



Dilemmas of involvement in land management – Comparing an active (Dutch) and a passive (German) approach



Thomas Hartmann*, Tejo Spit

Urban and Regional Research Centre Utrecht (URU), Utrecht University, PO-Box 80 115, 3508 TC Utrecht, The Netherlands

ARTICLE INFO

Article history:

Received 30 August 2013

Received in revised form 31 July 2014

Accepted 8 October 2014

Keywords:

Land management

Active land policy

Land readjustment

Planning law

ABSTRACT

What is the role of spatial planners in urban development? Planners can be very involved in the realization of the land-use plans or they can take a more passive role in development processes. Which role they take depends on the particular institutional arrangements for land management in each country. In this contribution, a typical active and a typical passive approach to land management are compared in order to shed lights on the effects in terms of land management. Therefore the Dutch active land policy and German mandatory land readjustment are taken as an example of each type of approach. Not the whole system of land management, but the approaches (i.e. inherent notions and values) in terms of effectiveness, efficiency, democratic legitimacy and the underlying concept of fairness are related to each other. By studying the differences among these fundamental aspects, this contribution attempts to reconsider planning by law and property rights in terms of the relation between planning instruments and their particular context.

© 2014 Elsevier Ltd. All rights reserved.

Introduction

In the development of urban areas, public authorities can take an active role or a passive role. The latter means that planners grant building rights, but leave the actual realization to private stakeholders. Active land policy implies that the planners are involved in buying and developing the land (mostly in collaboration with a private stakeholder). In this explorative paper we compare an active land policy (the Dutch) and a passive land policy (German). Thereby, we make use of a research methodology that is derived from previous work (Spit and Zoete, 2003; Needham, 2007b). It is not our intention to develop an own methodology, but rather contribute to a systematic analysis that helps to understand the inherent notions, dilemmas but also advantages of the different approaches.

A typical Dutch residential area differs from a typical residential area in Germany.¹ The Dutch neighborhood is usually bigger and more homogenous; houses are often smaller and more

standardized (Tennekes and Harbers, 2012, p. 8). German residential areas are generally more diverse, and they are mostly implemented over long periods of time (some plots remain undeveloped while others are quickly completed). Per 1.000 inhabitants, Germany produces about half as many new houses per year as the Netherlands (BBSR, 2012, p. 11). Still, land consumption is considered a big environmental problem (Storch and Schmidt, 2008, p. 218). Urban development areas in the Netherlands are considerably larger than German areas (Tennekes and Harbers, 2012). These large areas enable Dutch municipalities to reduce the production costs of houses (Needham, 2007a). One result of this is that the construction costs of a single-family house in Germany are, in general, up to three times higher than the same costs in the Netherlands (Jokl, 2000, p. 22). Obviously, there are many differences in urban development between these neighboring countries.

One reason for these differences is that both countries pursue fundamentally different approaches to land management: the Dutch approach is active (Louw et al., 2003); the German approach uses a more passive scheme. “Assembling land to supply the variety of public needs is a problem shared by local government, planners, and developers across the world” (Alterman, 2007: 57) – land management is crucial to the process of urban development. Moreover, it is central in the planning process, comprising the complex task of surveying, appraising, redistributing and administering; it applies for both, rural and urban land (Magel, 2003). In this perspective, land management is the key in implementing land policies (Enemark, 2005). An essential part of land

* Corresponding author. Tel.: +31 302532053.

E-mail addresses: t.hartmann@uu.nl (T. Hartmann), t.j.m.spit@uu.nl (T. Spit).

¹ In this contribution, we focus on urban development of residential areas, although such “greenfield” developments are considered as not being the standard planning case in both countries any more. However, along those projects one can best identify the differences in approaches between active and passive schemes; those approaches remain the starting point for other planning challenges such as brown field development, urban regeneration projects, infrastructure projects and others.

management It is the process that rearranges property rights in order to suit them to the designated land use (Dieterich, 1998, p. 290; Thiel, 2008). This is done by altering land parcels in size and shape. Different instruments are available to achieve this task²: freehand purchase, expropriation, pre-emption rights, etc. (Alterman, 2007, pp. 71–72). So, it becomes clear that land management is not merely a just technical task, but land management has inherent notions and values. These notions and values are often hidden and not made obvious in the debate around it. This is, what this contribution aims at: making the notions and values behind two different approaches visible. The dominant approach in the Netherlands is active land policy, while Germany has the standard instrument of mandatory land readjustment for facilitating urban development. The term “mandatory”³ is not used in the text of the law, but it is added here to emphasize the mandatory character of this tool (opposed to voluntary readjustment schemes in other countries). We do not, however, attempt to describe the entire and detailed functioning of both land management systems,⁴ we rather want to look at the approaches (i.e. inherent notions and values) in relation to each other. This requires some simplifications and generalizations, which have been done with great care to not caricaturize the two approaches.

This paper discusses the fundamental differences between the German and Dutch approaches to land management in urban developments. In Germany, mandatory land readjustment is the most important and common tool of land management. It builds on a public body as its main actor: the municipal readjustment board. The Dutch do not have a mandatory land readjustment but instead pursue an approach that involves many different actors, each taking different roles. The prevalent approach to Dutch land management is active land policy.⁵ These two typical approaches for their respective countries are discussed and compared in the remaining body of this paper.

Relevance

The comparison of the Dutch and German approaches to land management helps “understanding how planning can best influence the exercise of those rights to achieve societal objectives regarding the built environment without undesirable side-effects is an important part of reflections about the role of planning” (Magalhães, 2013). Planning laws (and their instruments) are often so familiar and taken for granted that planners barely reflect upon the theory behind them (Needham, 2014). This contribution offers a systematic method for such reflection (see section below on the four analytical criteria). By adopting a theoretical perspective, we discuss the strengths and weaknesses of the two approaches to land management. Such reflections are essential in coping with current and future challenges of spatial planning, such as the tension between robustness and flexibility (Hartmann and Needham, 2012). In addition, this contribution makes the debate on the Dutch or German approach accessible for an international audience,

since such discussions are often only conducted in German or Dutch (Davy, 1996; Dieterich, 1996; Kleiber, 1999; Dransfeld and Pfeiffer, 2002; Thiel, 2008). The debate seems to be dominated by lawyers discussing particular issues of instruments (Möslle, 1988; Stürer, 2005). A theoretical study on the intrinsic rationales of German mandatory land readjustment versus Dutch active land policy is considered particularly interesting to an international audience because the two approaches mark, in many instances, two opposite rationales on land management: one is more active, one is passive; one stresses public-private collaborations, the other tries to hamper speculations on land markets. Therefore, reflections on the basic rationales of the two approaches might be of interest to a far wider audience (outside the Netherlands and Germany). In comparing German and Dutch land management in terms of democratic legitimacy, effectiveness, efficiency, and fairness, this contribution systematically reveals intrinsic rationales of land management.

