central government has expressly instructed provincial authorities and municipalities to facilitate the growing demand for space and spatial development (see for example Tweede Kamer, 2008). Those authorities complied, adjusting their policy accordingly and producing regional and local development plans which, for the most part, focused on describing and accommodating new developments in their respective region.

Expansion – the arrival of new companies and residents – brings financial benefits to municipalities. The more businesses and households there are within its boundaries, the higher the municipality's tax revenue will be. It will qualify for higher direct government funding and will see its land revenues rise. However, there are also higher costs, meaning growth does not always result in higher spending capacity. Nevertheless, municipalities compete to attract new companies and residents, based on growth ambitions and political considerations. They did so in times of growth, but their efforts are no less intense in times of shrinkage (Verwest, 2011). In fact, it is the municipalities suffering greatest shrinkage which are now competing most fiercely to attract the limited number of new businesses and households.

Competition between municipalities has led to 'overplanning' of commercial and industrial sites, retail premises, and offices, as described in the advisory report 'The future of the city' (Raad voor de leefomgeving en infrastructuur, 2014a). A surplus of such facilities creates overcapacity and increases the vacancy rate, which may lead to an erosion of quality (Planbureau voor de Leefomgeving & Amsterdam School of Real Estate, 2013). It is for this reason that higher authorities have a role as regulator; they assess whether the total programme of all municipalities combined exceeds likely demand. However, it is a role which the higher authorities have not fulfilled with great consistency in recent years. Central government has opted to delegate most of its responsibility in this regard to the provincial authorities (Ministerie van Infrastructuur en Milieu, 2012). The manner in which that responsibility is addressed varies from one province to another.

### **Scenarios and estimates are not being used properly**

In practice, 'scenarios' are often confused with 'forecasts'. Scenarios set out various possible future situations, any of which could come to fruition (Raad voor Verkeer en Waterstaat, 2009). Forecasts or estimates set out the related

requirement for the construction of roads, homes, and so forth. Scenarios are not choices on which estimates (and budgets) can be based. It is the very differences between the scenarios which provide an insight into the uncertainties inherent in the estimates. An example of such an uncertainty is the expected number of new households in an area in order to plan the number of new homes to be built (Raad voor de leefomgeving en infrastructuur, 2013). The difference between the highest long-term growth scenario (to 2040) and the lowest is almost three million households (Planbureau voor de Leefomgeving, 2011).

The risk is that municipalities will adopt whichever estimate most closely matches their preferred scenario. The competition between them may prompt each to adopt the scenario which estimates the highest possible number of new homes and industrial sites. If the actual situation calls for a more modest construction programme, there will of course be overcapacity. It is therefore essential that scenarios are used in the appropriate manner for making correct estimates. In this context, the Council notes that the use of the ‘Sustainable Urbanisation Ladder’ – an instrument which assists in quantifying the programming requirement – is not yet standard practice.

#### **The extent of ‘overplanning’ remains unclear**

In addition, there is no structured overview of the proposed spatial plans, meaning it is difficult to arrive at any overall total for the various types of spatial functions. There are however incidental ‘subtotals’ at the subsector level. For example, an inventory of proposed office developments now ‘in the pipeline’ has been made as part of the Office Space Vacancy Action Programme (Buck Consultants International, 2011), while a similar inventory of plans for industrial estates and business parks was made in 2007 (Planbureau voor de Leefomgeving, 2007).

### **2.3 Lack of transparency**

In the Council’s opinion, the level of quality currently shown by the built environment is not in keeping with the wishes and requirements of its users. We cite four reasons.

#### **Spatial quality is influenced by many factors**

‘Spatial quality’ is a very broad and complex concept. In some cases, quality can be measured in objective terms. For the most part, however, it is subjective. Moreover, quality has various elements. The quality of a given location depends not only on the quality of the materials used, their sustainability, the architectural design, and any cultural or historic significance, but also on the interplay between the various elements in the wider area and the individual’s perception (VROM-raad, 2011). The quality of a given location can influence the direct environment

as well as that of the wider area. This is reflected by the sheer number of plans and instruments which address quality aspects in the broader context: legislation, structure plans, zoning plans, and aesthetic quality plans all devote attention to quality, as do designs. All entail an implicit consideration of the costs and returns of quality.

When implementing a development plan, the various stakeholders must respect and act upon the decisions made by the (higher) authorities at an earlier stage. Spatial quality is therefore not only an issue which plays out at various levels of scale (as noted above), but one which involves a multitude of actors.

### **The level of spatial quality was decided top-down rather than bottom-up**

For many years, the Netherlands' real estate markets were supply-led. Demand for spatial development was so high that quality – or lack thereof – had little or no influence on sales or prices. Project developers and municipalities could therefore determine the level of quality they wished to introduce to the plans. In 2012, an international comparison was conducted which revealed that this situation had given rise to uniformity in spatial projects, most of which were large-scale in nature (Planbureau voor de Leefomgeving, 2012). Many urban centres and post-war residential districts show a high degree of standardisation. Today, users are sometimes more closely involved in the planning processes from an early stage, and to good effect. The spatial quality which results from self-build arrangements, 'private clientship', and organic area development is more in keeping with the wishes and requirements of users than that of projects initiated by municipalities or project developers alone.

### **Inadequate knowledge of costs**

Central government, provincial and local authorities, housing associations, and project developers all have a significant influence on spatial quality by virtue of legislation (e.g. the Building Decree), (welfare) policy, subsidies, and investments. Most larger spatial projects involve various actors and rely on various funding flows. In addition, such projects offer opportunities for cost-spreading and 'equalisation', whereby surpluses on one project are used to cover shortfalls on another. Such opportunities are taken by both the private and public sector parties.

Due to the multiplicity of funding flows and the difficulty of monitoring them effectively (Enquêtecommissie Grondbedrijf, 2012; Noordelijke Rekenkamer, 2012), it is difficult to quantify the exact costs involved in achieving a given level of quality. Moreover, there are no indicators, 'rules of thumb' or historical data with which the development of such costs over time can be ascertained.

### **Inadequate knowledge of returns**

Investments in spatial quality can have various effects (CROW, 2012). The 'positive external effects' are often cited in terms of higher property values, a more attractive (business) location, or simply a 'better user perception' (Kamperman, 2011). Because these effects are seen at various levels of scale and involve various actors, they are difficult to quantify. The risk is that only those effects which can be measured or expressed in hard financial terms are taken into consideration when making decisions regarding investments in spatial quality.

## **2.4 Too little attention for long-term value**

As stated in Section 2.1 above, spatial development in the Netherlands has been inextricably linked with demographic and economic growth. As a result, 'high quality' is often associated with 'new', with insufficient attention devoted to the management and maintenance of existing spatial quality. This omission is likely to have negative external effects throughout the local area.

