Dutch spatial planning laws and public private partnerships: increasing or reducing democracy?

Marcel Pleijte[1]

Abstract

The Dutch spatial planning laws and the structures of decision making in the Dutch planning undergo changes and innovations. The transformations in the spatial planning laws is to increase the implementation of projects (getting things done), to avoid administrative clutter and to mitigate the nuisance power of civil society to protest and appeal procedures which slow down the realization of regional development and urbanism. Besides changes in the Dutch planning regulations the spatial planning in the Netherlands is also characterized by displacement of politics to public-private partnerships. The public private partnerships have to realize regional development by urbanism.

According to Metzger (2011) is spatial planning in neocorporatist governance structures reduced to little else than pseudodemocratic window dressing of dominant corporatist interests. According to Healy (2010) is spatial planning not only a set of expert skills, but also calling for justice. Spatial planning has to offer processes and mechanisms that open up potentially controversial issues of spatial development for democratic debate and transparency (Healy, 1997). Healy pleads for designing court institutions within planning processes, not necessarily formal legal courts but also public hearing procedures.

In any democratic system have actors an option to go public with their grievances: through the media, internet-opinion-raising activities or direct action or civil disobedience (Metzger, 2011).

The central questions in this paper are:

How do the changes in the traditional planning instruments of the Dutch spatial planning acts and the public-private partnerships affect spatial planning practices in the Netherlands? Do they make the Dutch planning practice more efficient and effective and for whom? Do they make the Dutch planning practice more democratic, more open and more responsive for the Dutch society? Accomplish developments of

[1] Wageningen University and Research Center, Wageningen, The Netherlands – marcel.pleijte@wur.nl

spatial administrative centralization and decentralization in planning policy independently of each other, do they reinforce each other or are they at odds?

For answering these questions the background is showed behind the choices to change the Dutch spatial planning acts and the choice to introduce public private partnerships (section 1). Then a theoretical framework is offered where I first will look for the consequences for political and social democracy in terms of inclusion or exclusion of actors and issues. Then is explained that the Netherlands is a decentralized unitary state and after that three laws are introduced which have different assumes about interactions between governments (section 2). After that three case studies in the Netherlands are presented where a new planning instrument of law is combined with a public private construction, so we can see how this combination influences spatial planning practices in terms of democratic improvements or democratic deficits (section 3 till 5). At least conclusions are given and a reflection is made on the three laws and their application in the cases (section 6). The public-private partnerships and the changes in Dutch spatial planning laws in the case studies have the characteristics of democratically problematic neocorporatist governance structures and mechanisms, legitimated through sometimes quite shady consensus-building planning efforts (Healy, 1997).

1. Introduction

Discussions about the relationship between centralization and decentralization in spatial planning law and spatial planning policy are still going on in political-administrative and scientific arenas (De Gier, 2011). Spatial planning in the Netherlands can be characterized as public partnerships: national governments have to meet local governments when they prepare their spatial planning decisions, make spatial planning decisions and want to implement these. The history of Dutch spatial planning is strongly determined by the municipal role and responsibility (De Gier, 2011). In 1965, the Spatial Planning Act (WRO) enters into force in which zoning schemes of municipalities are introduced. The zoning scheme is the only plan that citizens can bind. The powers of the higher authorities were only in the sphere of supervision. Till 1985 the Spatial Planning Act (WRO) was one of the most decentralized law in spatial planning laws. In 1985, the WRO is revised because the government and the provinces want to ensure the indirect impact of their plans in the zoning schemes of municipalities. Municipalities need provincial approval for their zoning. Further ministerial appointment powers are introduced. In 1994, the Nimby-act (not in my back yard) is introduced so that the Minister of Housing, Spatial Planning and the Environment and provincial authorities get the power to enforce in projects of supra-municipal interest in municipalities, in extreme cases the national

and provincial governments can take the place of the local authority, without a planning-legal foundation based on a key planning decision or a regional plan. In 1994, the Infrastructure Planning Law came into force for the construction of major infrastructure (motorways, railways, waterways). Where previously the zoning schemes of municipalities could stop the infrastructure plans of the national government, the national government did now has the authority to ask to a municipality to change a zoning scheme. In 2000 the law was updated and a trace destination project was seen as a decision where no zoning change was needed. An administrative agency, the Ministry of Transport, could now devote about infrastructure themselves without interference plans of municipalities.

