



# THE SIGNIFICANCE OF EUROPEAN POLICY IN THE CONTEXT OF DECENTRALIZATION OF PLANNING: THE CASE OF THE NETHERLANDS

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## Abstract

*That EU regulations impact spatial planning systems and practices in member states is a well-known fact. In the Netherlands, both spatial planning policy has been affected as well as the traditional Dutch 'comprehensive integrated' approach to reconciling competing land-use claims. Not all of this 'impact' is a direct result of European rules; the choices made when incorporating directives into national legislation and the structure of the state and civil society also strongly influence the way that EU policy comes to bear on planning systems and planning decisions. In a word: governance matters. This paper will explore the effects of EU policy within a changing governance context: the far-reaching reforms towards decentralization and deregulation. This raises the somewhat paradoxical hypothesis (considering the government's Eurosceptic disposition) that the influence of Europe is due to increase, or at least to become more visible, with the reforms.*

## 1. Introduction

Over the past decade, the key planning concept in Dutch spatial policy at the national level has been that of the main spatial structure or "*ruimtelijke hoofdstructuur*" (RHS) in Dutch. Other than previous concepts such as growth centers, concentrated deconcentration, Randstad/green heart, buffer zones, mainports or the compact city which have a substantive meaning, the RHS<sup>2</sup> is more related to governance: it indicates where national government interests are at stake. In the words of the Spatial Memorandum: "The areas and networks which the government considers to be of national importance from a spatial point of view are reflected in the national main spatial structure" (Ministry of VROM et al., 2006). This philosophy is mirrored in the Memorandum's slogan: "decentralize when possible, centralize when necessary." The recently published follow-up, the National Policy Strategy for Infrastructure and Spatial Planning (SVIR) follows this course with renewed vigor (Ministry of Infrastructure and the Environment, 2012). It drastically reduces the number of national interests by abolishing virtually all urbanization policy measures, and in so doing, has reduced the physical size of the RHS. As the influence of spatially relevant European policies have remained roughly the same, one can posit that an increasing share of the Dutch RHS is of European origin. This might seem rather counterintuitive given the vocal opposition of Dutch politicians towards "meddling from Brussels" over the past decade.

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<sup>2</sup> For sake of consistency, the Dutch acronyms will be used.

If this hypothesis is true, this will have implications for Dutch planning practice, which is traditionally based on integrated comprehensive decision-making (CEC, 1997). As they usually pay no heed to territorial specificities, EU sector policies – especially when rigidly articulated – sometimes come into conflict with a planning practice which attempts to optimize the use of space and fairly balance competing land-use claims. Empirical research on area-development projects in the Netherlands has found that anxiety about potential delays or fines for noncompliance with EU regulations has caused developers and other involved parties to be extremely cautious. As a result, land-use plans are drawn up which seek to be as “Euro-proof” as possible by inserting detailed legal provisions that leave little up to chance. A side effect of this practice is that interests that are covered by EU policy, such as clean air and biodiversity, gain precedence over those which do not, such as the provision of social housing (Zonneveld et al., 2008). Although a Euro-proof plan is legally the safest option, it can produce suboptimal solutions as not all interests are taken equally into consideration. This trend for placing legal security above optimized land use will be intensified by a law that allows the national government to pass on liability for EU policy compliance, including any punitive fines incurred, to lower tiers of government (Eerste Kamer, 2011).

A second consequence of the current reforms are shifts in governance vis-à-vis the European Union. The decentralization and deregulation of spatial policy has been accompanied by cutbacks in funding. On the one hand, this can lead to reduced attention for national interests that have been decentralized (rather than abolished) in absolute terms, which, by corollary, increases the weight of European policy in relative terms. On the other hand, the cutbacks may prompt a search for new sources, including European funds. As these are not given freely, but require an entire system of monitoring, co-financing and cross-compliance with other European policies, this will heighten the influence of the EU on domestic policies at the subnational level. Moreover, as many funds include requirements for international cooperation, some Dutch regions might experience a shift in attention (and potential allegiance) from the national government to, for example, their German or Flemish partners when drawing up spatial policies or carrying out spatial development projects.

In short, the decentralization of national spatial policy instigated by a predominately Eurosceptic government is likely to increase, rather than diminish, the influence of the European Union in the Netherlands.

In order to support this claim, this paper will first sketch out how the EU affects the planning system and spatial development in the Netherlands (Section 2). Next, the paper will describe the changes being made in Dutch planning (Section 3). The final sections reflect on how these changes affect the extent to which European Union policies impact on spatial planning and development in the Netherlands.