There is also a societal relevance to this topic: the Dutch Government is currently considering the adoption of elements of the German mandatory land readjustment because – according to some – it has proved to be more crisis-resistant (van der Krabben and Needham, 2008; Bregman et al., 2011). The German land readjustment scheme is considered suitable for dealing with fragmented property situations; it is appreciated for its fairness and transparency (Wolff and Bregman, 2012). So there is a lively discussion on instruments of land management in the Netherlands (Hong and Needham, 2007; van der Krabben and Needham, 2008; van Baardewijk, 2012). On the other side, German planners often look jealously to their neighbor downstream on the Rhine. Planning in the Netherlands is considered to be sophisticated, implementation-oriented and participative (Mielke, 2006, p. 32). Also, the efficiency and effectiveness of Dutch land management is greatly admired (Dieterich, 1998, p. 293). Dutch spatial planning has even been referred to as a planner’s paradise (Faludi, 1994). German municipalities occasionally experiment with variations of active land policy (Dransfeld and Pfeiffer, 2002). It is tempting for planners to consider adopting another country’s planning instruments into their own, as aspects of the other approach seem to compensate for the weaknesses of their own approach. Accordingly, active land policy and its rationale remains an important departure point for the debate on implementing land readjustment in the Netherlands. A transplantation of instruments can be tricky, even in relatively similar countries with similar planning systems. In particular, if the discussion on such transplantation builds on fragmented knowledge, it results in unsystematic analysis and remains a-theoretical (Jong, 2004). Most of these discussions focus on technical aspects of the different approaches (Wolff and Bregman, 2012) – such as the appropriate appraisal methods, or fitting the instruments in law (Hong and Needham, 2007; van der Krabben and Needham, 2008; Bregman et al., 2011; van Baardewijk, 2012). Fewer studies can be found in the literature on the inherent notions and values of the different approaches (Louw et al., 2003). This contribution aims to fill that gap in comparing a typical passive land management scheme (Germany) and a typical active scheme (the Netherlands). However, despite all the discussions and experiments, in the end, Germany still favors mandatory land readjustments, while in the Netherlands, active land policy remains important. But there are other countries to which the debate on active and passive approaches to land management is relevant. Switzerland, for example, is currently discussing turning from passive land management toward more active schemes (Knoepfel et al., 2012). Also French municipalities struggle with active and passive schemes and Spain (Muñoz Gielen, 2011) need to find new land management schemes to cope with the oversupply of housing in recent times (Oxley et al., 2009). Luxembourg considers opening its planning system more toward the market (Becker and Hesse, 2011).

² The comprehensive way these instruments are used is what we mean by the specific approach to land management, which can also be called land policy (Davy, 2005, p. 117). Land policy finally links spatial planning and property rights (Davy, 2012, p. 3); it is part of the implementation process of spatial plans (Schmidman, 1988, p. 250).

³ This term has also been established in the international debate on the German land readjustment scheme – see for further reference also Davy, 2007 and also www.plpr-association.org.

⁴ Whereas one needs to be aware that here used English term land management translates from the German term “Bodenordnung,” which is different from the German term “Landmanagement”.

⁵ Although recently this approach appears with variation in practice, see below.

An analysis of democratic legitimacy, effectiveness, efficiency, and fairness

This study is conducted along four basic criteria: democratic legitimacy, effectiveness, efficiency, and fairness. These four criteria are derived from the 10 functions that De Ridder and Schut (1995) consider essential for each legal spatial planning system (but also Ministerie VROM, 2002; Spit & Zoete, 2009).⁶ Similar categories are also used by Needham to evaluate Dutch land-use planning (Needham, 2007a, 2014). Besides the earlier application of these four criteria, they also reflect a certain understanding of spatial planning that is prevalent in most Western planning systems. Spatial planning is considered as *governmental interventions* in the *allocation* and *distribution* of spatial resources (Davy, 2005, pp. 117–119; Needham, 2006). The four key terms in this definition link to the four criteria in the following ways:

- the *governmental* character of spatial planning calls for *democratic legitimacy*
- an *intervention* needs to be *effective* to be justified at all
- the *allocation* aspect links to *efficiency*⁷
- the *distributional* aspect requires some consideration of *fairness*

The four criteria together form a comprehensive analytical framework that helps in understanding the underlying rationales of the two approaches instead of focusing on their technical function. This perspective provides a method for a systematic analysis of the effects of such approaches on the intrinsic rationales of different instruments.

Democratic legitimacy

Spatial planning as a *governmental*⁸ intervention is an exercise of the public administration and needs to be *democratically legitimized* (Hartmann and Needham, 2012). Such legitimation, it is sometimes argued, is derived from a public interest (Davy, 2012, p. 3; Needham, 2012, p. 23). Yet, one can identify at least two shortcomings of such a narrowly defined perspective on legitimacy. First, a general public interest can hardly be identified as an interest for everyone because the public does not act as an entity (Needham, 2007a). Second, it remains unclear if the process or the outcome needs to be in public interest. Scharpf therefore distinguishes between legitimacy via the input and the output of policy processes (Scharpf, 1999). Input-legitimacy stems from the extent to which the demands of citizens are represented in the institutional system of politics; output-legitimacy involves the extent to which the achieved result matches the collective goals of citizens.⁹ These two kinds of legitimacy can be in conflict with each other (Boedeltje and Cornips, 2004). This leads to the question of how mandatory land readjustment and active land policy are respectively legitimized.

Effectiveness

An *intervention* needs to be *effective* in achieving a certain planning goal (Fürst, 2010, p. 33), otherwise such an intervention

would be absurd. Effectiveness in planning refers to the grade of achievement; it is thus assessed against the planning objective. Accordingly, effective land management should be able to provide land for the designated uses in a reasonable period of time, at the right moment, while avoiding conflicts (Thiel, 2008, p. 38). Needham points out that when analyzing the effectiveness of planning, one needs not only to consider what has been realized as a consequence of planning attempts, but also to look at what has not been realized (Needham, 2007a, p. 247). The rationales toward the effectiveness of the two approaches to land management are compared below.

Efficiency

Needham narrows down the question of efficiency in planning to its costs, so that one can judge whether planning is a good use of scarce resources (Needham, 2014). In economics, this procedural efficiency is defined as the ratio of the outcome to the effort of an action (Horváth, 2011). Comparing the efficiency of active land policy and mandatory land readjustment means relating the outcome – the built environment – to the effort, namely the land management approach. The outcome is very difficult to assess. This is partly because this involves many variables that interrelate in a complex manner and partly because the monetization of planning outcomes is very difficult and normative. What can be compared, however, is the effort of the two different approaches in terms of the financial involvement of municipalities (Needham, 2014). The comparison conducted here between the two land management approaches is relational – which implies that we do not attempt to measure the monetary costs but rather assess in a qualitative manner the financial involvement in mandatory land readjustment and active land policy.