Since 1 July 2008 the new Spatial planning act (Wro) makes it possible for government, provinces and municipalities to fulfill a role as developer by their own. According to Witsen (2011) the new Spatial planning act makes a sharp distinction between legal interests which governments at various levels stand for: "In principle every government only makes plans and rules for their own interests. So they do not operate at each site and so is created an important prerequisite for a smooth decision-making. That's the theory" (Witsen, 2011). Discussions are still going on about the real effect of the new Spatial planning act: does it really mean actual acceleration and actual decentralization?

The new Spatial Planning Act (Wro, which took effect in June 2008, provides national government and provinces the possibility to use a Central government-imposed land-use plan (Nationaal inpassingsplan) or a Province-imposed land-use plan (Provinciaal inpassingsplan) excluding the municipal council in cases where national or provincial interests are concerned. The first experiences with the new Spatial Planning Act are moderately positive (PBL, 2010). There had until then been little tension between provinces and municipalities, the formal decision-procedure was shortened and the informal consultation was not noticeably longer.

According to the next Dutch cabinets it still does not go fast enough: the Crisis- and Recovery Act (Crisis- en Herstelwet; Chw) entries at 31 March 2010 into force and the Environmental Licensing Bill (Wabo) was into force from 1 October 2010. After the economic crisis a so-called Crisis and Recovery Act (Chw) was introduced, aimed at the acceleration of projects to the economic crisis and to combat its consequences. The Act includes temporary and permanent measures. Among the temporary measures the Act includes the restriction of the rights of local governments. Chw also makes it possible to take a project implementation decision that replaces licenses, exemptions and other decisions normally required. The Environmental Licensing Bill (Wabo) was introduced on 1 October 2010. Purpose of the Environmental Licensing Bill is a simpler and faster licensing and to offer better

public services. The Ministry of Infrastructure and Environment is currently working on a new Environmental Management Act, which should align plans and procedures with each other, leading to faster and better decision-making (Elverding Commission, 2008) and more space should be for local managers to make decisions.

The above sketch shows that throughout time the legislature (the government and the First and Second Chamber) have chosen for progressive centralizing developments in spatial planning laws (De Gier, 2011).

Since 2000, the Dutch cabinets also plead for decentralization of spatial planning policy (i.e. Position paper Letter from Camp, 2002; National Spatial Strategy 2004, 2006). The motto was: 'decentralization where possible, centralization where necessary'. When the report about Spatial Development Politics (WRR,1998) appears, the central government sought to recast the relationship between public actors and with other private actors. The Ministry of Housing, Spatial Planning and the Environment introduces concepts such as development spatial planning and regional development to encourage public-private partnership structures in regions. In the last Cabinet Coalition (VVD and CDA, 2010) is chosen for decentralization of spatial planning to the provinces and for decentralization of regional economic policy, the policy landscape and nature policy to provinces. Decentralization is therefore motto and trend in contemporary spatial planning policy and spatial planning policy in the recent past (last decade). The old Ministry of Housing, Spatial Planning and the Environment (VROM) and Transport and Water Management (V & W) have merged into the Ministry of Infrastructure and Environment, where the term 'spatial planning' has fallen away in the naming of the Ministry, which the Ministry stressed that the decision to decentralize the spatial planning policy is serious.

So where the Dutch spatial planning laws are in a continuing trend of centralization (De Gier, 2011), the central governments are promoting further decentralization of spatial planning policy to achieve a more effective spatial planning.

