

**Working Paper Series 1:
National Policy, Planning and Funding
Context of MUTPS since 1945**

Working Paper 1.7

**The Netherlands
Infrastructure Planning
Context**

DRAFT NOT FOR CITATION

Mendel Giezen,
Institute for Metropolitan and International
Development Studies, University of Amsterdam,
Netherlands.

Abstract

This paper discusses the evolution of Dutch infrastructure planning since 1945. It provides a helpful overview for non-Dutch researchers that are interested in infrastructure projects in the Netherlands. The context is split up in national plans, the legal framework and the financial framework. This is followed by a schematic review of the institutional process a large infrastructure project has to go through including the opportunities for public consultation. The history of the Dutch planning context can best be described as a struggle between different tiers of government. Concerning large scale projects, the balance has shifted in favor of the national government in the last fifteen years. It now has strong instruments to force cooperation of municipalities and provinces. Although the decision-making process has been streamlined, procedures such as consultation rounds and environmental impact assessments still have to be followed. Politically, coalitions still have to be build and so it remains to be seen how much time the new institutional context will provide. However, this paper shows how the institutional context for large infrastructure projects has changed and provides a good basis for further analysis.

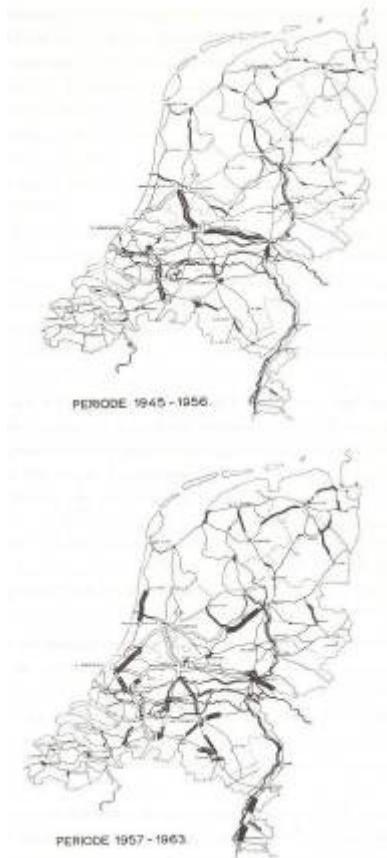
Introduction

This paper addresses the development of Dutch infrastructure planning since the Second World War. In the twentieth century, Dutch planning evolves from mainly housing policy into an integral approach to the spatial development of the country. At the beginning of the nineties, Dutch planning is seen by foreigners as a planner's heaven (Faludi and van der Valk 1994). At the end of the nineties however, the Dutch system is more and more discussed by planners and politicians as being problematic and slow (WRR 1994; Hajer and Zonneveld 2000; TCI 2004). Planning within the Netherlands is then often described as having a high level of viscosity. As a consociational democracy with a strong legal position of municipalities, a lot of time goes into creating consensus among partners. In comparison with other West-European countries, the development of infrastructure is slow. Infrastructure projects take about fifteen years to develop. In France for instance the average for such a project is seven years. (WRR 1994; de Jong 1999). However, in the last decade, the planning process for large projects has been strongly streamlined, increasing the power of the national over local government.

At the beginning of the millennium, the time and cost-overrun of several projects is so extreme that the parliament decides do its own research. This is done by the Temporary Commission on Infrastructure Projects (TCI) that starts in 2003 and ends in 2005. There are public hearings of key actors, politicians, and experts. The two projects researched are the high speed train line from Amsterdam to Brussels and Paris, and the Betuweroute, a freight train line that runs from the Rotterdam harbor to the German Ruhrgebiet effectively crosscutting the Netherlands. Not long before the TCI, there was another parliamentary research into the large scale fraud by building companies when dealing with governmental projects.

This paper elaborates on the context of Dutch infrastructure planning, by dividing this context into three aspects. In the first section, the different national structure plans are discussed. This provides the reader with an understanding of the evolution of Dutch planning thought. The second section deals with the legal framework for the planning of infrastructure projects. It shows how the state has tried to further centralize the control over projects and restrict the power of municipalities and provinces. The third section discusses the financing of infrastructure projects. The last section discusses and visualizes the process of developing an infrastructure project in the Netherlands.

Spatial plans and documents in the Netherlands



As mentioned in the introduction, Dutch planning evolved from mainly housing policy into an integrative approach to spatial planning. Before the war, the Dutch economic structure is hardly industrialized. The economy still thrives well on the income from trade in the resources of the colonies. After the war however, the country soon loses Indonesia as its colony, and needs to rapidly develop towards an industrial society to provide for its growing population. The increase in population is strongest in the rural areas. And because of the lack of geographical mobility at that time, a regional industrialization policy is developed. Lesser industrialized regions are to be freed from their structural deprivation of infrastructure. In the definite budget of the regional development plans 42 million guilders of a total of 51 million is reserved for the development of transport infrastructure (Van Hoogstraten 1983).

Figure 1 shows the development of the Dutch road network between 1945 and 1963 (Van Hoogstraten 1983). In the first ten years, the focus is mainly on the development of infrastructure that connects the relatively developed western provinces to the other regions. From 1957 till 1963, the roads are expanded further into the regions. The infrastructure enhancements aim to persuade companies and entrepreneurs to move to the lesser developed regions of the Netherlands. These regions have a high unemployment rate and could thus be potentially very attractive for industries.

A continuous element in Dutch history is the management of water. This includes the fight against water as well as the usage of water for economic purposes. At the end of 1950s there is a strong increase of international transport over water in both quantity and scale. However, the newly developed large oil tankers are unable to access the Dutch harbors. Rotterdam and Amsterdam are considered to be the only harbors that can compete internationally. Plans are made and approved to expand both harbors and enable them to receive larger ships. Especially in the case of Rotterdam, the plans are to become very successful. Measured in number of containers, Rotterdam is the largest harbor in the world.

The Delta the most prominent two decades after great flooding of 1953 eighteen hundred lives, a great urgency land against the sea. already been but the disaster causes The official Delta Plan and comprises the multiple dams to from the destructive Only the waters access to the harbors of Antwerp remain open.



Works is probably project of the first WWII. Following the during which people lost their is felt to protect the The plans had developed in 1950, a great momentum. is ratified in 1958 development of protect the hinterland powers of the sea. allowing direct Rotterdam and Figure 2 shows the

location of the dams. Besides the protection from the sea, there are additional benefits to the construction of the dams. Firstly, closing of several water areas from the sea means the creation of new reservoirs of fresh water. This enables the surrounding agricultural land to be further developed. Secondly, by combining the dams with the creation of new roads, the

project also improves the mobility between the islands and between the province of Zeeland and Rotterdam.