### **Too little attention for management and maintenance**

Policy and investment decisions often focus on the first phase in a spatial development's life cycle: its construction and initial occupation. In many cases, quality will be at its highest when the asset is new and being put to full use for the first time. Thereafter, and throughout the remainder of its life cycle, considerably less attention is devoted to management and maintenance. In general, quality declines as spatial objects age, or as demand for their function diminishes.

The use of sustainable materials and construction methods can slow the ageing process and hence reduce the total lifetime maintenance costs for buildings and public areas. In short, investment in sustainability makes it less expensive to maintain the longer-term quality of the built environment. The initial investments (in sustainable materials, insulation, and waste flow management) can however be high. Moreover, the actors who make this initial investment are often not those who will be responsible for the future maintenance costs. Central government has solved this particular problem by introducing the DBFMO (Design, Build, Finance, Maintain, Operate) contract form, under which a set price for all activities is agreed before work on the project begins. The contractor who erects the building or structure is also responsible for its management, maintenance and operation throughout its life cycle or the term stipulated by the contract (Algemene Rekenkamer, 2013). This type of contract works well for large, high-value development projects such as major infrastructural works. Private parties will find it more difficult to make similar arrangements since the amounts concerned are very much smaller. In practice, it is therefore difficult to take maintenance costs fully into account when making investment decisions.

Housing associations and investors in rental sector property are generally more inclined to take life-cycle costs into consideration. As owners and managers, they have a long-term interest in the quality of the residential environment. This has prompted many housing associations to make investments in spatial quality in the broader context. In the past, housing associations have been obliged to set aside reserves to cover the costs of long-term maintenance. There is a risk that the various new policy regulations applying to housing associations will undermine the positive effects of this arrangement (interview with Van Dreven, 2013).

The Council notes that both policy and practice have a strong focus on the financial aspects: money is seen as the motor of spatial quality. Both project developers and municipalities include physical quality enhancements in their cost-price calculations. As a result, other factors which contribute to quality, such as having maintenance undertaken by users during the remainder of the life cycle, are overlooked.

### **The risks of vacancy**

If the quality of the built environment is not at the required level, negative external effects will emerge. This is the case when property stands vacant for a prolonged period. The value of nearby real estate is then likely to fall, while the risk of physical decay and antisocial behaviour – including criminality – rises. At present, it is not clear who bears the risk for these negative external effects. The vacancy of an office building is, in the first instance, the owner's risk. However, if local crime rates rise or the area becomes less attractive to investors, residents and the municipal authority also have an interest. After all, the quality of the built environment is not determined solely by buildings, but also and especially by the setting in which those buildings stand.

Public and private interests are therefore at play both during and at the end of the life cycle of spatial objects. The risks are greatest when no prior agreements are made concerning the effects of any deterioration or vacancy, and when no funds are reserved to cover both foreseen and unforeseen eventualities. The problem can already be seen in regions of negative growth and wherever there is an over-supply of offices and commercial premises. There are proposals for joint funds to be established, with both public and private parties contributing towards the costs of demolition and redevelopment. This raises a further problem, in that the resources paid into these funds will often be the revenues from new developments. If they are to function as intended, these funds therefore rely on demographic and economic growth –which is not yet forthcoming in areas with negative growth. Furthermore, it is difficult to compel parties to contribute to those funds (Deloitte, 2013).

## 2.5 Conclusions of the analysis

The issues described in this chapter – diminishing financial resources and ‘overplanning’ – are long-term in nature and will not be resolved overnight even when the economic situation improves. Their long-term nature is due to a number of factors, including demographic trends (population decline) and the decrease in the business floorspace requirement brought about by new developments. Waiting for recovery and hoping for growth is therefore not an option.

The scope and impact of the current problems cannot be quantified with any degree of accuracy. It is not known what proportion of land development revenues has been reinvested in spatial quality in recent years, and neither is it possible to state how much money will remain available to support spatial quality in future. Nevertheless, it is clear that the amount will be substantially lower than it has been, and will remain so for the foreseeable future – although the effects will vary from one region to another.

In addition, the Council has identified a number of ‘system characteristics’ which have hampered the attainment of optimum spatial quality even when resources were plentiful. There has been considerable ‘overplanning’, not enough attention has been devoted to management and maintenance, while the wishes of end users have not been taken adequately into account in decision-making processes. These system characteristics form the starting points for the design of a new system. The principles to be adopted are described in the following chapter.



# PRINCIPLES OF A NEW SYSTEM OF QUALITY ATTAINMENT

# 3

**To arrive at a better system, one which does not rely on growth, the Council applies a number of principles suggested by the results of the analysis in Chapter 2. These principles are described below.**

## 3.1 Sever the link between quality and growth

The Council has sought ways in which to sever the link between quality and growth, thus achieving 'growth-independence'. Even in the absence of significant demographic and economic growth, it must be possible to maintain or improve existing spatial quality. Moreover, it must be possible to do so even in a negative growth situation. The Council sees two options:

- Growth-independence can be achieved through new financing constructions which are themselves less reliant on growth. For example, municipalities could be given new ways in which to generate sustainable revenue. At present, the incidental revenue from the sale of land is one of the few sources of income, the others being local property taxes (*onroerendezaakbelasting*; OZB) and direct government funding from the Municipality Fund (*Gemeentefonds*) budget. Additional opportunities to levy local taxes would be one option.
- Dependence on growth can be reduced by making greater use of non-financial resources in pursuit of spatial quality. Such resources include the time and expertise of local residents, municipal officials, and private parties, which are increasingly important factors in maintaining and enhancing quality. This approach will also increase residents' sense of engagement with their neighbourhood or district. It is important that owners and users are given greater opportunity to contribute towards quality in future, and not only by means of financial contributions. A condition is that they must also be actively involved in determining the desired level of quality.

### **3.2 Achieve greater regional coordination**

Regional coordination is required to preclude the negative effects of competition between municipalities. Good experience in regional coordination has already been gained in the consolidation of industrial estates and business parks. The provincial authority already plays an important role in this respect. In view of the current high vacancy rates, the Council believes that this role should be extended and strengthened. Especially in situations in which little or no growth can be expected, increasing the value of one location may have a negative effect on values elsewhere. In the past, every new development seemed able to create its own demand. Today, quality enhancements at one location are likely to detract from the attractiveness of other locations. Regional coordination is therefore increasingly important.

