

To the Minister of Infrastructure and Water Management
Mr M.G.J. Harbers
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Date:	1 December '22	Contact:	R. Hillebrand
Reference:	Rli-2022/1817	Telephone:	06 21800302
Cc:		E-mail:	Ron.Hillebrand@rli.nl
Enclosure(s):			
Re:	Rli Work Programme 2023-2024		

Dear Minister Harbers,

The Council for the Environment and Infrastructure (Rli) met a number of times last year regarding possible subjects for its 2023-2024 work programme. In those meetings, the Council took into account the interests expressed by the ministries and in the discussions with you and your colleagues. Because the challenges in the physical living environment are closely intertwined, most of the Council's advisory reports transcend the boundaries of the four ministries in the physical domain.

Three subjects from the 2022-2023 work programme will continue into 2023:

- Policy for business parks
- 'Forgotten' Netherlands?
- Framework Directive on Water

The 2022-2023 work programme also included a proposal for an advisory report entitled "Green recovery – Green Deal" [*Groen uit de crisis – Green Deal*]. This was prompted by a request from the Dutch government in March 2021 for the Council to assist it in considering what is needed for a green economic recovery following the Covid crisis. Since then, however, the Dutch economy has recovered at lightning speed and is now plagued by very different problems, such as scarcity in the labour market, high inflation, energy scarcity and declining purchasing power. The Council will therefore refrain from issuing an advisory report on recovery policy. In its place, the Council intends to prepare an unsolicited advisory report entitled "implementation capacity". Central to this is the question of how, within the limits of the current economic situation, implementation capacity can be strengthened to the extent needed to ensure timely implementation of the proposed policy for meeting the major challenges in the living environment.

In addition to the above subjects, the Council proposes addressing five new topics for its programming for 2023-2024:

- From throw-away economy to sustainable products
- Long-term spatial consequences of climate adaptation



- The juridification of the social debate on sustainability and the environment
- Sustainable construction
- Overall well-being in environmental policy practice

We explain these topics briefly in this letter. With regard to these new topics, we note that Dutch government policy to meet the major challenges in the physical living environment is currently changing much faster than in recent years. We will therefore ask ourselves at the start of each new advisory process where and how our advice can provide the most added value. This may lead to changes in our programming. We will naturally continue to inform all the relevant ministries properly on these matters.

In addition to the above-mentioned topics, in the coming years the Council will supplement its regular work with advice based on interim and final outcomes of the evaluation of the Environment and Planning Act. For this purpose, the Council will be temporarily supplemented by two Council members who are also members of the Environment and Planning Act Evaluation Committee. Agreements will be made with the Minister for Housing and Spatial Planning on the programming of these advisory reports and the requests for advice to be addressed.

Finally, it is worth mentioning that the Council is considering issuing unsolicited advice on the complex issues in the living environment that are to be resolved in the next governmental term. We think that an advisory report on the major choices that still have to be made on environment policy and how they are connected could have added value. In this advisory report, we would be able to take a closer look at the comprehensive policy package initiated in this governmental term, including the establishment of a number of large one-off funds, and derive recommendations for the next governmental term from our findings.

Yours sincerely,
Council for the Environment and Infrastructure,



J.J. de Graeff

chair



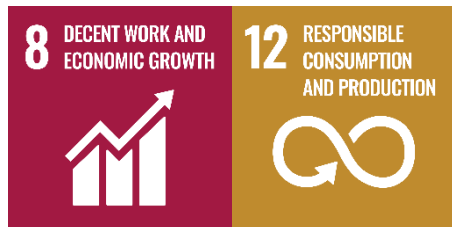
Dr R. Hillebrand

general secretary

Advisory topics for 2023-2024

For information purposes, we have identified the UN Sustainable Development Goals (SDGs) addressed by each topic.

1. From throw-away economy to sustainable products



The government has very far-reaching objectives for creating a circular economy: 50% less raw material use by 2030 and a fully circular economy by 2050. It is not feasible to achieve these goals with the current policy commitment. Policymaking related to the circular economy still lags far behind other transitions. In its *Progress Report on the Circular Economy* [Voortgangsbericht Circulaire Economie], PBL Netherlands Environmental Assessment Agency (PBL) calls for a 'government-wide approach' that includes more pressure and compulsion to help get the circular economy going. PBL concludes that simply focusing on more recycling will not suffice.

This advisory report focuses more specifically on raw material use for the production of consumer goods. To reduce the use of raw materials for consumer goods, at least two radical changes are necessary: 1) many more goods should be produced from recycled raw materials, and 2) products should have a much longer service life.

Striving for a circular economy will remain an illusion as long as the main revenue model in many economic sectors continues to be based on selling as many goods as possible for the lowest possible price. A typical example is the fashion industry. Some 100 billion items of clothing are produced every year, most of which end up in landfills or incinerators within a year. Clothing has become a disposable product in the eyes of many consumers due to its low price (and quality). Clothing sales have increased by 60% in 15 years and a garment is now worn only seven times on average. The fashion industry is now the second most polluting in the world after the oil industry, causing 10% of CO₂ emissions (VPRO Tegenlicht, 9 December 2018).