2. Theoretical framework

According to Metzger (2011: p 191) spatial planning can be seen as a displacement and delegation of politics into other realms of societies than the formal spaces of politics: "*This displacement in turn generates a need for a radical reconstitution of our ideas regarding the democratic legitimacy and accountability of planning work – and, further, the democratic- ethical responsibilities of the contemporary spatial planner in a situation where planning practice is all the more seldom guided by formal statues, guidelines or frameworks for democratic accountability, transparency and legitimacy. It is a matter of debate whether planning has ever been*

truly confortable with the idea of more direct involvement, control and steering." Healy (1997) has showed that traditional, regulatory planning systems lacked adequate spaces for nonadversarial dialogue. The only way for may interests was to contest technocratic domination through pursuing obstructive and confrontational tactics that generated unnecessary and unfruitful confrontations (Metzger, 2011).

Networks often have a very limited degree of transparency and democratic accountability (Allmendinger and Haughton, 2010; Swyngedouw, 2005). The building of such semiformal or informal networks as a form of decentralization of spatial policy and the centralization in spatial planning laws are brought as methods to avoid administrative clutter and getting things done (Allmendinger and Haughton, 2010). According to Marres (2005) political controversies in spatial planning are not failures of governance or of the political system but are 'occasions of democracy'. From this point of view another perspective arise about conflict, strife and opposition within the policy process: they are democratic important (i.e. see also Hillier, 2002 and Pløger, 2004). Healy (1997: pp. 224-228) has warned that "*overcosy informal relationships between key public and private stakeholders in spatial planning processes often will have a tendency to degenerate into the building of democratically problematic corporatist alliances, legitimated through sometimes quite shady consensus-building planning efforts*."

The Netherlands is a decentralized unitary state. The sovereignty rests with the central government, but which has certain powers under laws passed to lower organs (Deth & Vis, 2006). The Dutch Constitution has no provisions for the establishment of restrictive laws by the States General and Government together and can make any rules about which they agree. The Dutch Constitution obliges the legislature the establishment and administration of provinces, municipalities, public bodies to settle "by law" This means that the central government can also limit or eliminate power of other authorities by changing the law. Even the elimination of existing and establishment of new provinces or municipalities is only a matter of central government. (Deth & Vis, 2006: 94-95).

A decentralized unitary state is the form in which territorial units within a unitary state have independent powers. The highest lier is the Central government. The central government provides the unit by legislation and supervision. There are also territorial authorities which own tasks, responsibilities and powers. Local authorities are required to implement greater regulation of the Central government. This is also called co-administration. Decentralization refers to it that the central government has a number of tasks transferred to the provincial and municipal governments. State unit means that the emphasis is on the central government and that the power of provinces and municipalities is subordinate. Provinces and municipalities must

comply with national policy and can only make its own policy when it comes to matters that only relate to provinces or municipalities. Provinces and municipalities do have the power to (often set by the government limits) rule their own affairs: autonomy.
Terms such as unitary state, federation or confederation link according to Van Deth & Vis (2006) not to distinct types, but to countries on a continuum. This also applies to centralized or decentralized. France, for example, is a centralized unitary state: the national authority has a large degree of control in regions and cities.

Thorbecke, the Dutch founding father of the decentralized unity state, saw as the founder of the decentralized unitary state great dangers in the imposition of regulations by the central government to other organs and society (Toonen, 1989, 1990). Thorbecke did not want to create unity through national state authority, but by agreement between the constituent parts in order to achieve legitimacy and state authority (Toonen, 1989, 1990). This idea of an organic state led to the explicit recognition of their own powers of local authorities. Everything to the household of their own bodies is that they can rule by their self. This concept was called the Triple ring or autonomy doctrine, used to indicate that each level is competent in a particular area without interference. In Dutch practice, the separation between the three tiers of government is difficult: a complex system of contracts and cooperation between administrations is created (Van Deth & Vis, 2006).