Although attempts at developing national spatial plans had already begun in the 1920's, it is not until 1958 that the first national plan is finished. In 1924, the so called watershed conference of the International Garden Cities and Town Planning Association is hosted by the city of Amsterdam. The first plans for a national spatial plan are developed at this conference (Faludi and van der Valk 1994). In 1958, the Commission for the West Netherlands presents its Structure Plan for the West Netherlands (Nota Westen des lands). This plan is considered to be the first real attempt at a national spatial plan. Also, the report introduces two concepts that have dominated planning and politics for decades to come. These concepts are the Randstad and the Green Hart and will be discussed briefly in the next paragraph. The Structure Plan formed the basis of the First Report on Physical Planning in the Netherlands, published in 1960.

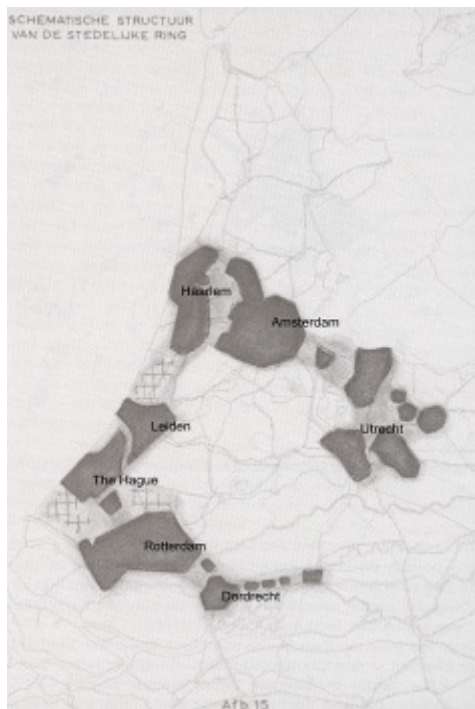
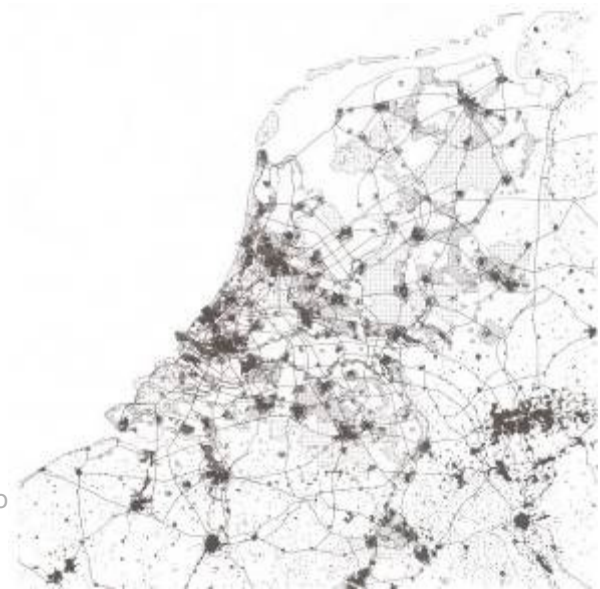


Figure 3 is a graphical representation of the concept of the Randstad from the Structure Plan for West Netherlands. Although somewhat schematically drawn, it shows very clearly the urban ring with an open centre; the so called Green-Hart. Many other sketches of the Randstad/Green Hart concept have appeared throughout time, with different interpretations than this one from 1958. Some extend the Green-Hart further towards the East, and others allow for more urbanization in the center. However, fact is that these interlinked concepts have truly dominated spatial planning in the Netherlands. And they have led to some expensive measures to preserve the Green-Hart landscape.

In 1966, the Second Report on Physical Planning presents a long term strategy for the development of the Netherlands in the year 2000. The report expects the population to increase to 20 million. This increase combined with a strong growth in mobility is assumed to cause severe urban sprawl.

Although urban sprawl is considered undesirable, it is also seen as being inevitable. This ambivalent feeling inspires policy makers to develop the beautiful paradoxical concept of 'concentrated deconcentration'. Zonneveld and Verwest (Zonneveld and Verwest 2005) find two motivations for the usage of this concept. Although it is expected that there will be a blending of the urban and the rural, leaving an amorphous landscape, the policy makers still find it essential to preserve the open spaces in the Dutch countryside. Secondly, the policy makers are not quite ready to put aside their hierarchy of urban cores. The village and city centers are to keep a large enough population density to retain high class amenities. The policy in the second report is aimed at allowing for the urbanization of the Netherlands but with respect to the values of open landscapes and a classic urban core development of towns and cities.

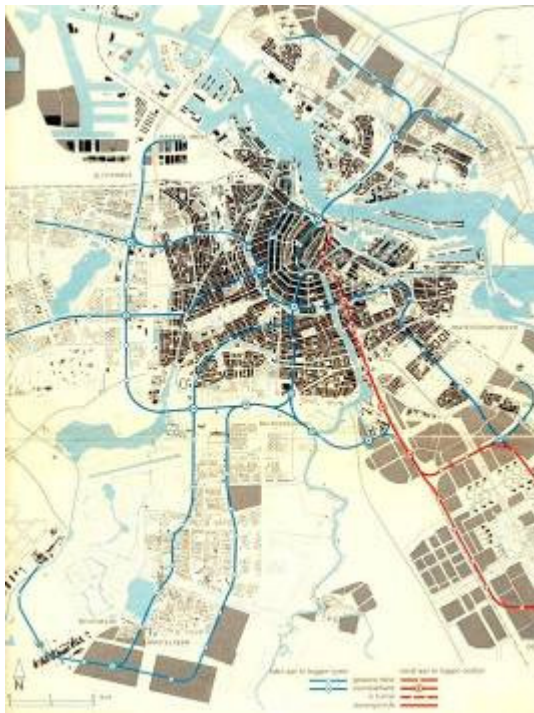
Figure 4 shows the development of the Netherlands as planned in the Second Report. If we compare this to figure 1, we see a strong clustered increase in (sub) urbanization and a



densification of the infrastructure network. The Netherlands is to become a “fully motorized society” and this process is accommodated for in the plans (Ministerie van VROM 1966). The report expects the car to become the dominant mode of transport with about six or seven million cars in the year 2000. The report plans for more than 5300 km of road of which 1550 km already exists in 1966. Five hundred fifty kilometers of the new road have already planned in the Fund for State Roads before the publication of the report. The spatial plan estimates that the remaining 3200 km road will cost about 15 billion guilders (Ministerie van VROM 1966).