Fairness

The *distribution* of goods by spatial planning raises the question of *fairness*. Davy affirms that justice is a crucial principle of land management (Davy, 2005) while also acknowledging that choosing one principle of justice means neglecting others – and thus injustice remains inevitable in land management (Davy, 1997). What are the different concepts of justice inherent in the different approaches? Three major expressions of justice can be distinguished: libertarian (or elitist) justice, social justice, and utilitarian justice (Davy, 1997; Sandel, 2010).

- Libertarian justice emphasizes the liberty of individuals and prefers a minimal involvement of the state. Performance prevails if the invisible hand of the market leads to fair outcomes. The role of the state is to reduce market failures.
- Social justice advocates for the poor and promotes the welfare state. This is a concept of justice that is assigned to Rawls (Rawls, 2005, c1971).
- Utilitarian justice pursues the key axiom ‘maximize happiness’ (Sandel, 2010). It is developed by classical economists such as Mill and Bentham. The resulting distribution of ‘pleasure’ and ‘pain’ benefits the majority (at the costs of minorities); the state has the task to protect the happiness of the majority (Davy, 1997: 267).

These concepts of justice distinguish the role of the state (procedural justice) (May and Morrow, 2012), but they also describe distributional aspects (Campbell, 2012). Therefore, the questions, with respect to land management, are: What are the roles of the state? And who profits from the two compared approaches to land management?

⁶ Although only democratic legitimacy and efficiency are labeled separately, the functions that aim at coordination are rooted in a desire for effectiveness. The other functions that aim for integrality, systematic preparation for policy making, and the legal protection of rights are essentially rooted in a desire for fairness.

⁷ Although we refer to process efficiency instead of the welfare-economics perspective on efficiency.

⁸ ‘Governmental’ is used in a wider sense here – covering all activities by a public authority, including municipalities or regional governments.

⁹ Also, a third type of legitimacy is discussed in literature: ‘throughput’ legitimacy is legitimacy resulting from ‘good’ governance processes (good in terms of efficacy, accountability, transparency, inclusiveness, and openness) (Schmidt (2013).

Approaches to land management

As mentioned earlier, two approaches to land management will shortly be compared: German mandatory land readjustment and Dutch active land policy. They will be briefly outlined below. In the remaining paper, the two approaches are compared in terms of democratic legitimacy, effectiveness, efficiency, and fairness. The findings will be summarized in a conclusion.

German mandatory land readjustment

The purpose of land readjustment is to create suitable building plots for the designated land use according to shape and size. German mandatory land readjustment “is an independent, free-standing instrument with its own internal rationale” (Alterman, 2007, p. 80). It is a tool that can operate across property, law, and land economics (Alterman, 2007, p. 57) and thus helps to “put land use plans into practice” (Davy, 2007: 38). It reallocates and redistributes rights in land without expropriating or buying it. Mandatory land readjustment is legally determined in the German Federal Building Code (BauGB): Articles 45–79. BauGB contains detailed instructions for readjustment proceedings.

A municipal land readjustment committee executes land readjustment (Needham, 2007b, p. 117). This committee designates the readjustment area¹⁰ and then merges all properties within this area into one virtual bulk of land (Davy, 2007, p. 41). Then, the committee reassigns the property rights to the original individual landowners. Thereby, every landowner is entitled to receiving a plot, proportional in value to their original plot (in relation to the value of the bulk of land). The bulk usually increases in value due to readjustment. So, usually landowners get more valuable land back than what they brought in. The municipality may claim the value increase due to readjustment. Those who receive less than they brought in¹¹ are entitled to a financial compensation; those who receive more than they brought in need to pay for it. The land readjustment committee monitors and enforces the payments¹² with the readjustment plan. This plan formally confirms the new allocation of building plots and determines rights and obligations of all involved parties (Davy, 2007, p. 41).

In the past, readjustments were often used to rearrange a built area in situations where the buildings were destroyed by disasters. In particular, after World War II, land readjustment helped to rearrange the sites for new requirements (Dieterich, 1996, p. 47). Today, land readjustment is used for reshaping agricultural sites (*‘Flurbereinigung’*) or developing urban areas (*‘Baulandumlegung’*). A survey on the use of land readjustment in Germany by University of Hannover revealed that mandatory land readjustment is still an important instrument of land management, which is often applied in its conventional form, i.e. as a mandatory public procedure (Voß and Weitkamp, 2009).

Other instruments exist – such as the already mentioned urban development contract, or special procedures for urban renewal or special urban development, but they are specific exceptions (Voß and Weitkamp, 2010; Schroer and Kullick, 2012). Also, active land policy is applied occasionally in some municipalities (Dransfeld and Pfeiffer, 2002). But when comparing the Dutch and the German systems, it is reasonable to focus on mandatory land readjustment, as this instrument represents the German standard approach to land management.

Dutch active land policy

If a Dutch municipality wants to develop an area, it usually acquires the land by voluntary purchase or with the help of compulsory purchase (van der Krabben and Needham, 2008). The municipality then services and develops the land before selling it to housing associations, individual landowners, or business entrepreneurs (Buitelaar, 2010, p. 349). The big difference between active land policy and normal real estate development is that active land policy also involves the use of public power and instruments such as expropriation (although rarely used) or municipal pre-emption rights (Buitelaar, 2010, p. 350). Municipalities often collaborate in the process with private actors. Real estate developers and market players take a crucial role in the market-oriented planning in the Netherlands. The role of the public planner and the private sector are very much intertwined.

In practice, different variations of active land policy exist, differing in the cooperation of different partners and also the degree to which land is acquired by the municipality. Public value capturing (*‘publieke grondexploitatie’*) represents the most traditional model of active land policy in the Netherlands, where the municipality buys, develops, and sells the building land. In the *‘bouwclaimmodel’* private landowners have a pre-emptive right on the land. The “joint-venture model” intensifies the interrelation between public and private stakeholders – the municipality and a developer set up a joint venture that develops the land.