In Dutch spatial planning there is no often autonomy of local governments or municipalities, but there is co-administration between the different tiers (De Gier, 2011). De Gier (2011) indicates however that decentralization is also co-government: it is the free space that a higher authority allows to a local government. To emphasize the equivalence between the various tiers or levels of government municipalities prefer that is spoken in political-administrative correct terms about *other* governments instead of talking about "*higher*" (central government and provinces) and '*lower*' (municipalities) governments, but from the powers, duties and responsibilities reviewed it is preferred here to use the terms higher and lower authorities.

In this paper, we considered three laws, which are all focused on interactions between governments. However, all these laws apply another assumption when it deals about the interaction between governments:

- The Crisis and Recovery Act assumes public-public opposition and gives no vocational law to municipalities;

- The Intermunicipal Statutory Regulations Act supposes public-public cooperation

and offers municipalities the opportunity to inter-municipal cooperation and collaboration with the province and the Water Board and extension of local government;
- The Spatial Planning Act presupposes a level of public autonomy, with each tier of government has its own roles, responsibilities and privileges. Above municipal interests (provincial interests or central government interests) provide provinces and central government opportunities to achieve their own interests, for example through a Province-imposed land-use plan or a Central government-imposed land-use plan.

One similarity is that all three laws want to decrease (or even an elimination) of local autonomy or jurisdiction of a municipality:

- a Province-imposed land-use plan or a Central government-imposed land-use plan makes it possible for national or provincial authorities to act (= override, take the place of) and to exclude the powers of the municipality (from original tier of government);
- Intermunicipal Statutory Regulations Act: mandate or delegation of powers (= transfer of powers to a public entity or perform on behalf of a municipality);
- Crisis and Recovery Act: government provides power to municipalities in order to relax environmental quality standards in exchange for no vocational law.

Yet this perception is too black and white:

- There is also talk of public-public cooperation in Crisis and Recovery Act: municipalities and provinces can bring by themselves projects they would like as development areas under the Crisis and Recovery Act. Relaxation of environmental quality standards and acceleration of procedures can be local reasons for municipalities to log in a project to the Crisis and Recovery Act. The Association of Dutch Municipalities expects that municipalities, provinces and central government through the Crisis and Recovery Act can more operate as a team in the development of complex projects.

- The application of the Spatial Planning Act involve both public-public cooperation and public-public opposition. In other words, there is less talk of autonomy for each level of governance than in the assumptions behind the Planning Act was provided.
- At the Intermunicipal Statutory Regulations Act (Wgr) is supposed public cooperation. In practice it may also occur opposition between authorities within the Wgr or they may have problems with the control and monitoring capabilities of the steering bodies in the Wgr.

The following sections describe the assumptions behind the three acts and show their application in three cases.

3. Province-imposed land-use plan and application in the case of Wieringerrandmeer

Under the old WRO opportunities for proactive development by provinces were limited. The role of the provincial council was especially judging: the province saw to it that the provincial policy of the regional plans were translated into binding municipal zoning schemes. The province did not have powers to adopt land use plans with a direct binding effect. It could happen in the past that provincial or municipal authorities could delay central governmental policy by not including it in local zoning. Government and the provinces were depended of the impact tot the smallest scale.

With the introduction of the new Spatial Planning Act changed this situation. A Province-imposed land-use plan or a Central imposed land-use plan in the Dutch Spatial planning act (Wro) is a zoning made by a provincial council or Central government, which can be legally recorded the destination of a particular area. This possibility exists since the entry into force since 1 July 2008. A Province-imposed land-use plan overrules a provincial municipal zoning scheme. It is one of the legal instruments by which interests by higher authorities still may be conducted even if this policy interests of a local government crossed.

Policy from a Province-imposed land-use plan should be implemented in a municipal zoning scheme. Municipalities are excluded for this part of making their own policy. A province can only make a Province-imposed land-use plan if there is a provincial interest. What this exactly means is not defined by the Wro, but is determined by the province itself. When a part of a plan is in conflict between a lower and higher authority about the legal status of interests it may be submitted to the Council of State.