### **3.3 Involve all stakeholders in establishing the desired level of quality**

If owners and users are to make a full contribution to decisions regarding spatial quality, or perhaps even to make such decisions themselves, it is crucial that all considerations and options are clearly laid out. In order to properly make an assessment, each alternative quality level must be known in detail, together with the total costs and returns of investments in spatial quality throughout the life cycle. The Council feels that the outcome of such an explicit discussion and decision-making process will be a democratic and legitimate choice of quality level. It is possible, and indeed likely, that this approach will lead to greater differentiation in spatial quality, both between and within municipalities. After all, the decisions will reflect the wishes of the stakeholders, who are themselves many and various.

The Council does not regard the maintenance or improvement of the current level of quality as a principle in itself. A balanced consideration of the costs and returns will depend largely on the desired level of quality. There are instances in which a different or lower level of quality will be adequate. Lower quality does not always entail an (unacceptable) loss in the level of welfare. An alternative level of quality may even be more in keeping with the wishes of owners and users. There is, however, a lower threshold below which spatial quality must not be allowed to fall (see Chapter 4).

### 3.4 Maintain value throughout the life cycle

The quality of a location is not constant. It is dynamic, subject to ongoing change. Real estate becomes obsolete, and public areas must be managed and maintained. Efforts must be made to ensure that real estate and amenities keep pace with (changing) demand to avoid structural under-occupancy or vacancy. In a system in which users themselves have significant (if not sole) responsibility for determining the level of quality, there must be greater focus on the way in which quality of the built environment is likely to develop throughout the life cycle. Accordingly, the Council calls for less attention to be devoted to value development at the beginning of the life cycle, and more attention to maintaining value throughout the remainder of that life cycle. After all, owners and users are likely to have a long-term involvement in the location. They have a vested interest in ensuring that quality is as high as possible at the outset and does not decline thereafter. Consideration must also be given to ways in which to make the renovation of existing, obsolescent real estate more financially attractive in order to meet any short-term demand for (business) space. In the Council's view, this will be far preferable to initiating new expansion projects, not least because a focus on newbuild will make it more difficult to maintain or enhance the quality of the current stock.

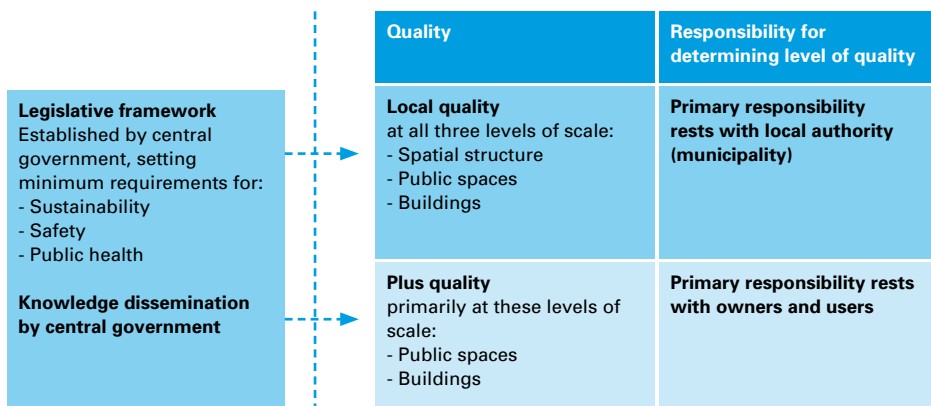


# QUALITY AND RESPONSIBILITY 4

The basic principles described in Chapter 3 have a common feature: responsibility for attaining spatial quality is brought as close as possible to the end user. This ensures that the level of quality and all contributory factors are more in keeping with the wishes and requirements of those users, and avoids making inappropriate investments in quality which is too high or too low. Moreover, the approach makes it easier to take long-term management and maintenance into account. Last but not least, it enables full advantage to be taken of users' and owners' own creativity and sense of responsibility. This chapter therefore describes the foreseen division of responsibilities between public and private parties with regard to spatial quality. In the Council's opinion, primary responsibility falls to local authorities, especially the municipality. The municipal authority is the level of government closest to those who benefit from investments in quality as well as to those who make these investments either directly or indirectly. It is therefore at this decision-making level that the costs and returns can be weighed against each other most effectively. However, this does not apply to every aspect of quality. Where flood safety is a consideration, for example, there will be a role for the regional water management authority, while decisions affecting the quality of the wider spatial structure demand the input of the provincial authority. In all cases, moreover, the owners and users of the built environment have a significant role to play. And finally, central government remains responsible for establishing the legislative framework and for facilitating the development and dissemination of knowledge.

Figure 1 shows the responsibilities of the various parties in diagrammatic form. The remainder of this chapter is devoted to explanation and discussion.

**Figure 1: Responsibilities of the parties**



## 4.1 Local quality

The 'local quality level' is the spatial quality as determined by the municipality, which must observe the minimum requirements laid down by central government. The municipality decides the level of quality in close consultation with residents and other users. The various options will form the basis of a broad societal debate between residents, municipal officials, and elected representatives, whereby open planning processes play an important role. Quality need not be uniform throughout the municipality: there is room for differentiation. The historic city centre can be given a different level of quality than an outlying residential district, for example. The inclusive debate at the local level will consider the quality of individual buildings, public spaces, infrastructure, public amenities, and the spatial structure. The wider spatial structure (at the regional level of scale) will also be subject to discussion and decision-making by the provincial authority. Where relevant, the regional water management authority is responsible for matters of water quality and flood safety.

In order to support local discussion and decision-making on the desired level of spatial quality, the Council considers it important that the decentralised authorities are allowed more opportunity to raise revenue through taxation. The resultant income will supplement the resources currently available to promote spatial quality and will facilitate the process whereby municipalities determine the desired level of quality in consultation with owners and users.

Municipalities make decisions not only with regard to their own investments but also establish the conditions which various initiatives – be they public, semi-public, or private – must fulfil in order to achieve quality and maintain the human environment. Such conditions may relate to matters such as the parking norm (number of parking spaces *per capita*) or the percentage of the real estate stock to be realised as affordable social housing.

## 4.2 Plus quality

Over and above the level of quality stipulated by the municipal authority, private parties may opt to introduce various small-scale quality enhancements. This approach is already being adopted at various locations nationwide. The Council uses the term 'plus quality' in this respect. This should not be taken to mean that the objective quality resulting from private initiatives is necessarily higher or better than the local quality; they can be different forms and manifestations of quality altogether. For example, a group of residents may decide to transform a small neighbourhood park into a nature area.



Responsibility for this plus quality rests solely with the private parties. Owners and users themselves take the initiative to redefine the level of quality in their immediate setting; they make all necessary arrangements for its creation and maintenance. Their contribution may be financial or in the form of time and expertise. Such initiatives generally relate to individual buildings (e.g. preserving heritage features), streets or public spaces. They may also relate to public amenities, as in the case of volunteers who step in to save swimming pools or supermarkets from closure.