Besides active land policy schemes and its variations, other forms of land policy also exist in the Netherlands. These forms are more recent, such as (collective or individual) *‘Particulier Opdrachtgeverschap’* (PO), in which, rather than big developing companies, a collective trust or group of individuals realizes a development project. Furthermore, a concession model is applied in the Netherlands, where the municipality only sets framing conditions but the private party implements the plan and captures value by itself.¹³

So, in the Netherlands there are different land management models. Most of these models are modifications of pure active land policy, as described above, differing in the degree of involvement of municipalities, with variations in the financial involvement of municipalities and distributions of risks and responsibilities. Overall, however, all models stipulate in some way a relatively close cooperation between public and private parties. In the rest of this paper, we focus on public value capturing as one of the purest forms of active land policy.

Dilemmas

In this section, we study the implications and dilemmas of the two approaches to land management. Therefore, the two approaches are compared with respect to the four criteria mentioned previously: democratic legitimacy, effectiveness, efficiency, and fairness.

Democratic legitimacy

Dutch active land policy: primacy of outcome-legitimacy

“Dutch municipalities are implementing spatial policy by getting involved with operational matters, so becoming land developers and creating an entrepreneurial type of governance” (Louw et al., 2003, p. 358) – as there are increasingly private actors involved, debates on legitimacy evoked in recent years (Louw et al., 2003). Dutch administrative law knows an imperative for

¹⁰ Usually in accordance with the zoning plan.

¹¹ For example, this can happen if the land they bring into the procedure is so small that no suitable building plot can be assigned.

¹² For further reading on the details of this procedure, we recommend Dieterich, 1996 (German) or Davy, 2007.

¹³ The German system knows a similar model: the urban development contract (*‘städtebaulicher Vertrag’*).

good governance: the “rules of responsible public administration” (Needham, 2006, p. 144) or “principles of good governance” (Taekema et al., 2011, p. 26). These rules or principles are not written down, but they are an accepted codex for governmental activities, and they are recognized by courts (Needham, 2006). Therefore, they have considerable impact at the local planning level (Taekema et al., 2011, p. 26). However, this already indicates that legitimacy of planning interventions can barely come from the legal certainty of the process. Rather, the spatial quality and the plan outcome is important in Dutch spatial planning (Buitelaar and Sorel, 2010). Buitelaar analyzed Dutch land use plans and concluded that “plans often followed development” (Buitelaar and Sorel, 2010, p. 987). So, pragmatic procedures precede formal planning processes – a primacy of result prevails. Dutch planning can be described as regulation-averse. Needham even points out, “the achievements of Dutch planning are often better attributed to the way in which the formal planning system has been sidestepped” (Needham, 2007a, p. 20). Dutch land use plans are less likely to be used to steer and stimulate urban development decisions and are more often employed to facilitate previously made land use decisions (Needham, 2007a, p. 30; Buitelaar, 2012). In Dutch practice, major decisions about a plan are often already made before a project enters the formal planning procedure in accordance to the Wro (Leede et al., 1993). In a broad analysis of Dutch land use plans, Buitelaar found that 53% of the Dutch land use plans have been stipulated by development initiatives; in only 8% of the plans, the planner initiated a development (the rest were conservation plans) (Buitelaar, 2012, p. 214).

Because of municipalities’ financial involvement in the urban development process, it is tempting for them to misuse their power (Leede et al., 1993). In the practice of land-use planning, it happens that developers buy land in a strategic location in a future development area in order to profit from the value increase (van der Krabben and Needham, 2008). Practice shows that if municipalities do not want to cooperate with a particular developer, they designate the respective piece of land as a park, graveyard, or other low-value land-use area (Needham et al., 2000). This practice is of course not an official policy of municipalities in the Netherlands, but rather a pattern that has been observed in various cases in different locations (Needham et al., 2000). The Dutch, however, consider this acceptable because they deem the process less important than the result of a plan (Tennekes and Harbers, 2012, p. 9). It is widely acknowledged in the studies on the Dutch planning culture that the planning result legitimizes interventions in land-use (Needham, 2007a; Buitelaar and Sorel, 2010). Dutch municipalities can (and do) use their power to impose certain conditions on development projects, claiming the provision of social housing or public infrastructure. As a result, on average Dutch cities can realize a relatively high quality of public spaces (Buitelaar and Sorel, 2010).

German mandatory land readjustment: process is important

In Germany, such intertwined relations between public agencies and private companies are not only less appreciated but are also considered undesirable. In fact, it is constituted in the German Federal Building Code that planning does not pursue an own spatial interest (Battis et al., 2007) but balances the different spatial issues (§ 1 VII BauGB). Since its foundation, one central aspect of the German Federal Building Code has been to curtail land speculations and increasing land prices (Dieterich, 1998, p. 290; Ernst et al., 2012). Hence, governmental planning interventions such as land readjustment (Mößle, 1988) may not distort land markets, nor may planning be influenced by individual interests (Fürst, 2010; Ernst et al., 2012).

As a consequence, the question of legitimation of any intervention is crucial. The German Federal Building Code contains very detailed procedural regulations on how to conduct a

mandatory land readjustment (see above). Mandatory land readjustment controls estates through inherent orderliness, based on correct procedures (Thiel, 2008, p. 129). Each landowner is equal before the law. Mandatory land readjustment provides a strong procedure that empowers planners to enforce binding land use plans even if landowners are not willing or able to modify their boundaries voluntarily (Davy, 2007, p. 398). This highlights the legitimacy of the German approach via the process (or input-legitimacy) in Germany.

Summing up the democratic legitimacy of both approaches, it can be said that, in Germany, spatial planning warrants and pursues a more abstract public interest by following correct procedures and placing planning under strict democratic control; in the Netherlands, the public interest is the concrete profit from land development, achieved by a pragmatic collaboration between public and private stakeholders – “municipalities often place pragmatism before some of the principles of good government, in particular legal certainty and transparency” (Needham, 2007a, p. 255).

Effectiveness

Dutch active land policy: implementation-driven

Dutch active land policy helped the Netherlands to achieve one of the most successful social housing policy in Western Europe (Buitelaar et al., 2007). Effective land management is a crucial feature of Dutch spatial planning. Accordingly, active land policy is an expression of professional urban development with quick implementation periods and minimal procedural hurdles (Buitelaar, 2010, p. 350). The Netherlands Environmental Assessment Agency ascertains that, whereas German urban development is a continuous process with an open end, urban developments in the Netherlands are very result-driven, aiming at finalizing a project in a certain period of time (Tennekes and Harbers, 2012, p. 9). Buitelaar found in his study of Dutch land use plans that the planning and the implementation of a project is very short (building permits are often granted within a few months or years) (Buitelaar and Sorel, 2010). This implementation pressure in the Netherlands can be explained by a close look at the financial involvement of municipalities, who have their own interest in the quick realization of plans, as they bury a financial risk in the process (Tennekes and Harbers, 2012, p. 9). In the Netherlands, an unused building plot costs the municipality a lot of money.

