

Urban Regions in the Delta



Case Study Westflank Haarlemmermeer, the Netherlands: The Paradox of Governance

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**Case Study Westflank Haarlemmermeer, the Netherlands:
The Paradox of Governance**

Sebastian Dembski

CONTEXT

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Executive summary

The Westflank Haarlemmermeer was an integral, large-scale area development project in the Amsterdam Metropolitan Area, the Netherlands. The Westflank project intended the development of 10,000 houses in combination with the realisation of a sustainable and climate proof water system, green space and infrastructure. The development of the Westflank required an comprehensive, area-oriented approach, for the quantitative ambitions outnumbered the total area, in particular taking into account the spatial restrictions originating from legal and policy norms.

It was on between 2007 and 2011 under the leadership of the Province of North Holland, together with the National Government, the municipality of Haarlemmermeer and the Rijnland Water Board. The decision of the National Government for a new overhead power transmission line, Randstad 380 kV, transecting the plan area lengthwise, baffled the efforts for an integrated area development. The Province of North Holland and the municipality of Haarlemmermeer rendered the objectives infeasible.

The failure of the Westflank integrated development project is not the result of inflexible national legislation, but the result of policy ambitions carved into stone in combination with the emerging financial and economic crisis, lack of urgency and unclear policy agendas of stakeholder. While top-down regulations do create complicated restrictions to projects, this study shows that also – or even more so – network governance itself creates conditions of inflexibility. In its ambition to integrate a wide variety of interests and to involve a range of actors, governance can in fact create the conditions of inflexibility for which it claims to be a solution.

Reflecting on the contextualisation of legal and policy norms, the analytical framework of this study distinguishes two dimensions: the restrictiveness of norms, which refers to the degree to which flexibility is incorporated in the norm, and durability, referring to the enforcement and changeability of norms. It turned out that many of the legal and policy norms were rather strict in their formulation, but that it was rather easy to change these rules at their margins, such as correcting the boundaries of the Green Heart contour or lifting the building ban of the Schiphol policy in Hoofddorp-West. Additionally, the SMASH planning process reconsidering the spatial and aviation policies around Schiphol was a unique possibility to influence some of the flight paths and thus the noise contours.

The paradox of governance, thus, consists of the fact that while legal constraints were removed to such an extent that the development of the Westflank was generally possible, the interaction between stakeholders resulted in a different set of internally formulated policy objectives that turned into static norms, similar to the legal and policy constraints that had been removed. This could happen because in fact, the Westflank project did not bear resemblance with an ideal-type net-

work governance approach and related process architecture. In spite of technical uncertainty about the solution and a complex stakeholder environment the project focussed very much on the content and progress of the project, neglecting the internal dynamics in policy agendas and the wider stakeholder arena.

The study concludes by discussing three key issues:

- *Getting priorities right.* How to implement regional or national policy objectives without strong instruments is a continuous issue in spatial planning. In the case of the Westflank Haarlemmermeer there was a clear mismatch between the problem ownership and implementation power. This applied to almost all policy objectives. Furthermore, the project partners could not agree on who is taking the financial responsibilities for which part of the project. As a consequence the business case remained negative until the very last moment, when the Province made a move.
- *Order and control in multi-scalar, cross-sectoral spatial development projects.* Coordination issues between policy sectors and government scale are very common in spatial planning. The Westflank particularly fuels the debate on the right level of scale for spatial interventions. The primacy for spatial according to the principle of subsidiarity is placed on local governments. In the Westflank, all tiers of government were involved, plus the Water Board as a sectoral form of decentralised government. What does this proliferation of decision-making power add to a project? The proverb that too many cooks spoil the broth might apply. The problem of multi-scalar government became particularly prevalent in the light of shifting priorities.
- *Contextualisability of policy objectives and funding conditions.* The rigidity of the policy objectives and funding conditions has been identified as a key problem. On the one hand, this can be approached as a governance or urgency problem: policy objectives can be reconsidered (as was possible with some national policies that stood in the way of the development of the Westflank). On the other hand, we may interpret this as a problem of contextualisability. Both policy objectives and funding conditions provided little leverage to the project partners after being formalised in contracts. The ambitions were formulated primarily in quantitative terms. Furthermore, objectives and funding conditions focussed on means (solutions) instead of ends (principle qualities). The water objectives may function as an illustration. Obviously, a sustainable, self-sufficient water system was the principle goal, but in practice the debate was mainly about the water detention capacity of 2 million cubic metres.

1 Introduction

The Westflank Haarlemmermeer was an integral, large-scale area development project in the Amsterdam Metropolitan Area, the Netherlands. The Westflank project intended the development of 10,000 houses in combination with the realisation of a sustainable and climate proof water system, green space and infrastructure. It was on between 2007 and 2011 under the leadership of the Province of North Holland, together with the National Government, the municipality of Haarlemmermeer and the Rijnland Water Board. The decision of the National Government for a new overhead power transmission line, Randstad 380 kV, transecting the plan area lengthwise, baffled the efforts for an integrated area development. The Province of North Holland and the municipality of Haarlemmermeer rendered the objectives infeasible.

The development of the Westflank required an comprehensive, area-oriented approach, for the quantitative ambitions outnumbered the total area, in particular taking into account the spatial restrictions originating from legal and policy norms. Thus the Westflank is an ideal case for the research project where overlapping spatial claims of development and sustainability are brought together and where we can study the clash between the different steering philosophy of governance and law (Salet & De Vries, 2013).

Large-scale urban development projects are realised in a context of complex legal rules, policy constraints, conflicting interests and natural conditions that all set limits to what is possible. Furthermore, this leads to increased uncertainty, which demands more flexible forms of collective action. Networked governance is often portrayed as an alternative mode of collective action that is better capable of dealing with challenges associated with this complexity than traditional modes of governing (Hajer, 2009). According to much of the governance literature the ability of urban development projects to adapt through time and to local circumstances is often hampered by regulations that are top-down bestowed on regional and local actors by national and EU-actors. This is labelled the problem of contextualisation (Van Rijswick and Salet, 2012). This interplay between central-level legal norms and local-level interactive governance is investigated in the project Westflank Haarlemmermeer, the Netherlands.

The guiding research question of this report is therefore twofold:

- 1 The dimension of legal norms: Which central legal norms and policies did affect the project and have how local planners dealt with these regulations?
- 2 The dimension of interactive governance: How have the various claims of public and private actors been aligned, in particular with respect to the conditions of central regulation?

The main questions have been operationalised into a set of subquestions:

- 1 Who have been the key stakeholders and what were their main interests?
- 2 How was the project organised?
- 3 What have been the most important decisions regarding the Westflank project?
- 4 What are the key legal and policy regimes that influenced the planning of the Westflank?
- 5 Which different plan variants existed and how have these responded to relevant legislation and policy ambitions?

To anticipate the conclusion, the failure of the Westflank integrated development project is not the result of inflexible national legislation, but the result of policy ambitions carved into stone in combination with the emerging financial and economic crisis, lack of urgency and unclear policy agendas of stakeholder. While top-down regulations do create complicated restrictions to projects, this study shows that also, or even more so, network governance itself creates conditions of inflexibility. In its ambition to integrate a wide variety of interests and to involve a range of actors, governance can in fact create the conditions of inflexibility for which it claims to be a solution.

Methodology

The case study of the Westflank Haarlemmermeer covers the making of a strategic plan in the period 2006–2011. The two dates respectively mark the moment when it became an independent project and when the Province of North Holland and the Municipality of Haarlemmermeer returned the assignment to the National Government. The study draws on 9 interviews with key stakeholders, mainly from the public sector, which have been conducted in the first half-year of 2013. All interviews have been recorded and transcribed. Copies of the digital recordings and transcriptions of the interviews are kept disclosed by the author, being only accessible to members of the research team. The report has been returned to the interviewees to provide feedback (member checking). The interview data is backed up by intensive desk research of law texts, policy documents and reports (see Bibliography). I had access to internal memos of the Province of North Holland that helped to summarise the decision-making process. Additionally, this report profited from two reports, commissioned by Ministry of Infrastructure and the Environment (Sinoo & Van Buuren, 2011) and the Province of North Holland (PNH, 2013). In particular the latter report draws on extensive interviews with more than 30 individuals.

Structure of the report

The report starts with a brief introduction into the history and geography of the Haarlemmermeer, ending with the specific spatial challenges that lay at the basis of the Westflank project. In the next two chapters the key stakeholders are introduced and the organisational form of the project is outlined. Chapter 5 provides an account of the decision-making process in chronological order. This is followed by a review of the most important legal and policy regimes that had to be applied to the Westflank. In chapter 7 the way these ‘constraints’ have been contextualised in the different plan variants for the Westflank is analysed. By way of conclusion we identify some key dilemmas that emerge from the empirical material, which are presented in chapter 8.

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2 The Westflank Haarlemmermeer

The Westflank Haarlemmermeer is located in the southwest corner of the Amsterdam Metropolitan Area in the Haarlemmermeer polder. It is part of the municipality of Haarlemmermeer (pop. approx. 144,000). Its main feature is Schiphol Airport, which makes it an important economic factor in the Amsterdam Metropolitan Area, but it is also one of the potential locations for large-scale urban extensions to accommodate the urbanisation pressures of Amsterdam. In the following, I will briefly elaborate on the history of Haarlemmermeer from untamed water in the seventeenth century into a key municipality in the Amsterdam Metropolitan Area, which ultimately results in an outline of the problems that were to be solved by the Westflank project.

The Haarlemmermeer is a polder (*droogmakerij*) of 18,500 hectares that has been reclaimed in 1852.¹ It was by then by far the largest land reclamation of the Netherlands (Van der Woud, 1987: 289). Works had started in 1840 when constructions for the Ringvaart (Ring Canal) started, which forms the 'natural' boundary of the municipality of Haarlemmermeer. The reclamation of land only makes sense if there is fertile ground underneath, which was the case (Van der Woud, 1987: 265). Haarlemmermeer has been dried up because the protection of the shoreline formed a large public expenditure, which could be just as well used for land reclamation. Each storm took away some land, a phenomenon describes as water wolf (*waterwolf*) (Van der Woud, 1987: 274–275). In the period 1530–1730 the surface of the Haarlemmermeer had grown from 6,600 to 19,500 hectares (Taverne, 2006). The Haarlemmermeer has been emptied out by only three steam pumping stations (*stoomgemalen*): Leeghwater, Cruquius and De Lynden, which still exist today. The strict spatial layout of two by three kilometres is characteristic for the Haarlemmermeer polder. This uniform and rational landscape triggered a lot of criticism by various conservative movements from the Hague School of painting, the nature conservation movement and town and country planners (Taverne, 2006).

Shortly after the land had successfully been reclaimed, two villages were founded (Kruisdorp and Venneperdorp), in anticipation of the possible provincial split-up of the Haarlemmermeer into North Holland and South Holland (which did not happen). Kruisdorp developed faster, also because the town hall was located here and from the growth of importance today's name evolved: Hoofddorp, which literally translated means 'main village'. Along the Ringvaart more settlements emerged, the biggest being Zwanenburg and Badhoevedorp at the northern edge. The new inhabitants, in particular farmers, came from all parts of the country (Van der Woud, 1987: 300), which is still recognisable in the farms' distinct architecture and represents the national character of the land reclamation project (Taverne, 2006: 717–718). The Haarlemmermeer was an agricultural polder and should remain so for more than a century.

¹ A detailed account of the land reclamation of the Haarlemmermeer can be found in Van der Woud (1987: 280–301) and Taverne (2006).

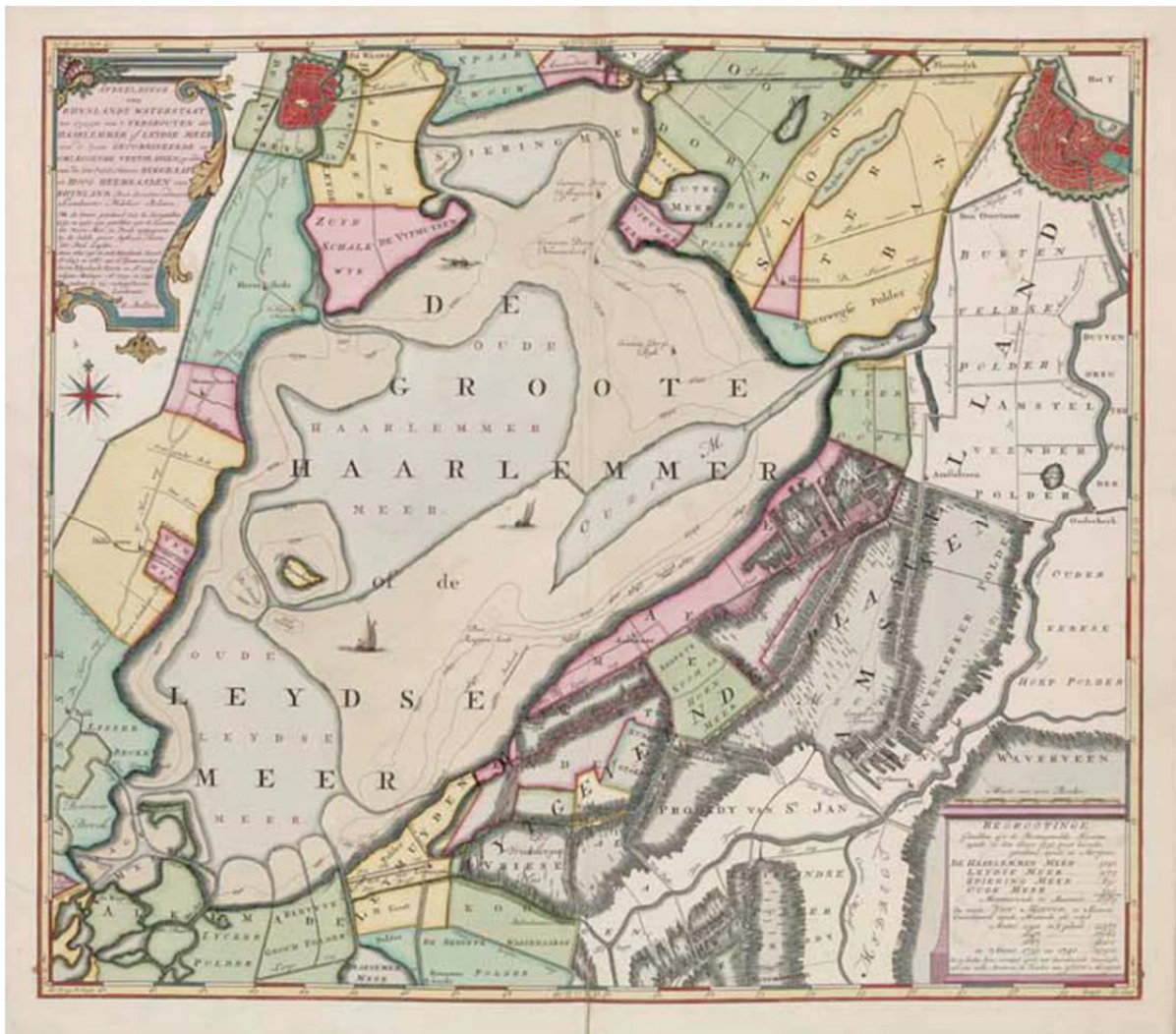


Fig. 1. The Haarlemmermeer before reclamation in 1740. The lighter shading shows the four original lakes in 1530. Source: Rijnlands waterstaat, de Haarlemmermeer en de aangrenzende veenplassen by Melchior Bolstra [Leiden: Hoogheemraadschap Rijnland], 1740

The rapid urbanisation of the Haarlemmermeer only took off in the 1980s (Suárez, 2008). This is comparatively late regarding the fact that the heydays of the Dutch new towns policy were in the 1960s and 1970s. Already in the 1930s there had been ideas for a Garden City in the Haarlemmermeer (Faludi and van der Valk, 1990: 36). Yet also the First and Second Spatial Memorandum did not grant the status as growth pole (Suárez, 2008: 9). Despite restrictive national policy Hoofddorp grew slightly. The National Government still protested against urban extensions in the 1970s (Gemeente Haarlemmermeer, 2011: 129). It was only in the Third Spatial Memorandum, the Urbanization Report that was published over ten years (1973–1983) that the Haarlemmermeer became a pinpoint of urbanisation. Since 1975 the population has more than doubled from 70,000 to 144,000 in 2012. Despite its population size, the Haarlemmermeer is difficult to characterise. It is neither urban nor suburban – ‘atypical urbanity’ (Suárez, 2008). It is quite one of those places that the German town planner Tom Sievert must have had in his mind when coining the term *Zwischenstadt* (Sieverts, 1997). The western flank of the Haarlemmermeer remained largely free from large-scale development.

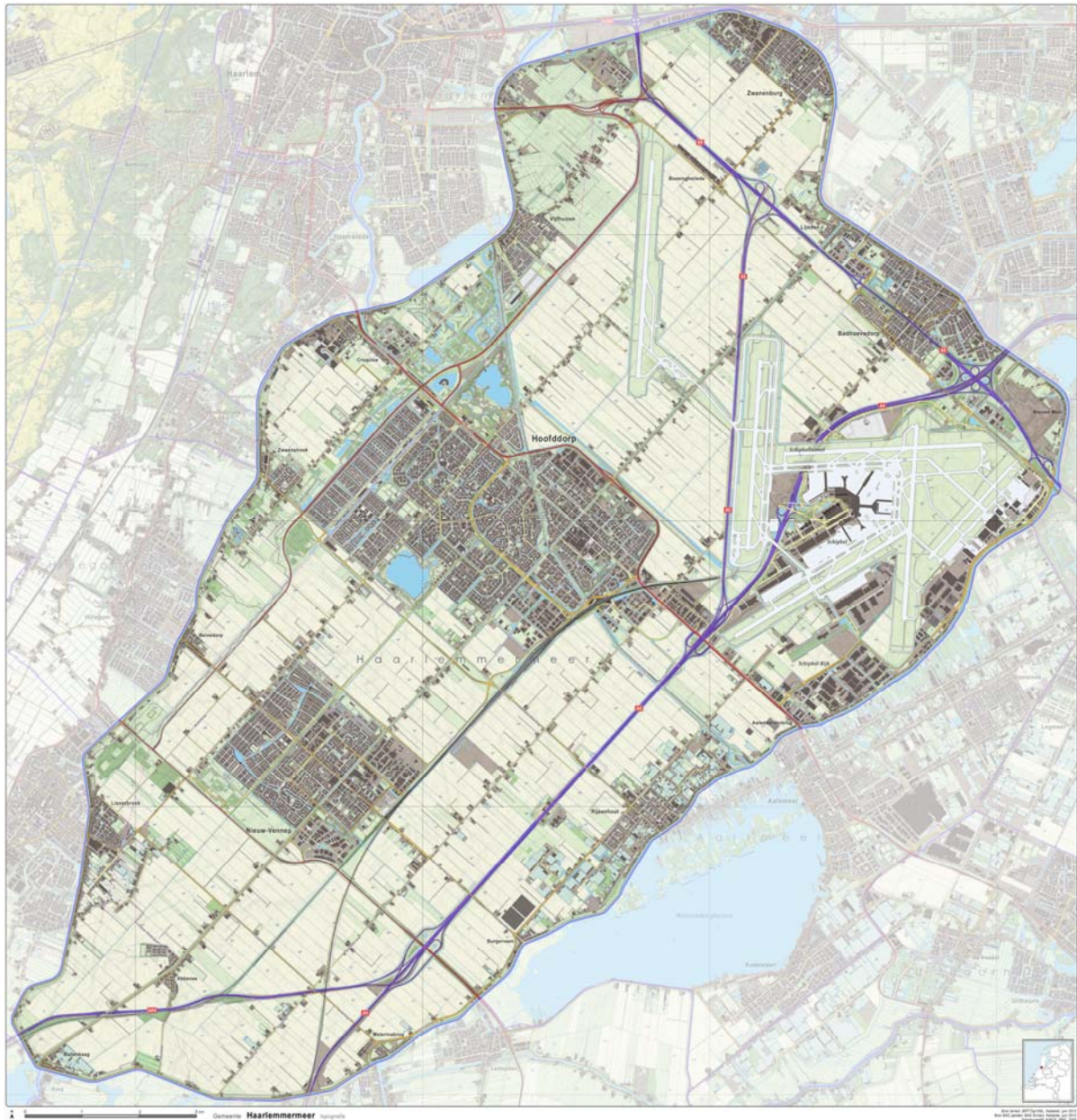


Fig. 2. Topography of the Haarlemmermeer, 2012. Source: Jan Willem van Aalst

The growth of the Haarlemmermeer is strongly related to the growth of Schiphol. In 1916 a military air base was founded in the Haarlemmermeer by the Dutch War Ministry. It was by no means certain that this tiny airfield would become the national airport and major European hub (El Makhloufi & Kaal, 2011). Civil aviation started in 1920 and in 1926 it was taken over by the Municipality of Amsterdam. During the Inter-War period, there was fierce competition between Amsterdam, Rotterdam and The Hague (which had no airport) about the status of national airport. After World War II Schiphol was finally confirmed as 'world airport' (Bosma & El Makhloufi, 2012). In 1958 it was nationalised, though Amsterdam (22 per cent) and Rotterdam (2 per cent) remained shareholders. In 1967 the airport was 'reopened' after major renovations and extension of runways. Schiphol grew further and became connected to the rail network in 1978, and so is Hoofddorp. The 'mainport policy' from the mid-1980s, formalised in the Fourth Spatial Planning Memorandum (1988), is another milestone for the future development of the airport. It sets out a

roadmap for a new terminal building and a fifth runway (Polderbaan) to ensure its growth. Schiphol is currently Europe's fourth busiest airport by passenger traffic.²

The Haarlemmermeer is part of the development axis from Hoofddorp via Schiphol Airport to the South Axis (Zuidas), the new business district of Amsterdam. This area is also known as the airport corridor (Schaafsma, 2010). The Haarlemmermeer is centrally located in the Randstad and has a very prosperous economy. It is one of the few municipalities in the Netherlands, if not the only, in which the relation between the number of jobs equals the number of inhabitants.³ This is mainly what makes the Haarlemmermeer so attractive for urban development, in particular in relation to the other main location for relieving development pressures in the Amsterdam Metropolitan Area, the new town Almere. Therefore Haarlemmermeer enjoyed priority over Almere in the metropolitan strategy (MRA, 2008)

Spatial problems

Four main problems were to be addressed by the Westflank integrated area development project: the housing shortage in the Amsterdam Metropolitan Area; the water management in the Rijnland, particularly in the Haarlemmermeer polder; the shortage of recreational space in the municipality of Haarlemmermeer; and mobility issues. All four will be briefly elaborated.