Examining the different modal options, the report considers the train to be beneficial for long distance travel. Only then can the benefits of train travel surpass the excess time needed to get to and from the train station. Concerning new train routes, nothing very spectacular is planned except for the line connecting Schiphol with Amsterdam and The Hague/Rotterdam. In 1966, the Dutch rail road system consists of about 3500km of railroad track in 1966. Most attention in the report is given to the modernization of the rail infrastructure such as the electrification of the trains.

In the sixties and seventies, metro systems are built in both Rotterdam and Amsterdam. To date, these are still the only two Dutch cities that have an underground urban transport system. The first line of the Rotterdam metro is opened in 1968. With a length of 5.9 kilometers it is one of the smallest metro lines in the world at that time. It took seven years to build and cost a total of 190 million guilders. In Amsterdam, plans for an underground were already made in the 1920's. However, it was not until 1968 that the municipality took a definite decision to start building a metro system. Figure 5 shows the very extensive plans from that time. Because of the civil unrest it creates and the cost of the metro-project, the decision to stop with this plan is made in 1975. Only the already started lines are to be finished. And in 1977, the Gaasperplas-line and the Gein-line are opened. The red line on figure 5 shows the lines that are finished in 1980.



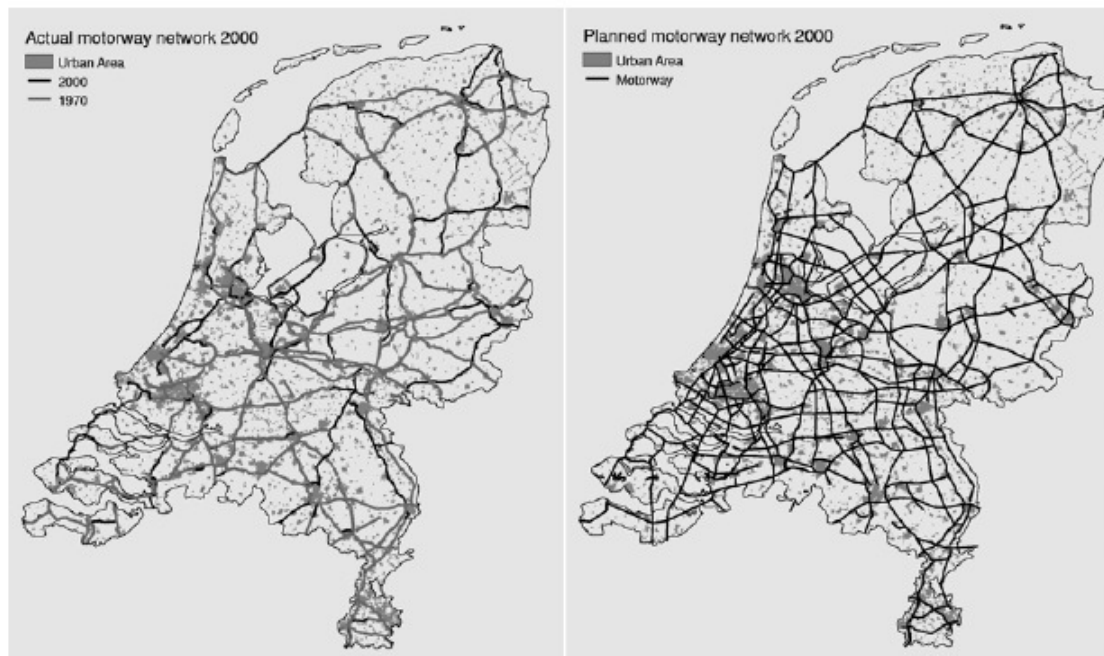
Both the Amsterdam map and the map from the Second Report clearly show the urge that is felt in the 1960's to accommodate for the increasing mobility of the population. Grand schemes are made to deal with the expected transportation problems. The ideals of the planned society lived strongly in the hearts of policymakers and politicians.

The Third Report on Spatial Planning is published in parts from 1973 till 1979. The report is strongly influenced by the environmental and social justice movements. The current infrastructure is to be used more efficiently in stead of the further densification of transport infrastructure system. The report argues for the clustering of infrastructure in order to limit the scope of the negative effects and prevent the fragmentation of landscapes. The document gives an extensive overview of all the effects of clustering and not clustering. The Third Report has a strong concern for involving the “man on the street” (Faludi and van der Valk 1994). The procedure for developing a spatial core decision is opened up to the public and certain parts of the Third Report include the usage of participation rounds.

The First Structure Scheme on Traffic and Transport is published at the end of the seventies and continues in the same discourse that had already been set in the Third Report (Willems

2001). The structure scheme tries to combine all different aspects of planning for traffic and transport and this lead to an extensive formulation of goals. For instance, one goal is: “the accommodation of the demand for transport of people and goods only as long as the contribution on balance is positive to the well-being of the community, and in such a matter that the desired spatial structure is promoted and the damages to agriculture, the natural environment and the landscape is as limited as possible, the road safety is enhanced, it fulfills the legal requirements for the living environment as much as possible concerning issues such as parking nuisance, the emission of pollutants, noise and visual nuisance, the desired social-cultural and economic development is promoted and the usage of scarce natural and governmental resources is limited”(Willems 2001): 29), translated by author). As can be imagined from goals like, the report is comprehensive, but also very ineffective (Faludi and van der Valk 1994).

Infrastructure planning in the 60’s and 70’s went through two phases. In the beginning there are plans to role out dense networks to accommodate the expected increase in traffic. However, with the rise of the environmental and social movements, these plans are stopped, and a compact urban development was pursued. In an article for a colloquium, Geurs, Hoen et al. (Geurs, Hoen et al. 2003) show that the infrastructure policies in the last thirty years have been extremely effective to keep the Dutch landscape open (figure 6). And this change had started in the seventies.



One of the dominating documents in the period from the end of the eighties till the mid of the nineties is not written by national, provincial or even municipal government. But it is the report “Our Common Future” written by the World Commission on Environment and Development. The document is best know as the Brundtland report and is credited for giving the dominant definition of sustainable development.

Not long after the Brundtland report appeared in 1987, two important planning documents are published by the Dutch government. The Forth Report on Spatial Planning is introduced in 1988 and is intended to provide spatial planning with new conceptual input. The Second Structure Scheme on Traffic and Transport is presented in 1990, replacing the first Structure Scheme from the seventies. Both reports are strongly influenced by the Brundtland Report. For instance, the subtitle of the Structure Scheme is: “Traffic and Transportation in a Sustainable Society”.