Driven by an increasing demand for building land (Priemus, 2005, p. 371) and the financial involvement of municipalities, Dutch land management can be considered very effective (particularly at the municipal level) (Needham, 2007a). This effectiveness is admired by foreign planning experts (Needham, 2007a). It originates from buying and selling land in close cooperation between municipalities and developers (Needham, 2007a). In fact, Dutch municipalities realize their plans to a large extent by themselves. Their preferred method to achieve a desired land use is to become owners of the land (Needham, 2007a). Needham summarizes the Dutch approach as follows: “Planning agencies make things happen, rather than wait passively until someone comes along who wants to implement their plan” (Needham, 2007b). With this statement he also describes the German attitude: waiting passively until landowners or investors start developing first in a plan-designated building land.

German mandatory land readjustment: passive implementation

In Germany, a municipality takes no substantial financial risk with the provision of building land. Municipalities take no costs for developing the land (except administrative costs). A substantial part of the German municipal income (around one third) comes from (portions of) trade taxes and income taxes (Dransfeld and

Osterhage, 2003, p. 16). Accordingly, municipalities do not take a financial risk when designating building land, but it can produce revenue for the municipal budget. One consequence of the financial independence gained by municipalities from developing land was that after the 'Wende' (due to the fall of the Berlin wall) in 1990 many municipalities in Eastern Germany produced a vast oversupply of building land. To a lesser degree, this effect also applies to all of Germany. So the result is that, in Germany, the portion of development land that has not been realized is relatively large, compared to the Netherlands. This leads to a 'paradox of building land' (Davy, 1996, pp. 197–198), where German municipalities simultaneously face an abundance and scarcity of building land because the provided land does not fit the demand in the land markets (Davy, 2006). This leads to vacant building plots. In this situation, activating existing building land is an issue for German land policy (Kleiber, 1999). Dieterich explains a shortage of building land in the German approach to land policy (Dieterich, 1998). A claim for a strong and restrictive regional planning is sometimes derived from his explanation (Dransfeld and Pfeiffer, 2002; Wegener, 2012).

When comparing effectiveness between the two approaches, it becomes clear that the Dutch approach certainly surpasses German land readjustment. In other words, the latter is, in this respect, less effective than Dutch active land policy. In addition, mandatory land readjustment is complex and time-consuming (Bundesgerichtshof, 1987).

Efficiency

Dutch active land policy: high risk, high profit

Within active land policy, municipalities act on the one hand as project developers in the market, and, on the other hand, as the public authority providing development rights (Buitelaar, 2010, p. 349). Dutch planning, in general, has a long tradition of direct interventions of the state in land markets (van der Krabben and Needham, 2008). Due to the financial involvement of Dutch municipalities (and thus planners) in the benefit of land uses, Dutch planners tend to be more driven than German planners in aiming for land use decisions that favor the more financially attractive plan variant. Buitelaar concludes that "active land policy is often pursued for financial reasons" (Buitelaar, 2010, p. 351). In fact, until the financial crisis in 2008, land management was a fundamental source of income for some Dutch municipalities (Needham, 2007a, p. 186). The municipality's quasi-monopoly over selling building land sustains this financial aspect of planning (Dieterich, 1998, p. 293). It is important to recognize that active land policy supports only plans that can produce a net benefit for the municipality. This means that most projects are stopped that do not produce a financial benefit (Needham, 2007a, p. 187). Dutch municipalities need to take a lot of financial risk, which has caused enormous problems during and after the economic crises. Finally, active land policy is a very efficient way to capture the planning gain and earn profits for the municipalities, but it also comes with high financial risks for municipal budgets.

German mandatory land readjustment: no financial involvement

Land readjustment is an instrument for reallocation and redistribution of gains and losses, without imposing public budgets (Needham, 2007b, p. 116). German mandatory land readjustment does not involve buying up land or development. Municipalities are much less involved in the financial risks and benefits of land markets (Dransfeld and Osterhage, 2003). In addition, mandatory land readjustment even enables municipalities to reclaim the expenses for readjustment; the readjustment agency calculates the difference between the value of the land before the readjustment (raw building land) and the reallocated land (building land) (Wolff and

Bregman, 2012). This difference is the value added to the land via the land readjustment. The landowners need to compensate this difference to the municipality (Baumann, 2009). To warrant that such a procedure can be executed in a transparent way, a well-elaborated and functioning monitoring system of the land market is necessary. Therefore, the German Federal Building Code prescribes detailed procedures for real estate appraisal and monitoring of the land market (article 192–199 BauGB).

Thus, the financial involvement of the municipalities in Germany can be considered minimal, with indirect incentives for attracting rich citizens and successful land-uses.

Fairness

Dutch active land policy: benefiting from public–private collaboration

In the Netherlands, consensus and negotiated agreements between public and private stakeholders are deeply entrenched elements of the Dutch mode of governance and play a much more important role than their counterpart in the German system (Wolsink, 2003; Mielke, 2006). The Dutch active land policy can be seen as an expression of the polder model, which is basically a model of strong cooperation between capital, labor and the state (Schreuder, 2001). Active land policy is built on a coalition between central government, local government and housing associations (Buitelaar, 2010). This coalition has been quite successful in increasing the housing stock – particularly for social housing. At the present, active land policy is used not only for social housing, but also for commercial and industrial land uses (Buitelaar, 2010). Individual landowners are mostly not involved in participatory processes of large development sites (Tennekes and Harbers, 2012). Currently, the Dutch ministry experiments with forms of land management that stimulate self-built and collectively-built family houses (see above). Still, the prevalent form of building relies on big housing companies. "Dutch land use planning (...) is not designed to achieve distributive justice, in the sense meant by Rawls" (Needham, 2007a, p. 253), rather, the Dutch system follows a concept of libertarian justice – benefiting the strongest (van der Krabben and Needham, 2008); in the Dutch case, most of the time this means the municipality.

German mandatory land readjustment: landowner-friendly

German mandatory land readjustment distributes the value increase of an area among all landowners and precludes compensation claims (Alterman, 2007). It partially internalizes the increases and decreases in property values (Alterman, 2007). Thus, the German land management facilitates a proportionate distribution of benefits and burdens. This is founded in the general principles of land use planning in the German Federal Building Code, which determines in article 1 V BauGB that municipalities shall pursue a socially fair distribution of property (Thiel, 2008, p. 96). German land management strives for the provision of building land for self-used houses (Dieterich, 1998, p. 290). The resulting distribution of costs and benefits of land uses following the German mandatory land readjustment favors the initial and, most often, private landowners of a development area. The German Constitutional Court affirmed in 2001 that a mandatory land readjustment is serving the private interest of landowners even if individual landowners suffer disadvantages (Thiel, 2008). This emphasizes a perspective that fits the idea of Rawls' veil of ignorance quite well: every landowner, irrespective of the size of his or her property and position in the development process, receives the same portion of development land he or she brought in as undeveloped land. The rationale of land readjustment aims at producing a net gain for as many of the involved landowners as possible (Thiel, 2008) through

a more suitable arrangement of sites within the land readjustment area.¹⁴ For this reason, the German mandatory land readjustment is considered to be “landowner-friendly” (Mößle, 1988).

