Europeanization Revisited: the influence of EU-policies on spatial planning in the Netherlands

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ESPON Seminar: Territory Matters
16 June, Amsterdam, Netherlands
Findings

- Content
  - Most Dutch territory affected by EU policies
  - Most do not overtly conflict, or can be resolved by planning

- Governance
  - Europeanization of planning due to both EU and domestic factors
  - National government is an intermediary between policymaking and policy implementation, cannot ignore spatial planning

- Practice
  - Europroofing is not the only strategy
  - Impact can managed with active (national) involvement!
Structure of presentation

1. Impact defined and explained
2. Impact EU on spatial planning content
3. Impact EU on spatial planning governance
4. Managing the impact of EU policies
5. Conclusions and implications
Structure of presentation

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5. Conclusions and implications
Part I

What is impact?
Number of adopted directives and regulations per year

Directives per year

Regulations per year

Total adopted

In force in 2014

Bron: EUR-Lex 2014
Asymmetric distribution of policy impact

Common Agricultural Policy

Regional policy
Air quality directives
Seveso-directive
Natura 2000
Renewable Energy Directive
WFD
Floods directive
Nitrates directive
TEN-T
TEN-E
ERDF
CAP
Public procurement
Waste water directive
Air quality directives
EU policies

Rules
(directives and regulations)
Incentives
(subsidies)
Forum
(concepts)

Mediating factors

Spatial structure
(e.g. geography, distribution GDP/capita)
Institutional structure
(legal system, spatial planning system)

Planning

Governance
Content
Practices
Part II

Impact on content
Main Spatial Structure

- Dutch spatial policy concept to indicate matters of national importance

- Visualization of subsidiarity principle: “if it’s not on the map, it is not national policy”

- Same exercise is possible for EU policies
Impact typology

• On the map
  1. Area-based designation (Seveso, Natura)
  2. Intervention required (Air/water quality)
  3. Area-based investment (Life+)
  4. Sectoral investment (CAP)
  5. Generic rules (public procurement)
  6. Territorial cooperation (Interreg)

• Not on the map
  7. Procedural rules (SEA)
  8. Projects to achieve EU-targets (energy)
  9. Governance relationships (ERDF)
EU nature policy

LIFE++-subsidies

- Friesland Buicendijke (3x)
- Alde Feanen Habitat
- Fochteloërveen (2x)
- Drents-Friese Wold
- Dwingelerveld
- Noordduinen
- Wieden
- Wetlands
- Weerribben Wieden
- Wetlands
- Weerribben Wieden
- Dutch Dune Revival
- Amsterdam Dune Project
- Leidsche Rijn
- Rietbed Filter
- Zuidlaren
- Woutersingels
- Veurke
- Wurthing heaths
- Engbertsdijksvenen
- KIrkenserveen
- Korenbürgerveen
- Winterswijk
- Zeewesten

- Brachefish Marsh
- Zeeland
--working title
- SAMARES Oosterschelde
- Loosse en Dronense Duinen
- Deurnse Peel/Mariapeel
- Wetlands Maas Limburg Kempen
**EU nitrates policy**
Nitrate levels in upper groundwater (2007–2010)

**EU air quality policy**
Areas exceeding threshold levels in 2012
EU water policy

EU Common Fisheries Policy
European spatial structure

- Most of surface area of Dutch territory covered by EU policy

- No competence (de jure) for spatial planning, but still large impact (de facto) planning

- Sectoral policies are not coordinated, some overlap... to what extent do they conflict?
Horizontal coordination

- Rural areas: overlap between CAP pillar 1 subsidies and Natura2000, WFD problem areas

- Urban areas: structure funds and state aid in same areas, Seveso and TENs
Part III

Impact on governance
Vertical and horizontal governance

- An extra level of governance; national government is now an intermediary

- Since planning is so broad, and there is no DG for planning at the EU level, many EU institutions and organizations are relevant

  - Commission: Regional and Urban Policy (REGIO), Environment (ENV), Agriculture and Rural Development (AGRI), Competition (COMP), Mobility and Transport (MOVE), Maritime Affairs and Fisheries (MARE), Climate Action (CLIMA), Energy (ENER)
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Diversity of governance regimes

- Different governance regimes per policy
- Hierarchy much more complex in practice
New domestic governance, new impact EU

- **Financial problems** can make EU funding more attractive
  - Crisis in property development
  - Cutbacks in subnational funding
  - Fiscal controls (3% rule)

- **Delegation** can create intergovernmental tensions
  - Decentralization of planning
  - Delegation of responsibility for EU-policy implementation
  - NERPE Act: passing on fines for non-compliance
Part IV

Impact on practice
Dutch planning: comprehensive integrated approach

- Seeks to integrate and find optimal solutions for competing demands for space (intersectoral, interdisciplinary, design tradition)

- Tradition of consensus-forming and compromise among stakeholders (polder model)
Het nieuwe landgoed (Ede)

2001: high trust between municipality and developer
2003: comprehensive master plan ready, high-quality mixed uses
2007: PPP set up to carry out plan
2007: complaint lodged regarding EU public procurement
2008-9: legal wrangling, EC finds Netherlands in violation
2011: municipality abandons PPP, project terminated
2012: new masterplan, fragmented and less ambitious

Dealing with EU-policies

- Potential for conflict between EU policies (compliance) and Dutch planning tradition (consensus).

- Examples: nature, air quality

- Obvious answer: Europroofing
  - EU-policies given precedence
  - Certainty above flexibility

- ...what other strategies are there?
Reinterpretation

Europe
Policy decision-making process and formulation/reformulation

Directive

Member State
Transposition and retransposition in statutory rules and regulations

Transposition in statutory rules and regulations
National government

Application and enforcement
Government authorities, judges, companies, citizens and EC

Reinterpretation

Source: Faulkner, 2005; adaptation by PBL
Content: programmatic approach

Former situation

2000
Compliance? yes or no

2005
Compliance? yes or no

2010
Compliance? yes or no

EU-norm

Programmatic approach

2000
Compliance? yes or no

2005
Compliance? yes or no

2010
Compliance? yes or no

Within total package elements are exchangeable.
Activation: relativity principle

Current residents used to be able to appeal planning decisions, even if not directly affected (e.g. noise pollution policy).

Current residents

Zoning plan for new neighborhood

No more: now just those directly affected.
Systemic reform: Environment and Planning Act

- Adapting statutory planning system to better deal with EU policies (national government)

- Environment and Planning Act (2018)
  - Takes EU system as a point of departure
  - Creates similar instruments and uses similar terminology to EU (programme)
  - Allows for rapid implementation of new EU policies via Orders in Council

- Result: more Europeanization!
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Thank You!