The significant role assigned to private parties in creating this extra plus quality is based on the Council's firm belief that self-organisation within the community will lead to better decision-making and to a level of quality more in keeping with local wishes and requirements. It is emphatically not based on any desire to cut costs. The Council is fully aware that this approach may lead to differences between locations at which there is a high level of organisational ability and those at which there is not.

#### **Example: achieving plus quality under the BIZ Experiments Act**

The *Experimentenwet Bedrijven Investeringszones* (an Act based on the notion of Business Improvement Districts) came into effect on 1 May 2009 and is a good example of the manner in which the Council wishes to see plus quality achieved in practice. The Act enables a municipality to introduce a separate tax or levy in a defined area at the request of businesses in that area. The revenue thus raised finances additional local initiatives. There are, of course, conditions. First, the activities concerned must be supplementary to the local authority's statutory tasks with regard to safety, spatial quality, and 'liveability'. Second, the plus quality is to be introduced under the supervision of a foundation or other non-profit entity established by the businesses concerned.

Payment of the levy is mandatory, which raises further requirements. The initiators are expected to conduct an informal poll to assess support, whereby the response must be at least 50%. In addition, two-thirds of the business owners in the area must be in favour of the levy. There were 108 active BIZ initiatives nationwide on 1 January 2012.

Sources: Berenschot, 2012; Deloitte, 2013

### 4.3 The role of provincial authorities and central government

In the Council's view, primary responsibility for spatial quality rests with the municipality, as close as possible to the owners and users of the built environment. Nevertheless, higher levels of government have an important function. Within their regular planning processes, provincial authorities must ensure coordination between the municipalities and regions with regard to spatial functions of a supraregional nature or to functions which may compete with each other. For example, it is the provincial authority which has prime responsibility for preventing overcapacity of office or commercial space. This is the current situation in theory: the Council however wishes to stress the importance of this responsibility being fulfilled in practice.

Central government is responsible for ensuring the ongoing availability of public amenities such as the main infrastructure, and for establishing minimum legal requirements with regard to safety, (public) health, and sustainability. In terms of safety, for example, standards must be in place to mitigate the risk of flooding or incidents involving hazardous substances (see e.g. Raden voor de leefomgeving en infrastructuur, 2011). The creation of a 'level playing field' is a significant argument for legislation governing matters of external safety. Private sector organisations must be confident that legislative requirements do not create any unfair competitive advantages. The regulations which seek to prevent serious accidents or to limit their impact on human health and the environment are derived from European legislation such as the Seveso Directive.

Similarly, the Council believes that legislation intended to protect health is a central government responsibility. Much of the national environmental legislation governing air quality and noise is based on the adverse impact of pollution on human health, and is also derived from the European level. Air quality and noise levels are components of spatial quality. It should be remembered that the legislation sets minimum requirements; it is always possible to impose even stricter limits at the local level (e.g. the designation of 'quiet zones'). Finally, the Council believes that legislation governing sustainability is also a central government responsibility. Such legislation sets certain minimum standards with regard to materials and energy efficiency. Sustainability and environmental protection are not confined to any one region but must be addressed at a higher – often international – level of scale.

Having established legislative requirements, central government must also ensure that the local authorities have the financial resources required to meet and enforce those requirements. It does so by means of the payments made from the Municipality Fund budget. However, a significant proportion of the costs involved must be borne by private parties, as is already the case (e.g. investments in energy efficiency measures).

Another task of central government is to safeguard access to relevant knowledge and expertise. Government can assist municipalities to meet their responsibilities by ensuring that knowledge is readily available 'on tap'. Various knowledge and research institutes produce scenarios, growth estimates, and best practice examples. They also gather statistical data on the costs and returns of investments in spatial quality. All are crucial to the effective dissemination of knowledge. Without this information, municipalities and the stakeholders are unable to make well-informed decisions about investments in spatial quality.

Finally, central government also has a part to play in facilitating the attainment of spatial quality by local authorities and private parties. In the past, the government has explicitly created a number of opportunities to experiment with new methods and approaches for achieving spatial quality. Examples include the *Crisis- en Herstelwet* (Crisis and Recovery Act) 2010, which provides for a trial programme of space reallocation ('reparcelling') in urban areas, the *Experimentenwet Bedrijven Investeringszones* (Business Investment Zones Experiments Act), and the *Experimentenwet Stad en Milieu* (City and Environment Experiments Act). The Council is in favour of such experimentation, which allows new methods and approaches to be tested by means of small-scale pilot projects. Their advantages and disadvantages can then be identified before they are rolled out on a wider basis or made mandatory.

### Example: noise

The division of responsibilities can be clarified by means of an example. Central government has established a maximum level for environmental noise. That maximum is 63 dBA (decibel), with a 'preferred' level of 48 dBA. Within this framework and based on local considerations, a local authority can set acceptable limits for the entire municipality or for an individual district within the municipal boundaries. Suppose that the City of Utrecht sets a maximum level of 58 dBA for the Leidsche Rijn district. This means that nowhere in the district may noise exceed this level. A project developer or other private party wishing to establish an even higher level of quality may opt to install additional noise baffles which will reduce the noise level to no more than 50 dBA in part of the district.



# RECOMMENDATIONS FOR MUNICIPALITIES, PROVINCIAL AUTHORITIES, AND CENTRAL GOVERNMENT

# 5

**The Council has drawn on the analysis and proposed solutions discussed in the foregoing chapters to arrive at a number of recommendations for the three levels of government: municipalities, provincial authorities, and central government. Below, the recommendations are discussed for each relevant level.**

## 5.1 Recommendations for municipalities

Many of the modifications required to achieve the desired level of spatial quality involve the local authorities, since it is at this level that many of the relevant decisions must be taken. The Council therefore begins with a number of recommendations addressing the municipalities.

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### *Recommendation 1: Ensure awareness of what is desirable and what is affordable*

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This advisory report has been prompted in part by the financial problems faced by some municipalities following the severe fall in land development revenues. In a broader perspective, however, the Council notes that the choices with regard to spatial quality are often not made explicit or transparent. Moreover, end users are not being involved in decision-making processes to an adequate degree. The Council therefore calls for the options with regard to local quality of the built environment to be clearly set out, together with the relevant costs and returns, in order to enable a transparent and explicit assessment. Owners and users must be actively involved in the consideration of all aspects. Therefore, municipal authorities must explain the alternatives and allow all stakeholders the greatest possible opportunity to contribute to the discussion and decision-making process. This entails quantifying the costs of, say, installing street furniture or maintaining greenery. Doing so will ensure that the options are fully understood and can be discussed in a constructive manner. In the Council's view, there has not been enough consultation or constructive discussion in recent years.

