



PBL Netherlands Environmental
Assessment Agency

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

David Evers & Joost Tennekes

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

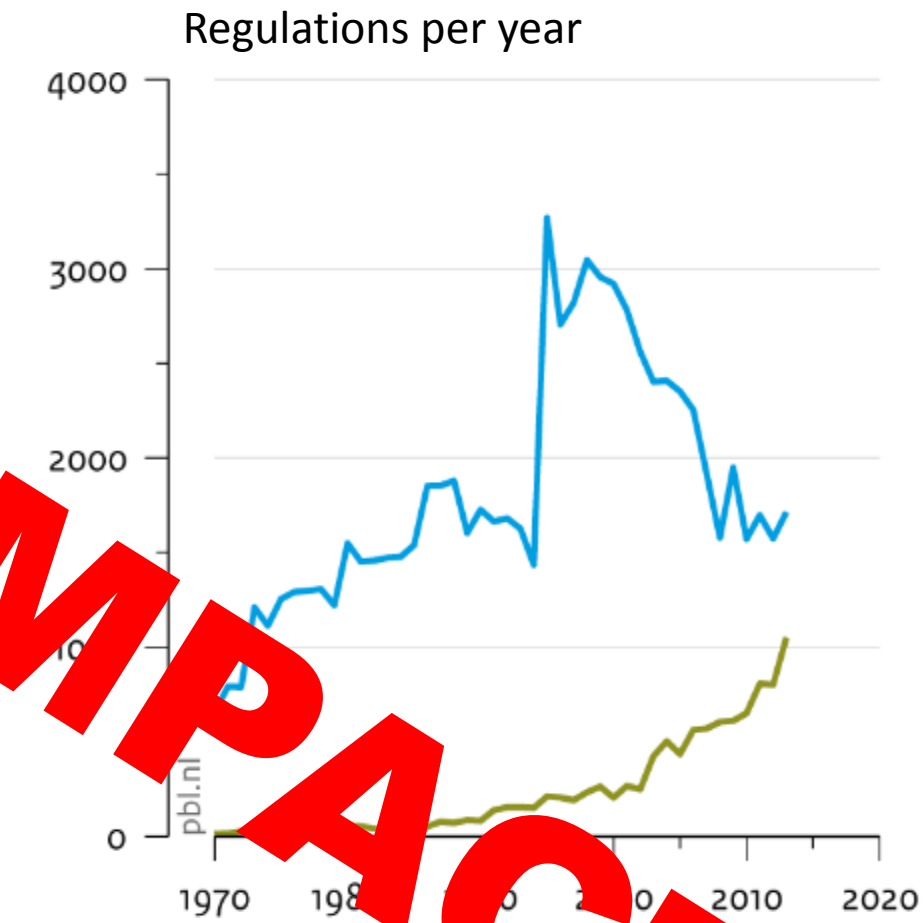
1. Impact defined and explained
- 2. Impact EU on spatial planning content**
- 3. Impact EU on spatial planning governance**
- 4. Managing the impact of EU policies**
5. Conclusions and implications



Part I

What is impact?