This can lead to the conclusion that the Dutch system is more libertarian and the German system is socially fairer. However, other aspects need to be taken into account in such a judgment. One aspect is, despite the friendly German approach toward individual landowners, Germany still has one of the lowest percentages of individual house owners in Europe (43%) (BBSR, 2012, p. 12) (a percentage which may also have to do with the less speculative mortgage system in Germany). Another aspect is a rather egalitarian feature of Dutch active land policy. Although it has been stated earlier that active land policy is often pursued for financial reasons, the money raised through this method is often used for public purposes, such as social housing, public finance facilities, or other services for the public. So, active land policy is a way of exploiting the planning gain for the benefit of a public body. This – in some way – matches a basic idea that is usually assigned to the land reform debate. Hans Bernoulli, Henry George, or Adolf Damaschke suggested – each in his own way – the capture of land rent (or at least the value increase due to planning) and the use of it for public purposes (Davy, 2012, p. 30). Regarded in this way, it seems to be a Rawlsian way of redistributing land rent and using it for the public needs.¹⁵ Neither of the two approaches to land management perfectly matches one particular concept of justice. Rather, different aspects from different concepts of justice can be identified in both approaches. Furthermore, the two approaches have crucial differences in their inherent concepts of justice.

Conclusion

Dutch municipalities develop land; German municipalities facilitate developments without being actively involved in the realization of the plans. Each system has advantages and disadvantages. Dutch active land policy leads to comparably quick implementation of land-use plans, which is important for a country like the Netherlands where land resources are scarce. On the other hand, such active land policy bears enormous financial risks for the municipalities. It can be said that Dutch municipalities behave like real estate developers (Lefcoe, 1978). The German approach has led to a more robust situation during and after the recent economic crises. The more development-oriented Dutch approach (Buitelaar and Sorel, 2010) scores in terms of efficiency and effectiveness, while its legitimacy focuses on the outcome. In terms of justice, a tendency toward libertarianism with elements of social justice can be attested for in the Dutch active land policy, whereas German mandatory land readjustment favors utilitarianism, with notions of social justice.

Which approach is the best? Both approaches – the active land policy in the Netherlands as well as the German mandatory land readjustment – are designed for growing economics and meant to develop new building land (i.e. greenfield development). Both have difficulties with shrinking cities or land thrift. In that respect, both

schemes are growth oriented, whereas land readjustment seems to be better suited to distribute shrinkage (Davy, 2006). Although these are very interesting and relevant questions, this contribution will focus in the differences between the two approaches to land management, because this would be a point of departure for finding instruments for dealing with situations of shrinkage, the energy turnaround (Thiel and Erdenberger, 2012; Kötter et al., 2013), or land thrift (such as the discussion about the German 30 hectares goal, see Davy, 2009).

If the two approaches are compared on a theoretical level, then the conclusion is that German mandatory land readjustment supports a planning system that is strong on the planning procedures, but it is weak on implementing a plan. It can be characterized as crisis-proof due to a strong reliance on democratic procedures and the separation of planning decisions and plan implementation. The Dutch approach of active land policy, on the other hand, is able to realize plans in short periods of time – it is rather effective and also efficient, but this comes with a price tag: high financial risk and potential conflicts between public and private interests. There is no clear better or second best approach. Rather, this contribution reveals that each system has its specific advantages and disadvantages. Beyond this conclusion, it can be observed that the differences are so fundamental and entrenched in the two approaches that the weaknesses in one system can hardly be solved by applying elements from the other approach. This is not because of the approach itself, but because of its entrenchment in its respective context.

Reconsidering or changing one of the systems requires recognizing these characteristics and inherent notions and values of the two approaches, as they are deeply embedded in their particular planning system. The normative and institutional contexts in Germany and in the Netherlands create a lock-in situation that cannot be overcome by adopting an approach from the other country. So, German planners might be jealous of the Dutch planners' ability to effectively and efficiently realize their plans, and Dutch planners might want to have such a crisis-robust system as the Germans, but achieving each characteristic would mean giving up part of their relative advantages. This means that a change of the approach to land management needs to be carefully embedded in the existing context. Evidence from this contribution supports this notion and explains why it is so difficult to implement instruments or elements of instruments from other planning systems. For each instrument is embedded in a particular context in the respective system (whether an active or a passive approach) and has – in time – developed its own reputation, but also an interdependency with other instruments within the system. So, planners need to take into account and know the inherent notions and values of their approach, so that new planning tools fit into the existing scheme.

In addition to this, the four above applied criteria (democratic legitimacy, effectiveness, efficiency, and fairness) show the underlying entrenched rationales of the two approaches to land management. They elucidate how, within different planning systems, the approaches to land management are interrelated with property rights. This contribution rejects a pure instrumentalist's perspective on land management (the belief that introducing a new instrument will solve certain problems of land management). Instead, we claim that land management not only operates within a certain context (as other authors elaborated earlier; see above), but land management also facilitates certain revenues, investments, and expectations. Therefore, by introducing the time element, this contribution helps in understanding the way in which land management affects the legitimacy, effectiveness, efficiency, and fairness of the way land markets and property rights interrelate with spatial planning. By introducing the time element to the planning system, the relation between land management and property rights is firmly elaborated.

¹⁴ Usually, the fair market value is the measure for proportional redistribution, except the land is almost equal in value in the whole readjustment area (articles 56–58 BauGB).

¹⁵ German municipalities can ‘acquire’ land for public purposes without buying it. Land readjustment is a cheap way for municipalities to gain land for certain public purposes. The municipality may retain a certain portion of the land when redistributing it for public purposes (Davy, 2007, p. 46). The amount of land acquired by the municipality is regulated by the law (dependent on the distribution mechanism – value, size or others). This makes land readjustment a common instrument of land management in order to make land available for public purposes, such as, measures relating to flood retention (UBA, 2003, p. 121; Hartmann, 2011). This process saves municipalities a lot of money because they do not need to buy land (Hong and Needham, 2007, pp. 14–15).

Finally, this contribution aims not at introducing a new methodology for comparing land management in different contexts – although used criteria of legitimacy, effectiveness, efficiency, and fairness proofed a viable and useful framework. This contribution rather sheds light on the partially hidden and not always obvious notions and values behind the approaches to land management. In doing this, this contribution shows in a systematic way the advantages and disadvantages of a typical active and a typical passive land management approach.