First, the Amsterdam Metropolitan Area faces an enormous housing shortage. Housing forecasts predict a demand of 150,000 units until 2030. Recently this figure has increased significantly to 300,000 housing units until 2040 (Karst, 2012). The main problem is the regional mismatch between demand and supply. While the economic development concentrates on the axis Schiphol–Amsterdam, housing development concentrates in Almere, a new town in the Flevo polder on the other side of Amsterdam.⁴ This puts a huge burden on the regional transport system. The need for substantial urban development in the Haarlemmermeer, in particular in the higher segment, is supported by National Government and widely shared within the region (VROM et al., 2006; MRA, 2008). The scale of urbanisation planned in the Westflank Haarlemmermeer requires adequate traffic and transport infrastructure, in particular new provincial roads feeding the motorway system and new express bus connections.

Second, the Haarlemmermeer polder has serious water management problems (HHR et al., 2010). Today's water system is designed for agriculture. The water level is kept stable throughout the year, with a slightly lower level during summer in order to enable agriculture. The artificially low water level during winter implies that water is pumped into the Ringvaart (the canal surrounding the Haarlemmermeer polder), while during summer additional water needs to be fed into the system. Water is let in at the southern tip, and pumped out in the north. Being below sea level and also lower than surrounding areas salty groundwater rises, causing salination of crops. Therefore water is pumped in to clean the polder. Underlying the water problem in the Haarlemmermeer polder is an expected problem with decreased water quality (increased salinity) at

² The history of Schiphol in all its facets is documented on the website of the Urban Nebula project by researchers of the Free University of Amsterdam (<http://www.urbannebula.nl>).

³ In 2011 (December) there were approx. 139,900 jobs and approx. 143,300 inhabitants in Haarlemmermeer (Statistics Netherlands, <http://statline.cbs.nl>).

⁴ See also the CONTEXT case study Markermeer-IJmeer by Waterhout et al. (2013).

the entry point near Gouda in the long-term future (c. 2050). During the extremely dry summer of 2003 there was already insufficient clean fresh water. In order to prevent this from happening the water system of the Haarlemmermeer polder needs to become more self-sufficient.

Third, there is a perceived shortage of green space in the Haarlemmermeer. The development of high quality green space stayed far behind the pace of urbanisation in the Haarlemmermeer. Over the last decades, open agricultural land has been sacrificed for urban development. Another major deterioration of the liveability of Haarlemmermeer was the extension of Schiphol Airport by a fifth runway. In order to mitigate the negative effects on the recreational value of green space, a covenant has been signed in the mid-1990s by the National Government, Schiphol and regional actors.⁵ The green infrastructure objective was therefore not only a qualitative problem, but also a contractual obligation. In order to compensate the increased noise nuisance in the recreation area Spaarnwoude, 500 hectares of extensive woodland have to be realised.

Fourth, congested infrastructure is already a serious issue in the western Haarlemmermeer, which would only increase with additional urban development programmes. This concerns in particular the provincial road N207 and the east–west connection between the coast and Haarlemmermeer, the *Rijnlandroute* (PNH & PZH, 2006: 92). Any large-scale urban development would put a strain on the road network. Furthermore, the Westflank itself has poor public transport connections.

⁵ The covenant and more information on green infrastructure projects can be accessed via: <http://www.mainportengroen.nl>.

3 Stakeholders

The Westflank Haarlemmermeer is a joint project of the Province of North Holland, the municipality of Haarlemmermeer, the National Government, and the Rijnland Water Board. Four main issues were at stake: water, green infrastructure, urbanisation and infrastructure (Sinoo & Van Buuren, 2011; PNH, 2013). This stakeholder analysis is mainly based on two studies by Sinoo & Van Buuren (2011) and the Province of North Holland (PNH, 2013), and was enriched and controlled with own interviews.

The Province of North Holland is the project leader and involved from the very beginning. The project started with a much larger territory (Haarlemmermeer-Bollenstreek), crossing provincial boundaries. From this position the Province continued as project leader, also because no other party wanted to take the lead. Strictly speaking, there is no natural role for the Province in the project, because the Westflank Haarlemmermeer is realised within the boundaries of the municipality of Haarlemmermeer. This is also recognised by the Province of North Holland. It was intended to hand over the project leadership to the Municipality of Haarlemmermeer, once the project had reached the implementation phase. The interests of the Province in the project were widespread. Most obvious were (road) infrastructure and green space, which are provincial core tasks. In particular in the beginning, the Province had an interest in urban development. Yet also the water objective was firmly rooted in provincial policies. Apart from material spatial concerns, there was an interest to demonstrate that the Province is capable of realising projects. The assertive provincial alderman Mr Ton Hooijmaijers was a driving force behind the project, but was forced to leave office halfway.⁶ There was lots of critique on the role of the province, in particular the lack of clarity about interests and the inability to prioritise (PNH, 2013: 12).

The National Government was involved via a series of departments. The minister of Agriculture, Nature and Food Quality (LNV) is coordinating on behalf of National Government, but it was the Ministry of Housing, Spatial Planning and the Environment (VROM) that gave birth to the project via its request for a regional urbanisation policy. The Ministry of Transport, Public Works and Water Management (V&W) was involved via the water objectives. On the operational level, the National Real Estate and Development Agency (RVOB) represented the National Government. In so doing, the various departmental stakes were canalised, so that the government could speak with one voice. The National Government initially had a vital interest in the realisation of 10,000 housing units as to anticipate on the housing forecasts and to strengthen the international competitiveness of the Randstad. Later, the sustainable water system came prominently to the fore. VROM has come short of expectations with respect to the Westflank. Two other spatial projects

⁶ Mr Hooijmaijers was provincial alderman 2005–2009. He had to step back (together with the whole college) as a result of the potential loss of savings worth €78m due to the bankruptcy of the Icelandic bank Landsbanki for which he was held politically responsible. In 2010 he was also accused of corruption and bribery in spatial development projects. The investigations have not been finalised. So far, the Westflank project has not been related to this cause.

had a crucial effect on the Westflank: the energy project Randstad 380 kV and the Randstad decisions Amsterdam–Almere–Markermeer (RAAM) to enable urban growth in Almere. The 2010 change in Government resulted in a major departmental reshuffle. Spatial Planning merged with V&W to become the Ministry of Infrastructure and the Environment (I&M). LNV has been integrated in EZ to form the new Ministry of Economic Affairs, Agriculture and Innovation (EL&I). This created new internal political dynamics. The position on the route of the overhead power line changed and Almere seemed to enjoy a much higher priority for urbanisation. In the end, the RVOB managed to speak with one voice for the National Government, but in the crucial phase of the Westflank, there was little exchange of ideas between Government departments.

The Westflank project is realised on the territory of the municipality of Haarlemmermeer. It was planned that the municipality would become project leader during implementation, since it has to translate the plan into a legal land-use plan. The municipality is responsible for land-use planning, though in theory, the Province could take over with an intervention plan (*inpassingsplan*). For the Municipality of Haarlemmermeer the Westflank was mainly an opportunity to solve some other pressing problems. The housing shortage was part of the regional agenda, which they fully supported, but had no priority as the local demand could be easily accommodated in existing plans.⁷ The development of the Westflank should result in a high-quality spatial plan. In addition, Haarlemmermeer required 40 per cent social housing, which complicated a conclusive business case. Water management is not regarded as a primary task of the municipality. The main issue was road infrastructure (PNH, 2013: 40). ‘First moving, then building’ was the key message. Green infrastructure was high on the agenda (Haarlemmermêr Groen, Park 21), but it did not need an integrated urban development project to achieve these ambitions. They mainly hoped to receive more recognition by National Government in the urbanisation strategy of the Amsterdam Metropolitan Area.

The Rijnland Water Board is one of the 25 *waterschappen*, which form an independent, special purpose administration. Water boards are responsible for water management within its area (including waste water treatment, but not water supply). Their territory is defined by river sub-basins. Water boards are regarded as one of the oldest institutions in Dutch public administration, dating back to the thirteenth century. The Rijnland Water Board was concerned with two water management problems, which have been signalled already long before the Westflank project had started. First, in the light of increased precipitation due to climate change, the detention capacity needed to be increased. The detention basin (dry pond) is not related to the planned housing development and concerns the water management system of Rijnland as whole, yet the search space was in the area of the projected development. The second problem regards the salination of the Haarlemmermeer Polder. The large-scale development project of the Westflank was seized as an opportunity to make a substantial step towards a ‘robust and climate-proof water management’, which has become a leading principle for the Rijnland Water Board (HHR et al., 2010). Furthermore, the development of the Westflank enabled the fundamental restructuring of the water management system. Therefore, they took the initiative and became an active player in the planning process. This clearly differs from the reactive role of water boards in spatial planning in general. Yet, the crux is that water boards consider their task as *maintaining* the water system in a good state, which generally excludes water investments in urban development projects.

⁷ The municipality of Haarlemmermeer signed the Noordvleugel document in which the regional housing had been agreed by the local authorities of the North Wing.

The Amsterdam Metropolitan Area, and within it the Amsterdam City-Region as important partner, was an important actor: the south-western tip – the Haarlemmermeer polder – of the metropolitan region is the starting point of the urban and economic development strategy ('From South-west to Almere'). It is the only large-scale urban development location close to Schiphol. Most other potential large-scale housing locations are located away from the economic centres. The large-scale plans for urban development in Almere require heavy investments in transport infrastructure. Therefore, they had a vital interest that the regional housing objectives are realised. More specific, the interest of the Amsterdam City-Region is in public transport, as it is responsible for regional transport policy. The express bus connection that is planned to connect Schiphol with the Bollenstreek is a consequence of urban development in the Westflank Haarlemmermeer, but no integral part of the project. Since the express bus line also connects parts outside the Haarlemmermeer, other regional transport authorities (provinces of North and South Holland) were involved, too. The express bus line, however, was subordinated to the realisation of the 10,000 dwellings and is therefore not elaborated further in this report.

Large urban development projects obviously concern project developers and property owners. The real estate market in this part of the Amsterdam region has been very dynamic. There are about 3,000 landowners in the Westflank. About 1,100 of them are actually affected by the transformation plans. There are 60 landowners with landholdings larger than 5 hectares, owning together about 1,200 hectares, which is 50 per cent of the transformation area. Public parties have landholdings of about 1,050 hectares. Project developers have acquired significant landholdings in the Westflank over the years in anticipation of development. They were concerned about the retention basin, partly because the lake was to be realised on their landholdings. This created potential tensions with market parties. They were involved in the *Gebiedsuitwerking*, but much less in the actual making of the concrete plans, because the National Government was concerned about European government procurement regulations. The project developers put pressure on the project to aim for more urban development. With the failure of the plans, they have to cash in on their landholdings in a different way.

Since land use in the Westflank is mainly agriculture, farmers and their umbrella organisation LTO played a role in the process. The farmers were not happy with the transformation plans for the Westflank as this created a lot of uncertainty for their future. Nonetheless, the key conflicts in the Westflank Haarlemmermeer project were mainly between public actors. Partly, farmland had been already bought up by property developers on a large scale and potential building land usually yields high prices, so that farmers are inclined to sell.

Citizens voiced their reactions directly during the public consultations in 2009 and indirectly via the various parish councils. The biggest concern for citizens was the traffic situation, which was already alarming. The primary routes to the A4 motorway and the coast were notoriously overloaded. They were also concerned about the flight paths and the impact of the plans on alternative options. This was a hot issue in Haarlemmermeer. Moreover, worries have been uttered about urbanisation of Haarlemmermeer. Despite these concerns, feelings did not run high against the plans as can be concluded from the public consultation (Westflank Haarlemmermeer, 2009). The reception also varied between the different urbanisation cores of Haarlemmermeer. In some sub-areas, the plans were even welcomed as it helped to sustain the public infrastructure, such as in Lisserbroek, whereas in Beinsdorp and Zwaanshoek the plans had rather negative consequences (respectively loss of green infrastructure and the detention basin).

The different interests of the stakeholders were dynamic and their priorities have never been explicitly articulated (PNH, 2013: 37). No actor felt fully responsible for the whole area (Sinoo & Van Buuren, 2011: 13, 21). The fact that there are diverging interests is not unusual; it only became complicated for these were not brought onto the table. Many of the project partners had hidden agendas and participated in the projects for reasons external to the Westflank. They hoped to achieve other goals through the urban development project Westflank Haarlemmermeer. Within the Province and the National Government, there were conflicting interests that have not been discussed. Only the Water Board was relatively clear about its agenda. Thus, the project partners went on and on, putting a good face to the matter by publicly asserting their support, knowingly that they would not take full responsibility for the realisation of the plan. This is also known as the difference between rhetoric frames and action frames (Schön & Rein, 1994).

4 Project organisation

A functioning project organisation forms the basis for a successful project. In the Westflank, the set-up of the project organisation and crucial figures within it changed several times. However, not only the structures and names changed, there was also discontinuity with respect to human resources of the team. After the *Gebiedsuitwerking Haarlemmermeer-Bollenstreek*, which overall has been experienced as fairly successful, in almost all relevant organisations the involved staff left or was replaced. The tacit knowledge that had been gained during this process went with the people. In the Investment Agreement (2008) the project organisation has been officially established.

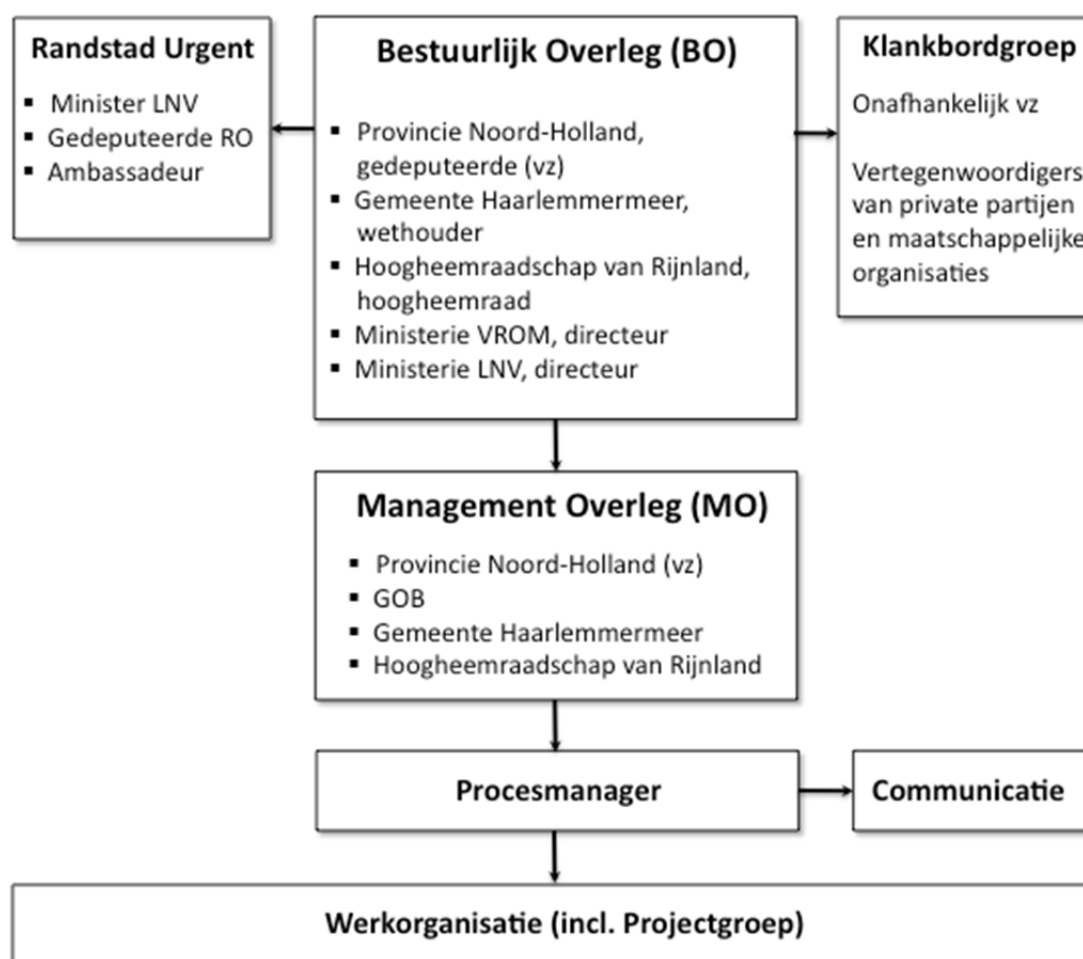


Fig. 3. Project architecture Westflank Haarlemmermeer. Source: PNH, 2013: 52

The decision-making capacity was split in a political and an administrative board, the former providing the room for manoeuvre for the latter. The Executive Board (*Bestuurlijk Overleg*) was the political decision-making body. It was chaired by the provincial alderman for Spatial Planning and further included the alderman of Haarlemmermeer, the dike-warden of Rijnland, and one director of VROM and LNV respectively. The chairman negotiated on behalf of the Board with the Minister LNV (as of 2010 the state secretary EL&I) and the project ambassador on Randstad Urgent matters. The Management Board (*Management Overleg*)⁸ prepared the decisions for and acted within the limits provided by the Executive Board. It consists of high-ranked civil servants (director's level) of each party, except for the Province of North Holland; the National Government was represented by the RVOB. The Management Board was chaired by the Province until 2010, when the municipality of Haarlemmermeer took over. The internal evaluation of the Province of North Holland brought forward, that the collaboration between the two boards was not always easy. The Executive Board was dominated initially by the provincial alderman, Mr Ton Hooimajers, while the Management Board was dominated by the municipality of Haarlemmermeer, partly due to the fact that the Province was represented only by civil servants of middle management or even lower.

The position process manager is critical for the functioning of a project. Over the period 2007-2011 four different process managers worked for the Westflank, plus an additional project manager focussing on the plan content (*planregisseur*) between the end of 2008 and early 2011. In the crucial phase of the project, the Province of North Holland unilaterally approached a process manager for the vacant position without a jointly agreed profile (PNH, 2013: 59). In the end the candidate was installed and an additional process manager on behalf of the municipality of Haarlemmermeer, who was made responsible for the content. Although this episode provides a flavour of bad project management, there were no underlying personal tensions between the two main protagonists from the province and the municipality. The collaboration between the two process managers was smooth, also because of clearly defined responsibilities. Partly due to the fact that the process management was hired externally, they were disconnected from the political realm. With the toppling of the provincial aldermen, the responsible process manager was replaced shortly after. In the crucial year of the project, in 2010, the municipality delivered the process manager, keeping the duality of process and content intact. However, even before the final plan variant has been drafted, the position of process manager changed again.