Number of adopted directives and regulations per year

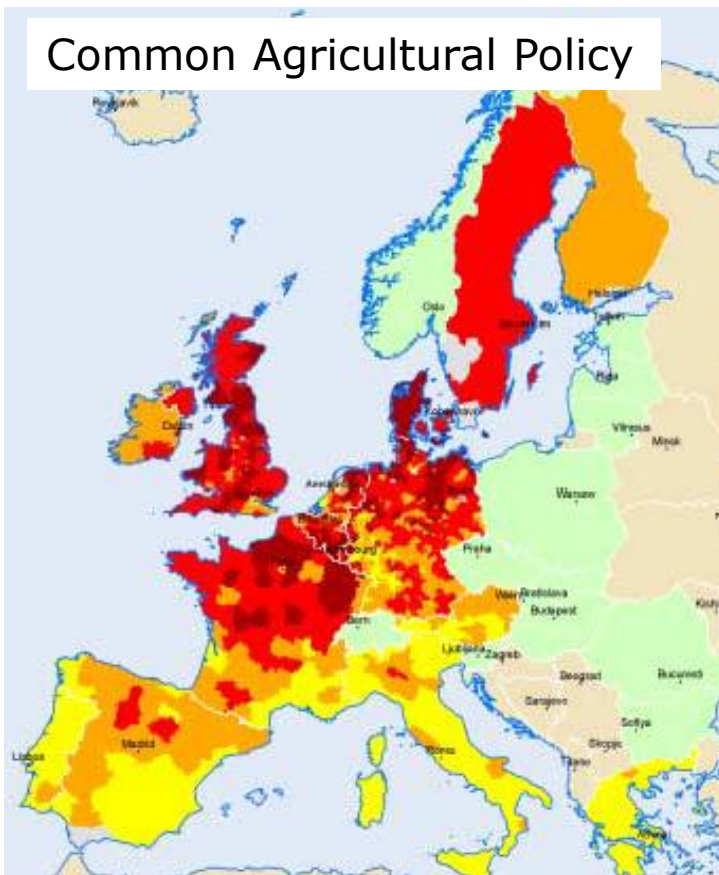


NOT IMPACT

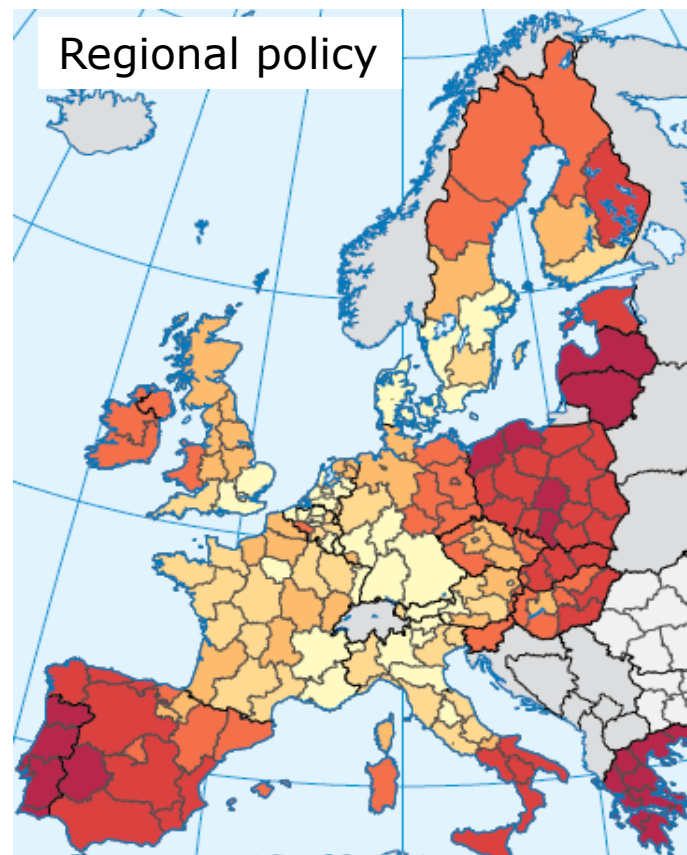
- Total adopted
- In force in 2014

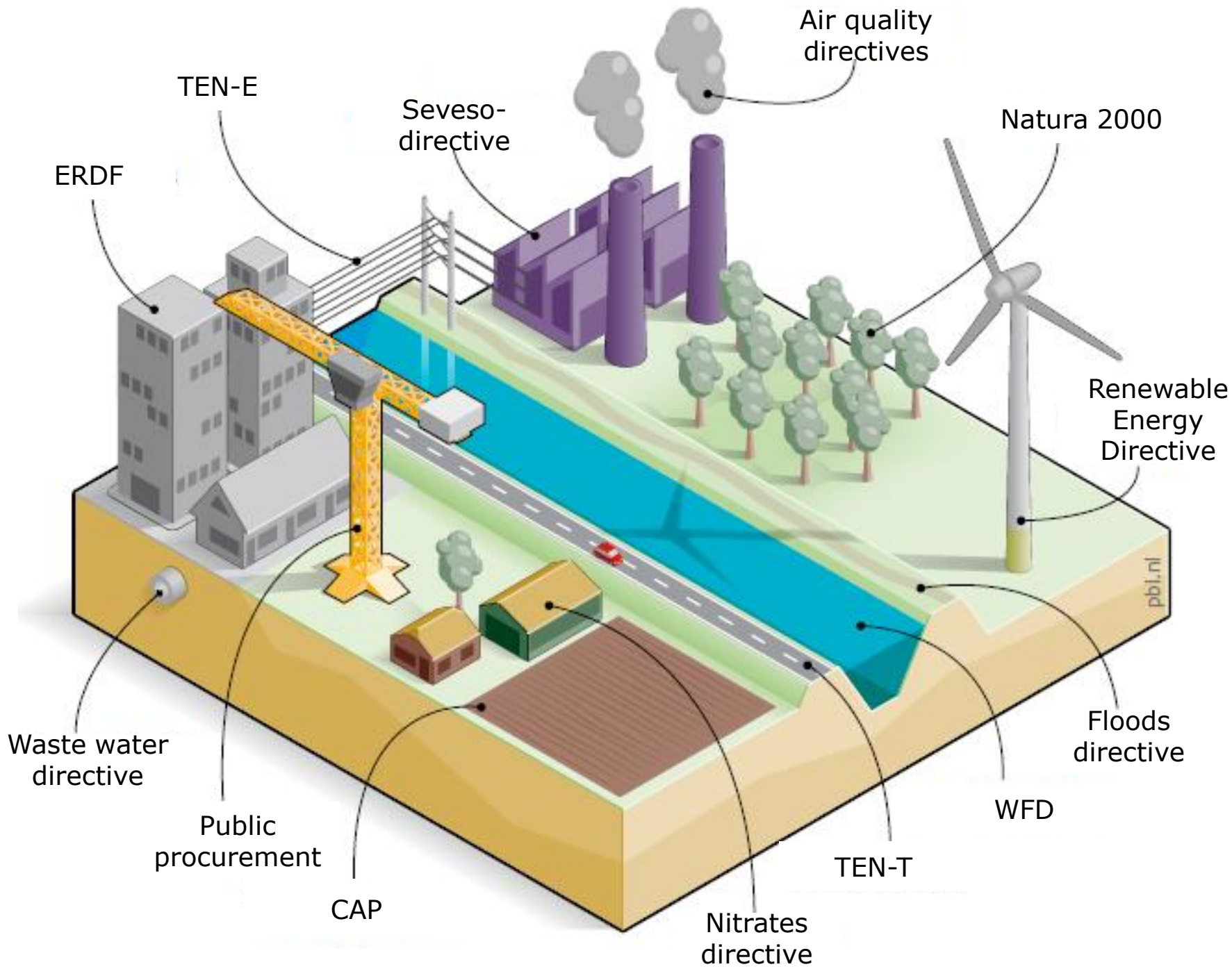
Asymmetric distribution of policy impact

Common Agricultural Policy



Regional policy







EU policies

Mediating factors

Planning

Rules

(directives and regulations)

Incentives

(subsidies)

Forum

(concepts)

Spatial structure

(e.g. geography, distribution GDP/capita)

Institutional structure

(legal system, spatial planning system)

Governance

Content

Practices

impact

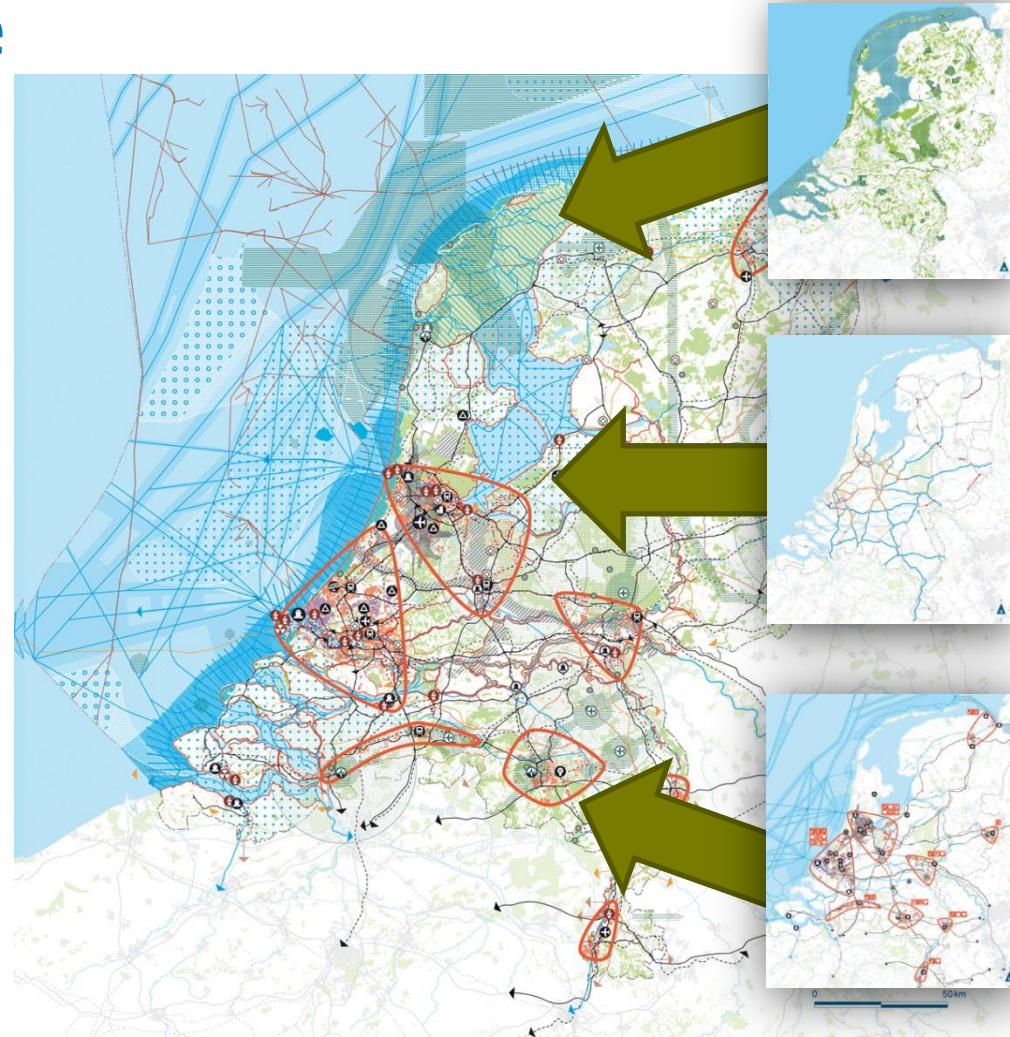


Part II

Impact on content

Main Spatial Structure

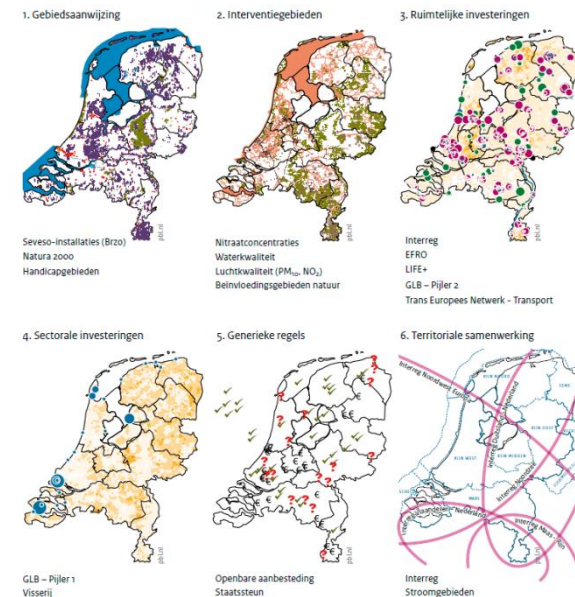
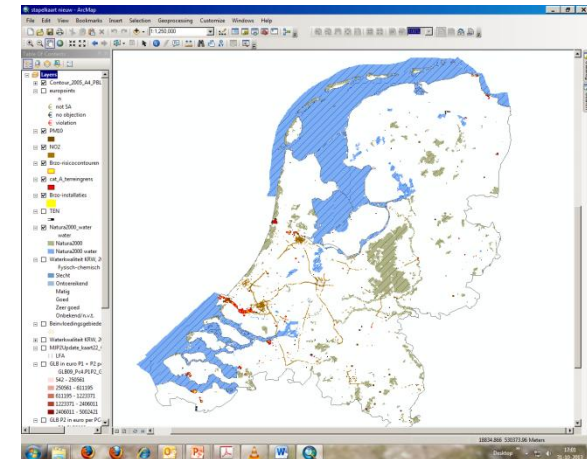
- Dutch spatial policy concept to indicate matters of national importance
- Visualization of subsidiarity principle: “if it’s not on the map, it is not national policy”
- Same exercise is possible for EU policies