The Forth Report is actually best known for its supplement from 1993. The Forth Report Extra (VINEX). From an infrastructure perspective, the Forth Report is not very interesting. The report mainly deals with housing issues and the development of the growth towns. Obviously connections between the different have to be improved, but there is a strong tendency to reduce traffic or at the least not to promote an increase. The same is true for the Second Structure Scheme. No really prominent new infrastructure projects are proposed. There is a focus on the improvement of current road, rail and water infrastructure. Both reports do briefly announce studies in the possibility of the High Speed Train Amsterdam-Brussels and the Betuweroute which is a rail line for the transport of goods from the Rotterdam harbor towards the Ruhr area in Germany. These projects have started in the nineties and are expected to be ready in 2007.

The Fifth Report on Spatial Planning was to be the latest in the series. However, it did not make it to publication and instead was replaced by the National Spatial Strategy (Nota Ruimte) that was published in 2006. The report is mainly focused on planning processes. It proposes a more decentralized approach when developments are not of national importance. Those areas that are of national importance are defined in the National Spatial Framework. This framework includes Schiphol airport, the Rotterdam harbor and the infrastructure connecting these so-called mainports to the urban regions of the west. In addition, it includes important nature areas and world heritage sites. Also, the document proposes a move from spatial planning to spatial development. On the website of the Ministry of Housing, Spatial Planning and the Environment, this means that the government should “become a partner for change instead of simply a regulatory body that obstructs development” (Ministerie van VROM 2007). This is a depressing statement as it means that the government sees itself as a problem instead of an institution that can solve the problems the country faces. It can only do good if it partners take the initiative.

As this is the latest national spatial plan to date, this is the current state of Dutch spatial planning. At first, spatial planning in the Netherlands was primarily focused on Housing. It then started to become more comprehensive and included policy for transportation and environmental concerns. However, at the beginning of the 21st century, Dutch spatial planning is in a depression and insecure of its capabilities for progress. The next section deals with the development of the legal institutions of Dutch planning in infrastructure.

Legal context

After the Second World War, the spatial planning of the Netherlands was still based on the Housing Act from 1901, and its amendments in 1921 and 1931. In this act, municipalities are given the legal rights to determine the usage of the land. They have to make official plans for the extensions of the city. These Extension Plans are given legal dominance above all other plans from other levels of government. Formally, the plans have to be in accordance with provincial plans but the provinces are relatively weak compared to the municipalities. Furthermore the Housing Act gives the city councils the power of expropriation. Property of private owners can be annexed for the common good. However, the private owners are entitled to compensation.

The amendments develop the concept of regional plans that are to be developed by neighboring municipalities. Some scholars consider this the beginning of strategic or regional planning in the Netherlands. “This [inter-municipal structure plan, red.] was the first conception of the idea of interlocking levels of planning” (Faludi and van der Valk 1994). Many regional plans were developed, often around road development, however only one was ever accepted in 1938. Not long thereafter, the war made these plans redundant.

The sixties can be described as a coming of age period in Dutch structural planning. In 1965, the first Physical Planning Act and a new Housing Act come into force. The legal basis of the new legal planning system is the municipal Land Allocation Plan that, like the extension plan before it, allocates types of land use to certain regions. For areas outside built-

up areas these are compulsory for municipalities. For built-up areas they are optional. The Land Allocation Plan also links the land use plans with building permits thus effectively linking the Physical Planning Act with the Housing Act.

The allocation plan consists of a map, plan regulations and a clarification. Only the first two are legally binding for citizens and authorities alike. The map uses “express-purpose zoning” (Bruil, Faludi et al. 1987) which designates the usage of zones, small and large, or even buildings using different types of classes. These classes can differ from very specific designations (e.g. theater) to more general ones such as central business district. The map also defines a lot of other characteristics such as building heights, lot coverage and building lines. The regulations provide definitions, give rules for exemptions and assign sanctions.

Table 1 gives an overview of the phases that a Land Allocation Plan has to go through to get accepted and the duration of those phases (Bruil, Faludi et al. 1987). As is clear from the table, the development of such a plan is a lengthy operation and can even be further lengthened by citizens or authorities going to the courts to appeal against certain decisions or procedures. In general, the adjustment of a land allocation plan takes about 58 weeks (Ten Heuvelhof and Hobma 2004). The plan has to be ratified by three different levels of government and with every new level there is another **public consultation/objection round (inspraakprocedure)**. During the first consultation phase, it is possible for “all those living in the municipality, as well as those having material interests there, be they individuals or corporate bodies” to make representations concerning the plan ((Bruil, Faludi et al. 1987): 12). The process by which all these groups are incorporated in the decision-making process is left to the municipal council to decide. Once the plan is designed by the council, there is the first round where written objections can be lodged. The other objection phases at higher tiers of government are only accessible to the actors that have lodged their objections in the first phase.

Phase	duration
Consultation with the public	Indefinite
Putting the plan on display (anybody can lodge objections with the council)	One month
Period within which the plan must be adopted by the council	Maximum of two months. Where objections have been filed four months
Public display and notification of Deputed States (provinces)	Maximum of one month
Public display (anybody can file objections with the Deputed States against any changes)	One month
Period within which the Deputed States must give notice of their approval	Maximum of one month
Public display	One month
Public display(those who have previously lodged objections can lodge an appeal with the Crown)	Maximum one month
Advice by the Council of State	Maximum twelve months
Advice by the Council of State where minister wishes to differ	Maximum nine months
Crown decree	No time limit set,
Display/period of validity	Review after ten years stipulated, but plan remains in force even having been reviewed

The importance of these local land use documents also has consequences for the intergovernmental decision making process. Because of the legal status of these documents, municipalities have a strong bargaining position in relation to national government, even though their financial means are very limited. The Land Allocation Plans forces project developers and national government to consult with local government, because often these plans need to be adjusted. Municipalities are thus in the position to obstruct developments, demand changes to the project or ask for funding for other schemes the municipalities themselves want to develop. For transnational infrastructure this means that there are dozens of local governments that have to be persuaded to cooperate. Because the national government is limited in its enforcing options, this often leads to delays (obstruction or

consensus building) or extra costs (trade-offs). Although the number of municipalities has greatly been reduced over the last twenty years, there are still 458 municipalities in the Netherlands (01-Januari-2006, www.minbzk.nl).