The basic unit were the project group and a series of working groups, who were accommodated in the Polderhuis. By having a location especially reserved for the Westflank project, bringing together specialists from different backgrounds, the integral approach could be achieved best, was the idea. The Westflank project operated along three main strands: urban design, planning framework and business plan. Ad hoc expert teams were installed addressing specific topics. Ideally the project partners would have delegated staff to work on the Westflank, but the project organisation consisted of a significant amount of hired staff, including the project managers.

There is a shared criticism that the project organisation opted for a project rather than a process management approach (PNH, 2013: 59–60). A project management assumes a clearly defined problem and objectives, time schedule, conditions and final product, while a process management

⁸ Throughout the process, the Management Board has been renamed several times: *Mangement Overleg*, *Ambtelijk Overleg*, *Opdrachtgevers Overleg* and *Ambtelijke Stuurgroup*. The tasks of this board, however, remained unchanged (see PNH, 2013: 57).

approach emphasises, among others, openness and transparency in the definition of the problem and the solutions and integrates dynamism (De Bruijn et al., 1998). The process managers of the Westflank were primarily concerned with content and deliverables, while the actual process would have required much more attention. It is the question whether this was a conscious decision.

The whole project team was insufficiently linked with the political realm and public administration (PNH, 2013: 60), in particular within the Province of North Holland. After Ton Hooijmaijers left, the project was insufficiently backed within the Province. The frequent change of process managers is also testimony to the difference in opinions on the project between the respective process manager and the person politically responsible. Furthermore, high-ranked civil servants within the Province stayed aloof from the process.

Planning theory is very rich, building on interactive, communicative and institutional paradigms (Salet, 2000), yet it all too easily forgets that people matter. Planning scholars hardly address or theorise issues of personality (Cocks, 2013), perhaps because we accept that research findings cannot change individuals, whereas structures can be changed. The Westflank Haarlemmermeer demonstrates that people do make a difference. With a less ambitious provincial alderman, the Westflank might have entered a different path; yet, the same alderman also provided the political backing necessary for the progress of the project. In the same way, project managers with a different background and approach might have resulted in different outcomes. It is not the project architecture, which changed continuously, but the willingness of politicians and high-ranked civil servants to support a project that really matters.

5 Decision-making process

The following account of the decision-making process of the Westflank covers the period 2004–2011, that is, from the start of the Gebiedsuitwerking Haarlemmermeer-Bollenstreek to the official termination of the project. The history of the plans for the Westflank, at least for some objectives, date back much further – in case of green infrastructure to the beginning of the 1990s when the compensation for Schiphol was agreed – but it proves impossible to uncover all the details and the outcomes must suffice for the purpose of this study. This section presents the formal decision-making moments in chronological order, starting with the regional consultations on housing figures in the early 2000s, then covering the series of key policy documents, an excursion on the decision-making of Randstad 380 kV, before ending with a short Epilogue.⁹

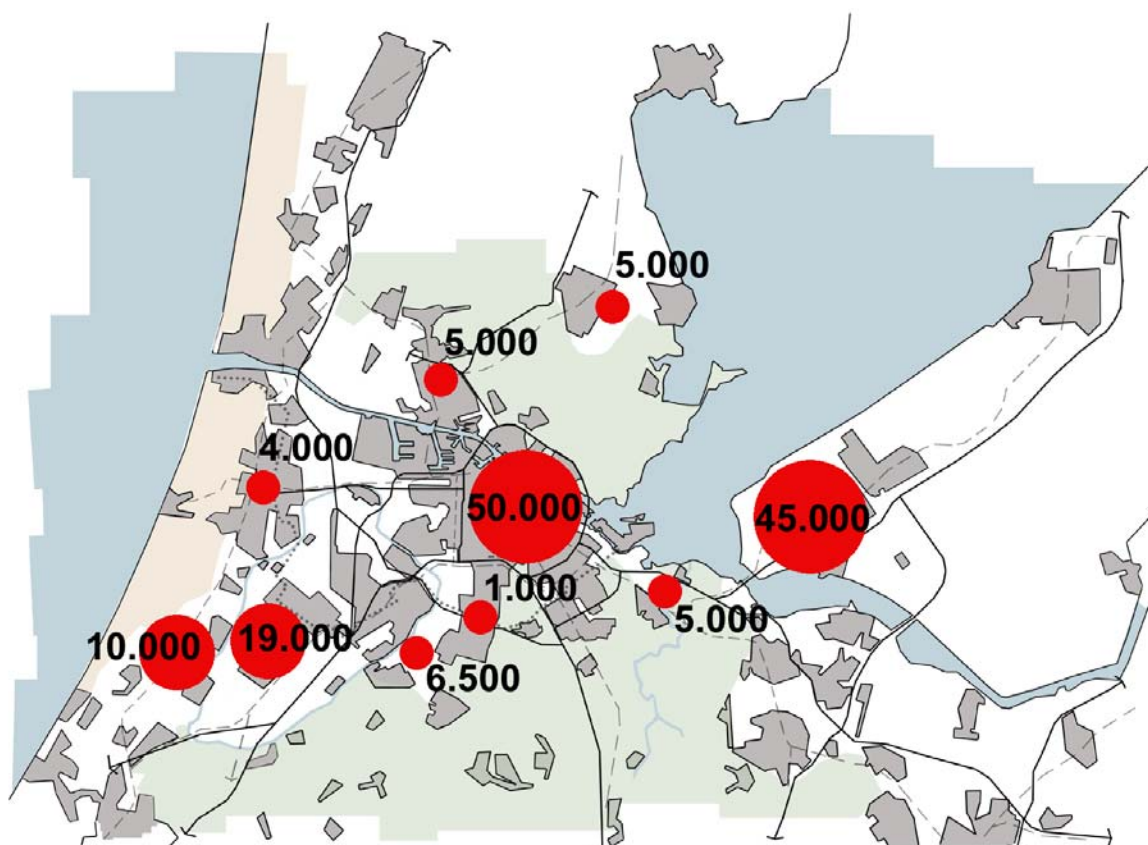


Fig. 4. Housing targets in the spatial development model 'Southwest to Almere, 2010–2030'. Source: Regionale Samenwerking Amsterdam, 2003

⁹ The complete time line can be accessed online via <http://timeglider.com/timeline/203f89f4231917d5>.

The history of the Westflank Haarlemmermeer project dates back to the preparations of the Fifth Spatial Planning Memorandum by the National Government in the late 1990s, which urged the municipalities of the North Wing of the Randstad (Noordvleugel) to allocate space for 150,000 dwellings. In the regional consultations on future housing locations in the North Wing of the Randstad, something that should evolve into the Amsterdam Metropolitan Area, the western part of the Haarlemmermeer and adjacent areas came in the focus for housing development (see Fig. 4).¹⁰ The search area was known as the Haarlemmermeer-Bollenstreek. In 2004 the Minister of VROM asked the two provinces to investigate in close collaboration with other stakeholders the opportunities to realise 10,000 to 20,000 dwellings within the set limits of prevailing policy frameworks (VROM et al., 2006: 149). Apparently, an earlier attempt of VROM to come to terms with the triangle Leiden–Haarlem–Amsterdam remained without tangible results. Thus both the national and the regional level had a strong interest in the area to allocate the regional housing objectives.

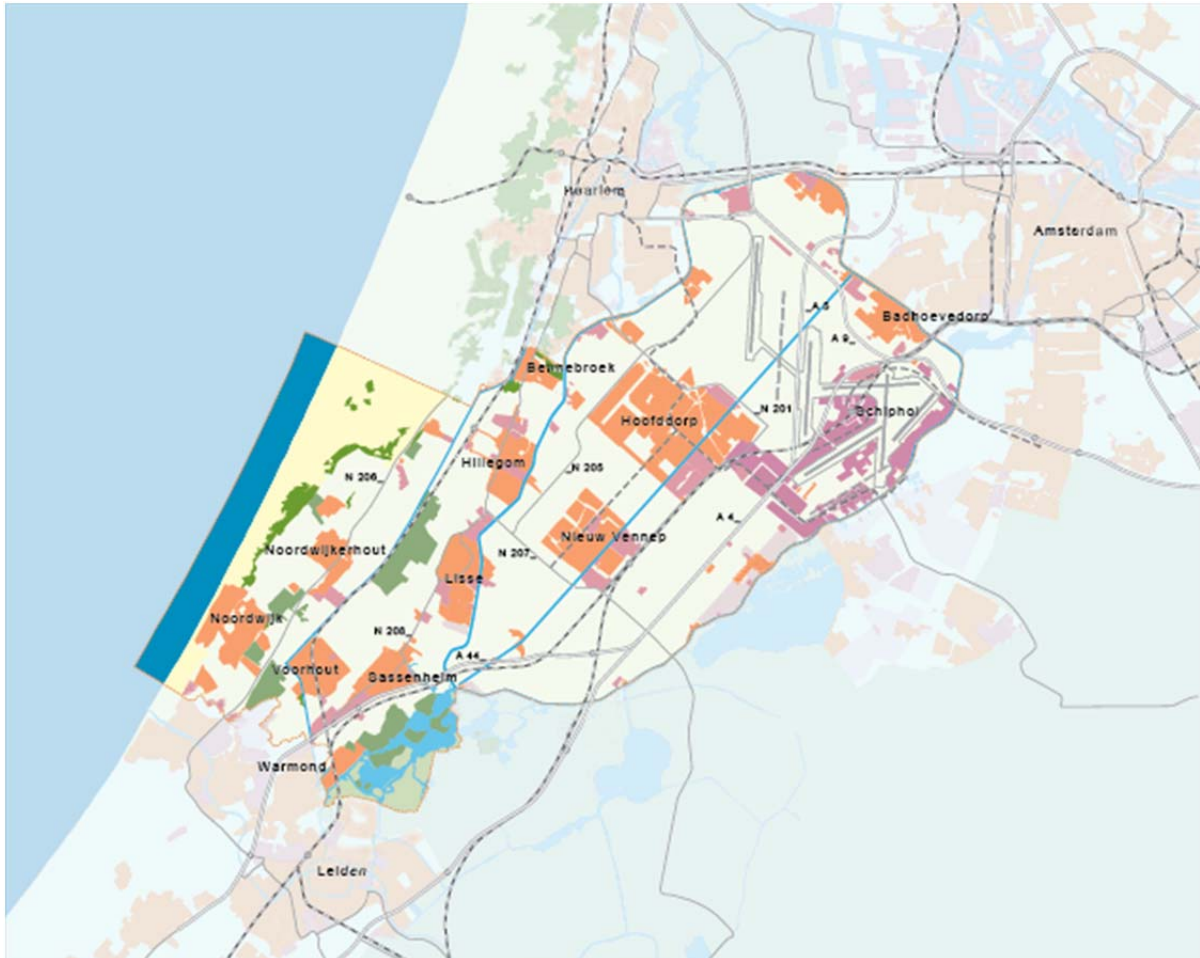


Fig. 5. Strategic search space for housing development in the Haarlemmermeer and the Bollenstreek. Source: PNH & PZH, 2006

¹⁰ Interestingly, the agreement of the North Wing municipalities also includes the allocation of 10,000 units in the Bollenstreek municipalities, which were not involved in the negotiations. Already these had signed the Pact of Teylingen on the spatial development of the Bollenstreek in reaction to the ambitions of the National Government to build there, which boiled down the notion of keeping the existing landscape intact and have a restrictive policy when it comes to residential development. Not surprisingly, the Bollenstreek municipalities were not amused about the results of the North Wing deliberations. Nevertheless, the pressure of the National Government and the regional agreements to realise urbanisation in the Bollenstreek resulted in the reframing of the Pact into the Offensive of Teylingen in 2004, focussing less on restrictions but on opportunities and allowing small-scale development.

This resulted in the plan *Gebiedsuitwerking Haarlemmermeer-Bollenstreek*, which has been officially approved by the parliaments of the two provinces in April 2006 (PNH & PZH, 2006). It was a widely shared ambition, yet without any hard financial obligations. The four main objectives of the Westflank are already included: housing development, retention and detention basin, nature and recreation areas, and adequate transport infrastructure.

The Westflank figured prominently in this regional strategy document. It was basically the only location where substantial urbanisation could be realistically accommodated. It should accommodate the spatial claims for 10,000 housing units, a detention basin of 1 million cubic metres and a retention basin of 2 million cubic metres, and 1,600 hectares nature and recreation. It soon became clear that the total sum of individual spatial claims would exceed the total project area and thus demanding an integrative strategy with multiple land uses (PNH & PZH, 2006: 48). However, there were many obstacles before all the objectives could be realised. The retention basin was very much dependent on financial conditions as well as water management and functionality. Urbanisation of the Westflank required the consent of LNV to transform the Strategic Green Project Haarlemmermeér Groen of the municipality of Haarlemmermeer and the Province of North Holland and of VROM to lift the restrictions of the Nota Ruimte to housing development in Hoofddorp-West (PNH & PZH, 2006: 73). Shortly after the project was split up. Housing development proved difficult in the Bollenstreek due to the vested interests of the bulb farmers.

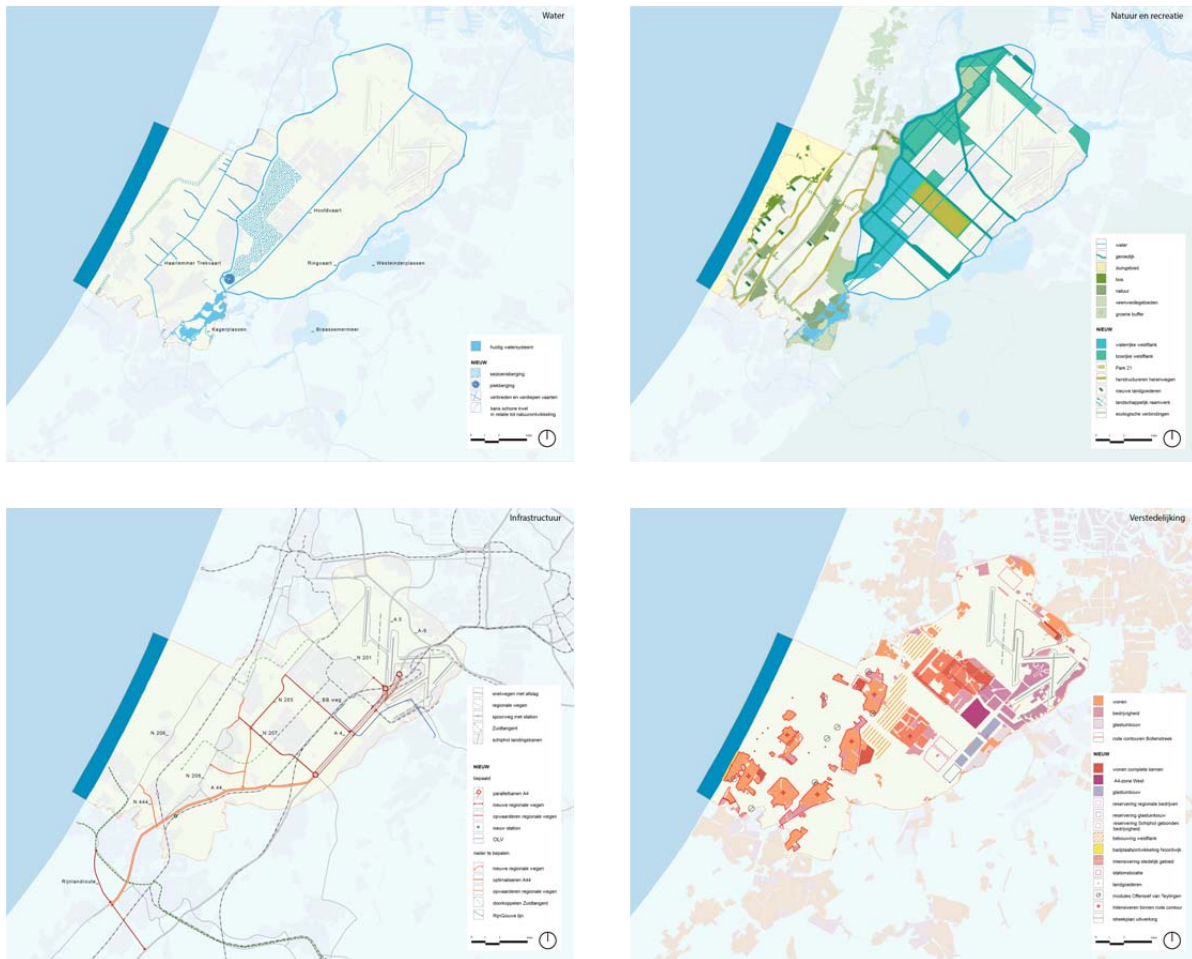


Fig. 6. Four objectives (water, nature and recreation, infrastructure, and urbanisation) in the Haarlemmermeer and the Bollenstreek. Source: PNH & PZH, 2006

Planning for the Westflank, however, did not start immediately since the structural conditions needed to be arranged, in particular the project leadership. The Municipality of Haarlemmermeer, which would have been the most logical project leader as the new project delineation was entirely within its limits, had no ambitions in this regard because of doubts about the urgency and financial feasibility of the objectives. The National Government considered the Westflank a regional project. Therefore, the Province of North Holland remained in the leadership position, now for the Westflank project. The decision of the Province to accept can also be placed in the context of an entrepreneurial administration (PNH, 2013: 43). Both the National Government and the municipality of Haarlemmermeer were confident with this decision, nonetheless, this has proven as one of the major flaws in the project architecture. Nevertheless, it was the municipality of Haarlemmermeer, who took the first step and commissioned planning office De Stad to set up the project (Gemeente Haarlemmermeer & De Stad, 2007), even before the leadership question was decided, because nothing had happened for a long time.

Once the leadership was settled an Intention Agreement (*Startovereenkomst*) for the project could be signed in February 2007. It formulates the ambition to come to an Investment Agreement (*Bestuursovereenkomst*) that defines the responsibilities and objectives. It binds the four project partners together under the lead of the Province of North Holland; the Amsterdam City-Region and the Province of South Holland will be involved in the delivery of transport infrastructure. Again, there followed a long period in which valuable time was lost, because the collaboration with De Stad was not continued after the presentation of their approach in April 2007 due to different viewpoints. A new project manager had to be appointed, though valuable ideas of De Stad were taken over (e.g. Studio Haarlemmermeer, a physical place where the future of the Westflank is designed, exhibited and debated).

In October 2007 the Westflank Haarlemmermeer becomes a Randstad Urgent project (V&W, 2007), which was an investment programme linked to the *Randstad 2040* planning document (VROM, 2008). Randstad Urgent (initially labelled Urgency Programme Randstad) is a National Government initiative to boost the international competitiveness of the Randstad, involving €1bn funding via the Nota Ruimte budget for initially 30 projects. Driven by a young, assertive minister, Randstad Urgent mainly aimed to accelerate the decision-making. For each project a duo consisting of a national and a local/regional politician was made responsible, assisted by a project ambassador (V&W, 2007; Randstad Urgent, 2010). For the Westflank two objectives have been formulated: (1) Sustainable and climate proof water management, and (2) realisation of attractive housing milieu to strengthen economic competitiveness of Schiphol region. Funding is earmarked for water management in a tightly delimited area. Green infrastructure is funded via existing programmes. The exact amount of funding for water and green infrastructure remains open. The Minister of LNV and the alderman Spatial Planning of North Holland are responsible. Elco Brinkman, an influential ex-politician and chairman of the Dutch construction sector, is nominated as ambassador for the project. This contract mainly defines a time schedule for public agreements and deliverables. While the origins of the Westflank are clearly rooted in the regional housing objectives under the auspice of VROM, the leadership of LNV implied a stronger emphasis on green space and related issues.

The project organisation officially starts the work on 1 January 2008. They were located in the Polderhuis in Hoofddorp, the former seat of the Groot-Haarlemmermeer Water Board. The Westflank was part of the Action Programme Space and Culture (ARC) pilot Spatial Design with Water

(OCW et al., 2005) to screen the feasibility of the policy objectives in preparation of Investment Agreement. The study demonstrated that these were indeed feasible; however, it was an intensive start-up of the project under heavy time pressures to realise the Investment Agreement (Strootman Landschapsarchitecten, 2008).