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)

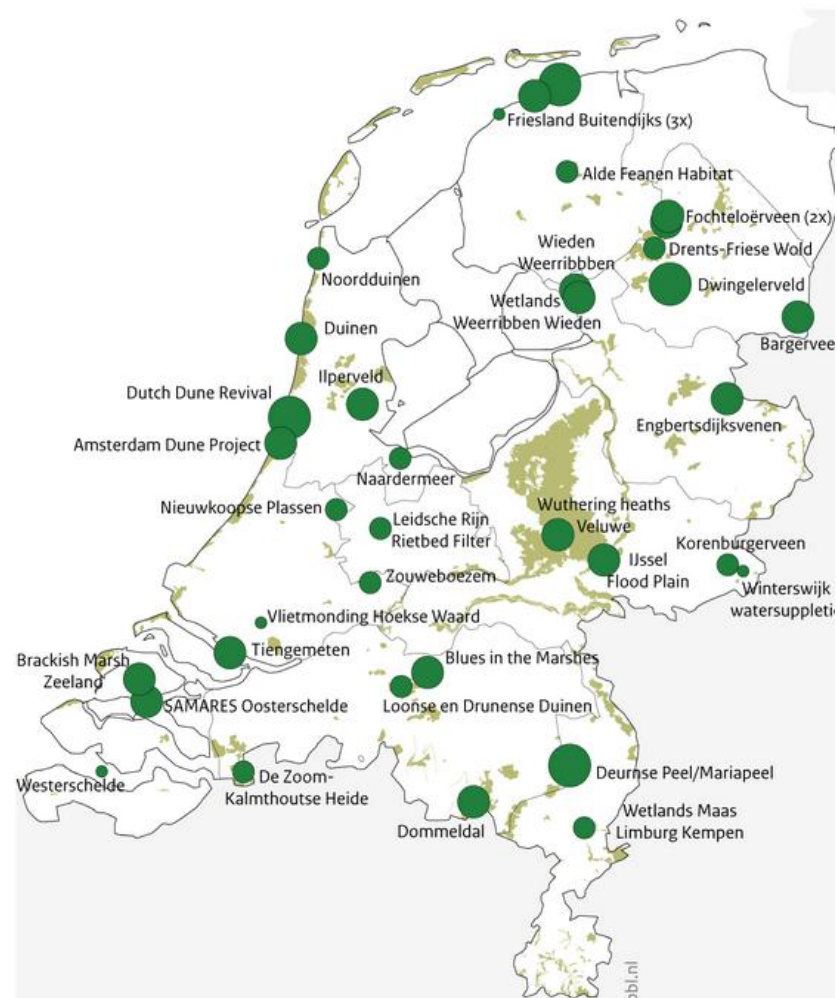
- Not on the map
 7. Procedural rules (SEA)
 8. Projects to achieve EU-targets (energy)
 9. Governance relationships (ERDF)



EU nature policy

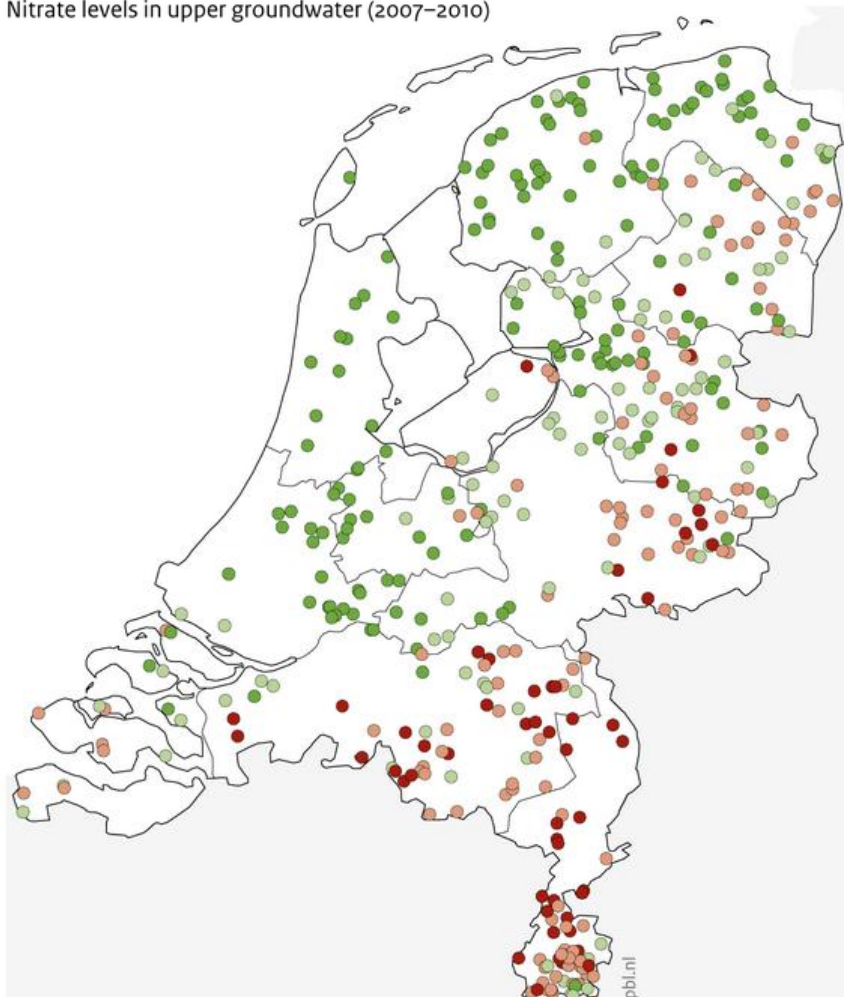


LIFE+-subsidies



EU nitrates policy

Nitrate levels in upper groundwater (2007–2010)