## 2 European policy and Dutch spatial planning

For a long time, the impact of the European Union on spatial developments was not readily visible. On the one hand, EU policy is generally not place-based but generic and policy aims usually do not take into account specific impacts on particular locations. On the other hand, as European policies are often incorporated into national legislation, the impacts are often attributed to domestic, rather than European, regulation. Over the course of the 2000s, the relevance of the EU for planning has become widely accepted in the Netherlands (e.g. Van Ravesteyn & Evers, 2004; Jansen-Janssen et al., 2006; VROM-raad, 2008), especially around mid-decade when a large number of construction plans were suspended by the Dutch courts for being in conflict with EU air quality standards. This section will explore some of the ways in which Dutch planning is affected by the European Union. First, a conceptual framework is presented and the different kinds of impact (i.e. on practice, content and governance) will be discussed. Next, several specific sector policies will be elaborated to illustrate this.

### *Impact defined and explored*

How is Dutch planning being influenced by European policy? When addressing this question, one can first make a distinction between *substantive* and *procedural* impacts. The first type affects the content of planning – land-use or spatial development – while the second category affects the planning process, such as the timing, sequencing and duration of tasks, but also which parties are involved and how they relate to one another. The impact type is not necessarily related to the rationale behind the European policy. Policies designed to address a substantive issue, such as water quality in the Water Framework Directive, can sway institutional relationships, such as those resulting from partnerships at the level of river basins, and therefore practices. Conversely, procedurally oriented policy can have substantive impacts, such as the Strategic Environmental Assessment, which although only inserting an

extra task into the planning process, has affected the content of countless plans. The figure below depicts how EU policies can directly affect spatial developments (1) or planning practice (2). Most of the time, however, this impact takes place through the policy system of the member state (3). In addition, many domestic policies (4) which are unrelated to European policies, also affect planning practice and content. The thesis of this paper is that the latter (4) is losing ground in relation to the first three.

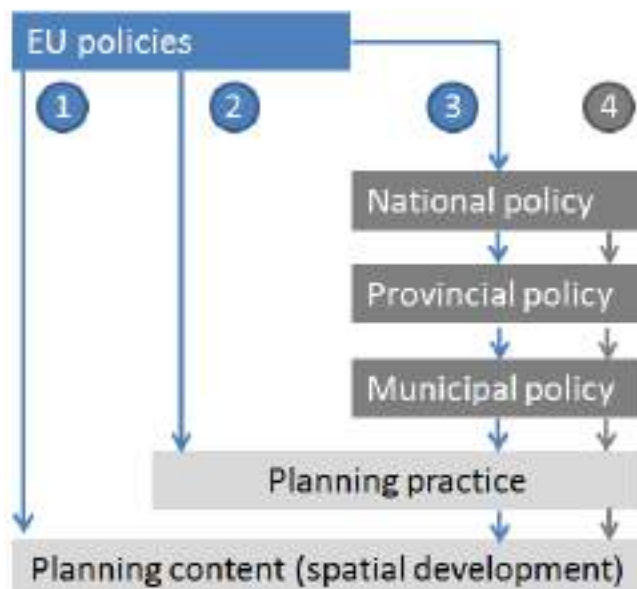


Figure 1: divergent impact routes

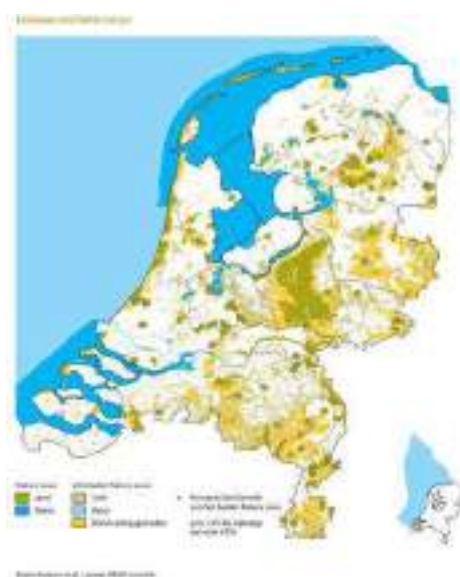
### *European RHS in the Netherlands*

Due to the lack of a European spatial vision depicting a European main spatial structure (RHS) such as has existed at the national level since the Spatial Memorandum, this will need to be constructed by compiling and mapping out the spatial effects of various sector policies. As such an effort would entail a research project in itself, and is therefore out of the scope of this paper, only a few policy areas will be discussed in which the effects are known and divergent enough to be interesting (environment, competition and agriculture). A more thorough investigation would have to comprehensively address all areas of European intervention.