The Investment Agreement (*Bestuursvereenkomst*) of October 2008 forms the actual starting point of the Westflank Haarlemmermeer project for in this agreement the National Government, the Province of North Holland, the Municipality of Haarlemmermeer and the Rijnland Water Board define their joint responsibilities as well as the spatial ambition. The Investment Agreement functions as guiding framework for planning of the Westflank Haarlemmermeer. The Randstad Urgent objectives are reaffirmed (sustainable water management and realisation of an attractive housing milieu). Some crucial issues remain unsolved and shall return throughout the decision-making process, in particular the financial responsibility for the project. The realisation of green infrastructure, road infrastructure and the sustainable water system was dependent on returns from residential development and public funding. However, which public party contributed how much for which element of the project remained open, because the project partners could not agree on their respective contributions. The water objective is a good illustration. While the realisation and funding of the detention basin was a core task of the Rijnland Water Board, the realisation of a sustainable water system was not considered as such. The latter was regarded as a shared ambition and because it as a 'new development', which are excluded from the duties of water boards, the Rijnland Water Board was worried to set a precedent. In the case of road infrastructure National Government took the position that these are mainly provincial and municipal roads, while the other two reasoned that the Westflank was a national project. Funding for green infrastructure, dating from previous agreements, was poor and hence competed with the water objectives for the Nota Ruimte budget. Furthermore, the agreement already reveals different viewpoints on the effects of the planned 380 kV power line. The Province of North Holland and the Municipality of Haarlemmermeer express concerns that such a power line is incompatible with the ambited internationally attractive residential milieu.

From the beginning of 2009 onwards a specially installed project team worked on the design of the Westflank. In September 2009 the project team presents the concept draft design brief (*Programma van Eisen*) 'Pearls in the Polder'. This is discussed with project developers and citizens, which could choose between two design alternatives that were presented during an 'open day' in the Polderhuis. About 500–600 citizens used the opportunity to discuss the plans. In January 2010 the draft design brief, now containing a synthesis of the two options, is cleared for public consultation as well as consultations with landowners and project developers.

In November 2009 the Randstad Urgent contract is updated and funding secured. The contract now includes the policy objectives that have to be achieved and defines a (tight) time schedule. The following programme had to be realised in the Westflank Haarlemmermeer:

- 10,000 dwellings;
- 500 hectares green space resulting from PASO;
- 400 hectares additional green space for recreation;
- 2 million cubic metres retention basin;
- 1 million cubic metres detention basin;
- and additional infrastructure.

The Randstad Urgent contract also qualified for government funding of €48m via the Nota Ruimte budget, which was confirmed shortly after (27 November 2009). That was less than the project partners had asked for. In the first draft, the plans had a deficit of €-169m that could be potentially reduced to €65m, which was the sum the Province applied for. The societal cost–benefit analysis of the project by the CPB and the PBL was actually negative (CPB, 2010). The Haarlemmermeer and another project were assessed two years after all other Randstad Urgent projects, as it was a latecomer. The innovative approach of a self-sufficient water management system gained the upper hand despite the higher costs of the Westflank project compared to a standard urban extension project. It was also clear that the project would be seriously delayed if no government funding would be provided. Nevertheless, National Government funding stayed behind what was considered necessary, which was partly due to the fact that the Westflank was among the last projects confirmed and the budget was almost used up.

In December 2010, the four key stakeholders agreed on a spatial plan entitled 'Drie Meren' (Three Lakes), resulting in a concept Implementation Agreement (*Bestuursvereenkomst Uitvoering Westflank Haarlemmermeer*). The plan presents a conclusive business case. To have this agreement signed before 1 January 2011 has been an absolute requirement to qualify for the Nota Ruimte subsidy, otherwise the subsidy would have expired (Sinoo & Van Buuren, 2011: 17). However, the agreement has never been approved by the *Provinciale Staten*, the legislative assembly of the Province. It was put on hold until the National Government has made a final decision on the power line, which had overshadowed the Westflank project from its start.

Since the start of the project, the 380 kV overhead power line hung like the Sword of Damocles over the project. The decision-making for the Randstad 380 kV dates back at least until the mid-2000s, i.e. before the start of the Westflank project and potentially, the issue was known within EZ already during the *Gebiedsuitwerking*. Decision-making for the Randstad 380 kV was *external* to the Westflank project. In order to safeguard energy supply in the Netherlands two new power lines were planned in the Randstad. There is little debate about the necessity; it is mainly the route of the power line that caused concerns because of its spatial implications (landscape, electro smog etc.). Not only would a 380 kV overhead power line requires physical space, it would also have an effect on the attractiveness of a much wider area, result in lower real estate values and thus lead to a negative business case for the Westflank.

As a national infrastructure project, Randstad 380 kV followed the formal PKB procedure (see Chapter 6). In the first draft of the PKB in 2006, the route for the northern power line was situated to the west of Hoofddorp (EZ & VROM, 2006). The final PKB after the parliamentary debate defines two corridors as potential route around Hoofddorp: one to the east and one to the west (EZ & VROM, 2008a). Already during the process, the minister of Economic Affairs announced to revise the PKB and adapted the search area for the route to the east of Hoofddorp (Haarlemmermeer Oost), so as to accommodate the wishes of the Municipality of Haarlemmermeer. In a letter to the House of Representatives, the National Government then clearly expresses its preference for the variant Haarlemmermeer Oost (TK, 2008). Both the Province of North Holland and the Municipality of Haarlemmermeer were explicit about the preferred route and the potential consequences of the western route for the Westflank Haarlemmermeer project. According to their view an attractive residential environment does not correspond with a 380 kV power line. The overhead power line was a conditional clause in the Implementation Agreement to opt out.

While the route issue seemed settled, the situation changed again when in March 2010 Schiphol Airport expressed concerns about the preferred route, due to the uncertainty about the risks for safety around Schiphol. On the basis of additional research, potential risks could not be absolutely excluded. In December, Schiphol Airport and the Municipality of Haarlemmermeer announced that they would only accept an underground eastern route. However, the total number of underground kilometres being limited to 20 kilometres for technical and financial reasons, the eastern route became unlikely. In December 2010, the National Government issued the preparatory decision (*voorbereidingsbesluit*) for the Northern Ring of the Randstad 380 kV, this time including also the western route (*Staatscourant*, 2010, no. 19213). It was agreed that the responsible ministers (Mr Verhagen and Ms Schultz van Haegen) would decide after due consideration of the Implementation Agreement for the Westflank that had to be prepared before the end of the year.

On 19 April 2011 the Minister of Economic Affairs, Agriculture, and Innovation and the Minister of Infrastructure and the Environment finally announce that they opt for the western route of the 380 kV power line.¹¹ Due to budget limitations the eastern variant with an underground cable dropped out (TK, 2011). This decision is final and the necessary planning procedures have been started by the National Government. The safety concerns expressed by Schiphol Airport were the main (official) reason. It is difficult to unravel the exact reasons why the Cabinet changed its position once again. It is a fact that the project partners of the Westflank had difficulties to agree on a plan variant in 2010. The Government also expressed the view that the ambitious developments in the Westflank would be still feasible.

In June 2011, the Province of North Holland officially announced to stop the project Westflank Haarlemmermeer as a result of the decision of the Ministry for Economic Affairs, Agriculture and Innovation to realise a 380 kV power line that cuts right through the project area (press release Province of North Holland, 24 June 2011). This is underlined in a letter of the Province to Mr Henk Bleker, the state secretary of Economic Affairs, Agriculture and Innovation, in July 2011. On several occasions, the province and the municipality have made clear that this step would follow from a negative decision concerning the route of the overhead power line.

The end of the Westflank project also implies that the planned express bus connection will not be realised. The planned 10,000 housing units were the reason for the regional transport authorities in the Duin- en Bollenstreek to study the potential for a new connection. The results of this study were positive, both in terms of better connectivity and financial feasibility, with the condition of some urban design principles to guarantee density. The new express bus line would also offer improved connections for Hoofddorp-Zuid and Schiphol, and in South Holland potentially for Lisse and beyond (in cooperation with the Province of South Holland). Without significant urban development such an investment is financially unreasonable. Thus, with a slimmed down plan, there will be no express bus connection, which also implies that the existing urban areas mentioned above will not profit.

The realisation of the detention basin continues under the responsibility of the Water Board Rijnland. It had been integrated into the planning process, but was not financially dependent on the project. Thus the progress of the detention basin was by and large unaffected of the turmoil

¹¹ This was only the official letter to the House of Representatives. The project partners had been informed already in mid-January by the minister of I&M, Ms Melanie Schultz van Haegen. An official meeting with the minister in March remained without consequences.

and has entered the formal planning procedure. The area where the detention basin is realised, the southernmost tip of the Haarlemmermeer Polder, did not involve significant investments apart from water management.

Epilogue

After a period of reflection the Province of North Holland declared the intention to investigate the opportunities and conditions for a restart in summer 2012. This was partly instigated by the announcement of National Government that funding would be still available if the regional stakeholders come up with an implementation plan, including the concession that the funding conditions of the Randstad Urgent contract will be released. It was clear that it would be a lighter version of the original project in terms of the number of dwellings. To avoid confusion the project title had been changed into 'Western Haarlemmermeer'. The leadership of the project remained initially with the Province of North Holland. This restart was only a last gasp of the Westflank as an integral project. The publication of the 'Learning Inventory' (PNH, 2013), a study carried out by the policy evaluation department of the Province of North Holland, provided the input to reconsider the provincial role in the project and, eventually, resulted in the decision to hand over the responsibility to the Municipality of Haarlemmermeer. In the official communiqué of the Province of North Holland (press release 3 April 2013), it is argued that the provincial interests are sufficiently safeguarded in the provincial and municipal strategic spatial visions (PNH, 2010; Gemeente Haarlemmermeer, 2012).

The Municipality of Haarlemmermeer, in collaboration with the Province of North Holland and the Rijnland Water Board, opts for a different approach, less grand and more phased. Large-scale housing development in combination with a large lake is definitively off the agenda, not only because of the overhead power line, but also due to changing demands on the housing market. Also the detention basin in the form of a sizeable lake, which has never been the preferred solution of Haarlemmermeer for the water system, will be skipped. Instead, the improved water management system with broadened ditches will be realised. All new building projects in Haarlemmermeer will contribute to a more sustainable water system. The Westflank area will be split up into logically bounded envelopes, achieving potentially more integration with areas that were not included in the Westflank (e.g. across the Ringvaart) and focussing less on the north-south axis. This programme will be realised in cooperation with the Province and the Water Board, but without direct involvement of the National Government. The funding conditions of Randstad Urgent have been loosened and will be used to invest in the framework (ditches plus road infrastructure) so that housing can be realised in the future.

6 Legal and policy framework

In terms of the regulatory framework the focus will be on national legislation and policy concerning spatial planning and aviation and water. These have been identified as the main regulatory frameworks concerning the specific challenges in this particular phase of the Westflank project.

Spatial planning in the Netherlands

The Netherlands has an international reputation for its comprehensive planning system. Yet also the Dutch 'planning paradise' was not immune to the changing macro-sociological conditions (Hajer & Zonneveld, 2000; Bontje, 2003). Hajer & Zonneveld (2000) argue that the power of the planning to actually steer urban development has strongly reduced and therefore needs to be fundamentally rethought. The subsequent review of Dutch spatial planning policy resulted in a new Spatial Memorandum (VROM et al., 2006) and ultimately a legal reform of the planning system (Needham, 2005). The Spatial Planning Act, in Dutch *Wet ruimtelijke ordening (Wro)*, has been fundamentally reviewed and was enforced in 2008. It replaced the *Wet op de Ruimtelijke Ordening* from 1965. It was basically a new act, which is expressed in the different name and acronym (the old WRO is in capital letters).

The reform of the Spatial Planning Act was, *inter alia*, driven by a decentralisation philosophy. Modern spatial planning started as a predominantly municipal activity in the early twentieth century, but has centralised to the point that its performance has been questioned (Van der Cammen & De Klerk, 2012). In a new spatial memorandum, the *Nota Ruimte*, the National Government introduced the decentralisation principle as new central steering philosophy, resulting in the shift of responsibilities between governmental tiers. The basic principle is that responsibilities should be assigned to the lowest governmental tier possible (VROM et al. 2006: 20). This guiding principle was supposed to be also leading in the reform of the Spatial Planning Act, although some scholars contemplate that there is rather a tendency towards more centralisation (Van Buuren et al., 2010: 8; cf. Needham, 2005: 340).

The Spatial Planning Act introduces a system of plans and regulations at the national, provincial and municipal level. In contrast to the WRO the new Wro has the ambition to differentiate between indicative policy objectives and normative rules (Van Buuren et al., 2010: 346). Spatial Development Plans (*structuurvisies*) set out the main ambitions of spatial development at all three levels, including how these will be realised. It is considered a policy document, not a legal plan, and has thus no direct legal consequences. Legally binding general rules are laid down in an Order in Council (*Algemene Maatregel van Bestuur*) by the national government and a Provincial Ordinance (*provinciale verordening*) by the provinces. The land-use plan (*bestemmingsplan*),

drafted by the local authority and confirmed by the municipal council as a municipal ordinance, is the central instrument of Dutch spatial planning that regulates the land-use and provides the legal basis for granting building permits.¹²

The interrelation between the three levels is not specified as far as the spatial development plans are concerned; rather the three levels develop their plans autonomously (Van Buuren et al., 2010: 9). Instead of a hierarchical system of plans the Spatial Planning Act has introduced the instrument of a national or provincial land-use plan (*rijksinpassingsplan* or *provinciaal inpassingsplan*) that can be drafted when national or provincial interests are violated by lower tiers of government and overrules the local land-use plan. There is the potential danger of competing policies between the various levels. With the new act the Netherlands has no plan hierarchy anymore, neither need plans to be inspected and approved by higher levels of government. There is, however, a clear hierarchy in legislation (Van Buuren et al., 2010: 9).

In the multi-layered planning system of the Netherlands, the role of the provinces is the most ambiguous. In the beginning of the 1990s a debate over their role in spatial planning took off (IPO, 2003). This debate was boosted by the shift towards more development oriented planning policies (WRR, 1998). Traditionally, the provinces had been concerned with the provision of spatial frameworks and controlling of municipal land-use plans on conformity. In the new model the provinces should take a more proactive role that stimulate development by facilitating, participating and investing in regional projects (IPO, 2003: 47). It may not be surprising that such a fundamental change in the self-image of the provinces may trigger difficulties of finding their role between the national and the local level. Integral development approaches in the Netherlands, which gained prominence during this time, were an ideal playing field for the provinces to profile themselves. It resulted also in new instruments, though their use in practice seems limited thus far (Van Straalen, forthcoming). With the new planning act the traditional role of the provinces in spatial planning has been ultimately eradicated.

With the change in government in 2010 more fundamental changes were brought about. The new government announced to further decentralise and retreat from spatial planning. As a first symbolic step the Ministry of VROM, which existed almost unchanged since 1965, disappeared. Spatial planning became part of the Ministry for Infrastructure and Environment (I&M), the former Ministry for Transport, Public Works and Water Management (V&W). The new *Structuurvisie Infrastructuur en Ruimte* (SVIR), the national policy document replacing the *Nota Ruimte* and a series of other spatially relevant memorandums, fills in the new division of labour between the various governmental tiers. Many policy fields have been devolved to the provinces, in particular open space preservation and urbanisation policy. However, in particular in the economic key areas of the Netherlands the National Government remains closely involved, including the formulation and negotiating housing targets for the North and South Wing of Randstad (I&M, 2012).

At the start of the Westflank, however, the *Nota Ruimte* had just been approved and national planning was still alive. Two PKBs had a concrete effect on the Westflank: the 20 Ke contour of Schiphol, which will be outlined in the next section, and the Green Heart policy. The Green Heart is the green area that is surrounded by the ring of cities, the Randstad. It is one of the corner-

¹² There exist more instruments on the basis of which a building permit can be granted, such as protective ordinances (*beheersverordeningen*) or the possibility to deviate from a land-use plan via an environmental permit (*omgevingsvergunning*). For large urban extensions plans such as the Westflank a land-use plan is the only sensible instrument.

stones of Dutch spatial planning (Van der Valk, 2002). The viewpoints on the success of the Green Heart policy vary: while in the past the contour has been adapted piecemeal, it is also a fact that the most central location of the Randstad has been kept free of large-scale housing development (Zonneveld, 2007). A large part of the Westflank lies within the Green Heart contour.

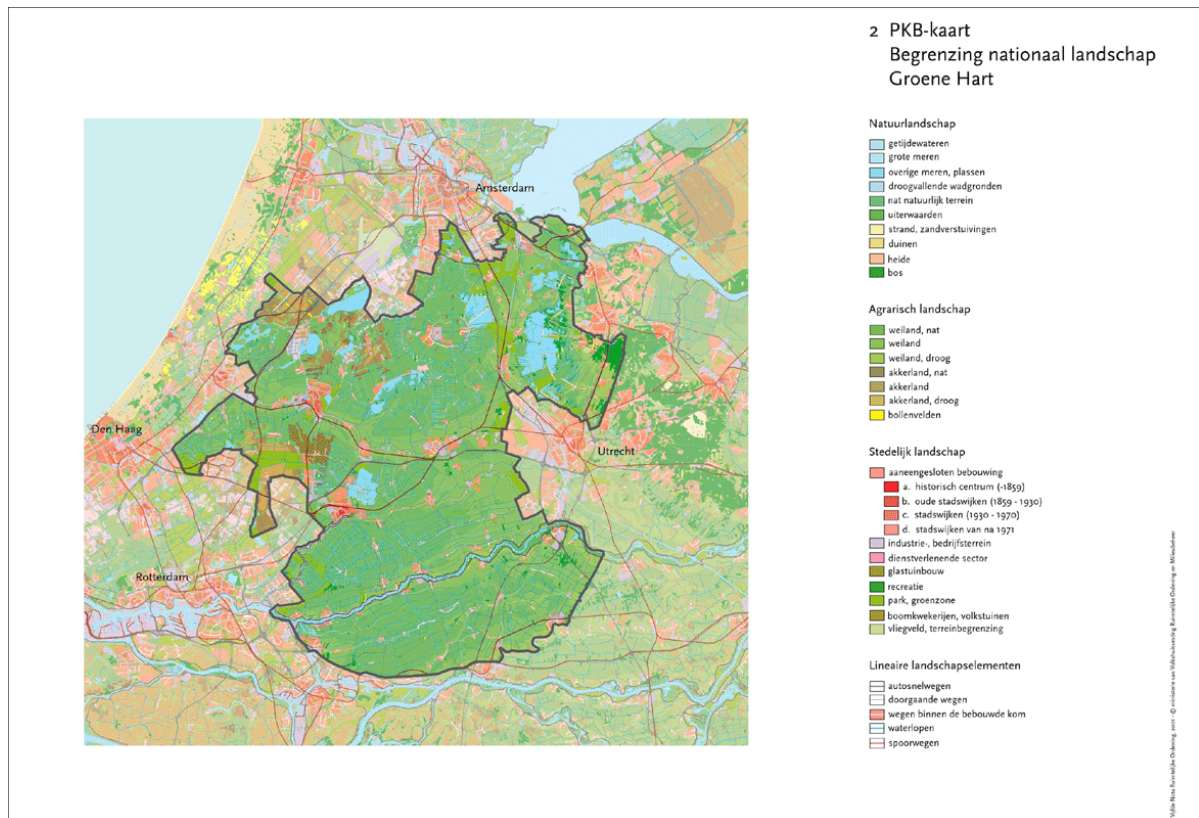


Fig. 8. The Green Heart contour in the Fifth Memorandum on Spatial Planning.
Source: VROM, 2002: 18–19

Aviation regulations and spatial implications

In most airport regions, aviation noise is a serious issue hampering development. The vicinity of Schiphol airport demands a closer look into aviation legislation and airport policies. Like in so many metropolitan areas there is a constant dilemma between enabling urban growth and safeguarding the airport (Gordijn et al., 2006; Knippenberger & Wall, 2010). So, too, in the Netherlands where strict noise regulations compete with the deeply rooted mainport policy supporting the growth of Schiphol Airport (Van Wijk et al., 2011). In the case of aviation regulations, two main issues are relevant for urban development projects in the ‘catchment area’ of Schiphol: aviation noise and safety.

Aviation noise is problematic, because it is dynamic. It depends on the number of flights, aircraft, time, frequency, approach and departure routes, etc. Noise is measured by taking the following three elements into account: the noise level of each airplane, the number of airplanes per year and the time of the day. The three elements are interchangeable, that is, silent airplanes enable more air traffic or more night flights. For example a passage of an airplane producing 85 dB(A)

every six minutes is equal to an airplane with 78 dB(A) every two minutes. Whether this is experienced in the same way in practice is questionable (Van Deventer, 2004: 10–11). An airplane above one's head in a distance of 20 kilometres from the airport starting or landing still produces a LA_{max} (maximum noise) between 60 and 70 dB(A). Thus, the problem is severe even in large distances to the airport.

