

The Minister of the Interior and Kingdom Relations
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Date: 19 november 2018 **Contact:** Tim Zwanikken (project leader)
Reference: Rli-2018/2768 **Telephone:** 06 5287 4404
Appendix: Advice **Email:** tim.zwanikken@rli.nl

Re: Rli advice 'National Environment and Planning Strategy: Litmus Test for the new Environmental and Planning Policy'

Dear Ms Ollongren,


On 30 October you asked the Council for the Environment and Infrastructure (*Raad voor de leefomgeving en infrastructuur*) to advise on an appropriate governance and steering approach for the National Environment and Planning Strategy (*Nationale Omgevingsvisie*, NOVI).

You asked for this advice to inform the preparation of a draft NOVI, which you plan to send to the House of Representatives at the beginning of 2019. To this end, on 5 October 2018 you published the Government Position Paper on the National Environment and Planning Strategy (*Kabinetperspectief NOVI*), a document setting out the government's proposals for the NOVI, which outlines a number of urgent policy issues and decisions to be made. Specifically, you asked the Council how the 'main governance and steering mechanisms, either in their current or in an amended form, can be effectively deployed to realise the government's priorities as set out in the Government Position Paper.'

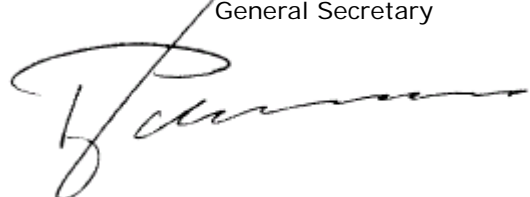
In the accompanying advice, 'National Environment and Planning Strategy: Litmus Test for the new Environmental and Planning Policy', the Council comments on the content of the draft NOVI, taking note of the Government Position Paper and previous letters to the House of Representatives. The NOVI will be an important, if not the most important, reference framework for the Council's work in the future. The Council hopes that the recommendations in this advisory letter will help you make the NOVI an inspirational and guiding document. Should you so wish, we will be pleased to discuss the issues raised in our advice further with you. Finally, the Council wishes you every success in the further preparation of the Strategy.

Yours sincerely,
Council for the Environment and Infrastructure Raad voor de leefomgeving en infrastructuur,

J.J. de Graeff
Chair



R. Hillebrand PhD
General Secretary



A copy of this letter has been sent to:

- the Minister of Defence
- the Minister of Economic Affairs and Climate Policy
- the Minister and the State Secretary for Infrastructure and Water Management
- the Minister of Agriculture, Nature and Food Quality
- the Minister of Education, Culture and Science
- the Minister for Medical Care
- the Presidents of the Senate and the House of Representatives

National Environment and Planning Strategy: Litmus Test for the new Environmental and Planning Policy

Summary

Working on major transitions

The Netherlands faces several major environmental and development challenges: adapting to climate change, the energy transition, the food transition, the mobility transition and the shift to a circular economy all imply a radical transformation of the physical environment. The Council for Infrastructure and the Environment (*Raad voor de leefomgeving en infrastructuur*) considers the first National Environment and Planning Strategy (*Nationale Omgevingsvisie*, NOVI) to be an important instrument for ensuring that these transitions help to create a more sustainable physical environment. To this end the NOVI must first of all provide direction by setting out a robust vision of the Netherlands in 2050. Secondly, it must show how to execute this vision in partnership with all relevant stakeholders. Ensuring good cooperation between stakeholders will require a set of ground rules, backed by financial and legal instruments.

A robust, inspiring and supported vision

The NOVI should offer a robust, integrative and inspiring vision to guide public authorities, businesses, civil society stakeholders and individuals in making future-proof investments. Support for implementing the vision will be essential and will have to be won from the stakeholders. The Council does not favour a vision in the form of a comprehensive blueprint. Rather, it should be a long-term vision that clearly shows the hurdles to be overcome and the choices to be made concerning the four government priorities, and how these are interrelated.

Working on the NOVI

The Council attaches great importance to the success of the NOVI as an instrument in the reformed system of environmental and planning law. This will require an enormous change in the culture of interdepartmental cooperation. Moreover, the decision not to produce a central government plan, but a National Environment and Planning Strategy for the whole country means that all tiers of government must work together. In both these areas the government has an important task ahead of it. Supporting financial and legal instruments will be essential in making a success of this communicative approach to governance.

Working with the NOVI

The spatial integration and planning implications of the transitions and other development challenges will have to be resolved at the regional level. In this advice the Council sets out what this means for the governance arrangements, in particular at the regional scale. The regions cannot take up the transition challenges without support from national government as a partner and so renewed investments will have to be made in a national government presence in the regions. In view of this, the Council does not support the idea of designating 'spatial perspective areas' (*perspectiefgebieden*), where government authorities and non-governmental parties develop a joint approach for demonstration or best practice purposes. This implies a selective approach, whereas the Council believes that national government has a part to play in all the thirty or so regions of the country.