The Province-imposed land-use plan makes it possible to a provincial council to develop and implement projects by themselves. That was not possible under the old law (WRO). In that situation the provincial council was only supervisor.

The motto behind the new Spatial Planning Act is: you go about it or not. Each layer has to realize its own public interest and a public interest of a higher authority justifies that this tier deals about it. Questions should be addressed at the level or scale on which they play (subsidiarity). There is thus a strong belief in clear roles, clear responsibilities and clear powers. If anyone is able to realize its own affairs it is

not necessary to cooperate with other tiers.

Application in the case of Wieringerrandmeer

Since 2004, the province works together with the municipalities Wieringen and Wieringermeer Wirense Lago and the private partner Lago Wierense in the spatial planning of the Wieringerrandmeer. In the mid-nineties there was aninitiative of the municipality of Wieringen to make an island again of Wieringen by creating a border lake. Around the lake more houses, businesses and recreational facilities and nature were planned. At the present land area, 30 farmers were established. Market Consortium Lago Wirense, Wieringermeer municipality and the province of North Holland want to continue with the development of plans for the Wieringerrandmeer. The municipality of Wieringen is not accepted. Reason for the municipality not to accept the plan is that no car bridge over the lake is designed in the plan. Despite several attempts at mediation from the province the municipality persists in its position. For the province reason to ask the provincial states to agree with a decision to prepare a Province-imposed land-use plan, so that the province can take over the initiative of the municipality.

A political party voted a year ago against the border lake plan and a spokesman announced on substantive grounds the value is still not visible. There is now still in the dropping of Wieringen. "*What has the provincial council to win to work with a reluctant partner together for thirty years.* " He warned: "*Especially since we save the path of an open end transit system which threatens the province to pay for all costs*." Hooijmaijers, a provincial governor, refuted the latter. "*Financial, nothing changes. Where the municipality is protected in the cooperation, it is now the province. Making the Province-imposed plan, we take over the role of the municipality*." During the debate especially Bruijstens (Elderly political Party) bothered to the fact that developer Lago Wirense the municipality has sent a letter which threatened to damage claims. "*The letter states that the municipality may be liable for millions if it persists in its view. I deeply regret that Lago Wirense use pressure in this unacceptable way on the decision by the municipality*." Bruins Slot (CDA political party) was not with him. "*It's a normal course of business as the company as a co-signer of the cooperation agreement is warned that this step will cost the municipality money?* " Hooijmaijers, a provincial governor, had the same opinion, especially since the company just has a legal duty to do this in time. An interesting detail was that the provincial council has received a letter from the lawyer of Wieringen and rejects all legal liability.

The financial interests and to ensure progress are reasons for the province to make a Province-imposed land-use plan. The Provincial Council decided in April 2009 for the area to establish a Province-imposed land-use plan.

4. Crisis and Recovery Act and application in the case of the former airport Soesterberg

Due to the economic crisis and occurring stagnation of economic growth and rising unemployment as a result, the Cabinet Balkenende provides to give incentives to the economy in 2009 by investments. Besides extra investment the government wants to reduce complexity and sluggishness of decision making, especially for large spatial and infrastructure projects that the growth of the economy could support.

The government charts which projects with a great effect on employment or the economy before 1 January 2014 could start if there are legal possibilities for these projects faster to run. The Central government also loos for the legal barriers threaten these projects. The Crisis and Recovery Act (Chw) now contains a number of temporary and permanent measures making procedures faster and easier to run, so projects can be implemented. Since 31 March 2010, the Chw entered in force. The act ends on 1 January 2014. Proposals have been made to make the Crisis and Recovery Act permanent. Fewer and faster procedures are possible by temporary adjustments of the General Administrative Law Act. Provinces or municipalities can contact the Ministry of I & M and request to bring an area under the Crisis and Recovery Act.