The current state of aviation legislation and policy has emerged in particular from the 1990s onwards (MNP, 2005: Chapter 2). In the Fourth Spatial Planning Memorandum (1988) the mainport policy was formulated to boost Schiphol Airport and the Port of Rotterdam as drivers of the national economy (Van Duinen, 2004). This resulted in an action plan Schiphol and Surroundings (PASO) that was signed by the National Government, the Province of North Holland, the municipalities of Amsterdam and Haarlemmermeer, Schiphol Airport and KLM in 1991. The action plan resulted in a Key Planning Decision Schiphol and Surroundings (PM&MS, 1995) to enable economic growth, in particular the fifth runway, and tackle environmental problems. The PKB firmly established the 35 Ke contour as limit value and introduced a *vrijwaringszone* (30 Ke contour) within which no new housing development was permitted that stretched beyond the noise contour.¹³ The PKB also established that the number of people seriously affected within the 20 Ke needs to be reduced as against the situation in 1990 when the fifth runway opens. The PKB resulted in an amendment of the Noise Exposure Large Aviation Decree (BGGL) and an order of VROM in 1996.

The opening of the fifth runway in 2003 was accompanied by new set of legislation, the Schiphol Act and Airport Decrees (2002). It replaces the PKB, an order of VROM and the BGGL 1996 (V&W, 2002: 22). The Schiphol Act is basically a new chapter in the Aviation Act (*Wet Luchtvaart*). However, the core of the Schiphol policy is in two subordinate regulations – the Airport Decrees – for Schiphol: the Airport Zoning Decree (*Luchthavenindelingsbesluit Schiphol* or LIB) and the Air Traffic Decree (*Luchthavenverkeersbesluit* or LVB). These integrate the regulations of the PKB Schiphol and Surroundings, which expired with the commencement of the Airport Decrees. The new legislation focuses primarily on the protection of residential areas and therefore abandoned the idea of a noise contours in favour of a ring of monitoring stations located near residential areas close to the calculated 35 Ke contour.

The LIB defines four different zones to which different legal regimes apply (see Fig. 9). In all four zones residential and other sensitive functions are prohibited. The outer zone is based on the former *vrijwaringszone* and the 58 dB(A) L_{den} contour, which is more or less equivalent to the 35 Ke contour that was valid before the implementation of the EU Directive 2002/49/EG relating to the assessment and management of environmental noise. The most outlying contour is applied. The two inner contours are defined as demolition zones on the basis of a 10^{-5} individual risk (zone 1) and 71 dB(A) noise level (zone 2). New buildings are prohibited and sensitive functions will be removed, in agreement with residents. The ministry estimated that 90 dwellings needed to be demolished (V&W, 2002: 19). It would go too far to outline the exact legal regime per zone in detail. Additionally it provides height limitations to new buildings within defined zones according to flight paths. However, the actual limitations to urban development in the Amsterdam Metropolitan Area of the LIB are rather limited, because of spatial planning regulations that have a far larger spatial extent, as we shall see. The LIB can be considered a safety net that guarantees minimum standards regarding human health and aviation safety.

¹³ Before the approval of the PKB in 1995 the 35 Ke contour has been only indicative and from 1988 onwards part of temporary legislation as appendix to the Fourth Memorandum on Spatial Planning (Huijs, 2011: 167).

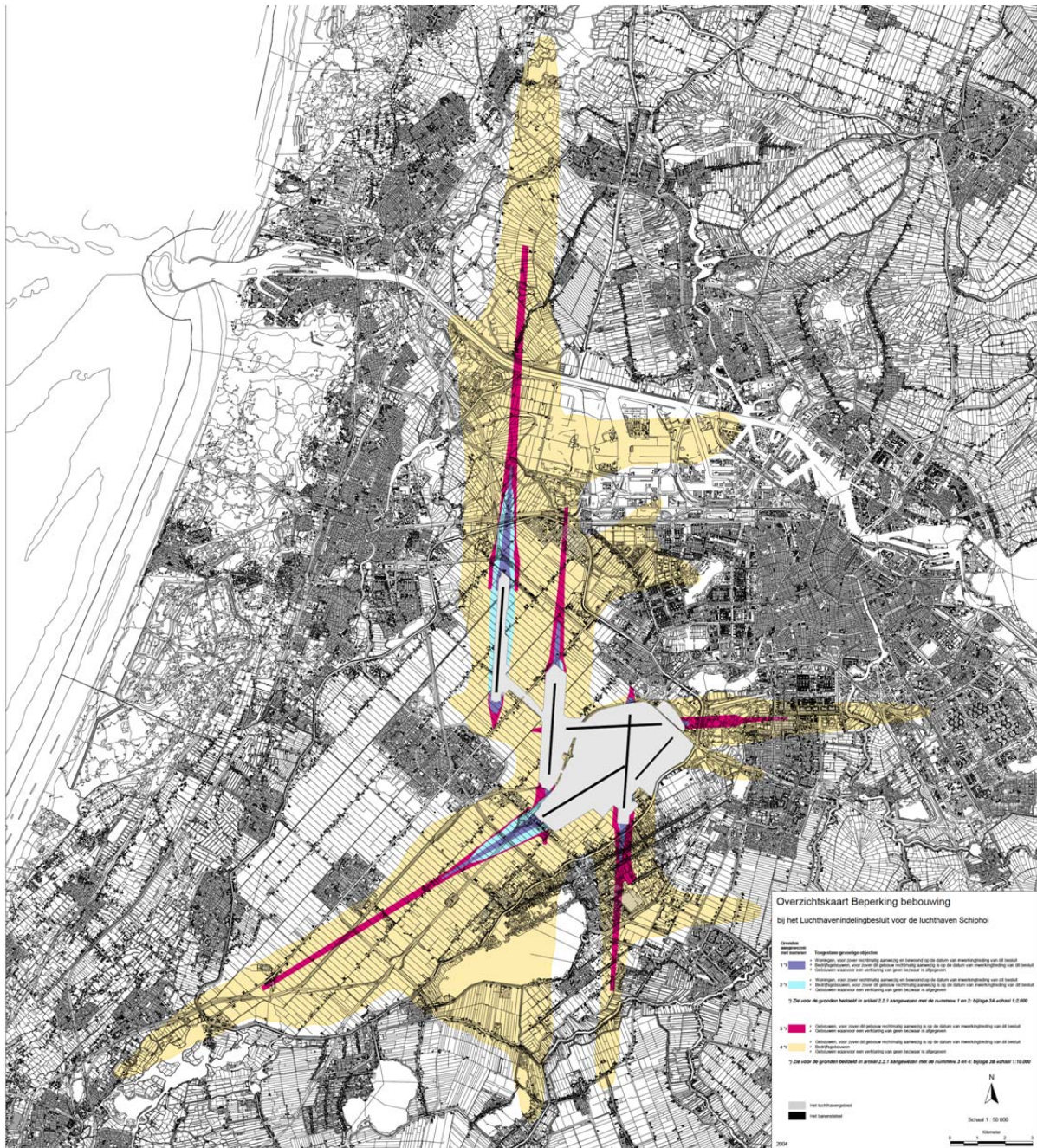


Fig. 9. Noise contours of Schiphol airport as defined in the appendix 3 of the LIB.
Source: V&W, 2004

Another zoning restriction is related to a very specific problem of Schiphol Airport, at least in terms of its extent: birds, and more precise geese. The flats of the Dutch delta are an import stopping point for travelling geese. A bird strike could result in a serious accident with a large number of casualties, not mentioning the economic loss for airlines due to maintenance works. Therefore the LIB includes regulations to prohibit bird-attracting activities. Within a 6-kilometre radius around the airport, no bird-attracting land-uses are allowed. Specifically, new open water, wetland nature, outdoors food-processing industries, dumpsites, etc. are prohibited. A covenant of important stakeholders concerned with the airport, including the National Government, includes a clause to be adopted in the LIB that in a zone of 6-13 kilometres around the airport the poten-

tial attraction of birds needs to be taken on board when weighing different interests (*Convenant Reduceren risico vogelaanvaringen*, 2012).

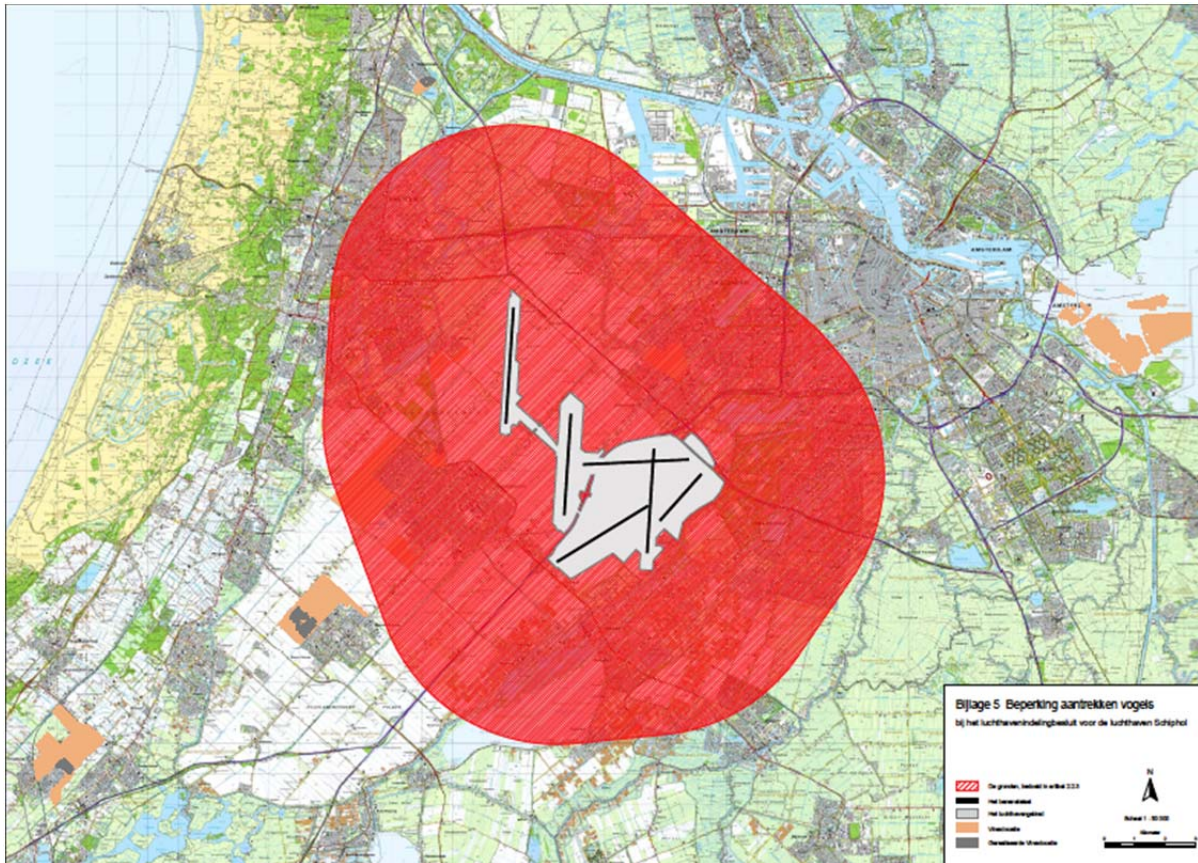


Fig. 10. Area with spatial restrictions to reduce the risk of bird strikes as defined in the appendix 5 of the LIB. Source: V&W, 2004

The *Nota Ruimte* (2006) introduces an additional spatial regime on top of the LIB regulations. It includes a key planning decision (PKB) that forbids large-scale residential extensions within the 20 Ke noise contour that were not included in earlier urbanisation policies (VROM et al., 2006: 78). Government wants to provide the conditions for further growth of Schiphol Airport, while at the same time guaranteeing a certain level of protection from noise pollution for citizens. Therefore three locations are explicitly excluded as a location for large-scale urban extensions as these are located under intensively used flight paths.¹⁴ The planning regulation is still based on the Kosten unit (Ke) measurement. On the edges of the 20 Ke contour the actual noise level in L_{den} varies between 49 and 56 dB(A) (RIVM, 2004: 44). This obviously demonstrates the difference between various measures and the difficulties a new measure brings with it.¹⁵

With the new planning act coming into force, the PKBs of the *Nota Ruimte* have become without effect, hence also the 20 Ke contour. The Government decided that it is not necessary to include the 20 Ke contour in a new Decree that safeguards national interests, as it would be integrated in the LIB. In Cabinet Statement on Schiphol the Government announced to integrate the 20 Ke

¹⁴ These reservations for Hoofddorp-West have been lifted (V&W & VROM, 2006: 38).

¹⁵ The Kosten unit (Ke) method only measures flight movements producing noise levels above 65 dB(A). A significant amount of noise is simply capped, which becomes particularly relevant with more silent airplanes (and results in more discrepancies with the perceived noise level).

contour in the LIB. With SMASH in the making, an integral amendment of the LIB is in the making. The course of the new strategic plan for the Schiphol region is everything but certain (Van der Plas, 2012). Thus far, the 20 Ke contour remains the most well-known noise contour without strong legal grounds.

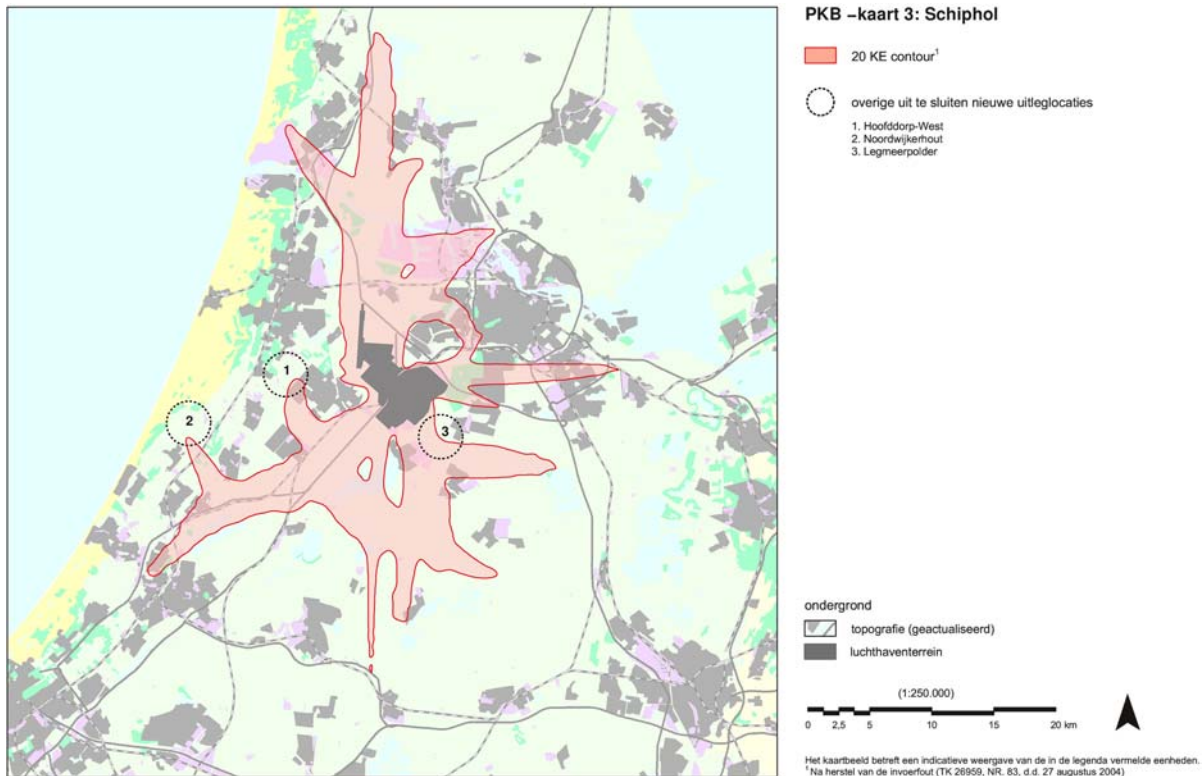


Fig. 11. The noise contour of Schiphol as defined in the Nota Ruimte, 2006. Within the contour and specifically in three encircled locations, new urban extensions for housing are prohibited. Source: VROM et al., 2006

In addition, there are non-binding agreements between airport, public sector and inhabitants that have a quasi-binding status. In the Alders Table, named after its chairman and former minister Hans Alders, stakeholders have agreed on a whole set of actions and objectives in three agreements (*convenants*).¹⁶ The Covenant Limitation of Nuisance is the most relevant in spatial terms. It formulates the ambition to reduce the number of people seriously affected by noise in the 48 dB(A) L_{den} zone by 5 per cent until 2020. These agreements are informal, but nobody would risk breaking open the consensus due to the high stakes. Currently, the whole set of agreements are on trial. The covenants of the Alders Table phase out in 2020 and have to be reviewed. The National Government draft a Structure Vision for the Schiphol area, which also reviews the noise regulation. The management of noise remains a major issue, although the noise level and the spatial extent has declined significantly since 1990 (MNP, 2005), mainly due to better aircrafts, but also sophisticated noise management. More recently, the noise levels seem to have stabilised. There remains a tension between the need to facilitate the growth of the airport, new housing, while at the same time maintaining the protection level of citizens.

¹⁶ The public agreements can be downloaded from the website of the Alders Table: <http://www.alderstafel.nl>.

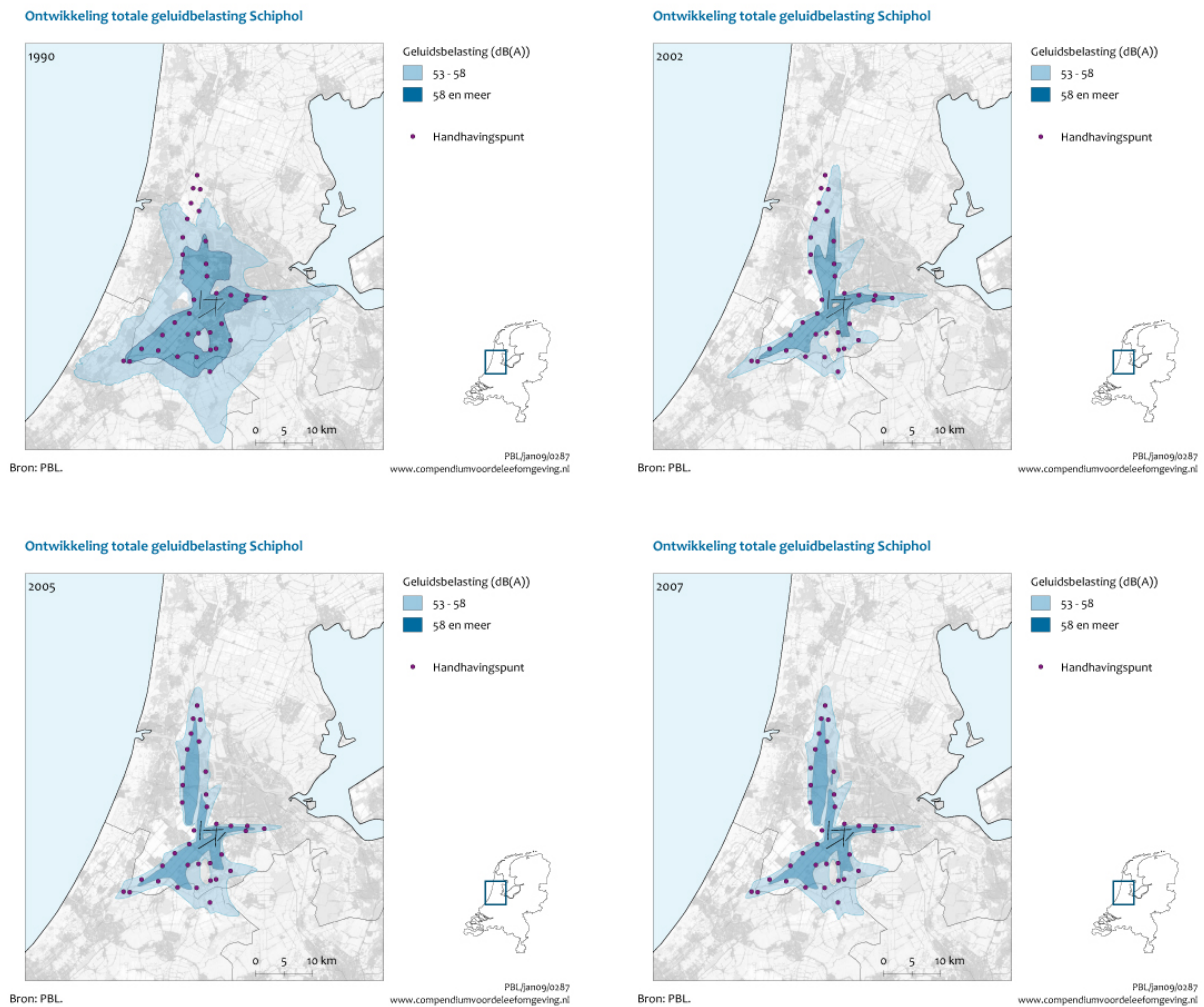


Fig. 12. Noise pollution, 1990–2007. Noise pollution has reduced in particular between 1990 and 2002, while the opening of the fifth runway had mainly redistributive effects. Source: Compendium voor de Leefomgeving

The noise regulations and governance arrangements of Schiphol are intensely debated, both professionals and in academic works (e.g. Bröer, 2006; Van Wijk, 2007; Huijs, 2011; De Jong, 2012). The noise regulations of Schiphol is characterised a noise exposure policy (*blootstellingsbeleid*) rather than a policy aiming to reduce noise actual nuisance (*hinderbeleid*). The spatialisation of the noise problem – from ‘soundscape to landscape’ – is typical for the Netherlands with its strong tradition in spatial planning (Bröer, 2006: 122). Furthermore, noise has been reduced to scientific models of noise experience that dominate noise policy, rather than real perceptions of noise by inhabitants. The sociologist Christian Bröer (2006: 126) argues that the policy discourse is an important factor in shaping the experience of noise. By addressing noise as a problem and encouraging inhabitants to engage with limit values and contours, noise is only discussed as nuisance. The problem of limit values translated into spatial contours usually develops into one direction: tighter regulations (Stallen & Van Gunsteren in Bröer, 2006: 126).