1. A task for the government

The National Environment and Planning Strategy will be the first national policy document to be produced under the new system of environmental and planning law (consolidated in the new Environment and Planning Act, which comes into force in 2021). The NOVI is the core policy instrument at the national level and sets out the overall substance and direction of policy for the physical environment (see box). This means that the NOVI has to take a comprehensive and coherent view of the main environmental and spatial development challenges facing the country as a whole. The Government Position Paper (*Kabinetperspectief*)¹ contains a selection of urgent policy issues, but as yet no coherent vision of how to tackle these. In view of this, the Council has considerable concerns about whether the NOVI process will be able to meet this requirement of the Environment and Planning Act. The Council also notes that the NOVI can only make a meaningful contribution towards the desired fundamental change in culture when tackling the environmental and development challenges in the physical environment if it has sufficient backing across government departments and from the subnational authorities.

The environment and planning strategy in the Environment and Planning Act

The environment and planning strategy is a new instrument introduced by the Environment and Planning Act. According to the Act, an environment and planning strategy is a policy and governance document that includes a comprehensive vision on the development of the physical environment over the long term. The vision must be integrative and strategic and amount to more than the sum of separate sectoral policy visions. The Act makes no requirements on the substance or the form of environment and planning strategies. An environment and planning strategy is binding only on the administrative body that prepares and adopts it. Policies are given legal force through other instruments (such as orders in council, project decisions and administrative agreements) that are binding on individuals, businesses and other government authorities.

Environment and planning policy covers areas that fall within the responsibilities of nine ministries and numerous policy directorates. Consequently, it will place huge demands on coordination and require a change in the culture of interdepartmental cooperation. The integrative approach to the environment prescribed in the Act must not be allowed to become bogged down in compartmentalised government, blinkered 'silo thinking' and a culture of sectoral accountability. The Council is therefore of the opinion that the reform of environmental and planning law must be accompanied by a fundamental change in the culture of cooperation. Moreover, the decision not to produce a central government plan, but a National Environment and Planning Strategy for the whole country means that all tiers of government must work together. In the Council's opinion, the Inter-Authority Programme (*Interbestuurlijk Programma*, IBP – a common agenda in which national, regional and local government authorities agree to work together on major policy challenges) provides insufficient support for this cooperation. The Council is aware of the difficulties involved in bringing about such a change in culture. It is obvious how not to proceed, but not so clear how things should be done in future.

Given the major transition agendas (see next section) it is essential to agree on a shared vision for the future of the Netherlands. The process of preparing the NOVI so far has shown that developing

¹ Tweede Kamer (2018). *Kabinetperspectief Nationale Omgevingsvisie (NOVI)*. Bijlage bij brief van de minister van Binnenlandse Zaken en Koninkrijksrelaties aan de voorzitter van de Tweede Kamer der Staten-Generaal van 5 oktober 2018. Vergaderjaar 2018-2019, 34682, nr. 6. Den Haag.

such a shared vision is still an uphill struggle. The Council regards the completion of this process – in close cooperation between the relevant government departments and the subnational government authorities – to be a litmus test for working with the new environmental and planning policy. This is an important task for the government.

2. An inspiring, guiding and supported NOVI

Recommendations:

1. ***Ensure that the NOVI contains an inspiring and robust vision for the future of the Netherlands that enables public authorities, businesses, civil society stakeholders and the public to make future-proof decisions. Present this vision, in draft form, for discussion as soon as possible so that it can ripen and be enriched during the course of the political and social debate.***
2. ***In the draft NOVI, translate this long-term vision into coherent spatial perspectives for the four priorities in order to clarify the hurdles to be overcome and the choices to be made on these priorities.***

The Government Position Paper states that the NOVI describes the desired future development of the physical environment in the Netherlands towards a healthy and safe living environment with a good environmental quality. In a previous advice on the National Environment and Planning Agenda (*Nationale Omgevingsagenda*) the Council recommended focusing on a select number of integrative tasks.² In the inception report for the NOVI³ and its letter of 13 April 2018 to the House of Representatives,⁴ the government indeed sets out **four priorities**:

- A sustainable economic growth potential for the Netherlands
- Space for climate adaptation and the energy transition
- Strong, liveable and climate-proof cities and regions, with sufficient room for living, working and moving
- Future-proof development of the countryside.

The Government Position Paper does not elaborate these priorities in any more detail. However, the Council assumes that these four priorities still provide direction for the content of the draft NOVI.

2.1 A guiding vision

The NOVI must provide policy direction. This can be achieved in the first place by setting out a robust vision. Secondly, the NOVI must contain ground rules for cooperation between stakeholders when taking the strategy forward, and implementation must be backed by financial and legal instruments. The Council goes further into this in sections 3 and 4.

² Raad voor de leefomgeving en infrastructuur (2015). *Vernieuwing omgevingsrecht: maak de ambities waar*. Den Haag.

³ Ministerie van Infrastructuur en Milieu (2017). *De opgaven voor de Nationale Omgevingsvisie*. Den Haag.

⁴ Tweede Kamer (2018). *De Nationale Omgevingsvisie*. Brief van de minister van Binnenlandse Zaken en Koninkrijksrelaties aan de voorzitter van de Tweede Kamer der Staten-Generaal van 13 april 2018.