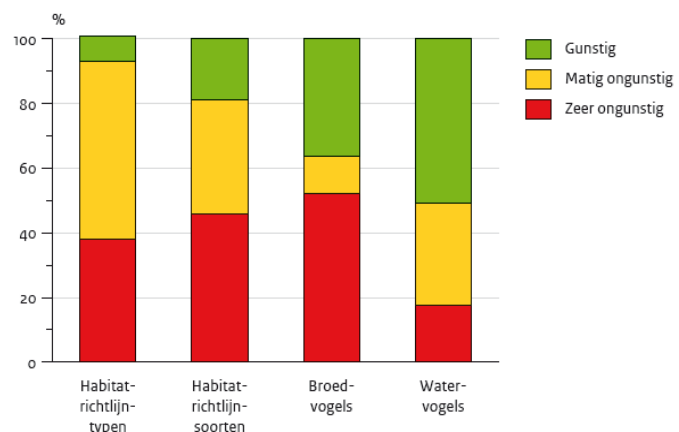
### *Environmental policy*

A good starting point for mapping out the European RHS is environmental policy, as its institutional footprint on planning and spatial development is considerable. The most explicitly spatial environmental policy is undoubtedly European nature/biodiversity policy, Natura2000. This policy demands that measures be taken to prevent the quality of designated habitats from deteriorating. It is very difficult to zone urban development in or even near areas which have been designated as special protection zones within the Natura2000 network. Moreover, areas which contain pockets of protected species outside of the protection zones (hotspots) are not exempt from the reach of the directive (Figure 2a). Therefore, the areas designated as Natura2000, the adjacent spillover areas for protected species and hotspots should all be considered as comprising part of the European RHS.

Once designated, changing the status of a protected zone (i.e. downgrading to allow other uses) is no easy task (Backes et al., 2011). It is comparatively easier for areas where the state of preservation is good, but is generally not the case in the Netherlands, especially as regards the habitats directive (see Figure 2b). As these areas are protected by European law, they enjoy a higher level of protection than other nature areas in the Netherlands. It is therefore not inconceivable that an area with a higher societal value (e.g. due to its cultural or historical qualities) would be cleared for development sooner than one falling under the Natura2000 policy.



Staat van instandhouding, 2006



Bron: Ministerie van LNV (2006)

Figure 2a: Kuiper et al., 2011, p. 47 Figure 2b: Backes et al., 2011, p. 19

Another key environmental EU policy, particularly for the Netherlands, is the Water Framework Directive (WFD). This directive requires that plans be drawn up at the level of (transnational) river basins to ensure a minimum level of water quality. The Netherlands has been, euphemistically put, not very successful in achieving its targets (see Figure 3a) and has the worst surface water quality in the EU. The Netherlands has repeatedly requested clemency from the European Commission. As the Netherlands is obligated to taken measures for the areas which do not meet WFD standards, these areas can be considered as part of the RHS.

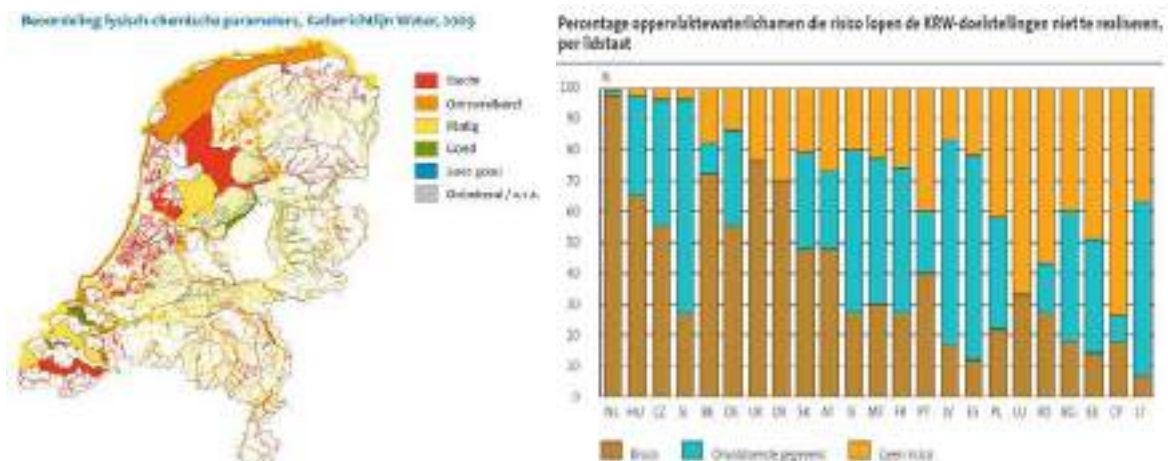


Figure 3a: PBL, compendiumleefomgeving Figure 3b: PBL 2011, p. 82

When implementing the WFD, the Netherlands consciously chose to keep the water plans formulated under the directive legally distinct from the spatial planning system. For this reason, the WFD has much less impact on planning than Natura2000, although the measures taken to improve water quality – e.g. reintroducing meanders in rivers – certainly do have spatial effects. The decision to separate the sectoral concern for water quality from statutory planning has had the advantage of avoiding the problems related to the air quality directive, where developmental projects were suspended by the Council of State, but on the other hand those implementing the water plans do miss a potential ally.