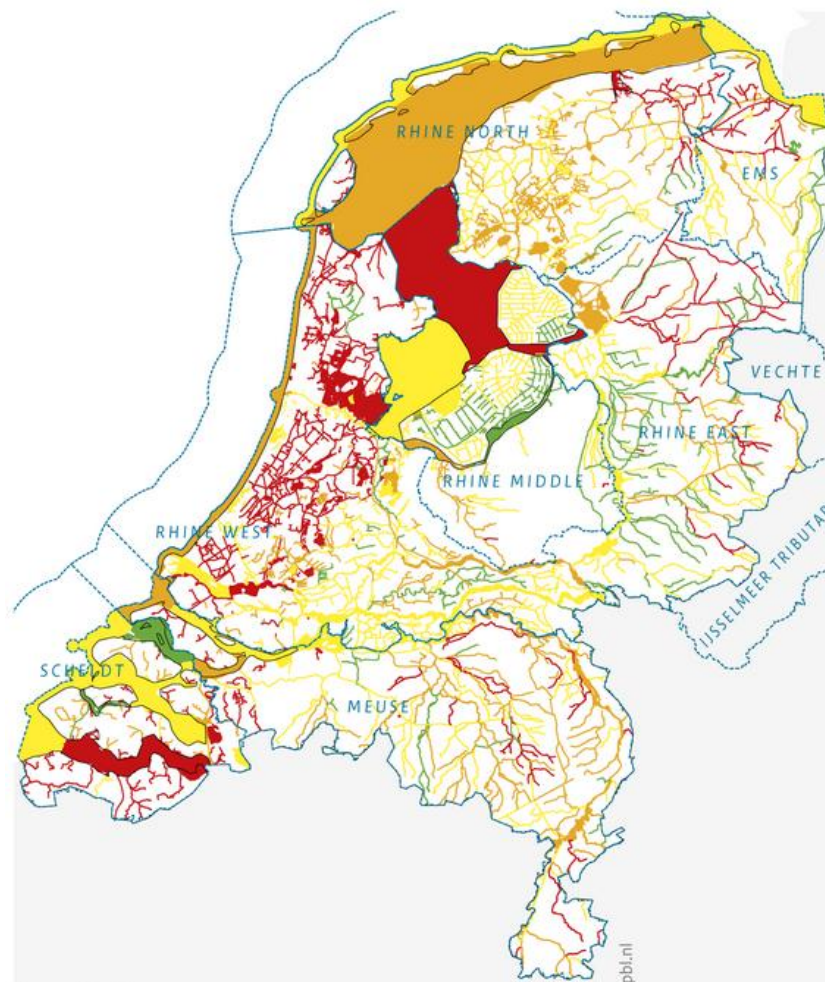


EU air quality policy

Areas exceeding threshold levels in 2012



EU water policy



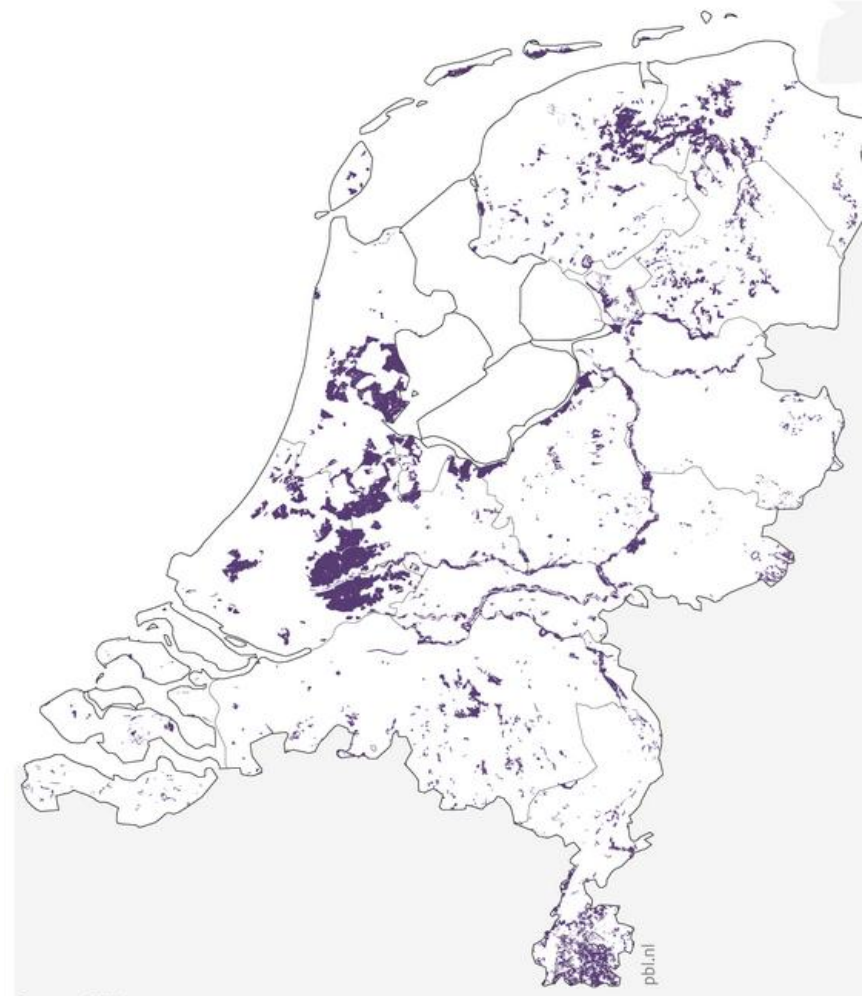
EU Common Fisheries Policy



EU Common Agricultural Policy



EU less favoured areas policy



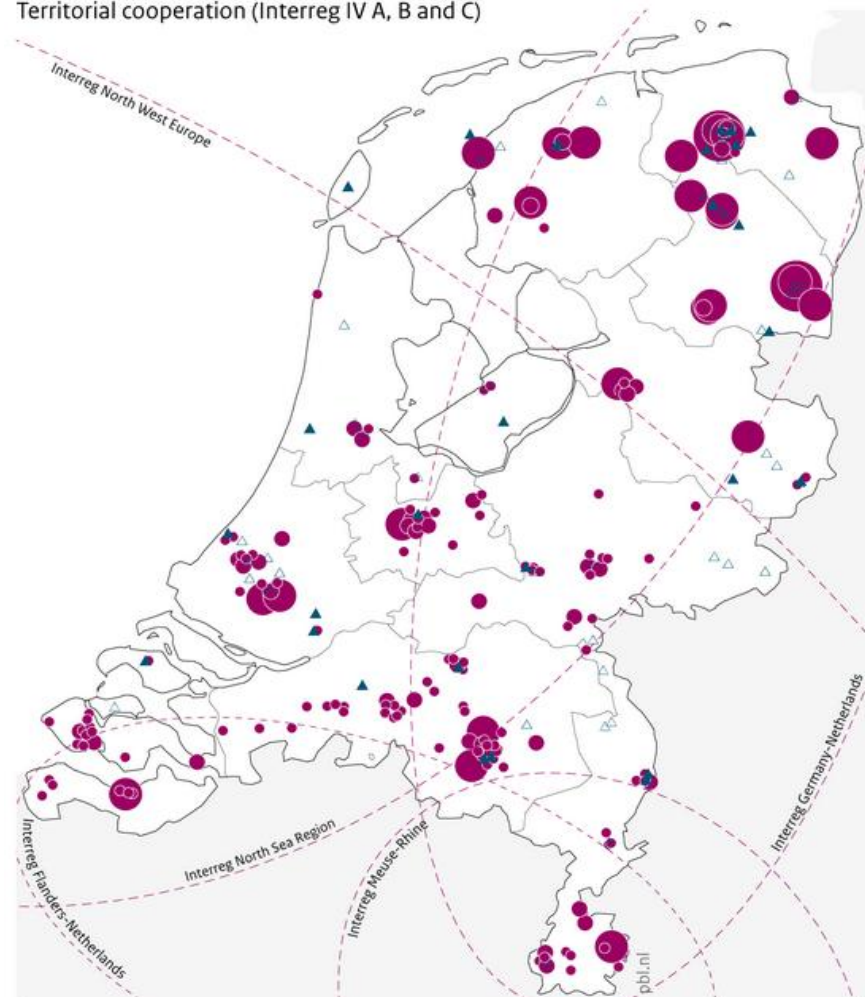
EU regional policy (development)

European Regional Development Fund (ERDF)