Although the Environment and Planning Act does not make any requirements on the form of the NOVI, the Council feels that the NOVI should provide guidance on decisions affecting the physical environment. This can take the form of a robust vision for the future of the Netherlands that enables public authorities, businesses, civil society stakeholders and individuals to make future-proof decisions – a vision that invites parties to invest in a new future. As such, the Council does not have in mind a vision whose goals and conditions are continually being amended. On the contrary, the NOVI must provide guarantees that national government is committed to the long haul, including the provision of government funding. Any adaptability should be restricted to instrumental objectives and the availability of resources; flexibility can only work if there is certainty about long-term goals.

The vision as proposed by the Council is by no means all-encompassing or ‘holistic’, neither is it a blueprint for the future; it is not an *integral* vision, but an *integrative* problem-oriented vision. By this the Council means that it should unite sectoral visions and plans with national and regional policies for the physical environment at the strategic level, as far as this is relevant for the prioritised challenges. It involves considering all relevant policies for the physical environment together and rising above sectoral logic.

The decision to link the Government Position Paper to three pressing policy issues is to some extent understandable given the desire to create a sense of political urgency around the NOVI. However, the Council regrets that this unnecessarily postpones the discussion about a robust vision for the future. The Council would have preferred such a vision to have been sent to the House of Representatives in advance of the preparation of the NOVI and subjected to a wide-ranging debate among all interested parties. It is essential that environment and planning policy enjoys broad political support. Such a vision should not just be a broad brush, non-binding prospectus that can command a consensus; it should provoke a fundamental debate about the future direction of the country. If, for example, it is decided to pursue sustainable economic growth, would there still be room for a fossil fuel economy, a non-circular agriculture and a growth-based aviation policy? If not, we should start to prepare for this now. The Council bases this need for support in part on its analysis that to take effect the NOVI will have to depend to an important degree on its communicative function (see section 3).

2.2 Coherent spatial perspectives for the four priorities

The NOVI should begin with a robust vision for the Netherlands in 2050. The next step is to work this up into spatial perspectives to identify problem areas and the types of choices that will have to be made. The four priorities set out in the inception report form a good starting point for compiling these spatial perspectives, which should also take into account existing regional spatial visions and policy frameworks. Showing how regional initiatives can align with these priorities will give the vision greater weight and generate more support. A clear distinction must be drawn between national interests that require spatial decisions on matters that cut across provincial boundaries on the one hand and national interests that can be resolved at the regional level on the other hand – in other words, a distinction between situations that require top-down decisions (for example, for national and international infrastructure) and those better served by bottom-up decisions based on regional assessments. The Council would like to see the distinction between these two classes of decision drawn more clearly in the NOVI.

Elaboration of the spatial perspectives for the four priorities in combination is necessary because there is simply not enough physical space available in the Netherlands to accommodate them separately. The four priorities overlap; sometimes they are mutually supporting, but sometimes they can conflict. Where this is the case, national government will have to make decisions on how these interests are to be combined. The Council observes that there may also be instances of conflicting interests within a priority, and these will also need to be laid bare by clarifying the constraints and the available options.

The Council is of the opinion that the NOVI can be used to refine the four priorities by drilling down into the consequences of the transitions that will shape our future. Adapting to climate change, the energy transition, the food transition, the mobility transition and the shift to a circular economy will require a radical national transformation.⁵ Many current issues will soon require decisions that will also be relevant to the choices that will have to be made in the four priorities, such as the future of civil aviation, the need for better connections into the European high-speed rail network, transitioning to circular agriculture, the growing influence of underground services on spatial development, etc. To enable a coherent assessment of all the relevant issues, argues the Council, the NOVI must indicate the spatial parameters for the policy areas that are not yet included in it (and not the other way around).

3. Working on the NOVI

Recommendations:

- 3. A stronger political steer by the government and more inter-authority cooperation will be essential for policy alignment and integration.**
- 4. Strengthen the communicative approach to governance by selectively deploying a number of legal and financial instruments.**
- 5. Legal: work with spatial development principles, guiding statements and decision ladders in the NOVI. These should articulate the joint responsibility that public authorities bear for the environment.**
- 6. Financial: provide a dedicated budget for the NOVI and transform the Infrastructure Fund (Infrafonds) into an Environment and Planning Fund.**

In this section the Council advises on the preparation of the NOVI. The period after its adoption is the subject of section 4.

3.1 Governance

In section 1 the Council observed that the spirit of the Environment and Planning Act requires a fundamentally new type of cooperative working when preparing the NOVI. This is possible with the existing formal institutions, but does require a considerable change in culture. The Council makes a distinction here between interdepartmental cooperation and inter-authority cooperation. Moreover, the cooperation displayed during the preparation of the NOVI can be seen as a learning process in preparation for the teamwork needed during its implementation (see section 4).

⁵ The link between the Government Position Paper and the government's response to the climate agreement is therefore a good step.

Based on the interviews held in preparation for this advice, the Council has concerns about the willingness across departments to include relevant policy issues in the NOVI as well as the process of inter-authority cooperation. Shortcomings in these areas can weaken the essential cohesion and consistency in the NOVI and erode the support needed to carry the strategy through.