Finally, EU Environmental policy is not only substantively formulated. The Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) are purely procedural regulations, the timing of which is an important element in the process architecture of spatial development.

### *Competition policy*

As a second policy example, competition policy usually works in quite a different manner than environmental policy. Whereas the latter is typically formulated in terms of substantive aims, competition policy seeks to ensure the functioning of the internal market by setting and enforcing the rules of the game. For this reason, competition policy is generally expressed as general regulations that are directly applicable to all and which seek to create a level playing field.

The rules on state aid, for example, seek to limit the disruptive influence that public subsidies can have on the market. The ban on state aid is one of the fundamental cornerstones of European integration, and is included in the EU treaty (art. 107). There are various ways to determine whether a particular investment should be considered state aid. Although the EU-

treaty offers several exemptions, it is primarily the communications by the European Commission and jurisprudence by the European Court of Justice which have provided clarity over the years.

Significantly for planning, state aid is initially very broadly defined, both in terms of who is providing it (not only governments, but also quasi-public bodies) and how it is provided (not only monetarily but also by selling goods below market price) (Wolting *et al.*, 2012). All public support above a certain threshold should be announced to the EC, which then makes a judgment of whether or not to consider the transaction or policy measure as state aid. If so, it can opt to raise no objections or initiate an investigation into the matter, which may result in sanctions. According to DG Competition's online database, 64 spatially relevant cases have been registered for the Netherlands since 2000. The majority of these have been considered state aid, but not necessarily harmful to international competition, resulting in a declaration of no objection. Examples include support to the peripheral regions in the north, subsidies for wind farms and various environmental arrangements like emissions trading. The cases in which an investigation was instigated are listed in Table 1. One can notice that some cases have a directly physical component (e.g. support to harbors or municipal projects) while others relate more to the planning process (e.g. reorganization of pig farm structure, housing associations). Even the practice of an active land policy (through transactions of ownership) to support social housing has come under EU scrutiny in recent years (Tasan-Kok *et al.*, 2011).

Location	Investigation initiated
National	C96/2001 Reorganization of pig slaughterhouses
National	C26/2001 Support to road transport
Den Helder	N603/2002 Support to Visser shipbuilding to counteract Spanish aid
Krimpen	N606/2002 Support to Dredgers-Merwede shipbuilding to counteract Spanish aid
Enkhuizen, Nijkerk en Wieringermeer	C10/2003 Yacht harbors
Haaksbergen	C33/2005 Support to MARKT Passage Plan Project
Amsterdam	C53/2006 Citynet Amsterdam
National	E2/2005 Funding of housing associations
Leidschendam	A.24123 Land sale Leidschendam in 2007
Rotterdam	C4/2008 Investment in Ahoy concert hall

Table 1: Eur-lex.europa.eu

Another area of competition policy relevant to spatial planning is public procurement. Ever since the Scala judgment at the end of the 1990s against the municipality of Milan, it has been clear that the legal right of landowners for self-realization of zoning plan provisions (as enshrined in the Spatial Planning Act) does not supersede European public procurement regulations. Another case which has caused more than a little confusion is the so-called Auroux judgment against the city of Roanne in France. In this instance, a urban development scheme granted to a particular developer was considered to be a public contract, and therefore required to undergo a European tendering process. On the grounds of this decision, various Dutch parties have complained to the European Commission about municipal land development practices, for example in Eindhoven and Ede. In 2010, the European Court of Justice provided further clarification in the so-called Müller case about when an urban development should be considered a public contract: (1) when the public party has a direct

economic interest, (2) a building requirement is imposed and (3) conditions are set that exceed pure planning requirements (Wolting *et al.*, 2012, p. 66). Although these criteria do not apply to all urban developments in the Netherlands, some certainly do. Especially cases where spatial projects have been blocked or modified due to state aid violations can be considered for inclusion on the RHS map of European policies.

Finally, it is possible that EU competition policy can influence the content of spatial policy. In 2011 the European Court of Justice ruled against a Catalonian policy which seeks to limit the number and size of hypermarkets in the region. The European Commission felt that these rules limited the freedom of establishment of businesses, and was therefore in conflict with the EU Treaty. Considering that many Dutch provinces have similar provisions regarding retail development, this judgment could force them to revise their planning policies (Evers *et al.*, 2012). For decades the Netherlands has prohibited out-of-town shopping center and hypermarket development on the basis of such rules. If these are now considered in conflict with European law, this might engender a major shift of shops to out-of-town locations and the entrants of powerful players such as Wal-Mart, Auchan and Carrefour to the Dutch market.