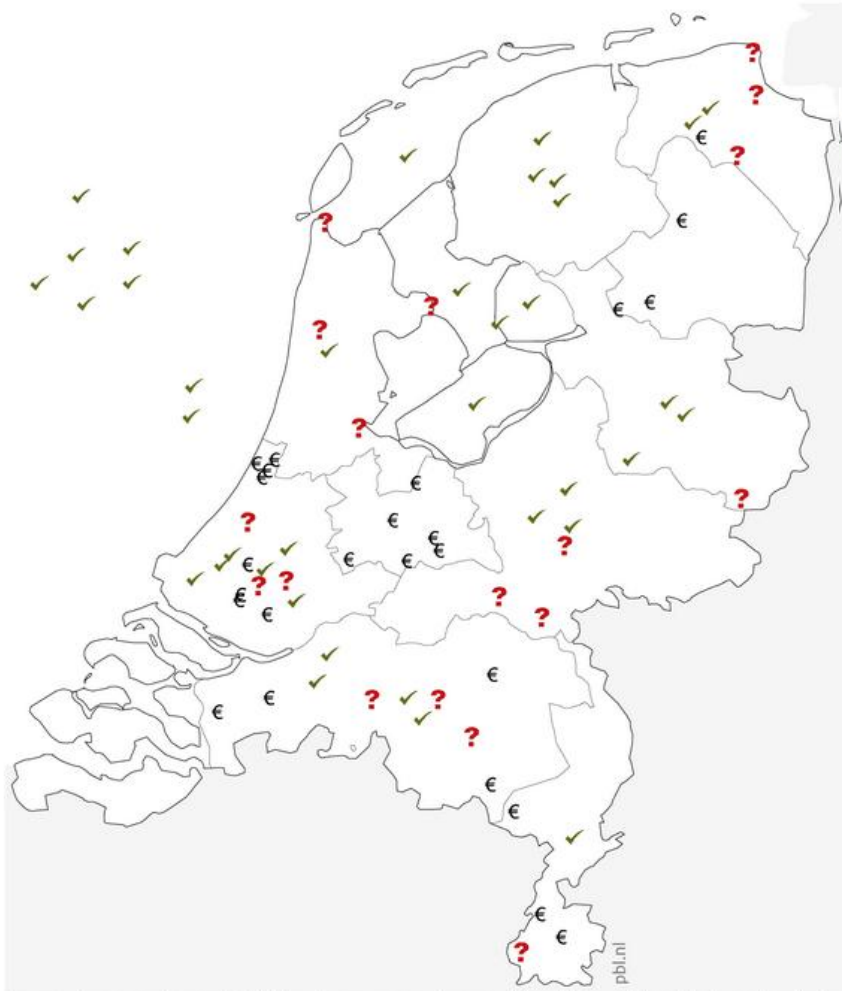


EU regional policy (cooperation)

Territorial cooperation (Interreg IV A, B and C)

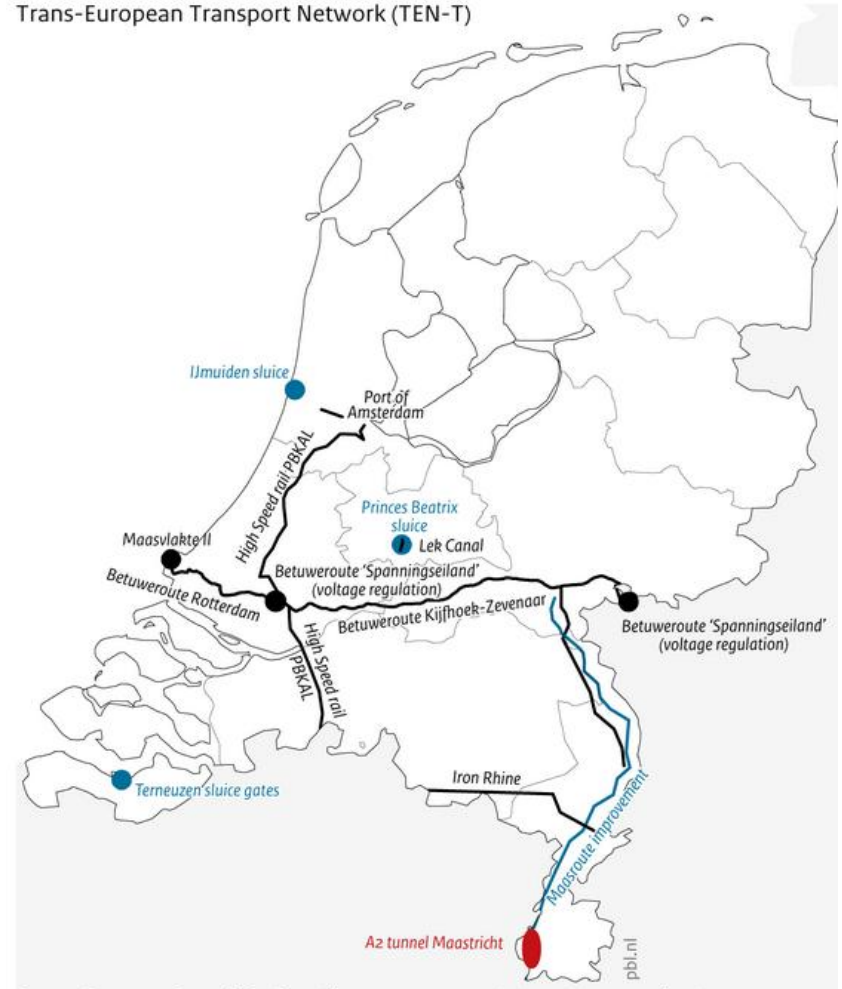


EU competition policy



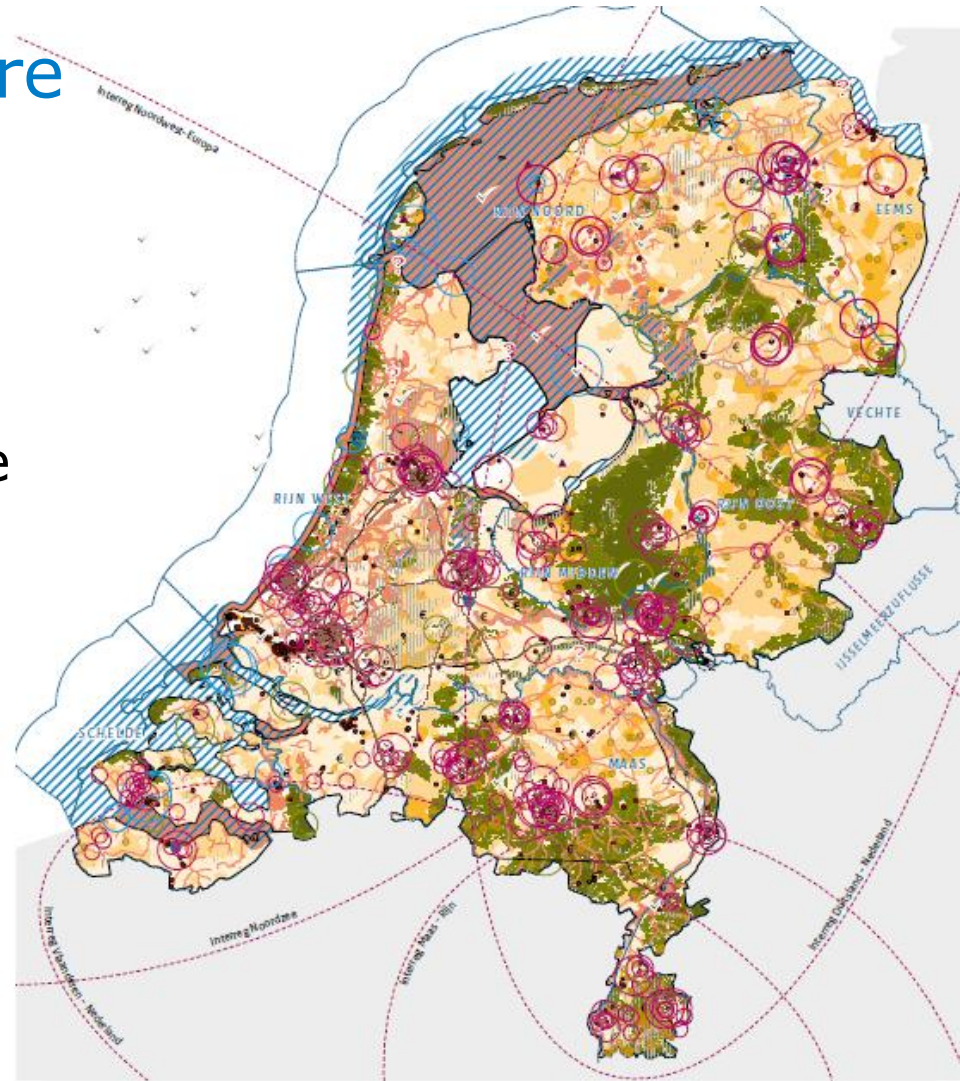
EU transport policy

Trans-European Transport Network (TEN-T)