It is not only in the case of clothes that we are moving towards a throw-away society. The same applies to home accessories, furniture, white goods, consumer electronics, etc. Just as a shirt ends up in the bin as soon as it has a loose button, a vacuum cleaner or washing machine is discarded at the first breakdown. To achieve the reduction in raw material use envisaged in Dutch and EU policy, it is essential for products to be much more durable and actually to be used for much longer. This requires them to be of better quality and, if they do break down, easily repairable. At the same time, it requires consumers to take a very different view of consumption.

The EU single market does not make it easy to encourage competition based on quality instead of price. However, EU initiatives under The Green Deal to ban fashion that does not meet EU requirements or to guarantee the right to repair for consumer electronics can help reverse undesirable trends in the production and use of consumer goods.

Using European developments as a result of The Green Deal, could the Netherlands achieve a shift from a throw-away economy to the production and use of more sustainable consumer goods? What policies are needed to achieve this?'

2. Long-term spatial consequences of climate adaptation



Climate change is inevitably becoming increasingly decisive for spatial planning in the Netherlands. Sea level rise, temperature increases, extreme weather (storms) and more frequent periods of drought and rainfall will affect water management, food production, infrastructure and the built environment in the Netherlands. The question is whether sufficient attention is being paid to these spatial consequences, especially in the long term. Over 800,000 homes are already at risk of being built on sites that are vulnerable to further sea level rises, on soft soils, or on sites that will face increased flooding in the short term (PBL, 2022). Building there means high costs and risks for future generations. Will society still be able to bear the costs of water management 100 years from now? What is the long-term sustainability of housing construction in deep polders and investments in structural reinforcement in the most vulnerable parts of the country? How can the principle from the 2021-2025 coalition agreement that “water and soil will become guiding factors in spatial planning” be applied both as a framework and in practice, and what does it mean for long-term spatial planning choices?

The Delta Programme Commissioner previously warned that the Netherlands must take more account of climate adaptation in spatial planning. According to the Delta Decision Spatial Adaptation, the Netherlands must be climate-proof and water-robust by 2050, but what does this mean for the years beyond 2050? What are the spatial consequences for the housing shortage, vital infrastructure, vital functions and interventions resulting from the various transitions? The topic is now gaining prominence on the knowledge agenda. A Sea Level Rise Knowledge Programme has been launched, focusing on developments after 2050, PBL is developing four long-term spatial scenarios, and a ‘generation test’ aimed at involving young people in drawing up new policy has been included in the coalition agreement. The task now is to think through the policy implications.

How can national policy for the physical living environment take better account of the long term, so that spatial planning will still work for generations to come? How can water and soil become a guiding factor in the short term for spatial planning? What does that mean for investment strategy –

in infrastructure, making the economy more sustainable, food production, the housing market – and for government policy choices?

3. The juridification of rights and obligations relating to climate, the environment and nature



Citizens and civil-society organisations regularly appeal to the courts to enforce climate, nature and environmental values. We can distinguish various situations in this context. The party initiating proceedings may be an individual, but also a civil-society organisation that is acting in the ‘public interest’. The defendant may be a single company, such as Shell, Ahold Delhaize or Tata Steel IJmuiden, but it may also be a government, such as the Dutch government in the Urgenda case and for the programme-based approach to nitrogen. The legal basis may be precisely defined, for example regarding a permit, or very general, as in the case of judgements based on the European Convention on Human Rights. It can be expected that, over time, the growing ‘claim culture’ in the Netherlands will have substantial consequences for the physical living environment and related policy. A relatively new phenomenon are the attempts to safeguard values through the creation of new legal entities. For instance, a petition was recently presented to the Dutch House of Representatives to grant rights to the river Meuse, and the Embassy of the North Sea is investigating whether the North Sea should be a legal entity in its own right, so that it can fully participate in society.

Governments and enterprises have been taken by surprise by this juridification in recent years. Legal cases against the government have often been a consequence of alleged or actual stagnation in the implementation of adopted policies. Additional legal pressure can therefore contribute to greater social and political awareness of targets (including agreed targets) for nature, climate and the environment, and the efforts needed to reach those targets. The fact that courts monitor compliance with laws and regulations safeguards continuity. Conversely, increased legal pressure can also lead to additional resistance among stakeholders and may even have an inhibiting effect on making and implementing ambitious government policy.

What additional claims to environmental, nature and climate rights can be foreseen in the coming years? Are such claims to be expected for particulate matter, noise, water and air quality? How can governments and companies respond to them and how can legal pressure be used positively to

create better policy? Questions that could be addressed in the advisory report also concern ensuring balanced policy when certain environmental policy issues rise to the top of the agenda due to intervention by the courts, whereas other – less prominent – issues are more urgent or more important over the long term.