#### *Agriculture and regional policy*

Competition and environment are obviously not the only EU policy areas that affect spatial planning. Another important example is agricultural policy, which through its system of price controls, direct support and rural development has an impact on rural land use (e.g. kinds of crops grown) as well as spatial processes such as concentration and growing economies of scale. For this reason, areas receiving subsidies can be considered part of the main spatial structure (see Figure 4a for the areas which receive the most support per hectare under Pillar 1), such as the pillar 1 and 2 and less favored areas. Moreover, agricultural policy can impact on planning processes, for example, by changing the payoffs and hence negotiating capacity of farmers in land-exchange schemes (in which development permits are linked to demolition of other structures). By the same token, reforms to CAP will also have a spatial impact: the trend from production support towards rural development and nature management (e.g. support to High Nature Value farmland) will redraw the map of CAP subsidies in the Netherlands (see Figure 4b). European regional policy has a similar, and even more explicitly spatial, effect as the CAP: it brings about spatial transformations (e.g. construction of business parks and infrastructure) and modifies spatial development practices and governance by requiring transnational cooperation and co-financing and the coordination of projects at the Nuts 1 level (requiring the cooperation of provinces). Support granted in the framework of the trans-European networks (TENs) can also be considered in this light.

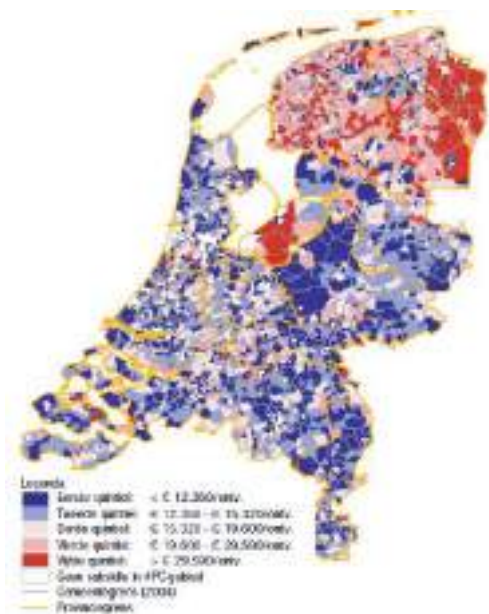


Figure 4a: Hermans *et al.*, 2006, p. 30

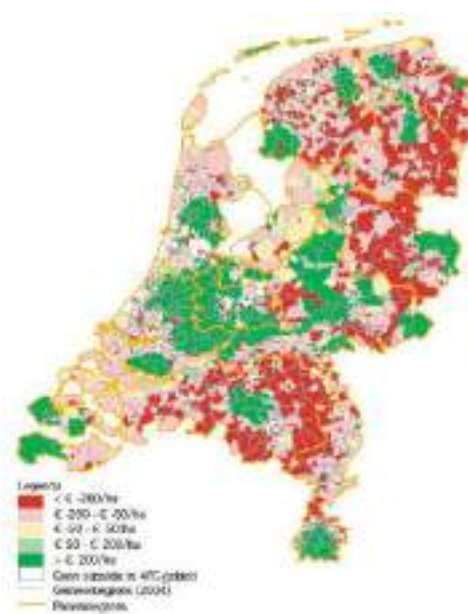


Figure 4b: Hermans *et al.*, 2006, p. 37

In summary, the three themes – environment, agriculture and competition – can be plotted out according to how they influence spatial planning (Table 2).

	Content	Process
Environment	<i>Natura2000 / WFD</i>	<i>EIA/SEA</i>
Competition	<i>Retail</i>	<i>State aid / procurement</i>
Agriculture	<i>Income support</i>	<i>Land trading schemes</i>
Regional	<i>Urban development</i>	<i>Regional coordination</i>

Table 2: impact on planning

Finally, the themes can be summarized by stacking the geographic distribution of policy effects as layers in a GIS. The result of this exercise is shown in Figure 5, which can be seen as a first approximation of the RHS of EU policy in the Netherlands. In some cases selections were made for the sake of legibility. For example, only the top 40% of pillar 1 was displayed for CAP impact, and pillar 2 support omitted entirely as its monetary value does not reach the pillar 1 cutoff point. Although this map is not complete, and some layers indicative (e.g. regional policy) it does show that a majority of the land mass of the Netherlands is influenced by one or more EU policies.