Interdepartmental coordination

The new culture of cooperation – the single government idea – also applies to interdepartmental coordination. The Council notes that the culture of working as a single government apparatus, as described in the Inter-Authority Programme (IBP), has not been much in evidence as yet. The IBP has apparently not had significant impact on cooperation between departments during the policy development phase. A set of ground rules and incentives will be needed to get departments to work together as a single government. At the moment, cooperation is often content-driven without there being any clear procedural rules or any idea of what to do if the cooperation becomes ‘unstuck’. For example, which policies should be discussed together, and when? And what measures should be taken to ensure that policies relevant to the NOVI are not excluded from the process? The Council is therefore of the opinion that ground rules must be established soon to create a new culture of interdepartmental cooperation within national government.

What is even more important is that the responsible political leaders actively work to bring this about. The Council sees them as the motor driving the change in culture. The IBP is a strong signal from the government that a new governance philosophy of working together as a single government apparatus is needed. It is now up to the cabinet to get this message across to the civil service and actively work to break down the departmental silo mentality.

Inter-authority coordination

The single government idea also implies better cooperation between central government and local and regional government, not only to fully embrace the governance principles of the NOVI, but also for an effective management of the whole physical environment. According to the Council, this is a learning process that all levels of government will have to go through, with the national government taking the lead. In the process of preparing the NOVI the national government should actively encourage subnational authorities to articulate local and regional needs, challenges and ideas for possible incorporation into the Strategy. This collaborative approach can strengthen working relations with subnational authorities and improve the prospects for successful implementation. Relevant experience has already been gained during the preparation of the Spatial Economic Development Strategy (*Ruimtelijk-Economisch Ontwikkelingsstrategie*, REOS).⁶ Furthermore, preoccupation with the political issues of the day must not be allowed to get in the way of dialogue with local and regional government. The national government’s role in the regions is to be a partner in tackling the spatial development challenges, not to take over and ‘call the shots’.

⁶ The REOS is a joint product of three ministries (Interior & Kingdom Relations, Infrastructure & Water Management, and Economic Affairs & Climate Policy), five cities, three urban regions, five provinces and four economic boards in the Northern and Southern Randstad, and Brainport Eindhoven. Its aim is to boost the competitive position of the Netherlands. (Tweede Kamer (2018). *Uitkomsten strategische bestuurlijke overleggen MIRT en REOS voorjaar 2018*. Brief van de minister van Binnenlandse Zaken en Koninkrijksrelaties aan de voorzitter van de Tweede Kamer der Staten-Generaal van 21 juni 2018.)

The Council thinks that a formal administrative agreement which secures decisions agreed between authorities is perfectly in line with the governance philosophy of the NOVI (see below). Such an administrative agreement should contain explicit procedural guidelines for the subsequent NOVI process and for joint working, such as a clear division of tasks, roles and responsibilities, and the sequence of steps to be taken. A 'safety valve' is also needed should situations arise in which agreements are not complied with, possibly by including provisions for arbitration in the administrative agreement.

3.2 NOVI governance principles

The Council observes that the governance philosophy of the National Environment and Planning Strategy, as proposed in the Government Position Paper, is based on four principles:

1. The agreements in the Inter-Authority Programme (IBP): this means working as a single government.⁷
2. *Good governance*: the expectation that public authorities take account of the current policies of other authorities.
3. *Trust*: one of the key principles of both the Environment and Planning Act and the IBP.
4. *Collaboration*: the process of preparing the draft NOVI involves intensive cooperation between government departments and subnational government authorities during area dialogues in the regions and in discussions with civil society organisations and knowledge centres. This cooperation continues during the development of the regional environmental agendas and the area-based strategies.

The Council observes that this amounts to a communicative (deliberative) governance model aimed at engaging a large number of parties and garnering support for the policy.⁸ The Council endorses this approach, which is fully in line with the communicative tradition of Dutch national spatial policy, as well as with the intention of creating a national vision rather than just a central government vision. Policy agendas and challenges cut across spatial and administrative scales and cannot simply be tackled with interventions based on a hierarchical governance model. In our network society with its growing interdependencies and in a world where certainties are few and far between, communicative policy instruments are becoming increasingly important.

IBP – The Inter-Authority Programme

'You move faster on your own, but you achieve more together' is the underlying principle of the Inter-Authority Programme (*Interbestuurlijke Programma*), launched in February 2018. The NOVI, which is a cross-cutting theme in the IBP, is based on the same principle. The IBP is a product of the 2017–2021 Coalition Agreement 'Confidence in the Future', which bases its approach on inter-authority and interdepartmental cooperation in a single government approach to major challenges. The responsibility for developing and assessing the policy response to each challenge lies with the lead actor for each challenge. Inter-authority steering groups have been or will be formed for each challenge. Being alert to cross-connections between

⁷ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2018). *Programmastart Interbestuurlijk Programma (IBP). Samen meer bereiken als één overheid. Rijk, gemeenten, provincies en waterschappen starten met een interbestuurlijk programma en een gezamenlijke agenda*. Overhedenoverleg van 14 februari 2018.

⁸ Narratives, spatial planning concepts and spatial development principles (such as the procedural decision ladders and checklists) are examples of communicative instruments. Text and images are used to articulate the spatial development perspective the government proposes.

challenges is a task for the (top level) Steering Group IBP+ (*Stuurgroep IBP+*) and the inter-authority coordination panel (*interbestuurlijke regietafel*).⁹

The Council feels that the communicative approach should be supported by legal and financial instruments to strengthen the chosen governance model. If the vision is to be robust and durable it needs additional backing and the prospects of a financial contribution from government can encourage parties to work together.