One example worthy of emulation is 'Deventer bezinnigt', an interactive consultation process in which members of the public were invited to suggest ways in which the City of Deventer could increase revenue and/or decrease costs (Bruin & Zwanikken, 2012). A project of this nature greatly increases transparency with regard to what is possible and what is desirable.



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*Recommendation 2: Allow businesses and individuals to take direct action, supporting them where possible*

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The Council notes that many initiatives have been undertaken by private companies and civil groups with a view to enhancing the quality of the built environment. (For a more comprehensive account, see Planbureau voor de Leefomgeving & Urhahn Urban Design, 2012; Saris, 2012; Vermeij et al., 2012). Many such community-based initiatives are small-scale in nature, perhaps involving a children's playground, a traffic roundabout, or some cultural heritage feature, although there are also examples of larger-scale projects. All such initiatives demonstrate that companies, societal organisations, civil groups and individuals feel a sense of engagement with their surroundings and that they, as users, have good ideas about how the quality of the human environment can be better matched to their wishes (Raad voor het openbaar bestuur, 2012; Raad voor Maatschappelijke Ontwikkeling, 2013). In its advisory report 'The future of the city', the Council examines all manifestations of these 'self-organisation' and 'community-based' initiatives in greater detail, the conditions required to ensure that they will function properly and have the desired effect, and their significance to society. Those responsible often devote considerable time and effort to the projects, which represents another form of direct investment in spatial quality.

Self-organisation is not a spontaneous process. Public sector authorities still take a cautious, sometimes reluctant, view of private initiatives. There remains, for example, too little opportunity for 'private clientship' whereby an individual can buy or lease land and build his own house. The initial response is often that proposed initiatives do not "fall within the existing frameworks", whereupon permission is withheld. The Council wishes to stress that the positive intentions of civil initiatives must always be the primary consideration; they are an expression of social engagement. Officials should investigate whether it is possible to develop the initiative further, perhaps joining those responsible in exploring opportunities for improvement. The Council holds the firm belief that project initiators are more than willing to take other interests into account, provided the authorities take private initiatives seriously and are willing to enter into constructive dialogue.

The Council is mindful that, in some cases, this recommendation will require a significant change in the working methods of municipal officials and elected representatives. They must set about devising new frameworks which will allow future private initiatives the greatest possible freedom. Rather than their current role of regulator, they need to become process facilitators who support the private parties in their efforts to attain spatial quality. There are many examples in the Netherlands which demonstrate that adopting the new working methods is extremely worthwhile (Ruimtevolk, 2012; Stichting Piëzo, 2013). Projects may include the creation of shared facilities for small businesses, the restoration



of important cultural heritage, and the introduction of urban agriculture as an alternative usage for disused land.

Some municipal authorities have been successful in mobilising civil groups by commissioning private initiatives and providing project management support. A good example is the 'Landscape Cookbook' ('*landschapskookboek*'), an analysis of the various types of landscape in Apeldoorn. The project was commissioned by the City of Apeldoorn itself, which used the results to produce a 'landscape vision map' (De Jong & Harro, 2011). It then went on to produce a series of 'recipes' with which organisations and individuals could set about introducing new landscape elements. The project formed an express invitation to add plus quality to the Apeldoorn landscape.

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*Recommendation 3: Regard vacancy as a private responsibility*

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An important factor which influences spatial quality is the vacancy rate of office, retail, commercial and residential property. Public and private interests quickly become intertwined given the negative external effects in terms of spatial quality that a high vacancy rate will have. As a result, municipalities are generally quick to intervene, spending public funds as soon as the first signs of deterioration are seen.

Although this is understandable, the Council sees early financial intervention as an undesirable admixture of roles. Legislation gives municipal authorities sufficient power to compel private owners to maintain their property, even where that property is vacant.

If the municipality actively brings the problem of vacancy and physical deterioration to the attention of property owners, and does so on a regular basis, those owners will find it far more difficult to shirk their responsibilities. They – and no one else – are responsible for repairing broken windows or clearing unsightly weeds. By taking affirmative action, the local authority will clearly demonstrate that it has no intention of assuming responsibility – thus effectively rewarding private owners for their neglect. This approach will also preclude a situation in which public funds are used to solve private problems.

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*Recommendation 4: Explicate the risks of an active land policy and make them subject to formal decision-making*

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An active land policy on the part of municipalities has been an important pillar of Dutch spatial planning practice for many decades. It represents a private intervention on the land market by a public body. Active land policy is an exceptional instrument, both from the international perspective (at the scale

practised in the Netherlands, it is unique in the world) and when compared to other instruments applied in the spatial domain (active land policy is one of the few spatial instruments whereby public parties act in a quasi-private capacity). In the past, the use of this instrument has resulted in many advantages, both spatial and financial. As a result, we have come to regard its exceptional status as wholly unexceptional: a matter of course.

Until recently, the advantages of active land policy were seen to outweigh the disadvantages. The vast potential for profit has tended to obscure the financial risks to which municipalities were exposed. Land acquisition contracts and the arrangements with property developers and contractors are extremely complex, and hence difficult for the municipal council to control. In addition, the potentially large revenue streams can create an undesirable conflict between spatial and financial interests.

The Council acknowledges that active land policy has both positive and negative aspects, and hence we do not recommend that the principle and practice be abandoned altogether. However, we do consider it essential for greater attention to be devoted to the risks of active land acquisition by municipalities. Accordingly, the Council aligns itself with the recommendations made in the advisory report *'Grond voor kwaliteit'* (VROM-raad, 2009), in particular those which relate to information provision and knowledge development.

Every time land is acquired, the manner in which the land has been valued and the risks calculated must be fully transparent and capable of verification. The *Besluit begroting en verantwoording* (Budgets and Accountability Directive, Commissie BBV, 2012) sets out how this can and should be achieved. It should also be possible for each municipality to include formal criteria for land acquisition (practice) by means of a formal policy document. Doing so would enhance the transparency of communication between the municipal council (as elected representatives) and the municipal executive (Enquêtecommissie Grondbedrijf, 2012; Rekenkamer Rotterdam, 2012). Furthermore, restrictions should be imposed whereby no further land can be purchased unless intended to serve a public interest which has been subject to express discussion and debate by the municipal council. The Council's final recommendation is that the profits derived from land development should be devoted solely to expenditure of an incidental nature, not least because the income itself is incidental in nature.

## 5.2 Recommendations for provincial authorities

The provincial authorities have an important role to play in mitigating the negative effects of competition between municipalities.