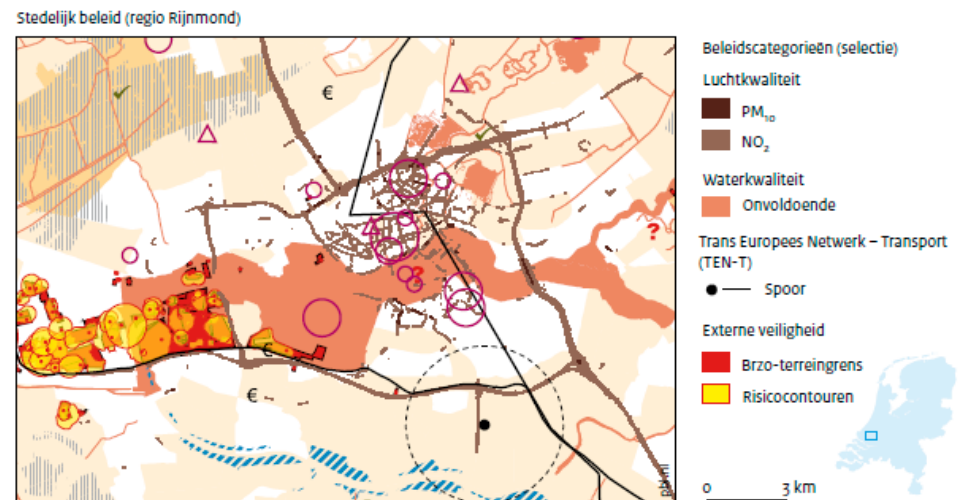
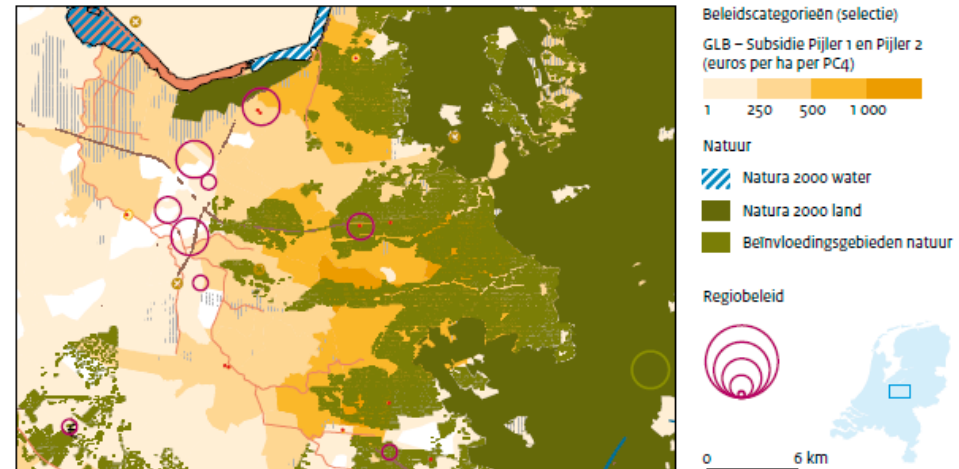
European spatial structure

- 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



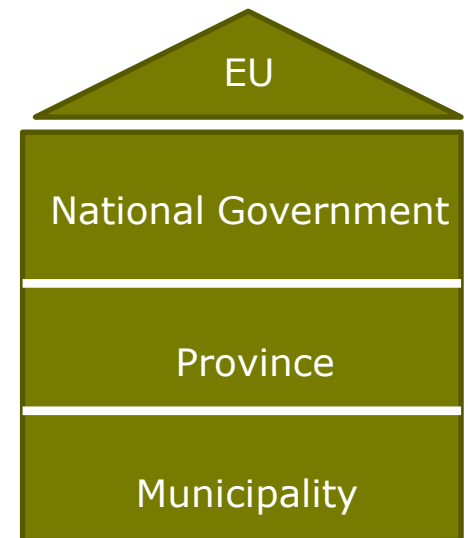


Part III

Impact on governance

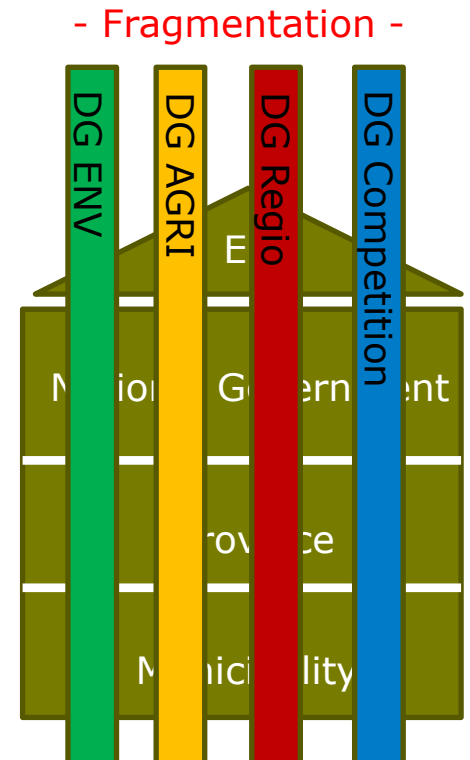
Vertical and horizontal governance

- 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)



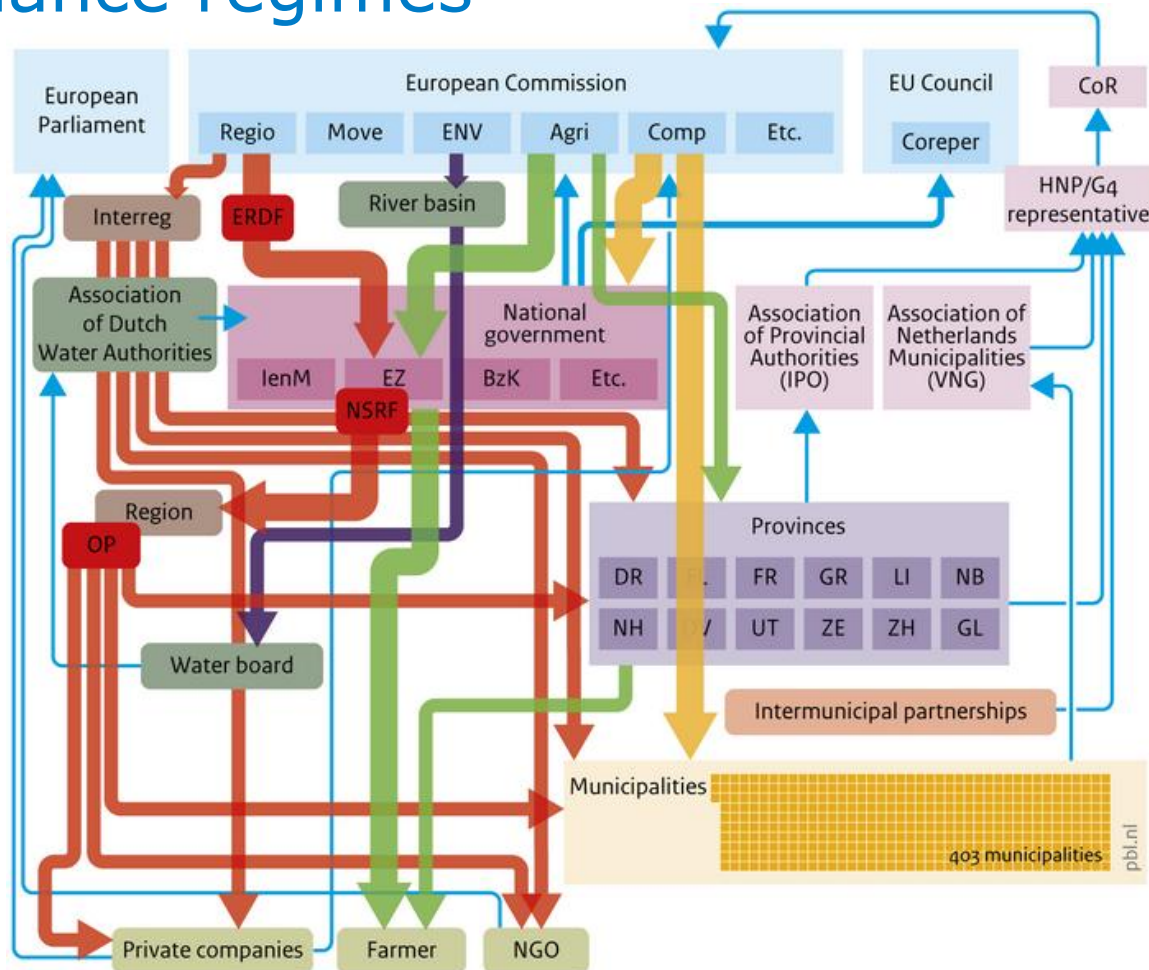
Vertical and horizontal governance

- 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)