Water management

Water management is a primary task of Water Boards. The Water Board Act (*Waterschapswet*) regulates the functioning of the water boards: their tasks are strictly limited to water management, specifically maintaining the water system and wastewater treatment (art. 1). In the National Policy Accord Water of 2003 (updated in 2008) the responsibilities of national government, provinces and water boards have been clarified. The emphasis is on *maintaining* the water system, which has important repercussions for water aspects in *new* situations. Here, the costs-by-cause principle (*kostenveroorzakingsbeginsel*) applies (Helpdesk Water, 2008). In the following, I briefly review national water policy context in so far as it relevant for the case study.

Water management has been high on the National Government agenda since the 2000s. Already in 2001, the National Government, the Inter-Provincial (IPO), the Union of Water Boards and the Association of Dutch Municipalities (VNG) signed an Intention Agreement Water Policy in the Twenty-First Century (*Startovereenkomst Waterbeleid 21e eeuw*), which resulted in the National Policy Accord Water in 2003. This agreement also introduced new working norms for the probability of inundations through precipitation, which the water boards had to inspect and, if the water system does not keep the norms, take the necessary measures. This was relevant for the Haarlemmermeer, as it required a new detention basin (*piekberging*). Furthermore, it introduced a new instrument, the *Watertoets* (Water Test) to better integrated water issues in spatial planning processes. Water managers are consulted much earlier and more often in a planning process than previously. Since the Rijnland Water Board was a project partner, water issues took a very central position anyway. The territorial government in question has to inform the water manager (usually a water board) about new spatial plans or projects latest when these are officially started. The Water Test is a process instrument, which besides mutual exchange of information results in a *wateradvies* (water advice) evaluating a spatial plan from a water perspective (V&W, 2001).

In particular the appointment of a new Delta Commission in the mid-2000s set in motion a whole series of new policies and legislation. Water has obviously always been on the agenda in a country where almost half of the land is below sea level, but with the reference to the Delta Plan after the 1953 Flooding, it makes clear that the challenges of climate change are taken seriously. In 2009 a special Delta commissioner has been appointed in anticipation of the Delta Act, which was enforced in 2012 to prepare the national Delta programme. Within this framework five 'delta decisions' are prepared, among a freshwater strategy. In 2009 the National Government presented the National Water Plan 2009–2015 (V&W et al., 2009). It is based on the advice of the Delta Commission of 2008. It formulates the ambition to strive for a sustainable and climate proof water management. Salination, in particular in the Haarlemmermeer, is acknowledged as a problem (V&W et al., 2009: 189). In short, a whole set of relevant policies has been launched that were potentially relevant for the development of the Westflank Haarlemmermeer.

7 The contextualisation of external and internal requirements

In this chapter the effects of legal and policy norms on plan development for the Westflank will be discussed. We have to make a distinction between external legal and policy norms and internal ambitions that have been fixated in policy agreements. We will first address the external constraints and how these affected the plans. Then we will look in more detail into the interplay of project objectives and external legal and policy constraints and how these have been addressed in the development of the various plans for the Westflank.

Dealing with legal and policy constraints

The Westflank project was extremely constrained by all sorts of legal and policy norms of various governmental levels. Cumulative limitations for urban development existed on 2,228 hectares or approx. 75 per cent of the plan area. 1,507 hectares or 50 per cent of the plan area were unsuitable for water and green infrastructure objectives for a variety of reasons (Westflank Haarlemmermeer, 2010: 18). In a theoretical exercise the planners demonstrated that the planned programme (1,896 hectares) exceeded the amount of unrestricted space (1,529 hectares) (Westflank Haarlemmermeer, 2010: 21). Thus the noise contour, the bird contour and the Green Heart have been the starting point for the making of a spatial plan for the Westflank. Despite their seemingly hard and inflexible character these did not prove an insurmountable barrier. Legal and policy norms were constraining, but in many cases it proved possible to negotiate these barriers and remove the hardest edges.

One of the key norms has been the 20 Ke noise contour of Schiphol, which made housing impossible in a significant part of the Westflank. In particular this affected the strip of open land between Hoofddorp and Nieuw-Vennep and the southern tip of the Haarlemmermeer (see Fig. 13). The preliminary restrictions for new housing development in Hoofddorp-West in the Nota Ruimte, which was actually outside the noise contour, had been removed after negotiations with the National Government already in 2006. Apart from this necessary adaptation of the spatial planning policy of the National Government, the 20 Ke contour proved a hard and inflexible norm. Though limiting development options, the necessity of the noise contour is widely accepted. It also provides certainty to both developers and the airport.

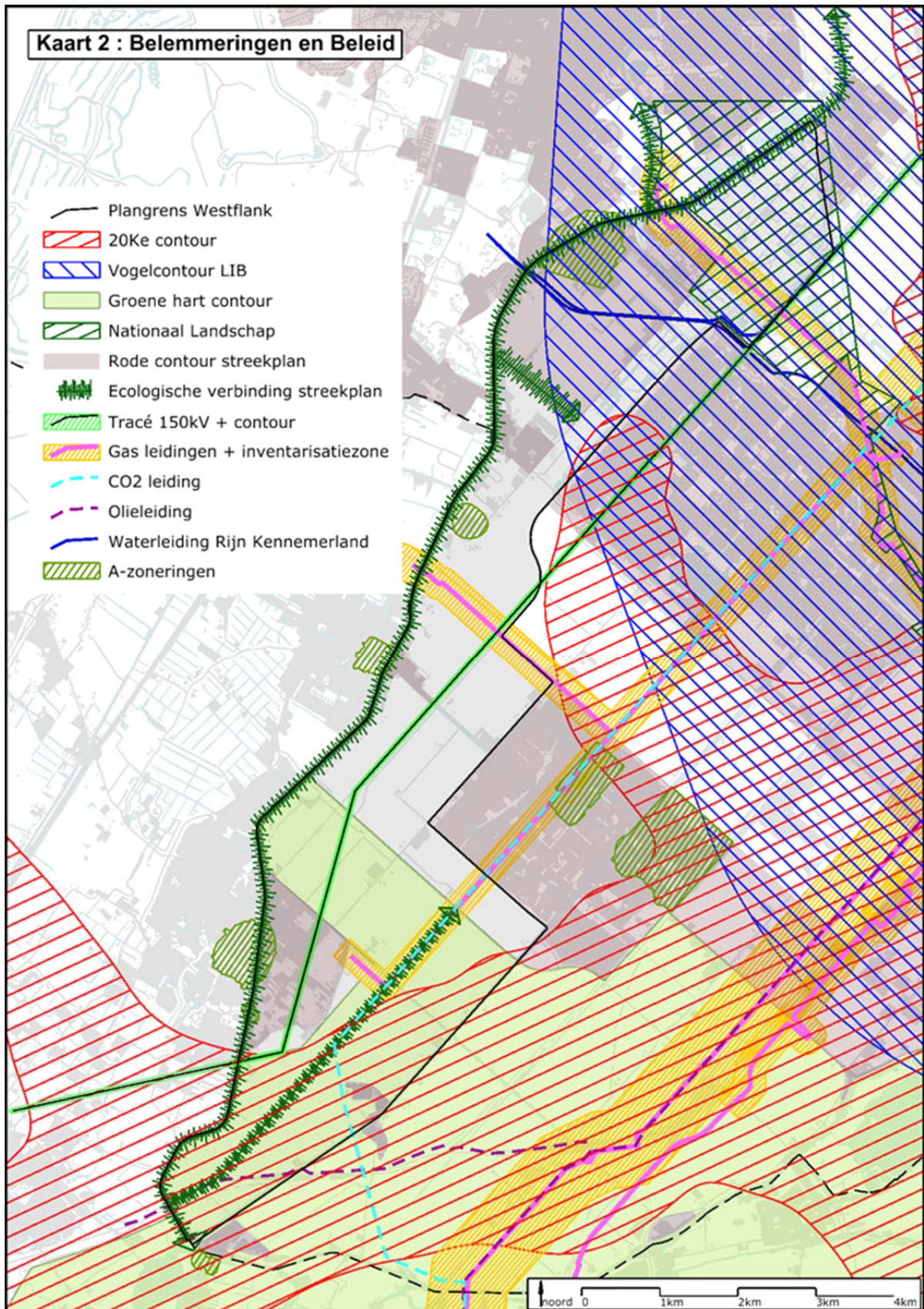


Fig. 13. Spatial legal and policy constraints in the Westflank. Source: Westflank Haarlemmermeer, 2010

It was mainly the *Structuurvisie Mainport Amsterdam Schiphol Haarlemmermeer* (SMASH) that is currently in the making, which brought in an element of uncertainty. SMASH puts a whole set of arrangements on trial, including the flight path, which might result in new restrictions. SMASH is the result of the *Structuurvisie Infrastructuur en Ruimte* (I&M, 2012) defines the Schiphol area of national interest. It will have a profound impact on the Schiphol area by negotiation environmental concerns (including the actualisation of the 20 Ke contour), urban development and promoting growth of the airport. In a way SMASH is a continuation of the deeply rooted mainport policy of the National Government established in the Fourth Memorandum on Spatial Planning (1988). Yet probably more than earlier policies, it also stresses the role of Schiphol airport in a metropolitan setting, in particular how to solve the housing question in an airport region. While there is little information publicly available on the various options discussed by 36 stakeholders, the Province of North Holland and the Municipality of Haarlemmermeer were both involved, bringing in their concerns regarding the Westflank, if necessary.

For the planning of the retention basin, the bird contour provided a potential obstacle. The bird contour basically forbids any new open waters of significant size. De facto, the area covered by the bird contour was never considered for the lake, because of unfavourable soil conditions. The search space for the detention basin in the southern tip of the Haarlemmermeer polder was also not affected by the bird contour. More complicated was the potential enlargement of the bird contour, which would have covered the whole Haarlemmermeer polder and would have made any plans for a detention basin, as well as the retention basins, obsolete. The new 'Covenant to reduce the risk of bird strikes' (2012) only included a rule that for a zone of 6–13 kilometres around the airport the interests of aviation safety have to be considered.

Concerning the Green Heart contour, past large-scale urbanisation projects have shown that the contour is negotiable. Furthermore, with the recent Structural Vision Infrastructure and Space (SVIR) the responsibility for green infrastructure has been devolved to the provinces, and thus the responsibility for the Green Heart. Even so, the Green Heart is a strong spatial concept (Zonneveld, 2007). Yet, planners had no intention to transform large chunks of the Green Hart land into building land, and not only because of the fact that the largest part was covered by the noise contour of Schiphol anyway.

While impeding certain development options at the outset, none of these legal and policy norms was regarded unreasonable. Most norms have been taken as given. In particular with the noise contour, there is awareness of the tension between the restrictions for development projects and the task to protect citizens from environmental pollution. As a matter of fact, most norms were policy norms, formulated by the National Government, but some have been devolved to the provinces. Then it became simply a consideration of competing policy objectives.

It is noteworthy that there has never been an alternative plan *with* a power line. In particular Haarlemmermeer and the Province have excluded this option right at the outset. There is no legislation regarding the zoning of overhead power lines.¹⁷ A policy of VROM dating from 2005 advises that within a zone in which the magnetic field strength is 0.4 micro tesla or higher on a yearly basis no sensitive function may be realised. Usually with power lines there is a zone according to private law (*zakelijke rechtstrook*) that has to be kept free of buildings. The preparatory decision

¹⁷ Kenniscentrum InfoMil, <http://www.infomil.nl/onderwerpen/ruimte/handreiking/functies/fnc-hgsp>; accessed 18 September 2013.

(*voorbereidingsbesluit*) of the National Government generally handles a 150-metre zone as spatial reservation. Thus the spatial effect of the 380 kV power line is comparatively limited. The effects on house prices and thus the total business case through electromagnetic nuisance and a visually polluted landscape are difficult to quantify.

Plan variants

Within the legal and policy frameworks different plans have been elaborated to realise the objectives. Two variants have been developed in 2009 as starting point for the public debate. On the basis of preferred variant as the outcome of the public consultation process, three detailed variants have been drafted in 2010. Already before that, three variants have been presented in three (extreme) models: Versailles, Dunes, Network – all based on different solutions to the water issue. These models did not receive any formal status and mainly demonstrated that it was possible to accommodate the various spatial claims in the Westflank (Strotman landschapsarchitecten, 2008). The 380 kV power line was not taken into account in any of these version for political reasons. The Province and the Municipality were strongly opposed to the power line through the Westflank and any plans accommodating the power line would make their position implausible.

The ambitions formulated for the Westflank were to realise a sustainable water management system, an internationally attractive milieu, a balanced society, an integral plan, and good accessibility. In figures the Westflank was about 10,000 dwellings, 900 hectares green and recreation space, a detention basin (1 million cubic metres) and a retention basin (2 million cubic metres) (Westflank Haarlemmermeer, 2010: 13–14).

Furthermore, the project partners agreed on a series of design principles (*starthypothese*):

- The structure of the polder landscape as (flexible) basis for the development of new Plantations in the Polder with a new village on the Ringvaart.
- From twenty water management regimes towards a single polder system in which the boundaries between water management, green recreation and residential areas diminish.
- Variation of water landscape in the south in connection with the lake area, Park 21 in the middle linking with Hoofddorp and Nieuw-Vennep, and woodland landscape in the north relating to Heemstede and surroundings.
- The Ringvaart as a varied transition zone between the Haarlemmermeer and the Bollenstreek.
- Cherishing and make use of pearls in the polder as anchors for development: Olmenhorst, De Cruquius, Lisserbroek, etc.
- Already existing plans form an integral part of the Westflank and will be used strategically (Cruquiushoeve/SEIN, detention basin, Buurderij, the Haarlemmermeertje, etc.).
- Focusses particularly on better accessibility for bicycles and water transport, and the development of the A4 location and around public transport stations.

(Westflank Haarlemmermeer, 2008: 36; authors' translation)

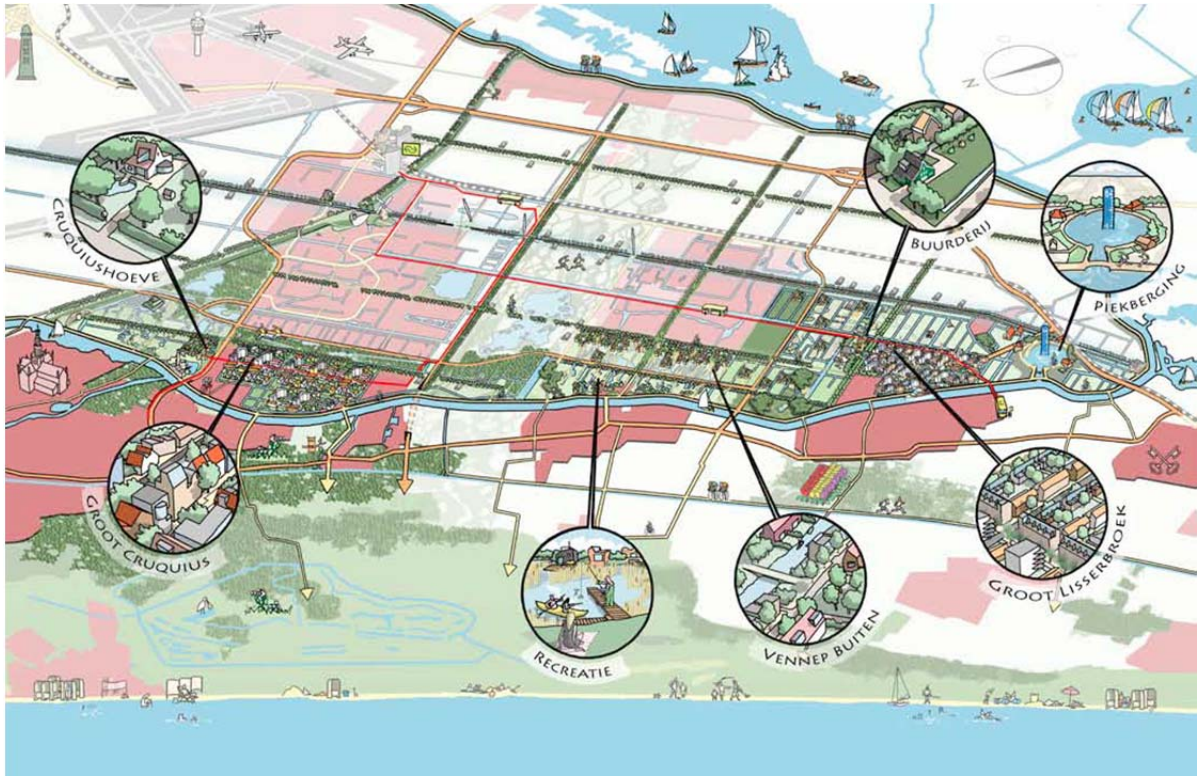


Fig. 14. Future A. Source: Westflank Haarlemmermeer, 2010

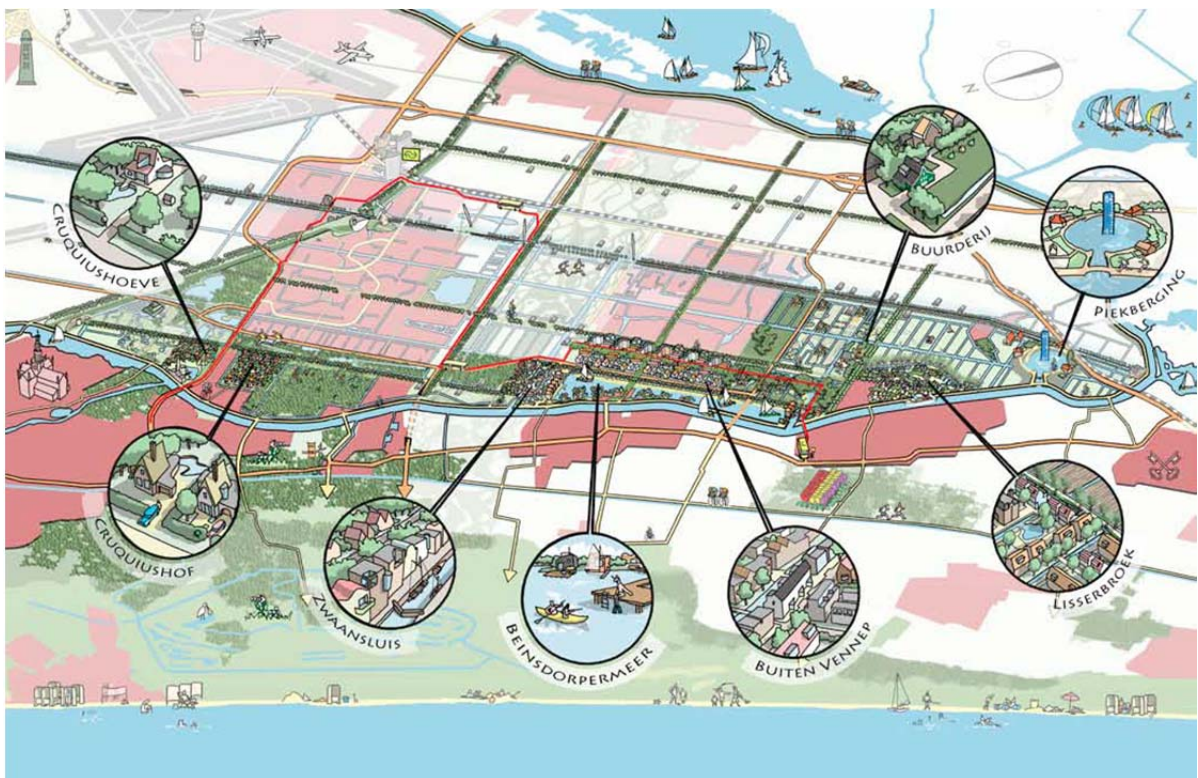


Fig. 15. Future B. Source: Westflank Haarlemmermeer, 2010

The design brief brought two general alternatives into the public debate: Future A and Future B (see Fig. 14 and Fig. 15). The names already suggest that the two alternatives constituted no mutually exclusive options, but a selection of solutions that could be combined in one way or another. The choice options have been indicated in the little circles in the two images. Three elements were identical in both futures, as these were existing projects: the (indicative) location and spatial design of the detention basin (*piekberging*), Cruiquishoeve and Buurderij. Yet, the two futures also involved some crucial choices, in particular with respect to water management and urbanisation patterns. With respect to water management, they differed fundamentally in the solution for the sustainable water management objective: Future A opted for widened ditches (*vaarpolder*), while Future B proposed a large lake. Regarding urbanisation Future A aimed for a more compact development with two large concentrations of urbanisation (Groot Cruquius and Groot Lisserbroek), whereas in Future B urbanisation is more dispersed with smaller concentrations (Buiten Vennep, Zwaanssluis, Cruquius and Lisserbroek), which also providing more variety in housing milieus. This obviously resulted in slightly different requirements for the transport network and different solutions for green infrastructure (Westflank Haarlemmermeer, 2010: 188–193).