References

- Alterman, R., 2007. More than land assembly: land readjustment for the supply of urban public services. In: Hong, Y.-H., Needham, B. (Eds.), *Analyzing Land Readjustment: Economics, Law, and Collective Action*. Lincoln Institute of Land Policy, Cambridge, MA, pp. 57–88.
- Baumann, B., 2009. *Baugesetzbuch – Kommentar*. Beck, München, 1988 S.
- Battis, U., Krautzberger, M., Löhr, R.-P. (Eds.), 2007. *Baugesetzbuch – Kommentar*. C.H. Beck, München.
- BBSR, 2012. *Wohnungs- und Immobilienmärkte in Deutschland 2011: Summary of the study of the German Federal Institute for Research on Building, Urban Affairs and Spatial Development*. Bundesamt für Bauwesen und Raumordnung (BBR). Online-Resource, Bonn.
- Becker, T., Hesse, M., 2011. Siedlungsentwicklung und Wohnungswesen. In: Chilla, T., Schulz, C. (Eds.), *Raumordnung in Luxemburg: Aménagement du territoire au Luxembourg*. 1st ed. G. Binsfeld, Luxembourg, pp. 78–95.
- Boedeltje, M., Cornips, J., 2004. Input and Output Legitimacy in Interactive Governance. <http://hdl.handle.net/1765/1750> (accessed 12.04.14).
- Bregman, A., Wolff, H.D., Muñoz Gielen, D., 2011. *Herverkaveling op ontwikkelingslocaties*. IBR, Instituut voor Bouwrecht, Den Haag, pp. 120, VI.
- Buitelaar, E., 2010. Cracks in the myth: challenges to land policy in the Netherlands. *Tijdschr. Econ. Soc. Geogr.* 101 (3), 349–356.
- Buitelaar, E., 2012. The fraught relationship between planning and regulation: land use plans and the conflicts in dealing with uncertainty. In: Hartmann, T., Needham, B. (Eds.), *Planning by Law and Property Rights Reconsidered*. Ashgate, Surrey, UK, pp. 207–218.
- Buitelaar, E., Lagendijk, A., Jacobs, W., 2007. A theory of institutional change: illustrated by Dutch city-provinces and Dutch land policy. *Environ. Plan. A* 39 (4), 891–908.
- Buitelaar, E., Sorel, N., 2010. Between the rule of law and the quest for control: legal certainty in the Dutch planning system. *Land Use Policy* 27 (3), 983–989.
- Bundesgerichtshof, (B.G.H.), 1987. *Erforderlichkeit einer Umlegung: Urteil III ZR 29/86*. N. Jurist. Wochenschr. (NJW) 1987 (51), 3260–3263.
- Campbell, T., 2012. *Theories of Justice*. Ashgate, Farnham, Surrey, UK (6 vols).
- Davy, B., 1996. *Baulandsicherung: Ursache oder Lösung eines raumordnungspolitischen Paradoxons?* Zeitschr. Verwalt. 21 (2), 193–208.
- Davy, B., 1997. *Essential Injustice: When Legal Institutions Cannot Resolve Environmental and Land Use Disputes*. Springer, Wien, New York.
- Davy, B., 2005. *Bodenpolitik*. In: Ritter, E.-H. (Ed.), *Handwörterbuch der Raumordnung*. ARL, Hannover, pp. 117–130.
- Davy, B., 2006. *Innovationspotentiale für Flächenentwicklung in schrumpfenden Städten: Flächenmanagement am Beispiel Magdeburgs*. <http://www.iba-stadtumbau.de/index.php?Innovationspotentiale-fur-Flachenentwicklung-in-schrumpfenden-Staetten-1> (accessed 21.04.09).
- Davy, B., 2007. *Mandatory happiness? Land readjustment and property in Germany*. In: Hong, Y.-h., Needham, B. (Eds.), *Analyzing Land Readjustment: Economics, Law, and Collective Action*. Lincoln Institute of Land Policy, Cambridge, MA, pp. 37–55.
- Davy, B., 2009. Land thrift as sustainable development: the case of Germany's 30 hectares goal. In: van der Valk, A., van Dijk, T. (Eds.), *Regional Planning for Open Space*. Routledge, London, pp. 279–300.
- Davy, B., 2012. *Land Policy: A German perspective on planning and property*. Ashgate, Farnham, Surrey, UK.
- De Ridder, J., Schut, D., 1995. *De WRO in de steigers*. Kluwer, Deventer.
- Dieterich, H., 415 S 1996. *Baulandumlegung: Recht und Praxis*. Beck, München.
- Dieterich, H., 1998. *Bodenpolitik in Deutschland*. N. Zeitschr. Miet. Wohnungsr. 1998 (8), 289–295.
- Dransfeld, E., Osterhage, F., 2003. *Einwohnerveränderungen und Gemeindefinanzen: Expertise*. ILS, Dortmund.
- Dransfeld, E., Pfeiffer, P., 2002. *Baulandbereitstellung: der Zwischenerwerb als Weg des Baulandmanagements*. ILS, Dortmund, 198 S.
- Enemark, S., 2005. *The Land Management Paradigm for Institutional Development*. Expert group meeting University of Melbourne, 9–11 November 2005, Online: http://vbn.aau.dk/files/2935555/SE_Melbourne_2005.pdf (accessed 20.02.14).
- Ernst, W., Zinkahn, W., Bielenberg, W., 2012. *Baugesetzbuch: Kommentar*. Beck, München.
- Faludi, A., 1994. *Rule and order Dutch planning doctrine in the twentieth century*. Springer.
- Fürst, D., 2010. *Raumplanung: Herausforderungen des deutschen Institutionensystems*. Rohn, Detmold.
- Hartmann, T., 2011. *Clumsy Floodplains: Responsive Land Policy for Extreme Floods*. Ashgate, Farnham, Surrey, Great Britain.
- Hartmann, T., Needham, B., 2012. *Introduction: why reconsider planning by law and property rights?* In: Hartmann, T., Needham, B. (Eds.), *Planning by Law and Property Rights Reconsidered*. Ashgate, Farnham, Surrey, UK, pp. 1–23.
- Hong, Y.-H., Needham, B. (Eds.), 2007. *Analyzing Land Readjustment: Economics, Law, and Collective Action*. Lincoln Institute of Land Policy, Cambridge, MA.
- Horváth, P., 2011. *Controlling*. München.
- Jokl, S., 2000. *Wohnungsbau an der Schwelle zum Jahr 2000*. N. Zeitschr. Miet. Wohnungsr. 2000 (1), 14–23.
- de Jong, M., 2004. The pitfalls of family resemblance: why transferring planning institutions between 'similar countries' is delicate business. *Eur. Plan. Stud.* 12 (7), 1055–1068.