3.3 Legal instruments

The impact of NOVI will be greater if it results in intra-authority and inter-authority policy harmonisation. This can be encouraged by investing in legal instruments in addition to the communicative instruments. The reform of environmental and planning law included the modernisation of the legal toolkit in the Environment and Planning Act (which comes into force in 2021) and the preparation of four new orders in council. The Council has already advised on this process. Legal provisions can be helpful in ensuring that important decisions are actually carried out, and that goals and conditions are met, such as climate targets in the Climate Act.¹⁰

Combining all the different agendas and ambitions in practice is often a task that can only be addressed at the regional scale. The NOVI must provide a clear vision for the future to underpin such regional initiatives and provide flexibility for local interpretation, but it must also provide clear direction and firm guidance to assist regional decision-making in complex situations. For example, on questions such as in which situations and where (in which areas) should certain combinations of land uses be given priority over others? The Council is of the opinion that the NOVI should be of help when such decisions have to be made. Coordination between tiers of government and with regional parties will benefit from clear guiding statements, spatial development principles and appraisal rules (such as decision ladders – checklists or procedures). The NOVI should provide these to support regional decision-making.

The Council favours the use of decision ladders because they provide a clear indication of the government's order of preference and give authorities the option of moving down a step should the context provide sufficient reason. The Sustainable Urbanisation Ladder, for example, has proved to be increasingly effective in practice,¹¹ which is why the Council would like to see a similar procedure for renewable energy generation. However, as such decision ladders are primarily intended to facilitate regional decision-making and have an inter-authority function, the Council is not in favour of formalising them in administrative regulations. This can lead to an undesirable level of juridification, incur additional costs and cause delays. The Council thinks that inclusion in the NOVI will provide sufficient backing. A reactive instruction may be considered if other government authorities act at variance with a decision ladder where matters of national interest are involved.

⁹ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2018). Programmastart Interbestuurlijk Programma (IBP). Samen meer bereiken als één overheid. Rijk, gemeenten, provincies en waterschappen starten met een interbestuurlijk programma en een gezamenlijke agenda. Overhedenoverleg van 14 februari 2018.

¹⁰ Council for the Environment and Infrastructure (2015). A Prosperous Nation Without CO2: Towards a sustainable energy supply by 2050. The Hague.

¹¹ Kuiper, R. & Blom, W. (2018). *Monitor Infrastructuur en Ruimte 2018. Zicht op de effecten van de Structuurvisie*. Den Haag: Planbureau voor de Leefomgeving.

In the Council's view, working with spatial development principles, guiding statements and decision ladders in the National Environment and Planning Strategy is an excellent way of embodying the joint responsibility of public authorities for the built and natural environment. This joint responsibility is better expressed in terms of processes than in concrete statements about decisions to be taken at the regional level.

3.4 Financial instruments

Spatial planning has traditionally had little funding of its own. The primary purpose of spatial policy has traditionally been to steer investments by other parties (public authorities, the market and society). However, the complete absence of resources for implementing environmental and planning policy breeds a lack of interest and disaffection in the spending departments and other government authorities, because the benefits of participation are not immediately obvious. According to the Council, therefore, key additional benefits of the NOVI are showing how different planning and development interventions are interrelated and the fact that an integrative approach reduces costs and is more efficient. The Council is therefore in favour of a dedicated NOVI budget that can link up sectoral investments by 'oiling the wheels' or 'cementing the deal'. Such a budget could be inspired by, among others, the now defunct BIRK fund for spatial quality, which has been used to bring many projects to a successful conclusion.¹²

The Council would also like to see resources drawn from line ministries, other public authorities, the market and society in support of area-based plans for integrated development. Such linkages were behind the success of the Vinex urban development policy (see text box) in which the pooling of policy instruments and budgets made it possible to achieve a better coordination of housebuilding and new mobility infrastructure. In tackling the new regional challenges of the energy transition, climate adaptation, circular agriculture and the circular economy, the NOVI can make similar linkages between resources and area-based plans to bring about the desired integrative approach to the further development of the regions.

Vinex urban development policy

The Vinex urban development policy involved the coordinated deployment of budgets and policy instruments for the integrated development of new urban districts. This policy was successful. National government funds were pooled to create dedicated financing streams for site-specific land costs (*Besluit Locatiegebonden Subsidies*), urban renewal (*Belstato*), soil remediation, and public transport and other infrastructure. The Government in Transition Framework Act (*Kaderwet bestuur in verandering*) provided a mechanism for redistributing development gains between locations at the regional level, the Municipalities (Preferential Rights) Act (*Wet voorkeursrecht gemeenten*) was amended to prevent speculation with building land in the Vinex locations, and a restrictive policy was introduced as a counterpart to the urban compaction policy. For each urban region agreements were made on locations, infrastructure investments and the numbers of homes to be built, the desired distribution between urban (brownfield) sites and greenfield sites, and the proportion of social housing. The Vinex agreements were made possible by a negotiating model geared towards an interdepartmental coordination of policy, alignment with other government authorities and influencing the behaviour of parties in the land and housing market.¹³

¹² Subsidies from the BIRK funds for spatial quality are financed by the Economic Structure Enhancing Fund (FES). The national 'key projects' also included investments in improving the spatial economic performance and liveability of areas, such as transformation areas and railway station zones.