Design brief (*Programma van Eisen*)

In the public consultations in September 2009 in the Polderhuis citizens expressed a slight preference for Future B (Westflank Haarlemmermeer, 2009). Citizens uttered concerns about traffic problems, which would only be increased by new developments. The reactions on the lake (Beinsdorpermeer) were predominantly positive, while the opinions were divided about housing. The concerns brought forward have been documented and taken on board, resulting in an optimised synthesis of the two variants.

The plan area is divided in three parts, each with its own characteristic. The northern part, the Cruquius area, is characterised by residential areas in a woodland area. The middle part, Beinsdorp, forms an extensive water landscape for new residential space and recreation. The southern tip, Nieuwkerkerland, is framed as a transformed agricultural landscape: nature development, new agricultural initiatives, rural living, but also traditional agricultural. The spatial framework of the Westflank was strengthened by anchors, the 'pearls of the polder'. These are existing 'highlights' such as the steam pumping stations, country estates and other cultural or natural attractions.

The following objectives have been specified per theme in the design brief:

- *Water*. The plan realises a retention capacity of 2,8 million cubic metres, which is way more than the 2 million cubic metres required by the *Randstad Urgent* contract. This is achieved by widening existing ditches to maximum 10–15 metres (*vaarpolder*) and a large lake of 200 hectares.
- *Green infrastructure and recreation*. The ambitions for green infrastructure are on a much more abstract level than the other dimensions. Emphasis is placed on the forestation of the Cruquius area, while the southern tip remains predominantly agricultural. The middle part is reserved for water (recreation). Park 21 is mentioned but has been detached from the Westflank. Recreation placed also requirements on the water solutions, in particular with respect to

water recreation (height of bridges and depth of water). Green recreation was drawn as surface areas to demonstrate how to fulfil the objectives, sometimes reduced by a mix factor.

- Infrastructure: In order to facilitate the urbanisation process, the provincial roads need to be widened. As a general condition, infrastructure needs to be realised before urbanisation. A new express bus line connects the middle and southern part of the Westflank with Hoofddorp railway station. Another bus line will be upgraded to connect the Cruquius area with the railway stations in Heemstede-Aerdenhout and Hoofddorp. The existing 150 kV transmission line will be placed underground.
- Housing: The 10,000 units are spread over 8 core locations. 6,600 units are realised in the middle area (Zwaanssluis, Beinsdorp, Buiten Vennep and Lissershaven), 1,650 in the Cruquius area (Cruquiushoeve and Cruquiushof), and 1,150 in the southern tip (Buurderij and Lissersbroek Turfspoor), while another 600 units are dispersed over the Westflank. The share of social housing was set at 40 per cent. Furthermore, the Haarlemmermeer Municipal Council formulated the additional requirement of energy efficient buildings. Per location the future development has been specified and illustrated by artist impressions.

The design brief, however, proved financially unfeasible and posed additional technical questions. The business case of the design brief was negative (€-126m) on a public investments of more than €0.5bn. Revenues stemmed from housing (about €200m) and earmarked public sector subsidies (including €48m National Government funding via the *Nota Ruimte* budget). More research was needed about the consequences of alternative flight paths, the technical feasibility of the proposed water system, and the opportunities of relocating the provincial road N205 for housing.



Fig. 16. Spatial concept Haarlemmermeer-Westflank. Source: Westflank Haarlemmermeer, 2010

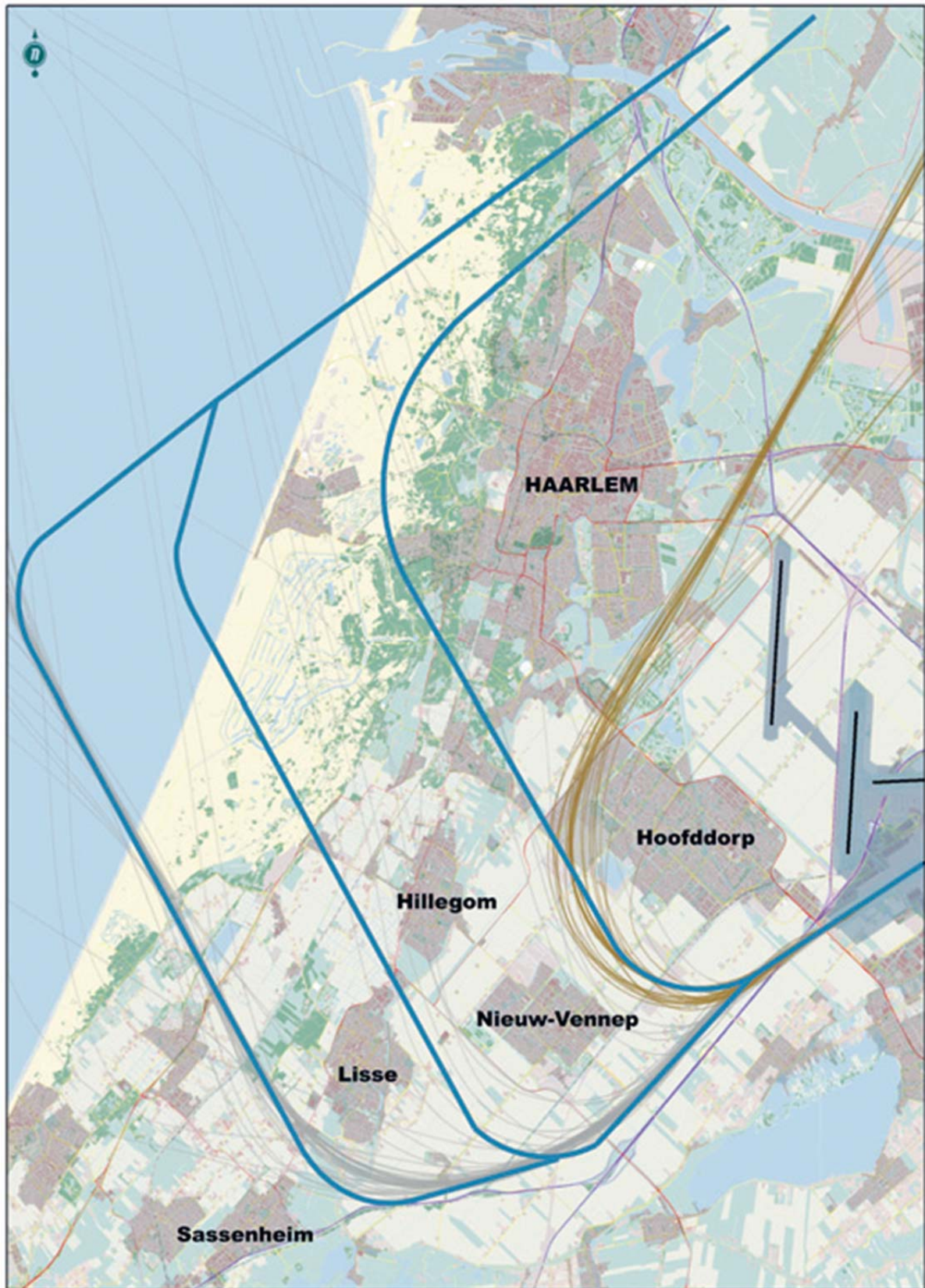


Fig. 17. Flight path before optimisation (CROS pilot 3b+) in 2008 and alternative options for the Spykerboor route. Source: BAS

Additional research on the feasibility of the water objectives has therefore been carried out, resulting in a 'water advice' by the Expert Group Water (HHR et al., 2010). Already earlier the *vaarpolder* option, a fine-grained network of 30-metres broad ditches, had dropped out. The danger of fractures in the ground through which (brackish) groundwater could emerge to the surface was too high according to research carried out by Royal Haskoning (HHR et al., 2010). Two potential solutions were still considered: a large lake and an improved polder system. The lake solution would require a lake of about 364 hectares plus ditches of 5 metres in the rest of the plan area. The improved polder system would only consist of ditches. The lake solution generally scored higher, although the improved polder system constituted a significant improvement to the current situation. The advice presented an optimisation variant as the lake was oversized. A smaller lake (270 hectares) would have the same capacity due to limitations of feeding the lake with surface water that mainly stems from surrounding houses. Sufficient rainwater was necessary to realise swim water quality.

On behalf of Haarlemmermeer the Zwaansluis housing location had to be downscaled and shifted slightly more to the south in order to accommodate an optimised flight path that would relieve the inhabitants of the Floriande district. This was an urban extension from the VINEX period that was realised 2000–2008 despite being partly located within the 20 Ke contour (which was no official policy when the decision for this urban extension was made). The Province and the municipality granted exemption via article 19 of the Spatial Planning Act to fulfil their obligations from the VINEX covenant. This has resulted in protests of the new inhabitants that moved in.¹⁸

In order to optimise the design brief, three alternatives have been developed successively in the course of 2010. The differences mainly concentrate on the Beinsdorp subarea, where the retention basin was to be realised. The main differences between these alternatives concerns the solution to the water problem. This should have led to the final Design Brief (*definitief Programma van Eisen*), which was never produced due to the decision for the western route of 380 kV power line.

Beinsdorperplas

The first variant, 'Beinsdorperplas', was presented in summer 2010 after additional research, optimisations and consultations. Regarding the water objectives this version followed the Water Advice of the Expert Group Water (HHR et al., 2010). The retention capacity has been reduced, since the extended ditches proved impossible. Instead, the water objectives have been achieved through a 270-hectare large lake, being substantially larger than in the Design Brief, and an improved polder system. It also suggested the relocation of the provincial road N205 eastwards to increase revenues from housing development. The percentage of social housing has been reduced from 40 to 30 per cent to make the project financially more feasible.

In spite of the much improved business case (€-26m), the variant was politically unacceptable for the Province of North Holland due to the replacement of the N205 and the transformation of 112 hectares green infrastructure. The N205 had only been delivered some years ago and also the green infrastructure had only recently been realised through the ILG funds (Rural Areas Investment Fund). Despite financially favourable results in the case of the N205, both interventions would be difficult to sell to the public, the Province worried.

¹⁸ The inhabitants are organised in the action committee Floriande TegenGeluid, which has a double meaning as 'against noise' and 'counter-voice'. For more information see: <http://www.floriandetengeluid.nl>.



Fig. 18. Beinsdorp Lake. Source: Palmhout Urban Landscapes, 2010



Fig. 19. Water Park Beinsdorp. Source: Palmbout Urban Landscapes, 2010

Waterpark Beinsdorp

This variant (see Fig. 19) has been developed in order to avoid redirecting the provincial road N205 and transforming existing and protected green space. The lake has been significantly reduced from 270 to 130 hectares, with a retention capacity of 1m cubic metres. In this phase, the detention basin was decoupled from the Westflank project. Now that it was clear that the southern tip of the Haarlemmermeer remained an agricultural function, the plans for the detention basin could be progressed separately.

This variant has been also dismissed. The Water Board placed question marks about effectiveness and efficiency. The capacity of the lake was merely 20 per cent higher than in the improved polder system so that they expected that the latter would score higher on the criterion self-sufficiency. The increased shore length would also imply higher maintenance costs. Furthermore, funding the water objectives via the PASO programme for green space would be impossible in this variant, for the lake had no regional recreation function. This variant, too, had no conclusive business case (€-36m).

Drie Meren

The final variant (see Fig. 20) before the project was cancelled was called 'Drie Meren' (Three Lakes). It has been elaborated in very short time to meet the deadline of the *Randstad Urgent* programme to be eligible for funding. Contrariwise to what the name invokes, this version returns to the idea of a big lake, although being divided in three compartments. It is a synthesis of and accommodates concerns brought forward in reaction to the previous variants. The objectives of the BOK are matched, including the additional requirement that the provincial road N205 is not relocated; however, this variant did involve the transformation of 100 hectares green space, which requires the alteration of provincial policy.

The plan variant Three Lakes was agreed by the political representatives of the four partners in December 2010 under strong time pressures. It presented an almost conclusive business case, although this view was not unanimously shared (PNH, 2013: 29). The plan was technically feasible, too. As already mentioned, this plan has never reached the formal decision-making procedure in connection with the awaited decision on the 380 kV power line, which finally turned out negative for the Westflank project.

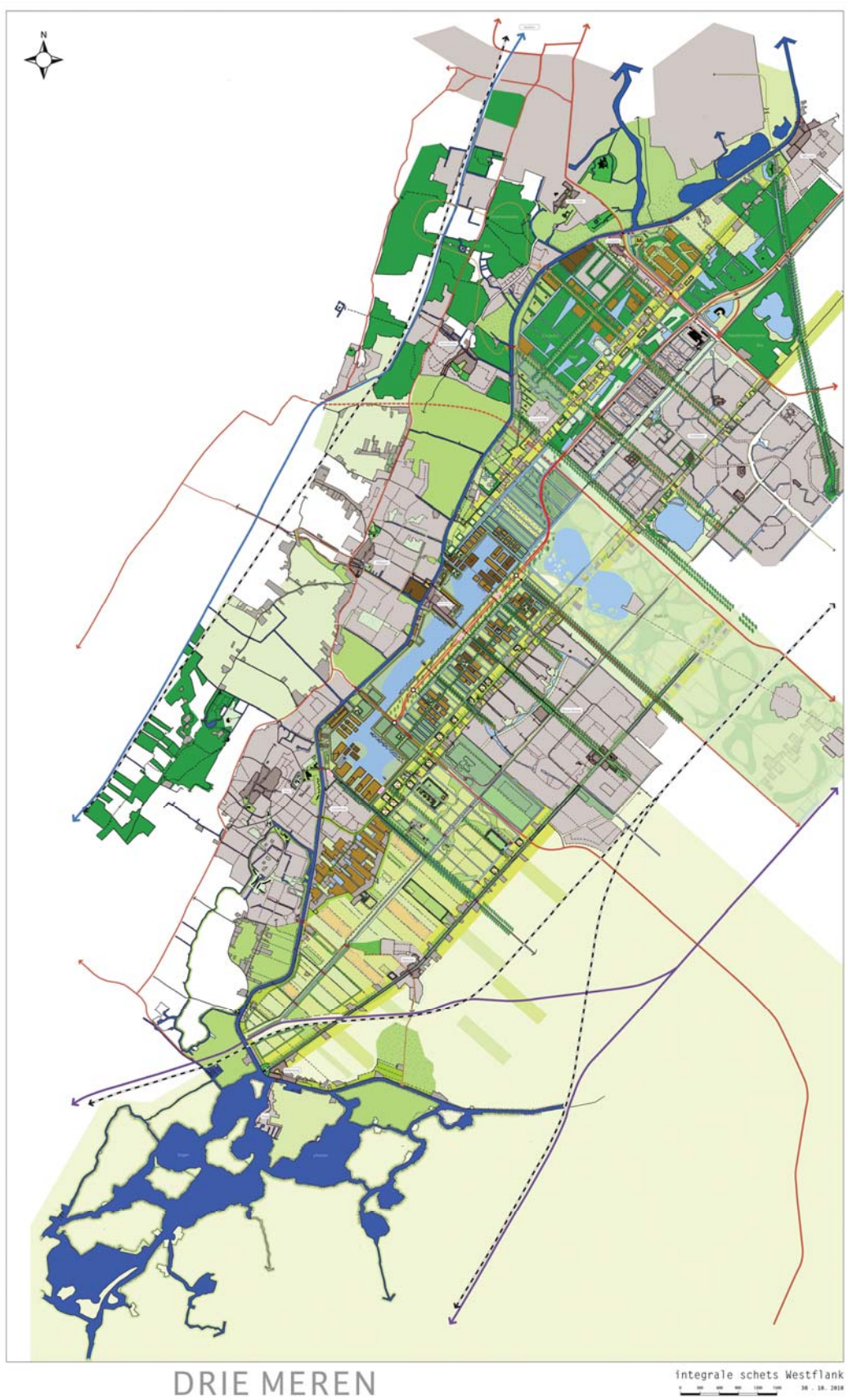


Fig. 20. Variant Three Lakes. Source: Palmbout Urban Landscapes, 2010

Juggling with figures

Over two years, between the first exploration in the framework of the ARC pilot starting in 2008 and the last plan variant 'Drie Meren', planners tried to draw a plan that respects the legal and policy norms, the technical intricacies of a water management system, funding conditions, and not the least the need for a conclusive business case. It was experienced by some participants as 'accountant planning'. The main changes between the three versions developed after the draft design brief mainly considered the sustainable and climate proof water system. Yet the realisation of the water system was only one of the factors that contributed to the deficit. In particular the realisation of green infrastructure seemed chronically underfunded: not only did it constitute 42 per cent of the deficit of the 2009 business case, the land acquisition trajectory, usually prone to setbacks, had not even fully started.

Tab. 1. Overview key figures of plan variants for the Beinsdorp sub-area.

	Design Brief (PvE)	Beinsdorperplas	Waterpark Beinsdorp	Drie Meren
<i>Size lake</i>	200 ha	270 ha	130 ha	200 ha
<i>Retention capacity</i>	2.8 m ³	1.9–2.2 m ³	1.3–1.6 m ³	1.8 m ³
<i>Number of dwellings</i>	6.600	6.250	5.250	5.370
<i>Density</i>	57/ha	37/ha	28/ha	31/ha
<i>Business case</i>	€-126m	€-26m (€-43m)	€-36m	€-20m

The level of detail of the maps suggests that these plans were ready to be implemented and translated into a land-use plan once the political decision was made, but this is at least doubtful for a variety of reasons. First, the plans were very much driven by the need for a positive business case. Several elements in the plan contained a lot of financial and technical uncertainty. Second, the role of the market is unclear, as market parties were not actively involved in this period. The most severe reason is probably the crisis on the Dutch housing market that set in late 2008, but only fully unfolded a couple of years later. Even if the 380 kV overhead power line had not interfered with the Westflank plan, the changing market conditions, most probably, would have required a fundamental rethinking of the plans.

Static, but well-known and respected legal and policy rules were met by static and inflexible agreements evolving from a governance process setting quantitative targets that were almost impossible to match under the given conditions of limited space, technical requirements and poor funding. The failure of the Westflank was not a regulation but a governance problem. The regulation barriers crucial for the Westflank were either respected from the very beginning or, where considered necessary and politically feasible, negotiated and adapted. All this time, the Westflank project continued without successfully addressing some of the crucial questions. There was no shared sense of urgency and no clear problem ownership. Additionally, there seemed to be plenty of political no-go areas and hidden agendas that were not revealed. As a consequence, it proved difficult to discuss the agreed project objectives and develop real alternatives. The results of a soft governance process became hard and inflexible.

8 Conclusions

The Westflank Haarlemmermeer is one of these cases from which planners and policymakers can learn a lot because so much went wrong. However, the exercise of this investigation is not to blame the culprit. The self-evaluation of the Province is a fine example of how organisations can evaluate and draw conclusions from such a project (PNH, 2013). Though the Westflank as a project is widely branded as a failure, this does not necessarily say that none of the objectives will be achieved. The Westflank Haarlemmermeer does not exist anymore as a comprehensive area development project; nonetheless, the policy objective will be pursued, some perhaps watered down, in a different set-up.