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



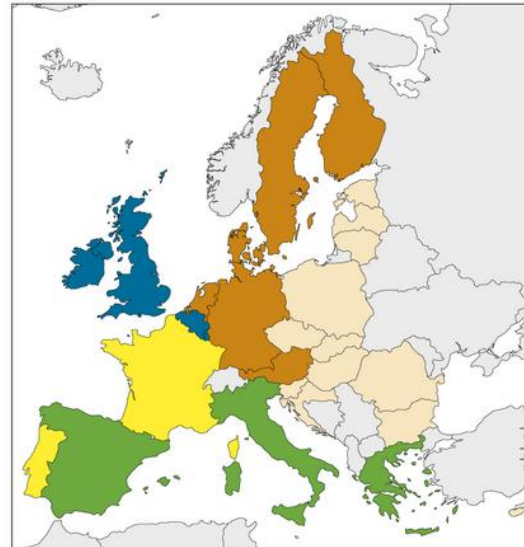
Part IV

Impact on practice

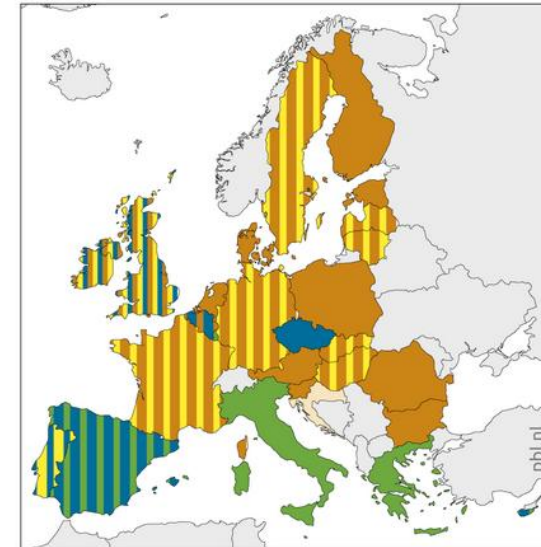
Dutch planning: comprehensive integrated approach

- 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)

1990s



2000s



Planning tradition

- Comprehensive integrated approach
- Land use planning
- Regional economic approach
- Urbanism tradition

- New EU Member States
- Non-EU countries

Source: CEC 1997; ESPON 2006



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

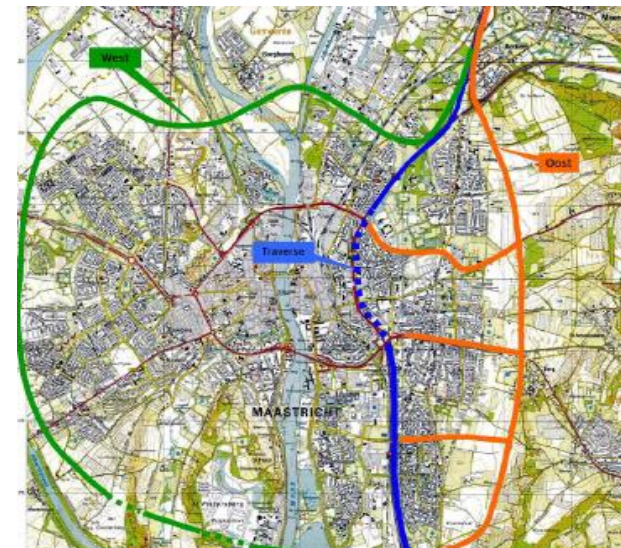
2008-9: legal wrangling, EC finds Netherlands in violation

2011: municipality abandons PPP, project terminated

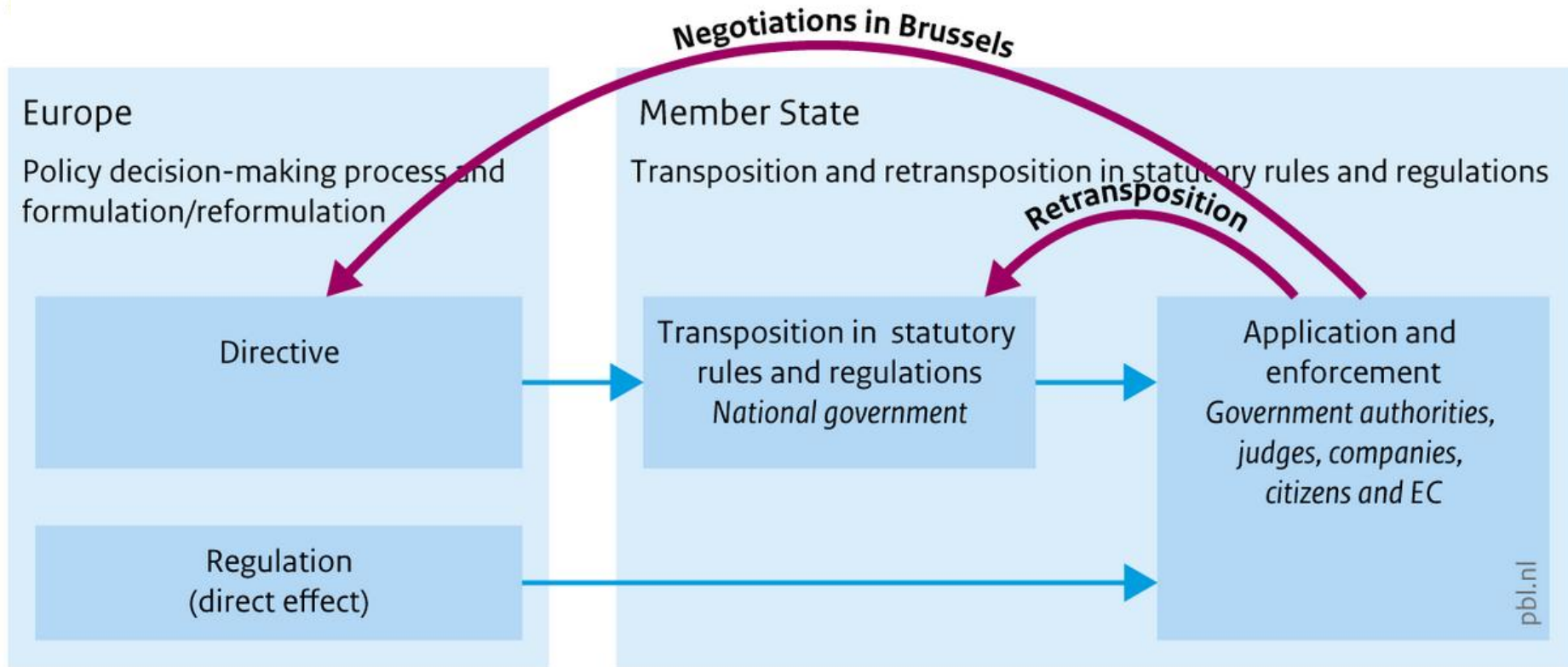
2012: new masterplan, fragmented and less ambitious

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?