¹³ Needham, B. et al. (1994). *Evaluatie van het Vinex-verstedelijkingsbeleid*. Analyserapport Evaluatie VINO-Vinex. Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer.

The Council expects that an area-based approach would receive an enormous boost in the short term if national government undertook to reprioritise its expenditure in line with integrated regional development programmes. An appealing vision in the NOVI could increase the level of support within the departments for such a reprioritisation if it is clear what innovative ideas there are in the regions and how an integrative approach at the regional level can help to meet national objectives.

Reprioritisation would, according to the Council, be a first step in the further development of the Infrastructure Fund. An Accessibility Fund would be the next step.¹⁴ The Council is in favour of the further transformation of the fund into an Environment and Planning Fund through the addition of resources from the line ministries for policies with a physical component. This would allow funds to be spent on projects that take an integrative approach to the environmental, development and transition challenges in the regions, if necessary with national government contributions to regional measures where these contribute to meeting national objectives.

The NOVI should provide the government and Parliament with arguments to proceed immediately with establishing a decision-making system in which regional priorities provide sufficient counterweight to the sectoral thinking around government expenditure. The current lack of flexibility in expenditure is at odds with the desired adaptive approach to the transitions (mobility, energy, climate, agriculture and the circular economy) addressed in the NOVI.

4 Working with the NOVI

Recommendations:

- 7. The choice for an area-based approach and the active involvement of national government in regional development implies a division of the country into about thirty regions, with national government having a policy presence in each of them.***
- 8. Abandon the spatial perspective areas policy instrument. Introduce an area-based approach in all regions.***

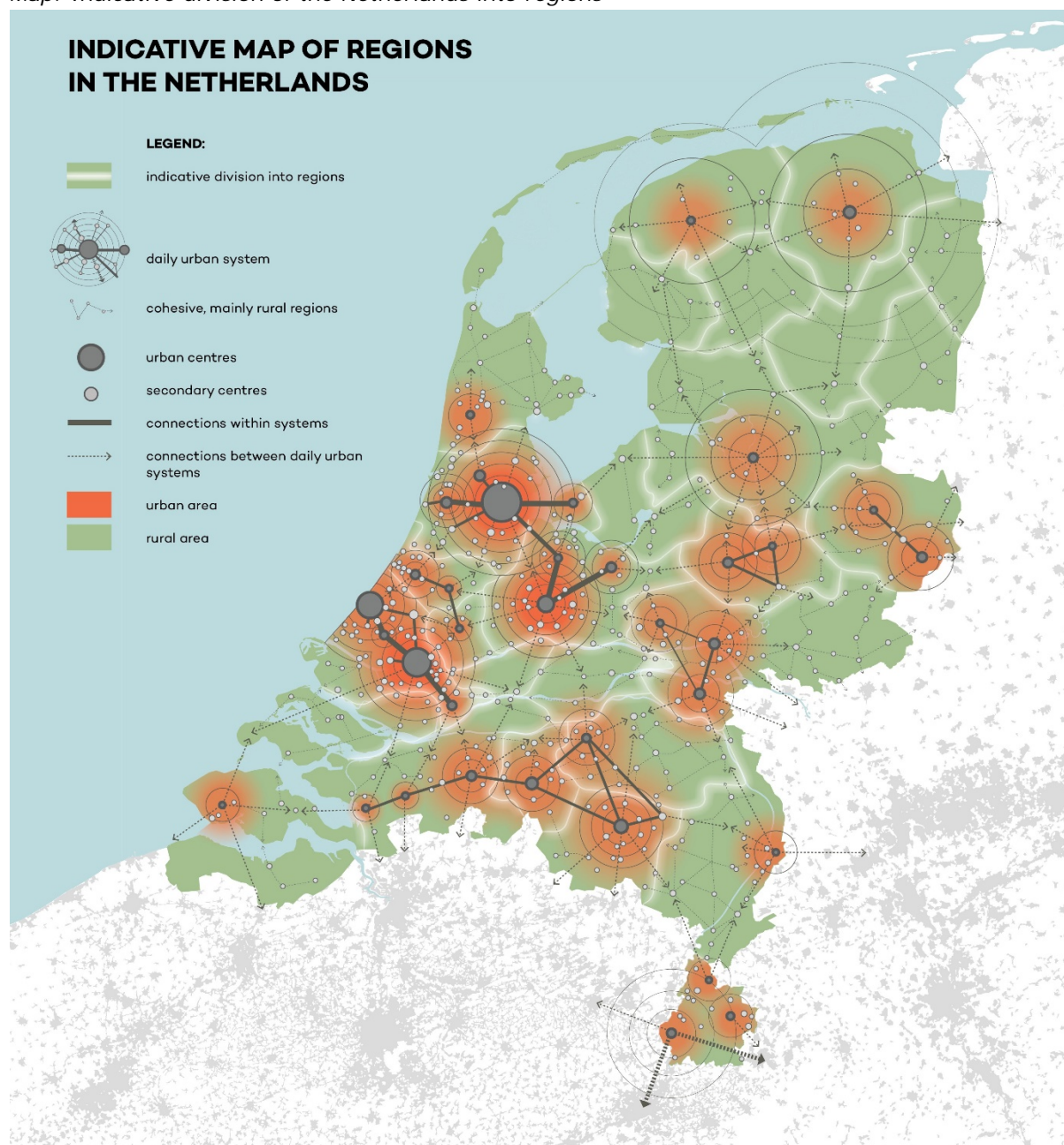
According to the Government Position Paper, the NOVI should be taken forward primarily through a collaborative, area-based approach involving government authorities and other parties. The Council supports this conclusion and below makes a number of suggestions for improving the steering effect of the NOVI at the regional scale. Work on the major transitions has already begun, but should be given new impetus by the NOVI, certainly where multiple environmental and development agendas have to be resolved and accommodated within the region.