While legal and policy norms have imposed serious constraints on the project, the failure of the project Westflank Haarlemmermeer needs to be found elsewhere. The legal constraints were known at the outset of the project. Only in combination with static policy objectives, which were the result of interactive governance processes, flexibility was severely limited. The review of the Province of North Holland earlier this year has put forward a series of reasons why the Westflank project failed so far: a mixture of competing policy agendas, project leadership, change in political leadership and project management, lack of knowledge transfer, etc., and in particular a lack of urgency (PNH, 2013). Many of the findings have been confirmed in the interviews carried out for this report.

Instead of repeating these, this report looks at the Westflank project from a contextualisation perspective: the way legal and policy norms have been contextualised and the mechanism that allowed for navigating through a complex set of rules and find tailored solutions. As stated above, legislation and policies, somewhat counter-intuitively, did not prove a real hurdle for the development of the Westflank Haarlemmermeer. For one because many constraints had a policy status, being much easier to adapt – simply because it affects only a specific situation and does not apply to all cases. For instance, the current regulations (e.g. noise regulations around Schiphol airport) provide ample space for negotiations (legal contextualisation) between the airport and citizens/municipalities as the current measurements can be influenced in several ways, for instance by different routes, better aircrafts (less noise), and the timing of flights. These legal hurdles have all been taken. By way of conclusion, the report discusses some emerging issues.

Contextualisation regimes

This study has argued that legal and policy rules have not been key obstacles in the Westflank planning process. In the framework of this research project it is nevertheless interesting to look at

the different contextualisation mechanisms at work in the different norms. Let us look at two dimensions of legal and policy rules: the degree of restrictiveness and durability.

Restrictiveness refers to the built-in options to deviate from a norm. In the Westflank the Bird contour, the 20 Ke noise contour and the various contours of the LIB with their respective zoning regimes are examples of spatial contours that were, in principle, very restrictive. Within, certain land uses were prohibited. One of the key advantages of very restrictive rules is that they provide certainty and clarity. They mark a clear boundary, which otherwise would be subject to some degree of arbitrariness, or to put it more accurately, the motivation of a public authority to allow/forbid a scheme. Their disadvantage is lack of flexibility. Marking a boundary where continuity exists implies that close to the boundary their acceptance might be contested. The experience of, for instance, noise is not very different just within the contour from just outside the contour. In some contexts a couple of metres may make the difference. In short, spatial contours provide a clear but inflexible framework. To a certain extent such legal regimes, by creating scarcity, urge to seek innovative solutions (Needham, 2003). They become very problematic, if the space regulated by contours leads to a diminishing of policy options. In the case of the Westflank, according to all interviewees, the latter was not the case.

In order to increase policy options and allow weighing up different interests, legislation often contains conditional mechanisms under which certain legal restrictions might be lifted. The degree of prescription and the level of abstraction extremely differ. The Covenant to reduce the risk of bird strikes is one of a built-in decision-making mechanism, as it requires considering aviation safety concerns in a zone of 6–13 kilometres around the airport when allowing land-uses that potentially attract birds. Not many of these mechanisms have been identified in the Westflank that were of importance. The new regulations for Schiphol seem to enter this direction, offering a broad framework to balance different spatial claims.¹⁹ Such a mechanisms allows for better taking the specific context into account. There is, however, a trade-off on legal certainty. Furthermore, the grounds on which such balancing of interest takes place in legal and planning practice is often informed by power and knowledge asymmetries (e.g. Forester, 1989; Flyvbjerg, 1998).

Durability refers to the difficulty to negotiate and change rules. Many of the seemingly restrictive rules informing planning of the Westflank have been adapted. As a general observation, policy norms are changed more easily than legal norms. The frequency of change in a less legalist/more policy-oriented system such as the UK suggests that laws might be more durable (see Headlam, 2013). In the case of the Westflank Haarlemmermeer the influence of legal norms was limited to the LIB, which is a subordinate form of legislation that only applies to Schiphol. Thus changing the LIB has no repercussions for other airports. One might say that in a way it did not differ too much from a policy norm like a Spatial Memorandum, as both have to go through parliament. In the Westflank a series of policy norms has been negotiated. The ban on building in Hoofddorp-West in the *Nota Ruimte* has been lifted. The Green Heart contour has been renegotiated, which became all the easier once the responsibility for green infrastructure shifted to the provinces and the debate was not anymore one between two governmental levels. The Green Heart has still meaning in Dutch spatial planning, but slightly amending the contour constituted no major problem. In the framework of the new spatial plans for the Schiphol region (SMASH), the whole flight path system was renegotiated, which ultimately informs the LIB and its contours. Such a window of opportuni-

¹⁹ Amsterdam Metropolitan Area Regiodebat 'Vliegen en wonen', 19 June 2013. <http://www.metropoolregioamsterdam.nl/gebiedsopgaven/smash>, accessed 6 September 2013.

ty is, however, exceptional. The interests of Schiphol Airport and the region are carefully negotiated and usually the dynamic of these agreements is restricted to pilots, so as to keep the fragile balance.

In the case of the Westflank, the renegotiation of policies has been clearly of higher importance. The applicable norms did not contain any mechanisms that enabled the mediation of the norm within the existing policy framework. The legal and policy norms that applied to the Westflank are only a poor reflection of the variety of contextualisation mechanisms that already exists in Dutch law (Buijze, 2013; Dembski, 2013; Waterhout et al., 2013).

The paradox of governance

The assumption of interactive governance is that governance provides flexibility and contextualised policy solutions. Paradoxically, the governance process of the Westflank Haarlemmermeer has resulted in the opposite. The Intention Agreement was a watertight document, as inflexible as many a legal norm, yet being the result of an interactive process between the four project partners. This does not automatically question the interactive governance paradigm, but it requires looking at the conditions under which interactive governance might lead to successful contextualisation?

The paradox might have to do with a misconception of governance. Here we draw on the definition of the Dutch political scientist Maarten Hajer, for whom

the varied search for effective and legitimate solutions involves interactions among researchers and practitioners searching for efficacy and salience in a non-orchestrated and dispersed process of trial and error. [...] I use the concept of 'network governance' to refer to the approach to public problem-solving in which we no longer simply rely on the state to impose solutions, but instead conceive of problem-solving as a collaborative effort in which a network of actors, including both state and nonstate organizations, play a part. (Hajer, 2009: 30–31)

In the Westflank Haarlemmermeer many features of planning process point into the direction of a classic public sector project, which in its approach has little in common with the definition of network governance provided by Hajer (2009). The private sector was, by and large, kept out of the project. Usually, so the argument of Hajer, these projects then encounter an authority problem. This was not the case as the development of the Westflank was not controversial enough nor had any actor involved an interest to give it a stir.

The idea of network governance is closely related to process management as an approach to realise projects. Process management is regarded as the appropriate management approach to complex problems in complex actor settings (Edelenbos & Klijn, 2009). Instead, the Intention Agreement was taking a project management approach to a complex problem (Edelenbos & Klijn, 2009: 314). Let us briefly recall the differences between these two approaches. Project management focuses on content and the progress of the project, while process management concentrates on the process and the dynamics of the project. This results in a one-way communication in the case of a project management approach in which the planners decide, announce and defend (DAD)

their strategy. In the case of process management, communication is characterised as dialogue, decide and deliver (DDD). While this is obviously an oversimplification of reality, in which these strategies may co-exist, the Westflank leaned towards a project management approach. For instance, after the *Gebiedsuitwerking Haarlemmer-Bollenstreek* the number of stakeholders was significantly reduced. The private sector was only informed about the outcomes. There was a constant time pressure to deliver a spatial plan for the Westflank, so that underlying problems were insufficiently discussed.

The reasons why this approach was taken are difficult to entangle. One aggravating factor that came to the fore several times in the evaluation of the Province (PNH, 2013) was the strong guidance of the Randstad Urgent programme of the National Government to speed up decision-making. The Westflank project was sent through the pressure cooker of *Randstad Urgent*, while this project probably needed the opposite. The complexity of the problem was underestimated in the contracts, both the Intention Agreement and Randstad Urgent. The focus on the progress of the project left too little room for reflection.

The process architecture of the Westflank project provided poor conditions and caused the paradox that interactive governance processes lead to outcomes that bear the same characteristics as its legal counterpart, i.e. static and inflexible conditions. As a consequence, the planners flogged a dead horse for over four years, simply because none of the project partners dared to pull the plug and reflect on how to progress with the project. It request an external decision by the to fundamentally review the ambitions. The following three sections will elaborate on this issue.

Getting priorities right

The Westflank project lacked a shared sense of urgency throughout the project. In particular there was a mismatch between the owner of problem and the financial and political power to address this problem. The urgency per issue fluctuated over time and enjoyed different priority per partner. Further, not for all policy objectives, there was an immediate need to take action or, put it differently, provided an answer to a pressing problem. The lack of urgency has already been stated by the external project management at the outset of the project in 2008 (Westflank Haarlemmermeer, 2008: 18–19). This went on until the National Government's decision for the western route of Randstad 380 kV made an end to this process.

The housing objective had high priority in the early 2000s, in particular at the regional and the national level. The Ministry of Housing, Spatial Planning and the Environment (VROM) lay the foundations of the project by making it a national priority. In successive consultations the municipalities of the North Wing agreed on a housing strategy to meet the market demand. The Amsterdam City Region, on behalf of the Amsterdam Metropolitan Area, is the guardian of these policy agreements, which are also fully supported by the Municipality of Haarlemmermeer. Yet, if choices have to be made, the municipality would only agree to housing development under certain conditions, namely that its traffic problems will be tackled and its green infrastructure scheme receives support. Furthermore, VROM silently withdrew from the project, though is not totally clear why. First the priorities shifted from housing to water and then the focus shifted from Haarlemmermeer to Almere, at least in the perception of some participants of the Westflank planning process. Final-

ly, with the financial and economic crisis housing demand decreased to such a level that the need became even more abstract.

The climate-proof water system was an adaptation policy that anticipated to a future situation in 2050 that might materialise due to climate change. The technical intricacies of the water objective its consequences for the plan were not fully understood by the project partners, except for the Water Board. It proved to be more difficult than a simple, two-dimensional spatial allocation problem (Sinoo & Van Buuren, 2011: 15). The Rijnland Water Board brought forward the climate-proof water system in a very early stage, without wanting to bear the full financial responsibility, for development related water issues is not part of their tasks. In an era of economic prosperity, project partners committed themselves to objectives they were not fully aware and/or fully convinced of. The National Government, who was pushing the solution for a sustainable water system, provided funding that might be labelled inadequate.

In all this time, there was a deadlock in the sense that none of the project partners would try to give a helping hand. The deficit of the business case was 'peanuts' in comparison to the total investment volume of the project. Only at the very last moment, when the loss of Government funding loomed if there was no agreement on a plan variant, the Province offered to backup potential budget gaps. At this time, however, the project was almost dead, as all signs pointed to an unfavourable decision of National Government regarding the 380 kV power line. The project continued all this time, while fundamental choices by some actors about policy priorities had not been made and the key interest of the project partners were not made explicit (see also PNH, 2013: chapter 4).

Order and control in multi-scalar, cross-sectoral spatial development projects

The Westflank Haarlemmer is a typical case of a spatial project in multi-scalar governance setting. Both national and provincial level were actively involved. The project was cross-sectoral as it involved several departments. Thus, there is a double integration challenge of sectors and government tiers, both with a high potential for conflicts. Both conflicts have been encountered in the Westflank project. It is difficult to judge, which of those conflicts weighs heavier. In the Westflank, it seems that a sectoral policy killed the project, but it is the multi-scalar setting that we can actually learn from. After briefly mentioning two sectoral conflicts, we will address the role of multi-scalar governance in – strictly speaking – local project.

There is almost no other reason possible than a lack of communication between Government departments about the overhead power line. VROM was working on urbanisation policies for the western Haarlemmermeer for quite some time, while EZ launched Randstad 380 kV about the same time that the development of the Westflank takes concrete forms. In the end, the lacking momentum for the Westflank made it much easier for the Government to set its priorities. Within the Province, political no-go areas were brought in at times, when these should have long been communicated, such as the transformation of green infrastructure into water.

There is a growing literature on the need of planning across municipal boundaries to tackle emerging spatial problems, in particular in urban regions. Several scholars have discussed the experience with and role of national and provincial governments in urban projects, including Nota Ruimte and Randstad Urgent programmes (Evers & De Vries, 2013; Savini, 2013; Spaans et al., 2013; Van Straalen, forthcoming). What is the role of the interventionist state in a decentralised polity?

The Westflank Haarlemmermeer project questions the role of National Government involvement in area development. Its role in the Westflank is much debated in the interviews and also in the provincial report. The National Government exerted a strong influence on the material decisions of the project via conditional requirements. On the plus side, Randstad Urgent functioned as a pressure cooker that urged the project partners to speed up processes and make timely decisions. On the downside, it urged the project partners to commit themselves to policy objectives that needed more much time. Yet, the National Government subsidy that came along with the Randstad Urgent programme constituted not even 10 per cent of the public sector investment. Other national subsidies stemmed from earlier obligations, in particular PASO, but even then the national level funding stayed about 10–15 per cent.²⁰

Savini (2013) states that National Government continues to exert influence on planning practices, yet with lighter instruments. These instruments may focus on either process or content with low or high intensity. The Westflank Haarlemmermeer is an example that the new instruments in an era of austerity need refinement. For here, the National Government indeed applied some of these lighter steering instruments. It provided a monetary impulse to steer on the content, in particularly climate-proofing the water system, and endorsed the process through a political partnership approach. Randstad Urgent was designed to speed up existing project that were ready to implement. The Westflank did not belong to this category. I argue that these lighter steering instruments need to be applied more selectively and need to be fine-tuned or 'contextualised' to the specific situation. Moreover, it requires a good balance between the intensity of steering and the level of funding.

The role of the Province has been discussed in the Learning Inventory (PNH, 2013: 12–14) and finally resulted in the transfer of leadership to the Municipality of Haarlemmermeer in the post-Westflank period. The Province, albeit being pushed into the leadership position, should have recognised that the nature of the project had changed from a regional to a local project between the Gebiedsuitwerking Haarlemmermeer-Bollenstreek process and the Westflank Haarlemmermeer project, so the argument of the report. Traditionally, the provinces' key policy field is green infrastructure and regional road infrastructure, but this is by no means a fixed rule. Here we enter into a more fundamental debate of the Dutch three-tier planning system.

What is the role of the National Government and the provinces in this three-tier system in which each level produces – competing – policies? In principal, local policy autonomy is written down in the constitution (art. 124). Yet it also defines a clear hierarchy: the rules of the higher level prevail. This struggle for competencies between local autonomy and higher-level governments is common in almost every country. In Dutch planning, however, the policy fields for each level are

²⁰ The percentages are rough estimates. The public sector investment fluctuated with each new variant. The national subsidy consisted of €48m via Randstad Urgent and €26,4m via PASO (which is managed by the Province of North Holland).

not well defined. Even with the new Memorandum Infrastructure and Environment (SVIR), where an attempt has been made to assign policy fields to government tiers, a lack of clarity remains (I&M, 2012). Meddling with local affairs needs a strong interest basis, which soon lacked in the Westflank. Is there a strong interest that requires higher-tier involvement? And am I prepared to participate in the financial and political risks. These seem to be crucial questions Provinces and National Government should answer before intervening. This requires to get priorities right. If there is no priority, there is no need to steer via targeted programmes or any other forms of soft interventions. The general government funds for projects are sufficient.

Contextualisability of policy objectives and funding conditions: means or ends?

The Westflank project was confronted with a series of hard quantitative targets that had to be matched. Without providing margins they turned into hard facts that do not allow for contextualisation. What is the right level of abstraction in the formulation of policy objectives and funding conditions? Here, there is a dilemma between certainty and flexibility. On the one hand, partners want to have clarity about the objectives as to avoid escapism. Funding institutions want to make sure that subsidies are used in a purposeful way. Here, it is important to note the difference of means and ends. Ends are the principle qualities policymakers want to achieve, and means are the different ways of how these can be achieved.

Policy objectives were formulated both in qualitative and quantitative outcomes, yet predominantly the emphasis was on the quantitative dimensions, in particular regarding green infrastructure and water management. They have been cemented in the Investment Agreement, leaving little room for manoeuvre. Housing is probably the least critical, as the quantitative figures were strongly determined by the type of housing milieu and thus left lots of flexibility. Since everyone expected that developers would push for higher densities, the concern was primary about the realisation of housing milieux that would add to the housing stock of Haarlemmermeer and the Amsterdam Metropolitan Area. The housing figures were considered no problem. Nevertheless, it was always made sure that housing production in the plans would enable 10,000 dwellings. The infrastructure objectives were also formulated in principal terms: investments in adequate infrastructure precede urban development.

This was far less the case regarding the formulation of objectives for water management and particularly green infrastructure. In the case of water management, the ambition was to realise a sustainable water management system. Instead of focussing on criteria what this actually means (there was some debate about it), the focus was on the realisation of a retention capacity of 2m cubic metres. At this point in time, it was not even clear, whether this which technical solution would be the best and this retention capacity was sufficient for a climate-proof, self-sufficient water system. In particular the realisation of a climate-proof water system proved to require more time and effort to fully grasp the function of such a water system. The figure was roughly calculated on the back of an envelope, but was nonetheless taken at face value. The solution of a substantial lake figured prominently in the plans and was translated into quantitative terms for the policy contract. It was neither simply a two-dimensional challenge to allocate a lake, nor a matter of quantity (the more the better).

In the case of green infrastructure the number of hectares, which had been defined in previous contracts between various governments and Schiphol, became almost a holy grail. Over the years various policies cumulated, each with its own quantitative targets. Besides the 500 hectares from PASO (Action Plan Schiphol and Surroundings), there were 1109 hectares from the Strategic Green Project Haarlemmermeér, which have been merged to 1606 hectares under the RodS programme (Recreation around the City) of the Ministry of LNV, all to be realised in the Haarlemmermeer. In the meantime, some hectares had already been realised, leading to confusion about the actual number of hectares that remained. The planners turned into accountants. This is epitomised in an internal memo of the Government Service for Land and Water Management (DLG) on the green infrastructure objectives, a detailed calculation of hectares that are already or still have to be realised on the basis of past policies. It resulted in absurd negotiations on how non-areal interventions, such as a cycle bridge, can be transformed into hectares. This could be simply a practical problem, would it not be that the green objective is chronically underfinanced. Thus these bazaar-like negotiations are a form of escapism to still match the quantitative target with less money. Principle qualities were rather absent in the policy documents.

In a similar vein, the funding conditions of *Randstad Urgent* preferred a specific solution, narrowing the options of the project partners to adapt to new evidence. While the official objectives can be characterised as bearing a high level of abstraction, these were hardened in the concrete agreement. Admittedly, *Randstad Urgent* only took over what had been fixated in the Investment Agreement of the project partners. Since National Government had earmarked funding for the water objective, the direct effects on the other policy goals were limited. Yet, the solution to the water problem was very central for the spatial design (e.g. the lake required a certain urban density as to feed the lake with surface water).

Thus probably the key finding and advice of this report is to pay attention to the way objectives and conditions are formulated. *Objectives have been formulated in the way of solutions, not as principle outcomes, and funding was tied to these specific solutions, rather than the problem.* Thus means became ends on themselves. While setting objectives and providing some indications is absolutely necessary as a basis for a project, the reduction of planning to figures creates problems as has been demonstrated. As a consequence of an accountant approach to planning, the debate is too much about meeting the targets than about spatial quality. If such quantifications are unconditional, they may become a prison and stand in the way of potentially better solutions. Furthermore, funding needs to be attuned to both quantitative and qualitative provisions. Obviously, in a 'functioning' project it is usually possible to discuss issues emerging from practical constraints or *Sachzwängen* (Offe, 1969), but even then it might help to be clear about what is left abstract and what needs to be fixed at forehand.

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Luchthavenverkeersbesluit Schiphol (LVB) – Air Traffic Decree

Waterschapswet – Water Board Act

Wet luchtvaart – Aviation Act

Wet op de ruimtelijke ordening (WRO) – Spatial Planning Act

Wet ruimtelijke ordening (Wro) – Spatial Planning Act (2008)

Appendix: list of interviews

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Ton Bossink, Provincie Noord-Holland

Hans Groot, Provincie Noord-Holland

Henk Keizer, Gemeente Haarlemmermeer

Nils Klopper, Provincie Noord-Holland

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Jasper Tamboer, Hoogheemraadschap van Rijnland

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