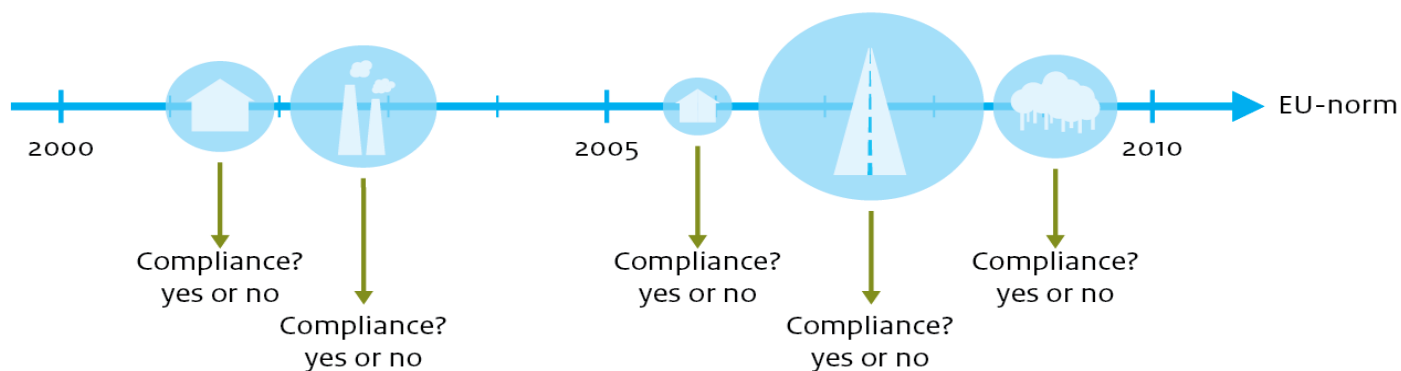
Reinterpretation



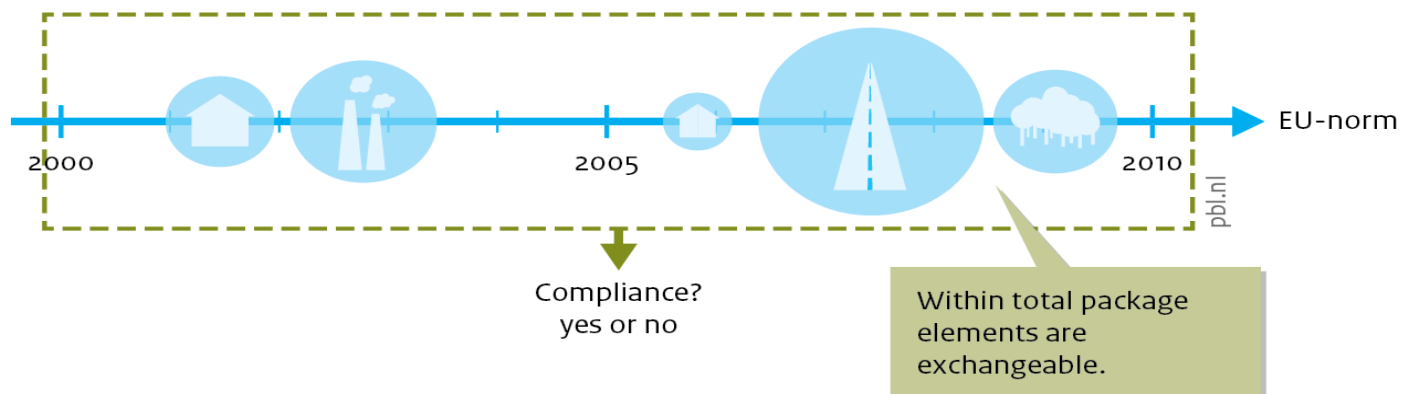
Source: Faulkner, 2005; adaptation by PBL

Content: programmatic approach

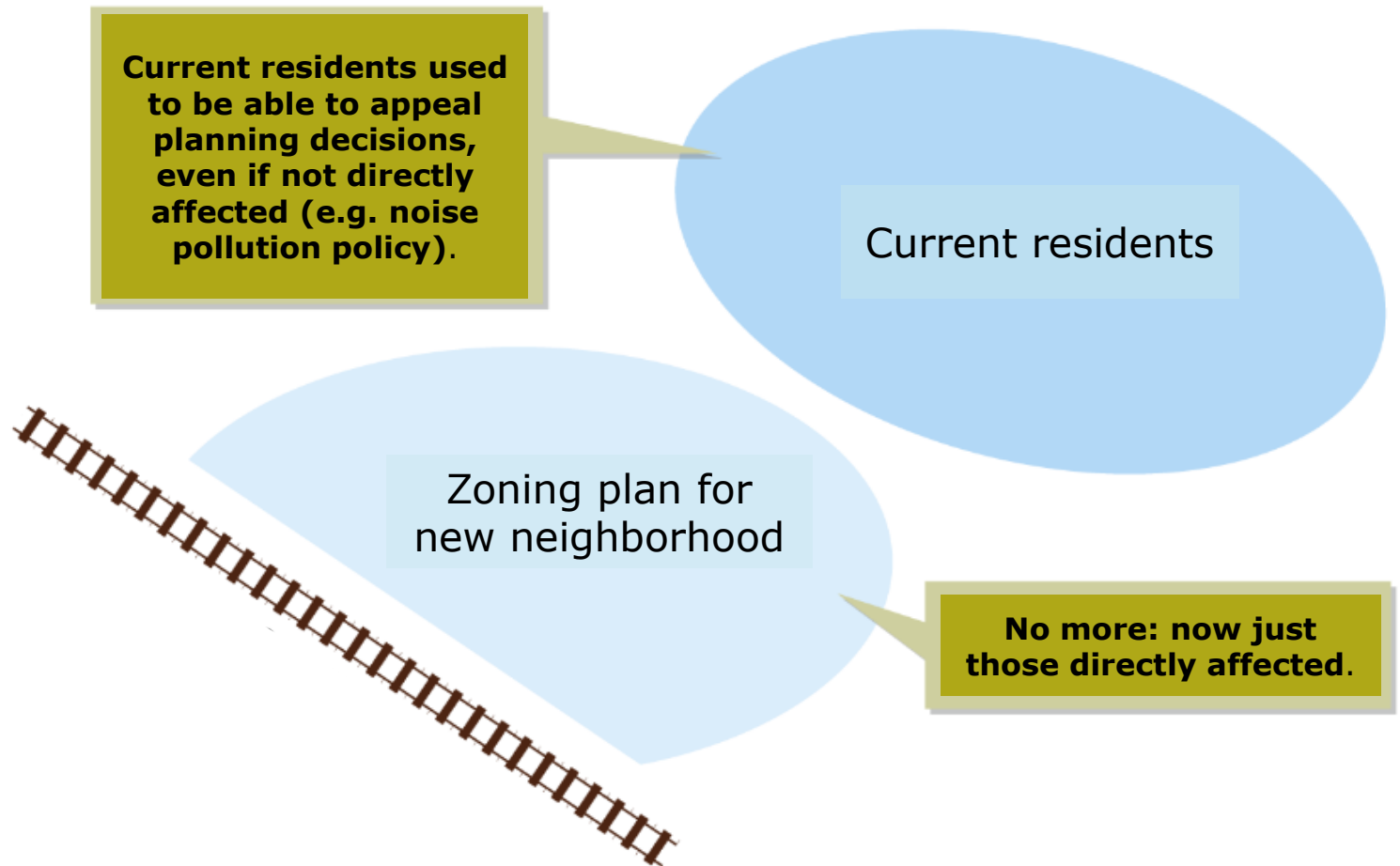
Former situation



Programmatic approach



Activation: relativity principle



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!



```
Basin
; Configure Ports A<4-0> as input
movlw 0x1f
tris PORTA
; Configure Port B<7-0> as output
movlw 0
tris PORTB
movlw 0x20
movwf PORTB

Binnen

delay_sec(1); /* wait a second before processing data */
idle = 0;
digits = 0;
data_read = 0;
while (1) <
    data = RdPortA();
    if <data & 0x1D> < /* if valid line set */
        idle = 0;
        if <data_read == 0> < /* if digit not processed yet */
            data &= 0xf;
            if <data == 12> < /* if # key */
                if <digits == 4 &&& /* check code */
                    digit1 = CODE1 &&
                    digit2 = CODE2 &&
                    digit3 = CODE3 &&
                    digit4 = CODE4 &&
                    WpPortB(0x10); /* set B<4> if correct code */
                    delay_sec(2);
                }
                WpPortB(0x00); /* reset */
                digits = 0;
                data_read = 0;
            } else <
                digits++; /* save the digit */
                data_read = 1;
                if <digits == 1> <
                    digit1 = data;
                    \dots if <digits == 2> <
```



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!

Thank You!