4.1 Make the NOVI regional in focus

Many of the environmental and development challenges come together and take shape at the regional scale. The Government Position Paper identifies two levels: environment and planning agendas, which consolidate national, provincial and municipal environment and planning strategies; and within these, area-based strategies may be prepared, some of which will be given the status of 'spatial perspective area'.

¹⁴ Raad voor de leefomgeving en infrastructuur (2018). *Van B naar anders: Investeren in mobiliteit voor de toekomst*. Den Haag.

Map: Indicative division of the Netherlands into regions



The Council also observes that environmental and development challenges often converge at the regional scale, at a level somewhere between the province and a single municipality, and correspond in size to travel-to-work areas. Although development challenges often crystallise at multiple scales and do not respect administrative boundaries, there is a practical administrative need to employ some sort of regional delineation.

To give an idea of the scale at which a coherent, integrative approach to the development challenges should operate, the Council has prepared a map with an indicative division of the Netherlands into about thirty regions. Most of the regions are based on Daily Urban Systems and some consist of cohesive, mainly rural regions. In the same way that each urban region has its own development and transformation agenda, each rural region also has its own challenges to overcome. In the fen meadow areas, for example, the challenge is to slow down and prevent soil subsidence; in the sandy soil regions, the challenge is to limit the impacts of intensive livestock farming; and the challenge in the north of the country is the greening of energy supply (energy valley).

The Council is of the opinion that the area-based approach to the environmental and development challenges – argued for in the NOVI – should focus on these thirty regions. The regions used in the decision-making process for the multi-year plans for infrastructure, spatial planning and transport (MIRT) are too large for this purpose. Therefore, the procedural arrangements that the national government, the provinces and the municipalities will be making in the administrative agreement should focus on the regions where the environmental and development challenges must be integrated in coherent strategies and plans.

National government can help to strengthen regional governance by increasing structural policy- and plan-making capacity in the regions. The Council does not as yet have a firm idea how this should be done, but possibilities could include stationing high-level government officials in the regions with delegated powers to ensure more rapid and coordinated action (similar to the previous government representatives or the Rijkswaterstaat chief engineers) and deploying more policy officers in the region. Another possibility is to set up regional policy directorates with staff seconded from both national government and the region.

This idea is supported by the Council's current investigation of converging sustainability challenges in the region. An important conclusion of this study is that there is a gap between the national challenges and what is happening in the region. In the future, the agendas for resolving these challenges could either frustrate each other or reinforce each other's efficacy. Again, this emphasises the need for regional coordination and management, with the direct involvement of national government.

4.2 Abandon the spatial perspective areas

The Government Position Paper introduces the spatial perspective area as a new instrument (see text box). The Council expects that these areas will correspond with the regions as indicated above. The Council believes there would be little advantage in a sort of beauty contest in which the regions vie with each other for political influence in a bid to obtain the status of spatial perspective area. Every region faces challenges related to one or more national interests and so national government has a job to do in all of the regions and must therefore be seen to be a good partner for each region. The Council does not favour the designation of spatial perspective areas because there is a danger that the effect will be to create first and second class regions. Instead, national government should work consistently with regional parties on an area-based approach in all the regions. This does not alter the fact that the nature of the regional challenges will determine the nature of the qualitative and quantitative input from national government.

Spatial perspective areas

According to the Government Position Paper, in spatial perspective areas the relevant public authorities and civil society stakeholders will work together on urgent tasks according to a joint spatial development vision. The government's aim for the spatial perspective areas is to develop an innovative and integrative approach for demonstration or best practice purposes. The approach will be programmatic and will make use of innovative policy instruments and budgets to implement policy decisions. The potential instruments that could be used are being investigated over the coming months.

The criteria for selecting the areas are: convergence of multiple priorities; regional scale; need for a multi-year programme of works; innovation and involvement of multiple public authorities, including national government, and civil society stakeholders. Discussions and dialogues will be held with the regions and civil society parties to identify the areas with the most potential, from which the government will make the final selection of eight to ten areas.

EXPLANATORY REMARKS ON THE REQUEST FOR ADVICE

Towards a National Environment and Planning Strategy

The National Environment and Planning Strategy (*Nationale Omgevingsvisie*, NOVI) is a new policy instrument introduced in the reform of environmental and planning law. The aim of the reform, about which the Council advised your predecessor,¹⁵ is to make the legal system 'simply better' and more in tune with the times. The NOVI is a key instrument in this new system.