The Spatial Planning Act also arranges the relation between the different tiers of government and their plans. In his analysis of decision-making on infrastructure in six countries, De Jong (1999) depicts the Netherlands as having a hybrid system. The judicial system resembles that of France and Germany with a “strong tendency to solve problems by building solid structures for integral decision making.” (de Jong 1999): 21). However, for practical reasons the working institutions want to remain flexible when making decisions, similar to the decision-making process in Anglo-Saxon countries.

The Netherlands can be typified as a decentralized unitary state, with three main levels of government: the state, the province and the municipality. “The Spatial Planning Act includes a consistency requirement for local and regional plans and for the plans of the spending departments (Van der Valk 2002). These plans should not conflict with the spatial plans of the national government. Since the adjustment to the Spatial Planning Act in 1985, national plans are specified in a spatial core decision (pbk). In principle, the legal status of this document is indicative. However, the spatial planning act stresses the need for provincial and municipal spatial plans to be consistent with this national decision. Because the spatial plans are developed during different periods in time, there is a “leapfrog” development (de Jong 1999) between the various plans at different levels of government.

There are two types of spatial core decisions (de Jong 1999). The first type is the ‘Structure Sketch’. Documents in this category have a cross-sector approach to physical development and look at the tension between different developments in land-use. The most prominent sketches are the National Policy Documents on Spatial Planning that are developed under the responsibility of the Ministry of Housing, Physical Planning and Environment. They are also signed by the other relevant ministries. Currently, the fifth national document is in effect. However, the older national policy documents are of more importance during the policy making process of the researched projects. These will be discussed further along in this paper.

The second type is the Structure Scheme. Documents of this type are more sector specific, although they are usually still congruent with the structure sketches. The structure schemes on traffic and transport (structuurschema’s Verkeer en vervoer) are specific examples of this type of spatial core decisions. Separate structure schemes are also made for large scale infrastructure projects such as high speed railway lines and Randstadrail.

The regional plans of the provincial government work more or less in the same manner as the national plans. They give a rough indication of the developments and land use in the region. The plans of the municipalities should try and fit into the regional and national plans. As is outlined in table 1, Land Allocation Plans have to go through all three levels of government.

From the end of the 1980s till the mid 1990’s several new acts are introduced that are aimed at improving the development of large scale projects on the issues of enforcement, speed, and quality and transparency (Ten Heuvelhof, 2004). These acts are the Environmental Policy Act (1987) (Wet Milieubeheer), the Tracé Act (1994), the nimby-procedure (1994) and the Infrastructure Fund Act. The last act will be discussed in the financial section as it deals with the funding of infrastructure projects.

The Environmental Policy Act is introduced in 1987 and deals with issues concerning the protection of the environment. Of immense importance to infrastructure is chapter seven of this act that obligates an Environmental Impact Assessment (Milieueffectrapportage). The assessment is meant to give the environment a prominent position in the decision making process. The procedure has ten steps and begins with the presentation of a **starting report** that covers the basic aspects of the project. This is followed by a participation round that last for four weeks and is open to everyone. Within thirteen weeks, the proper authority should

provide the applier with guidelines for his environmental effect assessment. The fourth step is that the initiator does the assessment and sends the report to the proper authority. This authority then judges if the guidelines are properly followed and the project is in accordance with the legal demands. If the report is accepted, it should be published with an application for a decision within eight weeks. This is again followed by a participation round that lasts for four weeks. Within the following 5 weeks, the Commission for Environmental Impact Assessment provides an advice on the project taking into account the objections and arguments from the participation round. The proper authority then takes the decision and provides a motivation on how they have taken the environmental impact assessment into consideration. The last step is the evaluation of the true impacts on the environment and the decision on whether further measures should be taken during the development stage.

The environmental impact assessment has become a prominent part of the planning system. And every so often, projects do get stopped or need adjustment in order to be implemented. Besides infrastructure, the environmental impact assessment is mandatory for many more spatial and economic developments such as electricity plants and factories.

The Tracé Act from 1994 is introduced because of the need for more coordination on the national level. Before the act, line infrastructure was developed as a planning document without any legal status. It was then implemented through the Spatial Planning Act that gives a lot of power to the provinces and municipalities that will have to adjust their land allocation plans. This has been already been discussed earlier in the paper. Both the spatial core decision as the land allocation procedures have participation rounds, as does the environmental impact assessment. The Trace act links these different procedures together.

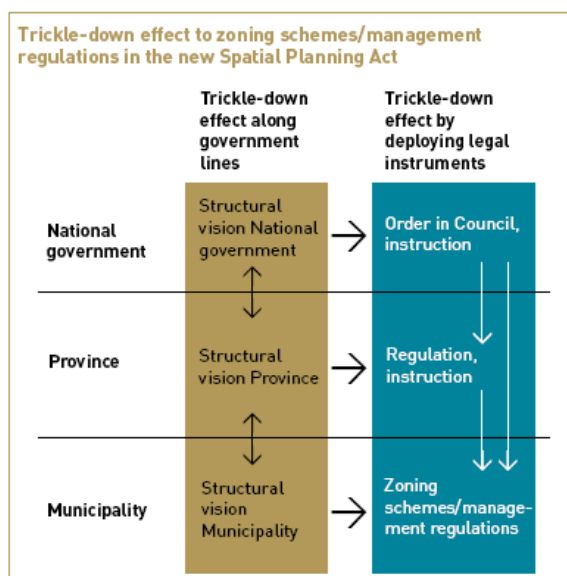
The Trace act deals with three issues. Firstly as discussed above, it aims to coordinate the different procedures, and sets specific time limits for the different phases. This should speed up the decision-making process. Secondly, it creates a structure that enables a line project to be planned as one project, in stead of several small parts that together form the whole project. Thirdly, the act changes the balance between local and state powers. The national government is given several tools to force localities to cooperate. One of these tools is the spatial core decision for projects (PKB+) that leads to a legally binding decision for all follow-up decisions (e.g. land allocation plans). Another tool is the obligation for the minister to give a “suggestion” to non-cooperating municipalities. The “suggestion” can be used proactive and re-active. The first usage means that the national government wants to arrange something for one specific situation/project. Local government then has to adjust its land allocation plan according to the guidelines given by the state. Re-active usage of the instrument means that the national government can stop certain lower levels of government from making plans that conflict with the “national interest”. It is actually a tool from the Spatial Planning Act that was hardly used in the Dutch consensus planning model. However, the Trace Act now obliges the minister to use this euphemistically named power tool.