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*Recommendation 5: Exercise stricter supervision of municipal finances*

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Provincial authorities must intervene to prevent ‘overplanning’ at municipal level. This is no easy task even in times of growth, and it becomes more difficult in the face of stagnation or recession. The provincial authority is the appropriate governmental lever to impose measures forcing municipalities to take any losses on land or real estate transactions. The Council calls for provincial authorities to exercise stricter supervision of municipal finances. Such supervision should focus on two aspects. First, there should be a realistic relationship between the book (‘paper’) value and the actual economic (market) value of the land. This relationship is subject to constant flux, and municipalities are generally reluctant to adjust book values in line with declining economic values. Second, the provincial authority should focus on the relationship between the difference in book value and economic value on the one hand, and the municipality’s liquid assets in the form of general reserves on the other. A major discrepancy between the two may result in unacceptable risks in terms of the municipality’s ability to cover all (operating) costs. Stricter supervision by the provincial authority will help to prevent municipalities experiencing major financial difficulties.

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*Recommendation 6: Prevent any further increase in planned capacity*

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The declining demand for (business) space has created a situation in which the current planned capacity far exceeds the short-term requirement. It is difficult to reduce the planned capacity, as various municipalities have discovered, since doing so could lay them open to compensation claims (see Section 2.1). However, it is possible to avoid liability by ensuring that appropriate notice of any reduction in planned capacity is given. Owners might, for example, be given three years in which to exercise their construction rights, i.e. actually commence the development of the site. If they fail to do so, the rights will lapse. However, it is even conceivable that this arrangement might encourage owners to forge ahead with their development plans.

In any event, the Council suggests that no planned capacity should be added for the foreseeable future unless there is an established requirement. Current planned capacity for office space and business premises would appear to be more than adequate to meet long-term demand, even in those regions which are now experiencing some growth. The inclusion of provisions in provincial regulations which stipulate that additional planned capacity for these purposes will only be permitted if a clear requirement can be shown, or if planned capacity will be reduced elsewhere, it will at least be possible to prevent the current problems from becoming any worse. Ideally, the relevant regulations should be embedded within a well-formulated spatial vision that establishes all relevant frameworks. See also ‘De toekomst van de stad’ (Raad voor de leefomgeving en infrastructuur, 2014a).

### Example: the Province of Utrecht's role in tackling the high office vacancy rate

The province of Utrecht has a very high office vacancy rate. Nevertheless, municipalities within the province have approved plans which will add a further one million square metres to the stock. The provincial authority has announced that it intends to take a firm stance to resolve this problem. In the first instance, it hopes that talks with the municipalities – a friendly ‘word in the ear’ – will have the desired effect. If not, it is prepared to exercise its right to intervene in municipal spatial policy. Provincial authorities are entitled to override, amend or cancel local area development (land use) plans, and to designate new functions for existing office locations. The provincial authority has already informed municipalities that, if forced to adopt this route, it will not provide any financial compensation.

Source: Provincie Utrecht, 2014; Bayer, 2014

## 5.3 Recommendations for central government

Central government plays an important role in establishing a number of (pre-) conditions and frameworks.

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### *Recommendation 7: Ensure access to knowledge and information about spatial quality*

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If they are to make transparent, well-informed decisions about the desired level of spatial quality, municipalities, owners and users require knowledge and information. At present, knowledge about aspects such as valuation, effects and costs of spatial quality is both limited and fragmented. Central government has an important role to play in promoting the development of that knowledge and making it available to all, thus creating a ‘level playing field’. Various organisations – including the PBL Netherlands Environmental Assessment Agency, Platform31, the Land Registry, and CROW – make a significant contribution in collecting, collating, analysing and disseminating information. Further knowledge development is essential to provide the information which authorities, owners and users need if they are to make informed decisions regarding the costs and returns of investments in spatial quality. Examples may be the sharing of ‘best practices’ developed in other parts of the country as well as the knowledge gained through experiments and trial projects. If this knowledge is properly documented and shared as ‘open data’, it will do much to enhance the spatial quality of the entire country.

A further important government responsibility relates to the way in which municipalities must respond to uncertainties. At the local level in particular, there is great uncertainty with regard to future demographic and economic development. To gain a good understanding of the likely financial consequences thereof, it is useful to structurally work with scenarios which reveal the scope of all possible outcomes. Provincial authorities should also do more to assess whether municipalities are planning ahead to an adequate degree.

A third aspect in which further knowledge development is required is the valuation of vacant property. Where vacancy rates are high and there is a supply surplus, it will of course be necessary to write down the value of real estate: that much is evident. This requires guidelines and frameworks however. Although this is initially the domain of property valuers and accountants, the write-down of real estate assets can have significant consequences for spatial quality, since restructuring may become a more financially attractive option.

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*Recommendation 8: Allow housing associations greater opportunity to invest in plus quality*

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The tasks and responsibilities of housing associations are currently subject to serious review and discussion (Raad voor de leefomgeving en infrastructuur, 2014b). The Council does not intend to add to the debate in the context of the current advisory report. However, it is appropriate to draw attention to the fact that the associations have traditionally been important partners in investments addressing quality of the built environment (see for example Algemene Rekenkamer, 2008; Beekers, 2012). More recently, the government has stated that the associations should confine their activities to the management of social housing (Rutte & Samsom, 2012). This is in keeping with the Council's vision of a transparent and controllable division of responsibilities between the parties who invest in spatial quality. In principle, the creation and maintenance of local quality is the responsibility of the local authority: the municipality.

At the same time, however, the Council does not believe that associations should be prevented from making additional investments in the public domain in pursuit of plus quality. An association is likely to have had a long and active involvement in a particular location, developing close contacts with the users. In such cases, it is therefore the ideal party to conduct a discussion with those users about the desired level of quality. If consultation with tenants reveals a high level of support for additional investments in outdoor spaces, the costs should be calculated and reported in a transparent manner, and must be charged separately from rents.

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*Recommendation 9: Extend possibilities for municipalities to raise revenue through direct taxation*

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The Council calls for a stable and robust financing system in support of spatial quality. This system must meet the desire to bring decision-making responsibility closer to the end users. Accordingly, it must offer opportunities for differentiation and choice with regard to quality levels. Ideally, the discussion about the desired level of quality should be held at the local level, involving the municipal council, owners, and users. This discussion must devote attention to the balance between costs (of both investment and life-cycle maintenance) and returns. The most appropriate financing system is one which, to the greatest extent possible, assigns the costs to those parties which will derive the benefits. The Council therefore calls for municipalities to be given greater opportunity to impose local taxes or levies.