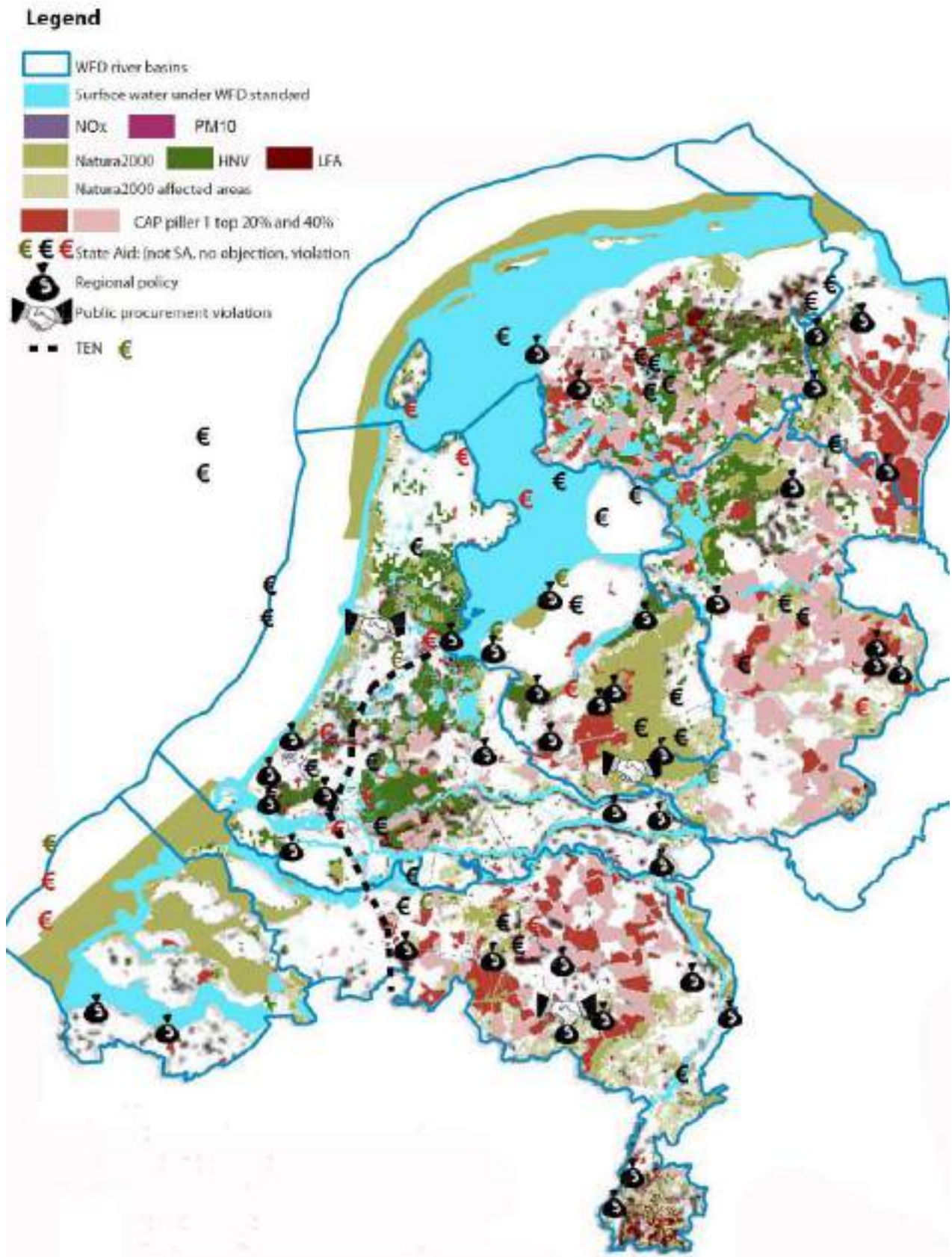


Figure 5: European main spatial structure (RHS) in the Netherlands  
 Source: Alterra (CAP), Schouten et al. (2008) (LFA), PBL (Natura, affected areas, WFD, NOx, PM10), European Commission (regional policy, state aid, TEN, public procurement)

### 3 Dutch spatial planning in transition

Dutch spatial planning is considered emblematic of the comprehensive integrated approach in which competing land-use claims are balanced against one another, and to some extent reconciled in urban design. In practice, spatial planning is primarily concerned with the issue of where and how urban development should take place. This is reflected in the kinds of spatial concepts which have been produced over the years –concentrated deconcentration (polycentricity), growth centers, and the compact city. As stated, the neutral balancing of interests is coming under pressure by sectoral European policies because these are being given preferential treatment. At the same time, Dutch spatial planning is undergoing major reform in three fundamental ways: a reform of statutory planning, a reform of planning policy and a reform of planning institutions (Van der Wouden *et al.*, 2011). These will be treated briefly in turn.