In 1994, the nimby-procedure (Not in My Backyard) is introduced to overcome the problems of municipalities obstructing national projects. The procedure enhances the “suggestion” tool and enables the State or Province to force municipalities to cooperate. However, there are three prerequisites that need to be fulfilled. Firstly, the project has to be of such an importance that it surpasses municipal concerns. Secondly, it has to be necessary that the project is realized in the near future. And thirdly, there has to be a dead-lock in the decision-making process. Although some political parties feared for the misuse of this tool, it has never been used in practice to date (Ten Heuvelhof and Hobma 2004). However, it has been used as a stick to threaten, and sometimes the usage of the procedure has been blocked by parliament. In 1998, another law is passed that further centralizes the decision-making process on traffic and transport. The Transport and Traffic Plan Act (Planwet Verkeer en Vervoer) allows the national government to impose its transport and traffic plans on lower tiers of government. Other government levels have to adjust their plans to the national traffic and transportation plan. It also means that municipalities have to include other relevant government agencies in the decision-making process when making plans for transport and traffic.

The State Projects Procedure (2004) is the last amendment to the Spatial Planning Act. The act can be seen as a streamlining of existing procedures and practices (Ten Heuvelhof and Hobma 2004). The public decision-making process of projects that are of national importance is directly under control of the national state. The state coordinates the needed permits and the clustering of procedures. However, the procedures still have to respect all other required laws such as the environmental impact assessment. In addition, projects that fall under the Tracé Act or the Aviation Act cannot be included in the State Projects Procedures.

In 2008, a new Spatial Planning Act will be introduced. The act attempts at simplifying the current act that has been amended so many times. Also, it provides a clear distinction of powers between the different tiers of governance. The most important changes are:

- The spatial core decision procedure, and the regional structure plans are replaced by Structure Visions. These plans are not legally binding. Figure 7 shows the relation between the different structure visions and their legal counterparts. The Order in Council (Algemene maatregel van bestuur) is an executive order given by the national government. It often sets the rules and guidelines by which a law should be followed. The Order in Council does not need to be approved by parliament. The instruction is the new name for what was previously known as suggestion.
- Although the Land Allocation Plan is still the responsibility of the municipality, the national government as well as the province are able to determine or adjust the Land Allocation Plan.
- There is a coordination procedure for complex projects where multiple permits from different sectors are needed in addition to an adjustment of the Land Allocation Plan. The different decisions are prepared, bundled and are seen as one decision during legal procedures.



Spatial Planning Act (WRO)	1965
Adjustment Spatial Planning Act: spatial core decision procedure	1984
Environmental Policy Act: environmental impact assessment	1987
Tracé Act	1994
Nimby-procedure	1994
Planwet Verkeer en Vervoer	1998
State Projects Procedure	2004
New Spatial Planning Act	2008

Table 2 provides an evolution of the spatial planning laws for projects. The whole process has been aimed at shifting the equilibrium of planning powers in favor of the national state. The planning process for large infrastructure projects has thus moved from a decentralized legal context to a more centralized one. However, there is still a preference in the planning project towards deliberation between the different governmental levels, and the strong enforcement tools as the nimby procedure are often not used.

This section provided an overview of the development of planning law. However, many projects also have to deal with other laws from other sectors. For instance there are agricultural, housing, and housing laws that might apply to certain sections of the projects. In general, this means that the more integrative approach the project takes, the more complex the whole decision-making process becomes. So, while the decision-making process is clear for a transport infrastructure project, additional projects are likely to have to go through their own procedures. Associated developments, often necessary for public-private partnerships will add extra complexity. Including all other laws would add to much complexity to this paper. The next section will deal with the financing of large infrastructure projects.

Financial

Financially, the Dutch financial system for governmental projects is highly centralized. The process of centralization had started already in the Batavian Republic in the sixteenth century. But one of the most important moments is the abolition of municipal excises in 1865. Immediately that year there was a discussion whether this would mean the end of municipal independency (Wassenaar and Verhagen 2002). In 1929, municipal taxes were abolished and the Municipal Fund was established through which municipalities got grants from national government. The share of local taxes in the total municipal income dropped from 30% in 1930 to 11% in 1940 (Wassenaar and Verhagen 2002): 151). The Second World War dealt a final blow to the financial position of municipalities by putting an end to most types of local taxes. After the war, municipalities were in a very poor financial position. Instead of allowing the local government to increase taxation on its citizens, the national government decided that it would transfer funds for local projects. Before the war, a lot of projects were financed privately or by municipalities. However, in the impoverished post-war society, it had to be the national state that had to take the lead in financing infrastructure.

Nowadays, infrastructure projects in the Netherlands are still mainly funded by the national government. The largest part of the budget for infrastructure is allocated in the Infrastructure Fund. The Infrastructure Fund Act is introduced in 1993 to make an integral approach to the financing of infrastructure possible. It creates the possibility to shift finances between projects or in time to ensure that budgetary bottle necks do not unnecessarily cause delay. The Fund is mainly financed from the budget of the ministry of Transport and Water Management and the Fund for Economic Structure enhancement (FES) that is compiled from profits from the sale of natural gas and shares owned by the state. The Infrastructure Fund has a planned budget in 2007 of about 7 billion (www.rijksbegroting.nl).

An example of the financing structure of infrastructure projects is HST-South budget (Ministerie van Verkeer en Waterstaat 2007). From the total of 7 billion, 2,6 billion (37%) is derived from the SVV-budget of the Ministry of Transport and Water Management. This includes an amount from the FES-BOR fund that was set-up to develop the accessibility of the Randstad. Slightly over 1.7 billion (24%) is financed from the regular FES. Although the HST is seen as a financial disaster, it is also seen as a success in public-private partnership (Koppenjan 2005). Indeed, about a billion (14%) is privately funded, which is a substantial amount for a Dutch infrastructure project.

For a while, it was expected that public-private partnerships would become common and that it would reduce the financial costs for the government. However to date, most attempts at public-private partnerships in large scale projects have ended in a deception. Klein and Teisman argue that this is because the institutional system is not ready for such a change and that public-private partnership is “an example of the right proposal at the wrong time” (Klijn and Teisman 2003).