At present, municipalities have very limited ways in which to generate revenue, with local taxation contributing only thirty per cent of the municipal operating budget (Boeijenga et al., 2011). There are various ways in which the local 'tax base' can be extended. One is to increase the rate or multiplication factor ('mill') of the existing OZB property tax paid by owners, while another is to reinstate the 'user component': the charge paid by the tenants or owners of a property. If the revenue thus raised is used in support of spatial quality, there will be a direct relationship between costs and returns: the party paying for the enhancements is the party deriving the benefits. Another option would be to introduce a general capitation tax (the model known elsewhere as the 'community charge' or 'poll tax'), revenue from which could be used for purposes other than spatial quality alone. The Council wishes to stress that the introduction of any such arrangement must be preceded by thorough research examining all effects, including those on household income and spending power. The precise form of such research falls outside the remit of the Council.

Greater opportunity for municipalities to generate revenue through taxation would not only decrease reliance on land policy income but would increase public engagement and enhance opportunities for democratic control. Moreover, such arrangements would be in keeping with the ongoing trend of decentralisation, whereby many of central government's tasks and responsibilities are being devolved to the local, municipal level. Not only will local taxation be an important topic of discussion in the council chamber, it is also likely to become a more significant factor in local elections. This will increase users' awareness of spatial quality and the decisions to be made. However, it may also mean that spatial quality comes to play a lesser role in the discussions, since the electorate may attach greater importance to other factors such as the maintenance of social provisions. The Council wishes to stress that either outcome will be the result of an explicit and democratically legitimate choice.



### Local tax base

The tax base of municipalities in the Netherlands is markedly smaller than that seen in other countries. Less than 4% of direct taxation is collected by municipalities, and in total only 5% of tax revenue is collected at the local level (Allers et al., 2013). The percentage is very much higher in countries such as Sweden (35%), the United States (42%), Belgium (44%), Germany (49%), Canada (52%), and Switzerland (54%) (Merk, 2004).

Some countries in which a high proportion of tax revenue is raised at the local level are seen by Dutch commentators as a very poor example in terms of spatial planning and spatial quality. Terms such as ‘American situation’ or ‘Belgian conditions’ are used in a deprecating manner. However, such negative associations do not apply to all countries with a large local taxation base.

There are several examples of municipal resources being consciously and conscientiously applied in the interests of spatial quality. Stockholm, for example, has made significant investments in the Hammarby Sjöstad district. This inner city redevelopment site now boasts a very high level of spatial quality, manifest not only in the sustainability of its buildings but also in the quality of public spaces and the urban (infra-)structure. In pursuit of this high quality, Stockholm opted not only to make initial investments but also to pledge an ongoing contribution to the district’s maintenance costs, which given the level of quality achieved will be higher than in other parts of the city (interview with Lena Winberg, City of Stockholm).

The call for the local tax base to be extended is not new. The Council has made a similar recommendation in previous advisory reports (e.g. Raad voor de leefomgeving en infrastructuur, 2013), as have other bodies such as the Financial Relations Council (*Raad voor de financiële verhoudingen*) (Raad voor de financiële verhoudingen, 2011; 2013) because the local level allows “a more balanced consideration of the usefulness of the desired level of amenity against the sacrifices that must be made to achieve it”.

The Council is aware that this recommendation may have the effect of increasing the financial burden for the citizen. In other words, the pursuit of spatial quality may raise household costs. Some people wish to live in an area in which greater attention is devoted to spatial quality, and are willing to pay for the privilege in the form of higher taxation. Here again, the level of the tax itself and that of the resultant spatial quality will be the result of a democratically legitimate choice.

It falls to parliament and the government to assess whether the proposed increase in the financial burden is acceptable. If not, they must decide whether it can be offset by some adjustment elsewhere, such as to the Municipality Fund budget. The Council wishes to refrain from comment on the outcome of such deliberations. If central government does wish to reduce expenditure via the Municipality Fund, the Council believes that, in the context of the very argument raised in this report, two conditions must be observed. The first relates to the 'equalising' effect of the Municipality Fund, whereby its system compensates for the imbalance between the cost structures of different municipalities. Those which must make unusually high investments to support spatial quality (perhaps due to the presence of an area of historic significance or unusual geological conditions) are compensated, at least in part, by means of higher payments. It is also appropriate to make a higher award to municipalities with a shrinking population to offset the reduction in direct revenue. The Council calls for this equalisation mechanism to be retained. The second condition relates to central government's obligation to provide the financial resources which municipalities need in order to meet the minimum requirements imposed by government itself. Here too, the Council sees no justification for any departure from current practice.

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*Recommendation 10: Devote particular attention to regions with marked shrinkage*