On 5 October 2018 you presented the Government Position Paper on the NOVI¹⁶ to the House of Representatives (see text box). That paper contains several choices regarding the substance of the draft NOVI and the proposed governance arrangements. You then asked the Council for the Environment and Infrastructure to advise you on the draft NOVI, with reference to the Government Position Paper. In this present advice, therefore, the Council does not respond directly to the urgent matters and guiding statements in the Government Position Paper.

You asked for the Council's advice in November so that it can be taken into account in the preparation of the draft NOVI. In the short time available to the Council to prepare and issue this advisory letter only a limited number of external parties could be consulted. Given your questions regarding steering principles and governance, we mainly consulted public officials and scholars in public administration and policy science. The Council for Public Administration (ROB) took part in the Council's deliberations on this advice.

The Council is not the only body advising you about the NOVI and your letter outlining the key issues (*Hoofdlijnenbrief*). The Netherlands Environmental Assessment Agency (PBL) and the Board of Government Advisers (CRa) are also advising you on the NOVI. The PBL's advice is in the form of an ex ante evaluation of the substantive targets and objectives of the NOVI, while the CRa is advising you on the concept of the quality of the physical environment in a broad sense (*omgevingskwaliteit*). The Council has taken steps to coordinate its advice with that of PBL and CRa to reduce overlap as much as possible, which was greatly assisted by your differentiated questions.

Preparation of the National Environment and Planning Strategy (NOVI)

The preparation of the NOVI follows a stepwise process that consists roughly of the following stages: inventory, survey, focus, formulation of chosen options and adoption. The first steps were taken during the previous government's term of office and included a joint exploratory process with government departments, partners in civil society, people and businesses¹⁷ to help identify topics to be covered by the NOVI. This resulted in February 2017 in the inception report 'Challenges for the National Environment and Planning Strategy' (*De opgaven voor de Nationale Omgevingsvisie*), which sets out four priorities.¹⁸ In December 2015

¹⁵ Raad voor de leefomgeving en infrastructuur (2015). *Vernieuwing omgevingsrecht: maak de ambities waar*. Den Haag.

¹⁶ Tweede Kamer (2018). *Kabinetperspectief Nationale Omgevingsvisie (NOVI)*. Bijlage bij brief van de minister van Binnenlandse Zaken en Koninkrijksrelaties aan de voorzitter van de Tweede Kamer der Staten-Generaal van 5 oktober 2018. Vergaderjaar 2018-2019, 34682, nr. 6. Den Haag.

¹⁷ The social debate took place in the 'Spatial Planning Year' 2015.

¹⁸ Ministerie van Infrastructuur en Milieu (2017). *De opgaven voor de Nationale Omgevingsvisie*. Den Haag.

the Council issued its advice on these challenges.¹⁹ What makes this inception report unique is that it was written by a team from eight ministries. It provided the basis for the preparation of four investigative study reports containing survey material and building blocks for the Government Position Paper and draft NOVI. The study reports were prepared in an intensive process involving interdepartmental working groups in which representatives from many other bodies took part.

The Government Position Paper on the NOVI (October 2018) can be seen as an intermediary step towards the draft NOVI, which is planned for publication early in 2019. This Government Position Paper identifies potential options for tackling three urgent themes (climate change & the energy transition, urban development and agriculture & the countryside).

The draft NOVI will present the strategic national choices and guiding statements and describe how they relate one to another. Early in 2019 the draft NOVI, accompanied by an environmental assessment, will be sent to the House of Representatives. The NOVI is planned for adoption later in 2019.

The final step is the preparation of regional environmental agendas and area-based strategies. The national planning framework in the draft NOVI will give direction to these regional strategies. A limited number of area-based strategies will be considered for the status of spatial perspective area. The government sees the NOVI as a cyclical product because the development of the living and working environment is a continual process. An example is the debate about airports policy, which will only be completed after the draft NOVI has been published.

An Administrative Agreement will be concluded with the regional and local government organisations (IPO, VNG, UvW) setting out the joint working arrangements for preparing the regional and area-based strategies.²⁰

RESPONSIBILITY AND ACKNOWLEDGEMENTS

About the Council for the Environment and Infrastructure

The Council for the Environment and Infrastructure (*Raad voor de leefomgeving en infrastructuur*) advises the Dutch government and Parliament on strategic issues concerning the sustainable development of the living and working environment. The Council is independent and offers solicited and unsolicited advice on long-term issues of strategic importance to the Netherlands. Through its integrated approach and strategic advice, the Council strives to provide greater depth and breadth to the political and social debate, and to improve the quality of decision-making processes.

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¹⁹ Raad voor leefomgeving en infrastructuur (2015). *Naar een nationale omgevingsvisie*. Ingepast in een breder advies van de raad over de stelselherziening van het omgevingsrecht: Rli (2015). *Vernieuwing omgevingsrecht: maak de ambities waar*. Den Haag.

²⁰ Tweede Kamer (2018). *De Nationale Omgevingsvisie*. Brief van de minister van Binnenlandse Zaken en Koninkrijksrelaties aan de voorzitter van de Tweede Kamer der Staten-Generaal van 13 april 2018.

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Translation

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Rli publication 2018/06

November 2018