As regards the statutory planning system, the Spatial Planning Act of 1962 was replaced by an entirely new act in 2008. One of the main changes was the abolition of the plan hierarchy and reactive checks for compliance, and the introduction of a proactive system in which each governmental tier can apply the same legal instruments – including the local land-use plan – to defend their territorial interests. In addition, the law also made a clear distinction between visions, which are not legally binding, and ordinances, that are (Needham, 2007). As the planning community was acquainting itself with the new rules, they were altered again by the introduction of the Crisis and Recovery Act, intended to speed up the planning process, and the Environmental Licensing Act (Wabo), intended to simplify it by amalgamating procedures. At present, another law is being prepared to replace the Spatial Planning Act entirely and merge it with environmental legislation in a single Environment and Planning Act (RLI, 2012). The fall of the government in April 2012 has cast uncertainty over this process.

As far as policy is concerned, the decentralization and deregulation of planning set in motion since 2000 has accelerated. The government’s coalition agreement states that “spatial planning should be left up to provinces and municipalities as much as possible” (VVD & CDA, 2010). This statement of intent became manifest in the National Policy Strategy for Infrastructure and Spatial Planning (SVIR), which abolishes all substantive urbanization policies at the national level, and introducing a procedural requirement called the “ladder for sustainable urban development” as a replacement. Instead of imposing targets on infill development and designating and protecting open areas, the ladder proposes three consecutive steps that sub-national governments need to take when drawing up land-use plans: (1) determine that a quantitative/qualitative need exists, and if so, (2) determine whether sufficient land exists within urban areas and if not, (3) plan development near multi-modal transport infrastructure. There is no sanction for non-compliance with the ladder. The national government still assumes responsibility for ensuring that a well-functioning spatial planning system exists, but no longer assumes responsibility for its content. This fundamental shift in the philosophy of national spatial planning has produced a situation where the main spatial structure is the result of partly overlapping sectoral interests (economic development, Olympic games, nature, energy, transport). In this respect, national spatial policy is coming to resemble that of the European Union.

Urbanization policy	Spatial Memorandum (2006)	SVIR (2012)
<b>Urban areas</b>	Intensification policy Bundling policy Location policy for businesses and retail Urban networks	Ladder for sustainable urban development
<b>Rural areas</b>	National landscapes Green in and around the city Buffer zones between cities Ecological structure with robust connections Concentration of intensive agriculture	Consolidated ecological structure

Source: Ministry of Infrastructure and the Environment, 2012, pp. 108-113

Finally, both the institutions and the institutional environment of national spatial planning have evolved. Regarding the first, at the beginning of the 2000s, the research department of the spatial planning agency (RPD) was transferred to an external institute (RPB), which was later merged with another institute for environment and nature (MNP) to become the Netherlands Environmental Assessment Agency (PBL). This externalization of knowledge, as well as various internal reorganizations over the decade, has arguably weakened the governmental capacity of national planning. Regarding the institutional environment, one of the most important developments is the severing of ties between planning and housing through the privatization of housing associations, the gradual completion of the Vinex<sup>3</sup> housing targets, and the recent ministerial reshuffling which has placed the departments for planning and housing in two separate ministries. In the process, the department of planning has been merged with water management and been dropped from the name of the Ministry of Infrastructure and the Environment. Oddly, the most important substantive goal in the SVIR, economic development, is still housed in the Ministry of Economic Development, Agriculture and Innovation (like planning, “nature” has also been removed from the Ministry’s name).

In view of the combination of the turbulence in statutory spatial planning, the ongoing decentralization and deregulation, increased focus on sectoral objectives and disintegration of linkages between the planning department and other ministries (signified in the single authorship of the SVIR), it has become increasingly unfeasible to create a national framework which spatially integrates sectoral policy. In fact, this task is now squarely laid at the feet of the twelve provincial governments.

#### 4 Ramifications

How do the changes in Dutch spatial planning sketched out above relate to the impact of European policy described earlier? On the basis of three points, it can be argued that the measures taken by the predominately Eurosceptic government will lead to a relatively greater influence of Europe on the territory of the Netherlands.

First, we observed that part of the national RHS is already European in origin (Natura2000) or European in effect (measures taken to improve water and air quality). In fact, the most

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<sup>3</sup> Vinex is a Dutch acronym for the spatial planning policy drawn up in 1991 which designated areas on the edges of cities for development.

politically charged land-use conflicts are European in origin (e.g. locations for wind farms and CCS to meet EU renewable energy targets, even though these did not make it to the European RHS map). Indeed, by drastically reducing the number of national interests in spatial policy, simple mathematics dictates that the proportion of the RHS mandated by Europe increases in relative terms. Unlike the Dutch national government abolishing its urbanization policies, there is no indication of a retreat from spatial policymaking: on the contrary, there seems to be increased attention for the spatial dimension at the European level. The Barca report has stressed the importance of place-based policies (CEC, 2009), and the inclusion of territorial cohesion in the EU Treaty has opened the floodgates for new policy initiatives. Even without formal competence for planning, it is clear that urban development is a growing concern, and the Commission report *Cities of Tomorrow* (CEC, 2011) might be considered a prelude to a green paper. In addition, European influence could be intensified further in the Netherlands, or at least be made more visible, with the current operation to strip national policy of all goldplating. This strategy carries a risk: lowering standards to the European minimum removes a policy buffer against infringements, which would result in even more direct involvement of the European Commission in domestic policymaking.