The budget of the government also includes a list of projects that are on the agenda or that are already being build. The MIT (Meerjarenprogramma Infrastructuur en Transport) is updated annually as part of the State Budget and has a scope of four years. Since 2004, it has an outlook till 2020. Some developments can easily remain in the MIT for decades without

ever being build. This is possible because the MIT categorizes projects in three different phases (Koenders and Noordsij 2004):

1. exploratory phase: projects are placed on the agenda by political parties or ministries and are discussed for desirability.
2. plan study phase: projects have proven their desirability and it can be reasonably be expected that these projects will be developed. Plans are studied on the best approach to the technical, judicial and political dimensions of the project.
3. execution phase: projects are ready to be carried out or are already being realized

As already said, projects can stay in the MIT for very long times, never leaving the first two phases. This often happens because of the consociational nature of Dutch politics (Lijphart 1999) demands that a lot of different parties are consulted and more or less agree on the importance and route of the project. Because of the many parties and the many possible projects possible, there are very narrow windows of opportunity for projects to get past the first two phases and into the third.

It is usually only after finishing the whole decision-making process that attempts are started to acquire external funding. However in the budget of the proposals, assumptions have been made about the possible contributions from third parties in the private sector as well as from the EU.

Since 2005, there is a new act that arranges subsidies from the national government to the municipal/regional government for projects in the transport and traffic sector. The BDU (Brede Doeluitkering) funding can be used for broad projects such as public transport or investment in the infrastructure. Therefore, it can also be used for projects related to a national infrastructure project, relieving the budget of the national project.

Large infrastructure projects are primarily funded by the national government. The creation of the Infrastructure Fund has enabled policy-makers to be more flexible in the financing of these projects. Money can be transferred to the project that needs it the most at that time which should lead to less financial bottlenecks. However, projects do have to first get in the MIT and on the political agenda. Only after the whole decision-making process has finished, do the project managers search for external funding. This section has tried to show how Dutch infrastructure projects are financed. The concluding section combines the legal and financial context and provides an overview of the total institutional decision-making process in the Netherlands.

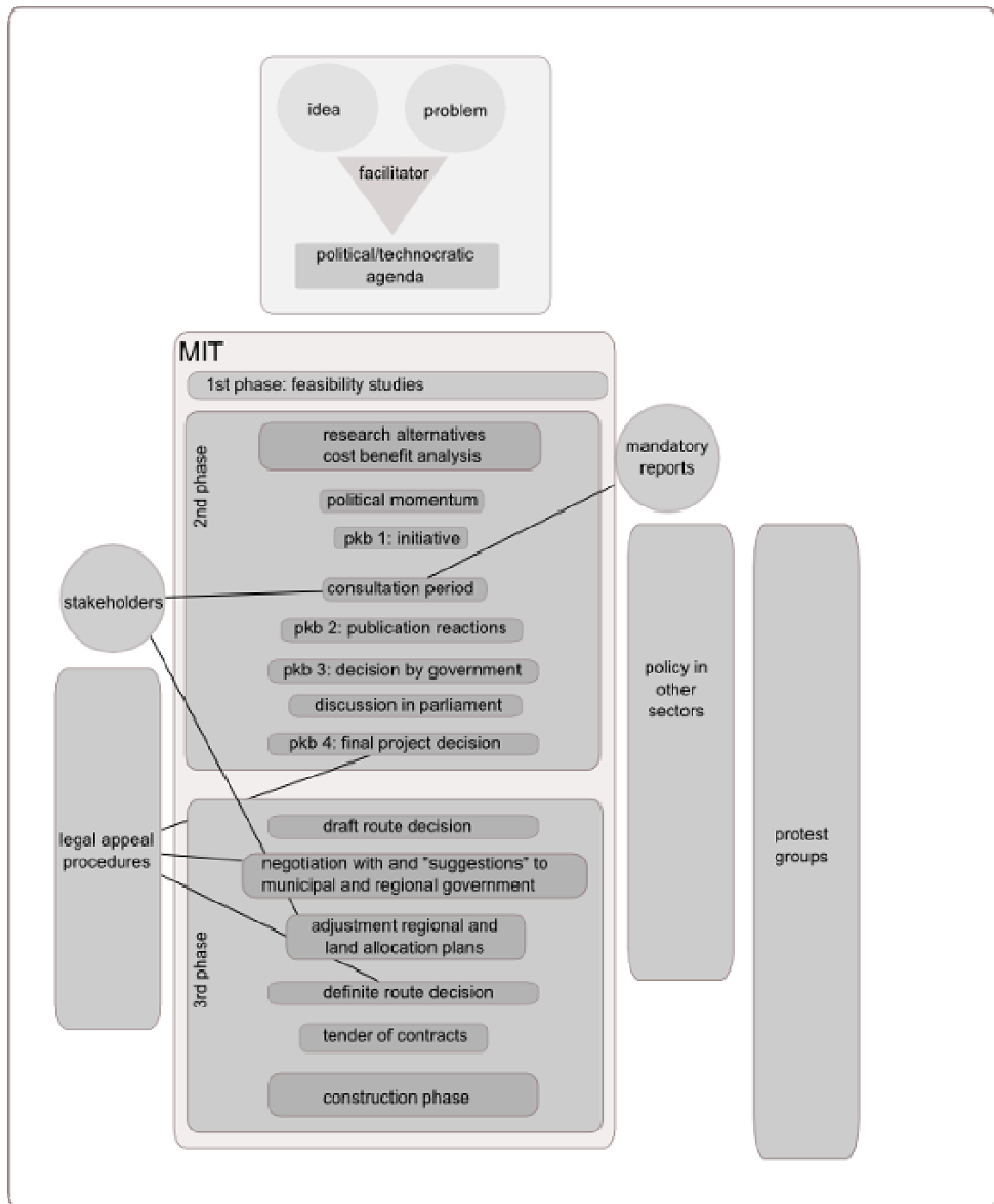
An infrastructure project: from drawing board to completion

Dutch infrastructure planning has undergone a whole tuning process. However, projects are still developed very slowly. To conclude this paper, this section will give a concluding overview of the institutional decision-making process in the Netherlands.

First of all, an idea for a project needs to get into the MIT. This means that political parties or ministries must find the project interesting enough to place it on the agenda. It then goes into the second phase of the MIT and studies will be done to research the feasibility and other dimensions. If it is found interesting enough by the minister, an initial report (PKB1) will be presented. This is followed by a period of public consultation and mandatory advisory reports by several institutions. These reactions are then published (PKB2). The reports include an advice from the Netherlands Council of Housing, Spatial Planning and the Environment (RORA) and the Environmental Impact Assessment. There are also reports from the relevant Consultation Bodies (Overlegorganen). Several prominent civic organizations are in these bodies such as environmental organizations, transportation companies and consumer organizations. It also includes the consultation rounds with the concerning lower tiers of government such as provinces, municipalities. The project plan is developed and published in a report (PKB3) that also has to show in what way the consultations and advices were taken into consideration. This report is the official proposal of the cabinet. It is then presented to the

Chambers of Parliament for approval. These usually demand some changes before approving the report. These changes are included in a new report (PKB4). After publication of this report, the Spatial Core Decision (PKB) comes into effect.