In spatial planning, it is not uncommon for local governments to challenge decisions of higher authorities by making use of vocational law. The Balkenende IV considers it undesirable that local governments against each other decide to appeal. Because in the past there was public-public opposition in the Chw is chosen to give municipalities no vocational law, what should give no delay. The Council of State has criticized this. The assumption that governing bodies are equivalent and that local authorities should be able to legally defend their legitimate interests is with the Chw affected. The government, despite the opposition of the State Council, has included no vocational law in the Chw. The Council of State is therefore invariably to the conclusion that neither a municipality may appeal against decisions. They are not the central government and are not to be regarded as the addressee of such a decision.

Spatial development and environmental regulation can be at odds with each other. The Chw offers opportunities for creative here to deal with. There is possibility to

redistribute environmental space to temporarily deviate from environmental quality standards (more flexible), such long-term hindrance companies are moving and adjacent housing can be realized. At the end of the plan period (up to ten years), again with the standards have to be met.

Application in the case of former airport Soesterberg

The former airport Soesterberg is transformed from hermetically sealed military area to an accessible area where nature and cultural history can be enjoyed. To afford this 440 homes will be built. Soesterberg North has the status of development area within the Chw. The municipality of Soest has asked and received that status with a clear goal. From a work-housing land to a housing-work area seems not so complicated. But if you want less business and more housing (such as for Soesterberg North) then it becomes more difficult. Companies have an environmental circle for noice and air quality, which under the existing rules may occur no housing. The relocation of North Soesterberg to another location will be phased to take place, and that phasing is not synchronized with the plans for the construction of new homes. By the status of development there may be homes built in the environmental circle (s) of companies, with the condition that the land after 10 years meets the environmental quality standards. This offers opportunities to build homes now and not have to wait until business moved. There are companies in Soesterberg North with a circular environment (noise or smells), in which no homes can be built. The municipality will ask these companies to cooperate to move their business, or to make the environmental circle of their business smaller. The latter may for example, by a higher chimney, a different place for supply, an additional valve or acoustic shields. If companies do not want to cooperate, then the company will be obliged to cooperate by the Chw.

Another reason for fastening the building of houses in Soesterberg is that the project of Soesterberg is a part of a program of 25 projects in the so called Hart of the Heuvelrug. The revenues of building the houses are used for a swap to other projects and to realize the development of nature.

5. Intermunicipal Statutory Regulations Act (Wgr) and application in the case of Oude Rijnzone

The Intermunicipal Statutory Regulations Act (Wgr) is a Dutch law which regulates partnerships between public entities such as provinces, water boards and municipalities. The current law dates from December 20, 1984. In 1950 the predecessor was already in operation. This law was especially critical because of the

limited democratic content of an association. Decisions are taken by a body, which was not directly elected. It operates as a fourth layer of administration. It took a long time till sounds to create new provinces disappears, but with the Memorandum Governmental Organization in 1983 was chosen for the renewal of local government and not for a fourth tier of government. Municipalities get in different ways influence on the Wgr.

Application in the case of Old Rhine zone

In the Old Rhine area public and private parties work together on regional development of the zone along the river the Old Rhine. In the area, new residential and commercial areas developed, restructured existing business areas and the water and nature qualities will be strengthened. Another aim is to improve accessibility.

In 2008, all municipalities, the provincial councile and the water board joint a Cooperation Agreement. One of the restraints of the Cooperation Agreement was to prepare a Business Case Oude Rijn Zone through the region and a decision by the Government on allocation of resources under the National Spatial budget. In May 2009 a Business Case Oude Rijn zone established in the steering committee. In June 2009 the government decided to release 30 million euro's grant to the Old Rhine Zone.

The granting of Spatial budget by the state was to the condition that the regional cooperation is in a more binding form in the implementation phase, more binding than in the existing Cooperation Agreement. The government has advised thereby further forms of cooperation and informed choice for Intermunicipal Statutory Regulations (Wgr).