What developments can be expected in the juridification of environmental policy? What new difficulties could this juridification create in environmental policy and what opportunities arise from it?

How can governments take this into account in terms of content, legislation and process when developing and implementing policy? How can governments use the trend towards juridification to contribute to achieving sustainability policy goals and encourage a good social dialogue?

4. Sustainable construction



The Netherlands faces a huge challenge in construction, involving new building and the renovation and insulation of existing homes, buildings and neighbourhoods, as well as the sustainable construction of new infrastructure. It would be a missed opportunity if this 'refurbishment' of the Netherlands were not done in a sustainable manner. This requires a transition in the construction sector. If we really want circular construction and reduced emissions, we need to reduce materials and use different materials throughout the construction value chain. We already know a lot about available techniques, but there still seems to be little actual change. Nobody is equipped for this transition yet. There is no market for it and no regulations either. We are still in the pioneering phase, with nothing more than pilot projects at present. Moreover, the sector is highly fragmented. The association of construction and infrastructure companies, Bouwend Nederland, observes that despite national and international goals and many agreements, scaling up the sustainability market is proving an arduous task. This has to do with entrepreneurs not yet seizing sustainability opportunities, as well as a gap between policy and ambition on the one hand and actual market demand on the other. Although many companies are integrating sustainability into their strategies, and projects are increasingly awarded on the basis of sustainability criteria, major steps still need to be taken. Where are the opportunities and possibilities for increasing the sustainability of the built environment that are currently not yet being taken up, but that would supplement the policy programme for 'accelerating the sustainability of the built environment' presented to the Dutch House of Representatives on 1 June 2022?

How do we promote the transition to sustainable construction, what opportunities and obstacles exist in the construction chain and what additional policy could enable the government to play a role in this transition?

5. Overall well-being in environmental policy practice



Policy aimed at achieving overall well-being is popular. Policy memoranda from the national, provincial and municipal governments increasingly include overall well-being as the policy goal to be achieved. The public policy and research institutes (CPB Netherlands Bureau for Economic Policy Analysis, PBL, and the Netherlands Institute for Social Research (SCP)) all advocate focusing on overall well-being in national policy, and in 2021, they jointly provided impetus for embedding it in the national budgetary system.¹ An important basis for the concept of overall well-being are the 17 United Nations Sustainable Development Goals for 2015-2030, to which the Netherlands has also signed up. Progress on these 17 goals is monitored annually (retrospectively, descriptively and with a minimum of new policy measures) by Statistics Netherlands in the Monitor of Well-being. The Rli recommends overall well-being as a policy aspiration in a number of its advisory reports. In *Towards a sustainable economy* (2019) [Naar een duurzame economie], we write: "Use 'overall well-being' as a guiding concept when elaborating the vision of the future and for weighing up various societal goals."

The popularity of overall well-being as a guiding concept does not make it any less challenging to apply. For years, for example, it has been shown that in the application of SCBAs, 'soft' values tend to be measured differently (more qualitatively) than the more traditional economic criteria. A major advantage of assessing for overall well-being effects is the comprehensive view that is required to arrive at the best policy choices. However, that is also the greatest stumbling block, as weighing up the effects in all domains of government policy quickly becomes complex. In addition to the CBS Monitor, the three public policy and research institutes propose using a core set of Overall Well-being Indicators (some of them existing, others yet to be developed) to show the connection and trade-offs between policy domains in a forward-looking and task-driven manner rich in policy initiatives.

In policy deliberations on sustainability transitions, the way in which social justice is taken into account when considering overall well-being deserves particular attention, in addition to economic effects and effects of the living environment. After all, the societal consequences of sustainability transitions can be substantial, as shown by the debate on closing polluting industries that employ large numbers of people. If there is no focus on social justice, transitions risk becoming bogged down, as has already been shown by social protests against certain sustainability proposals.

¹ [CPB, PBL, SCP, 8 February 2021, Plan van aanpak CPB-PBL-SCP Verankering Brede Welvaarts-denken in begrotingssystematiek van Kabinet en Kamer \[CPB, PBL, SCP, 8 February 2021, CPB-PBL-SCP Plan of action for Embedding Thinking On Overall Well-Being in the budgetary system of the Government and House of Representatives\]](#)

Because overall well-being is such a broad concept and difficult to measure, there is a chance that it will ultimately remain a fashionable concept with which everyone identifies, but in which everyone sees their own viewpoint as being the right one. To prevent this, the concept of overall well-being needs to be further operationalised and made practically applicable for policy development. In this advisory process, we seek to align ourselves with the various developments concerning overall well-being at public policy and research institutes and in science.

How can assessing overall well-being and weighing up and weighting overall well-being indicators be made feasible in practice and be given a proper place in environmental policy development? In doing so, how can we properly consider the merits of both the sustainable living environment and social justice?