Second, the decentralization of planning can perpetuate and intensify overcautious behavior by subnational governments. Corollary to the finding that parties involved in area-based developments attempt, out of ignorance or apprehension of European regulations, to seek full legal cover, it is entirely conceivable that municipalities and provinces will impose all kinds of extra research requirements, exclude certain options a priori and call for the elaboration of detailed plans that attempt to account for myriad contingencies. In addition to increasing the bureaucratic burden, this will produce substantively different plans. For example, this ‘will to certainty’ can express itself in a preference smaller development projects, where the risks are more manageable. When in doubt, provinces will be more inclined to grant less latitude to municipalities when it comes to European requirements, especially after the enactment of a law which allows the national government to pass on accountability, and potential fines, to subnational governments (Eerste Kamer, 2010). The abolition of the robust connections of the national ecological structure (EHS), coupled with the obligation to sell land obtained to this end back to farmers, highlights the complex governance issues at stake. If these physical links are indeed needed to achieve Water Framework Directive targets (they were included in the package of measures presented to the European Commission), and if the European fines for non-compliance are passed on to provinces, their resistance to the national government’s plans is as understandable as it is predictable (Kuiper *et al.*, 2011).

Third, the government's policy stance on domestic governance will affect relations with and the impact of the European Union. The relationship between area-based urban development and EU (sectoral) policy namely plays itself out against a complex institutional environment of multilevel governance with a large constellation of players. This environment is not at all conducive to the application of simplistic governance principles such as the "two-layer rule" called for in the coalition agreement (which states that a maximum of two governmental tiers may be involved in any one matter). It also is difficult to reconcile with the government's principle that governmental bodies should "mind their own business". In spatial planning as well as European policymaking there are unavoidably very many parties and very many intertwining interests, making it counterproductive if not absurd to impose strict distinctions between who can and cannot get involved. Given this, the current changes regarding planning may – again, paradoxically – result in strengthening the bond between subnational governments and Europe. The decentralization of planning has been accompanied with cutbacks. At the same time, many provinces wish to continue to carry out tasks which have not been decentralized, but abolished entirely (e.g. urban infill). For this reason, the prospect of bypassing the national government and attracting additional funding from Europe, such as structural funds, is increasingly appealing. As these sources are linked to conditions which reflect European, rather than national, policy priorities, this further increases the influence of the EU vis-à-vis the national government. In a recent letter, the association of provinces protested against the government's stance that cohesion funds should be used only for the poorest regions in Europe. Similarly, the national employer's association has also urged the national government to be more attentive in taking advantage of EU subsidies.

## **5 Conclusion and reflection**

In addition to the three ways in which the decentralization of planning has increased the influence of the EU on spatial planning, this development has implications for how conflicts between local spatial planning and EU-policy can be resolved. As a forum where member states agree to common standards and rules, EU-policy is not just a matter of 'downloading' (i.e. transposing directives into national legislation) but also provides the opportunity to 'upload' insights from practice and policy alternatives to the European level. In the past, the Netherlands has succeeded in putting a number of issues on the European agenda. International cooperation is often crucial for solving domestic problems, especially when one is a small country with an open economy residing at the crossroads of Europe. Many EU environmental policies with which the country currently struggles, owe their very existence to intensive lobbying from the then environmentally progressive Netherlands. The Floods Directive is a more recent example of a policy that has been 'uploaded' by the Netherlands. Similarly, the friction encountered in the Netherlands between the planning system and sectoral policies can be raised in European policymaking circles. But this requires that governments work together and understand one another. At present, only national representatives take part in the European Council (not provinces and municipalities) and it is the national government which is responsible for translating European agreements into rules to be carried out at lower tiers of government. Often it is this translation, not the EU policies themselves, which are at the root of conflicts with the planning system (VROM-raad, 2007). It would therefore make sense for the national government to remain involved in thinking about spatial implications of sectoral policy. Finally, in order to anticipate undesirable side-effects of EU-policies it is advisable to become involved in the European policymaking process at a very early stage. Since the Dutch subnational governments have neither the network nor the

status to be very influential in this phase, it would make sense for the national government to involve itself more – not less – in European policymaking. The fall of the CDA/VVD coalition government in April 2012 might again mark a shift from the Eurosceptic and planning-sceptic stance taken in recent years. If so, the above points should be taken on board when considering the impacts of European policy in the Netherlands.

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