The project has now reached the third phase of the MIT. On the basis of the Spatial Core Decision, a draft route is designed that is published and the state then ask the municipalities and provinces for their cooperation. These then often have to adjust their land allocation plans following the procedure that was described in the legal section. Before or during this process, if the lower tiers of government have decided to give their approval (or they have been given a “suggestion), the final route-decision is made. The project has now gone through the complete institutional decision-making context, and is ready for the execution phase. During the whole procedure, an appeal is possible at the Supreme Court against the Spatial Core Decision, the Route-decision, and the suggestions. Of course, for the whole process there are legal constraints from other sectors. However, because this is dependent of the type of project, these other sectors will not be specifically described. Figure 7 gives a schematic overview of the decision-making process.



Conclusion and discussion

This paper has given an overview of the Dutch infrastructure planning system since the Second World War. It firstly presented the evolution of Dutch strategic planning by reviewing the consecutive plans. Although the plans are clearly products of the era they are developed, there is one strong continuity in these plans. There is a constant struggle between urbanization and retaining the open landscape. This struggle is sublimated in the Green Hart and Randstad concepts. These have dominated the spatial planning debate, and it seems that the concepts will not lose their position within the near future.

The legal context of large infrastructure projects has changed significantly over the last decades. The whole decision-making process has been streamlined and the legal power balance has shifted strongly in favor of the national government. The environmental and

public consultation rounds have remained intact, and there are still several opportunities for legal appeals. Now that there are few possibilities left for time-saving in the decision-making process, it is likely that the attention will shift to project management.

Large infrastructure projects are mainly financed from the Infrastructure Fund and the FES fund for economic structure enhancement. Both funds consist mainly of capital from the sale of natural resources and shares in companies. In order to be financed, projects have to be placed in the MIT and go through the whole process. The speed with which projects go through the different phases is dependent on the political will. There are some projects that have been in the study phase for over a decade (Zuiderzeelijn).

Even although the institutional process for decision-making has been streamlined, planning a large infrastructure projects remains complicated. There are many stakeholders and many separate steps to take. Furthermore, the more comprehensive the project wants to be, the more complex the whole process becomes as more stakeholders and more sectors of law need to be dealt with. In addition, the institutional practices will remain based on consensus building.

Bibliography

Bruil, D. W., A. Faludi, et al. (1987). Dutch Land Use Laws. Working Papers of the Institute of Planning and Demography. Amsterdam, University of Amsterdam. **93**.

de Jong, W. M. (1999). Institutional Transplantation - How to adopt good transport infrastructure decision-making ideas from other countries? . Technical University of Delft. Delft, Eburon Publishers. **Dissertation**.

de Jong, W. M. (1999). International Comparison of Decision-Making on Infrastructure. The Hague, Ministry of Transport, Public Works and Water Management.

Faludi, A. and A. van der Valk (1994). Rule and Order: Dutch Planning Doctrine in the Twentieth Century. Dordrecht, Kluwer Academic Publishers.

Geurs, K., A. Hoen, et al. (2003). 30 Years of Spatial Planning and Infrastructure Policies in the Netherlands: a Success? Colloquium Vervoersplanologisch Speurwerk. Antwerpen.

Hajer, M. and W. Zonneveld (2000). "Spatial Planning in the Network Society - Rethinking the Principles of Planning in the Netherlands." European Planning Studies **8**(3): 337-355.

Klijn, E.-H. and G. R. Teisman (2003). "Institutional and Strategic Barriers to Public-Private Partnership: An Analysis of Dutch Cases." Public Money and Management **23**(3): 137-146.

Koenders, D. and R. A. Noordsij (2004). Budgettaire inpassing van grote infrastructuurprojecten Grote projecten: inzichten en uitgangspunten: achtergrondstudies. TCI. Den Haag, Sdu Uitgevers.

- Koppenjan, J. F. M. (2005). "The Formation of Public-Private Partnerships: Lessons from Nine Transport Infrastructure Projects in the Netherlands." Public Administration **83**(1): 135-157.
- Lijphart, A. (1999). Patterns of Democracy: Government and Performance in Thirty-six Countries. New Haven, Yale University Press.
- Ministerie van Verkeer en Waterstaat (2007). Voortgangsrapport 20 Hogesnelheidslijn-Zuid. Den Haag, Ministerie van Verkeer en Waterstaat.
- Ministerie van VROM (1966). Tweede nota over de ruimtelijke ordening in Nederland. Den Haag, Staatsuitgeverij.
- Ministerie van VROM. (2007). "The National Spatial Strategy." Retrieved 12-06-2007, 2007, from <http://international.vrom.nl/pagina.html?id=7348>.
- TCI (2004). Grote infrastructuurprojecten: inzichten en aandachtspunten (achtergrondstudies). Den Haag, Tijdelijke Commissie infrastructuurprojecten.
- Ten Heuvelhof, E. and F. Hobma (2004). Ruimtelijke en milieu-inpassing van grote infrastructuurprojecten: het juridisch kader. Grote projecten: inzichten en uitgangspunten: achtergrondstudies. TCI. Den Haag, Sdu Uitgevers.
- Van der Valk, A. (2002). "The Dutch Planning Experience." Landscape and Urban Planning(58): 201-210.
- Van Hoogstraten, P. W. M. A. (1983). De ontwikkeling van regionaal beleid in Nederland 1949-1977: verkenningen van grenzen en mogelijkheden van de staatspolitiek ter beïnvloeding van de ruimtelijke structuur. Technische Hogeschool Eindhoven. Nijmegen, Stichting Politiek en Ruimte. **Dissertation**.
- Wassenaar, M. C. and A. J. W. M. Verhagen (2002). De financiële verhouding in Nederland. Den Haag, Sdu Uitgevers.
- Willems, J. (2001). Bundeling van infrastructuur Theoretische en praktische waarde van een ruimtelijkrichtingsconcept. Faculty of Civil Engineering and Geosciences. Delft, University of Delft. **Dissertation**.
- WRR (1994). Besluiten over grote projecten. Den Haag, Sdu Uitgevers.
- Zonneveld, W. and F. Verwest (2005). Tussen droom en retoriek. De conceptualisering van ruimte in de Nederlandse planning. Rotterdam / Den Haag, NAI Uitgevers / Ruimtelijk Planbureau.