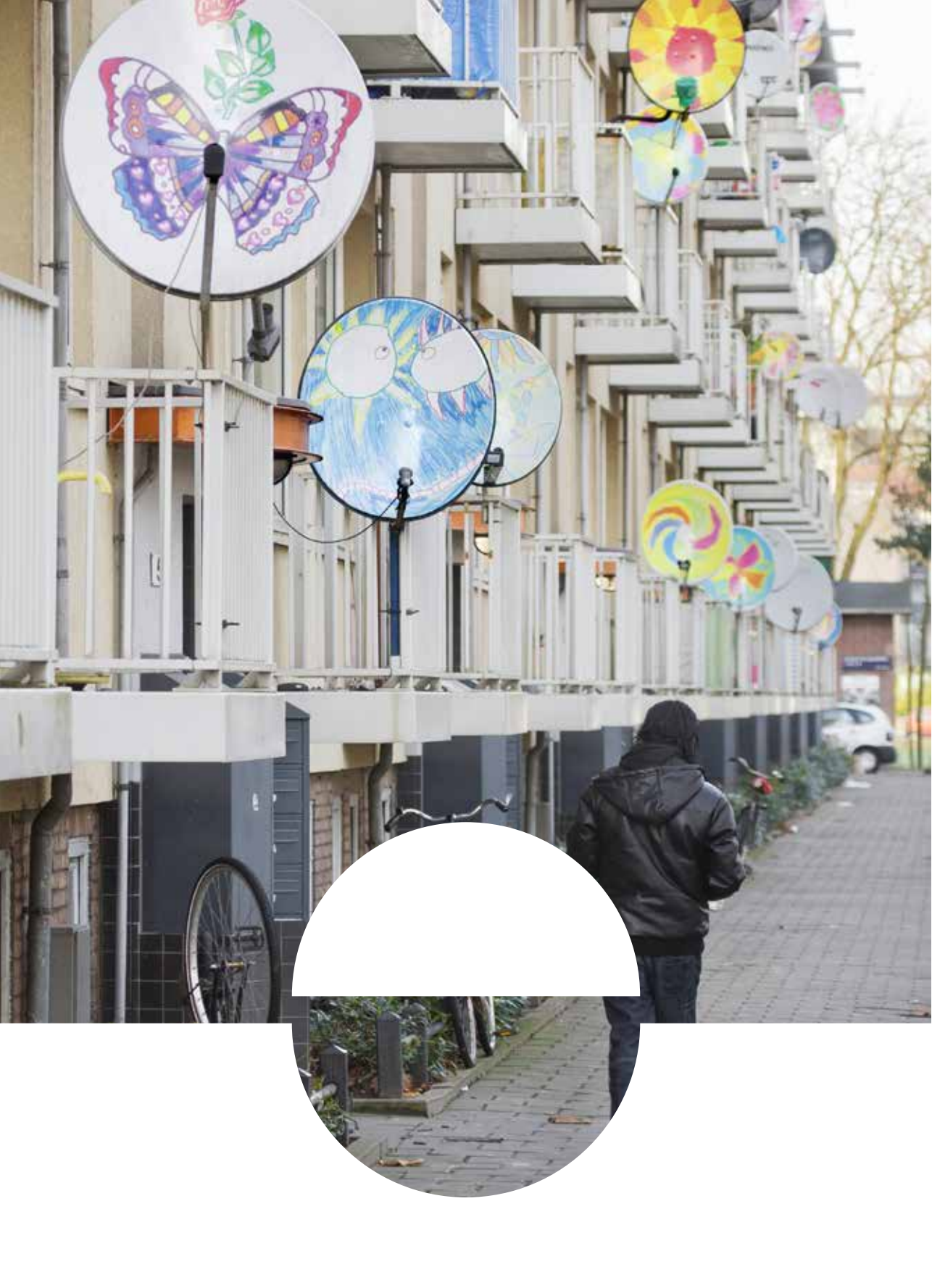
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The difficulties in maintaining spatial quality caused by the severe reduction in land policy income differ considerably from one municipality to another, as does the scope and impact of the issues at stake. In general, it may be stated that municipalities with a high dynamic (marked growth or, conversely, shrinkage) face a far greater transformation challenge than those which are relatively static. Where there is a concatenation of problems, such as a rapidly declining population alongside negative economic growth, the restructuring issues are that much greater. There will be a significant oversupply of buildings with little or no demand for any alternative usage. In addition to the major task of demolishing or transforming these buildings, and to complicate matters even further, revenue from land policy transactions will be negligible, while an expansion of the local tax base is unlikely to provide an adequate solution. If this situation persists for any length of time, there will be little in the power of individual municipalities to resolve it.

The Municipality Fund system includes a (temporary) provision whereby municipalities with a heavily shrinking population are eligible for a higher payment. However, the amount of the supplement is restricted. The Council foresees a situation in which areas of shrinkage will face long-term difficulties which they are unable to resolve themselves. If they become unable to meet the minimum requirements which the government imposes on spatial quality in the

interests of public health, sustainability, and safety, immediate intervention in the form of an additional discretionary payment from central funds is desirable.

In addition, greater opportunity must be allowed to find ways in which to offset the reduction in traditional revenue flows. In the regions experiencing shrinkage especially, we now see the emergence of 'unlikely' alliances and partnerships intent on solving the problems that have arisen: a group of volunteers may staff the local grocery store to save it from closure, or a bank may share its office space with a library. Such solutions do not always fit within the existing financial, legal and procedural frameworks. However, those frameworks date from a time in which the problems associated with shrinkage were far less acute. It is therefore important to allow a degree of flexibility so that the solutions implemented by the various alliances, particularly in regions faced with shrinkage, are given a chance to succeed. For the same reason, the Council calls for the introduction of 'experimentation zones' in which new concepts can be tested without traditional rules and restrictions necessarily being applied.



# CONCLUDING REMARKS

# 6

In the Council's opinion, the proposed changes in the way in which spatial quality is achieved and financed will give rise to a system in which the decision to pursue a higher level of quality is a deliberate one, and far less dependent on growth. The attainment of good quality of the built environment will no longer demand any further expansion of the urban area. The Council considers this a major attainment; it renders municipalities far less susceptible to the vagaries of demographic and economic developments.

The Council realises that the self-organising ability of society is not without limits, and that civil initiatives have their own specific objectives. In order to maximise the positive impact of such initiatives on spatial quality, the government has a duty to facilitate the efforts of owners, users, and other private parties. It can do so by removing obstacles, by establishing a clear framework for participation, by providing guidance, and by actively supporting local initiatives. Even then, the reduction in the available collective resources will inevitably lead to an erosion of quality in some locations. This may be the result of political and societal considerations, but administrators should never assume that the 'participative society' can (fully) compensate for the loss of collective resources.

The proposed changes also increase freedom of choice with regard to spatial quality, a significant plus point in view of the fact that individual wishes and preferences do vary. Inevitably, a result of this greater freedom of choice is that there will be differences in spatial quality in the Netherlands, both between municipalities and within one and the same municipality. The Council does not regard this as undesirable. Provided that the minimum legislative requirements are observed to preclude unnecessary risks to health, safety, or well-being, the Council considers more prominent differences to be acceptable.

The response to changing circumstances encapsulated by the Council's recommendations will increase societal engagement and support for investments in the human environment, thus increasing the democratic legitimacy of the relevant decision-making procedures. This will benefit not only the quality of the built environment but society itself.

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# APPENDIX



# RESPONSIBILITY AND ACKNOWLEDGEMENTS

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G.J. Jansen (until mid-2012)

J.J. de Graeff (from mid-2012)

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A.G.M. van de Vondervoort, acting mayor of Doetinchem

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Nijmegen: Royal HaskoningDHV.

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# OVERVIEW OF PUBLICATIONS

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The Future of the City. The Power of New Connections [*'De toekomst van de stad, de kracht van nieuwe verbindingen'*]. March 2014 (Rli 2014/04)

Quality without Growth. On the Future of the Built Environment [*'Kwaliteit zonder groei, over de toekomst van de leefomgeving'*]. March 2014 (Rli 2014/03)

Doen en laten, effectiever milieubeleid door mensenkennis. March 2014 (Rli 2014/02)

Living independently for longer – a shared responsibility of the housing, health and welfare policy domains [*'Langer zelfstandig, een gedeelde opgave van wonen, zorg en welzijn'*]. January 2014 (Rli 2014/01)

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Nature's Imperative. Towards a robust nature policy [*'Onbeperkt houdbaar, naar een robuust natuurbeleid'*]. May 2013 (Rli 2013/02)

Room for Sustainable Agriculture [*'Ruimte voor duurzame landbouw'*]. March 2013 (Rli 2013/01)

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