The Old Rhine Zone Steering Committee prefers the Wgr over a private form of cooperation. The latter are well as a possibility in view of the implementation in clusters. In a private form, that brings everything in the implementation phase in contracts, the adjustment possibilities of the public parties are limited. This form is less appropriate for a complex program as the Old Rhine Zone. In the opinion of the steering committee than there is too little justice to the local responsibilities and interests within the practice in the Old Rhine Zone. In any public administrative theory is a public form preferable to a private form of cooperation, because in that situation, administrative transparency, democratic control and influence are greater possibilities. Wgr offers municipalities the opportunity to participate and they can always ask for information. Five municipalities are working together with the province in Wgr Old Rhine Zone. The city of Leiden, the Water Board and the Ministry of Infrastructure & Environmental are consultants in Wgr Old Rhine Zone.

6. Conclusion and reflection

When we compare the choose for the deployment of three acts in three cases, it is striking that in all cases public-private partnership structures indirectly or directly influence the choice of the three acts as a policy instrument.

At the deployment of the Chw at the airport of Soesterberg pressure from the public-private partnership structure plays a role because it allows the target of the red for green approach to the project of airport Soesterberg and also the financial deficit of the Program Hart of the Heuvelrug can be taken away. The motto behind the Chw is: regulations simplify and accelerate. The central government has this in advance necessary obstacles to the market removed, but that's no guarantee that the market actually boarding. The market decides, not the government, so the law will mainly be used when the market rebounds. Another option is that the government itself will behave as a market party and for example builds the houses themselves. By dealing with more flexible environmental standards for noise and any odors from businesses to homes, governments put no more heavily in their evaluative role, but their developing role. Thus, the reduced duties for promoters, but what does the more flexible standards mean for the rights of residents? Is carefully dealt with quality standards?

In Wieringerrandmeer is primarily pressure from the province and the companies of the public-private partnership construction. The province has a financial interest because it has a lot of land purchased in the area. when delay is a result the private parties threaten to come forward with claims. For the province this are reasons to apply the instrument of the Wro: the Province-imposed land-use plan.

In the Old Rhine Zone both the government and the authorities of the public-private partnership construction pressure to opt for a stronger form of cooperation between governments. The authorities prefer the Wgr over Public-private partnterships contracts because they estimate as to retain more influence. The government forces in exchange for money (30 million) so that the authorities increased cooperation issues through the Wgr. That the choice of the Wgr is not established only bottom-up by municipalities themselves illustrates the Old Rhine Zone. The Central government seduces a province and municipalities money to opt for application of the Wgr and obtains also affect the substantive planning. The government could in the Old Rhine zone also use a Province-imposed land-use plan, but did not. Now other governments and private parties willing to co-invest with the government. When applying the Province-imposed land-use plan the money under the PPP arrangement can fall away.

It can therefore be said that public and private parties can benefit from a continued centralization in planning law as reflected in the laws. Decentralization of the spatial planning completed as public-private partnership arrangements could be strengthened by continuing centralization in the spatial planning laws.

From a broader or different perspective be reflected, namely the perspective of parties who are not part of a public-private partnership structure or parties who left the public-private partnership structure, the centralization of spatial planning laws are in tension with decentralization of planning policy.

Finally, can be reflected on the centralization of spatial planning laws and the decentralization of planning policy from a still broader perspective. The discussions in the political-administrative and scientific arenas on spatial planning in the Netherlands seem narrowed to discussions about the planning law and planning policy, but the spatial planning in the Netherlands includes more. Apart from government decentralization can also be talked of citizens' initiative and entrepreneurial initiative of civil society. In short, besides decentralization of policy is also talk of socialization and commodification of spatial planning. The attention in the planning law and planning policy is strongly focused on interactions between governments. From this perspective, both spatial planning laws and spatial planning policy can be improved. Healy (1997) pleads for designing court institutions within formal planning processes, not necessarily formal legal courts but also public hearing procedures. According to Metzer (2011) this is not enough. In any democratic system have actors an option to go public with their grievances: through the media, internet-opinion-raising activities or direct action or civil disobedience (Metzger, 2011). Metzger plead for new methods to accommodate fruitfully dissensus already in an earlier stage within the planning process. According to Metzger (2011) it possibly could also entail "*a renewed interest in a rediscovery and reworking of advocacy planning theory to put it more in tune with the demands of contemporary society and the present challenge of confronting neocorporatist governance structures in which spatial planning is reduced to little else than pseudodemocratic window dressing of dominant corporatist interests*" (Metzger, 2011: p. 195).

References

Allmendinger, P. and G. Haughton, 2010. *Spatial planning, devolution and new planning spaces. Environment and Planning C: Government and Policy,* 28, pp 803-818.

College van Gedeputeerde Staten, 18 mei 2011. Staten brief aan Provinciale Staten: *Voorontwerpbestemmingsplannen Vliegbasis Soesterberg*. Utrecht.

Commissie Elverding, 2008. *Sneller en beter.*

Deth, J.W. van, J.P.C.M. Vis, 2006. *Regeren in Nederland: het politieke en bestuurlijke bestel in vergelijkend perspectief.* Assen: Uitgeverij Van Gorcum.

Gier, A.A.J. de, 2011. Kan he tij worden gekeerd? In: Raden voor de Leefomgeving en Infrastructuur, 2011b. *Essaybundel over decentralisatie van het ruimtelijk beleid*.

Healy, P.,1997. *Collaborative Planning: Shaping Places in Fragmented Societies.* Palgrave Macmillan, Basingstoke, Hants.

Healy, P., 2010. *Making Better Places: The Planning Project in the Twenty-first Century*, Palgrave Macmillan, Basingstoke, Hants.

Hillier, J., 2002. Shadows of power: An allegory of Prudence in Land-use Planning, London: Routledge.

Marres, N.S. 2005. *No Issue. No Public: Democratic Deficits after the Displacement of Politics.* Phd dissertation, Amsterdam: Department of Philosophy, University of Amsterdam

Metzger, J. 2011 Commentary. Neither revolution, nor resignation: (re)democratizing contemporary planning praxis: a commentary on Allmendinger and Haughton's "Spatial planning, devolution, and new planning spaces." In: Environment and Planning C: Government and Policy, 2011,vol. 29, pp.191-196.

PBL (Planbureau voor de Leefomgeving), 2010. *Ex-durante evaluatie Wet ruimtelijke ordening: eerste resultaten*. Den Haag/Bilthoven, 2010.

Plǿger, J., 2004. Strife: urban planning and agonism. In: *Planning Theory*, 3, pp 71-92.

Raden voor de Leefomgeving en Infrastructuur, 2011. Essaybundel over decentralisatie van het ruimtelijk beleid.

Swyngedouw, E., 2005. Governance innovation and the citizen: the Janus face of governance-beyond-the-state. *Urban Studies.* 42, pp. 1991-2006.

Toonen, Th.A.J., 1987. Denken over binnenlands bestuur. Theorieën van de gedecentraliseerde eenheidsstaat bestuurskundig beschouwd. VUGA, 's-Gravenhage.

Toonen, Th. A.J., De gemeente in de gedecentraliseerde eenheidsstaat, in: Derksen, W. en A.F.A. Korsten (red.) *Lokaal bestuur in Nederland*, Samsom, Alphen. Pp 33-47.

VVD-CDA, 2010. *Vrijheid en verantwoordelijkheid. Regeerakkoord VVD-CDA*, 30 september 2010.

Witsen, P.P, 2011. Programmatisch decentraliseren. In: Raden voor de Leefomgeving en Infrastructuur, 2011b. *Essaybundel over decentralisatie van het ruimtelijk beleid*.

WRR, 1998. *Ruimtelijke ontwikkelingspolitiek.* Den Haag: Sdu.