- Kleiber, W., 1999. *Neue Wege in der Baulandbereitstellung*. N. Zeitschr. Miet. Wohnungsr. 1999 (17), 777–785.
- Knoepfel, P., Csikos, P., Gerber, J.-D., Nahrath, S., 2012. *Transformation der Rolle des Staates und der Grundeigentümer in städtischen Raumentwicklungsprozessen im Lichte der nachhaltigen Entwicklung*. PVS 53 (3), 414–443.
- Kötter, T.B.L., Christ, B., Drees, A., Kropp, S., Linke, H.J., Lorig, A., Reuter, F., Strotkamp, H.-P., Thiemann, K.-H., Voß, W., 2013. *Standortsteuerung und Flächenmobilisierung für Windenergieanlagen-Der Beitrag des Land- und Immobilienmanagements zur Energiewende*. Zeitschr. Geod. Geoinform. Landmanag. (zfv) 138 (4), 275–287.
- de Leede, J., Smaal, P., Spit, T., 1993. *Ruimte voor het bestemmingsplan: Een evaluatie van het voortraject van bestemmingsplanvorming*. VROM, The Hague.
- Lefcoe, G., 1978. When governments become land developers. *Urb. Law Policy* 1, 103–160.
- Louw, E., van der Krabben, E., Priemus, H., 2003. *Spatial development policy: changing roles for local and regional authorities in the Netherlands*. *Land Use Policy* 20 (4), 357–366.
- de Magalhães, C., 2013. *Planning by law and property rights reconsidered*. *Int. Plan. Stud.*, 1–3.
- Magel, H., 2003. *Landmanagement—die neue Herausforderung und Bodenordnung und Landentwicklung*. *Flächenmanag. Bodenordn.* 1, 11–15.
- May, L., Morrow, P., 2012. *Procedural Justice*. Ashgate, Farnham, Surrey, UK, pp. 513, xxi.
- Mielke, B., 2006. *Vom Nachbarn lernen? Neue Steuerungsphilosophie in der niederländischen Raumplanung*. *Standort. Zeitschr. Angew. Geogr.* 30 (1), 32–35.
- Ministerie VROM, 2002. *Fundamentele Herziening Wet Ruimtelijke Ordening*. Ministerie VROM, The Hague.
- Mößle, W., 1988. *Die Verfassungsmäßigkeit von Vorkaufsrecht und Umlegung als Instrumente kommunaler Bodenpolitik*. *Mitt. Bayer. Notarver. (MittBayNot)* 1988 (1), 213–220.
- Muñoz Gielen, D., 2011. *Het verhalen van waardestijging in stedelijke herstructurering*. http://www.urbsadvies.nl/attachments/Voorpagina_NL...Samenvatting.pdf (accessed 30.07.14).
- Needham, B., 2006. *Planning Law and Economics: The Rules We Make for Using Land*. Routledge, Abingdon, Oxon.
- Needham, B., 2007a. *Dutch Land Use Planning: Planning and Managing Land Use in the Netherlands, the Principles and the Practice*. Sdu, Den Haag.
- Needham, B., 2007b. *The search for greater efficiency: land readjustment in the Netherlands*. In: Hong, Y.-h., Needham, B. (Eds.), *Analyzing Land Readjustment: Economics, Law, and Collective Action*. Lincoln Institute of Land Policy, Cambridge, MA, pp. 115–134.
- Needham, B., 2012. *Interests and rights in property, and their place in land-use planning: a theoretical investigation*. In: Hartmann, T., Needham, B. (Eds.), *Planning by Law and Property Rights Reconsidered*. Ashgate, Farnham, Surrey, UK, pp. 23–36.
- Needham, B., 2014. *Dutch land-Use Planning: The Principles and the Practice*. Ashgate, Farnham, Surrey, UK, pp. 236.
- Needham, B., te Raa, P., Spit, T., Zwanikken, T.H., 2000. *Kwaliteit, winst en risico: De invloed van het Vinex-onderhandelingsmodel op de programmatische ontwikkeling van Vinex-locaties*. Nijmegen, Utrecht.
- Oxley, M., Brown, T., Nadin, V., Qu, L., Tummers, L., 2009. *Review of European Planning Systems: Report for the UK National Housing and Planning Advice Unit*. Department of Communities and Local Government. Centre for Comparative Housing Research, <https://www.dora.dmu.ac.uk/bitstream/handle/2086/7536/NHPAU%20Planning.pdf?sequence=1> (accessed 30.07.14).
- Priemus, H., 2005. *Importing and exporting spatial needs: a Dutch approach*. *Eur. Plan. Stud.* 13 (3), 371–386.
- Rawls, J., 2005. *A Theory of Justice*. Harvard University Press, Cambridge, MA, pp. 607.
- Sandel, M.J., 2010. *Justice: What's the Right Thing To Do?* Farrar Straus and Giroux, New York.
- Schmidman, F., 1988. *Land readjustment: an alternative to development exactions*. In: Alterman, R. (Ed.), *Private Supply of Public Services. Evaluation of Real Estate Exactions, Linkage, and Alternative Land Policies*. New York University Press, New York.
- Scharpf, F.W., 1999. *Governing in Europe: Effective and Democratic?* Oxford University Press, Oxford, New York, pp. 243.
- Schmidt, V.A., 2013. *Democracy and legitimacy in the European union revisited: input, output and 'throughput'*. *Polit. Stud.* 61 (1), 2–22.
- Schreuder, Y., 2001. *The polder model in Dutch economic and environmental planning*. *Bull. Sci. Technol. Soc.* 21 (4), 237–245.
- Schroter, T., Kullick, C., 2012. *Umlegung von Planungskosten – Das Münchner Modell: NZBau 2012*, 429. N. Zeitschr. Baur. Vergaber. (NZBau) (7), 429–430.
- Spit, T., Zoete, P.R., 2003. *In: Herz (Ed.), Gepland Nederland: Een inleidend in ruimtelijke ordening en planologie*. Sdu uitgevers, Den Haag, p. 267.

- Spit, T., Zoete, P., 2009. Ruimtelijke ordening in Nederland. Een wetenschappelijke introductie in het vakgebied. Sdu, The Hague.
- Storch, H., Schmidt, M., 2008. Spatial planning: indicators to assess the efficiency of land consumption and land-use. In: Schmidt, M., Glasson, J., Emmelin, L., Helbron, H. (Eds.), *Environmental Protection in the European Union*. Springer/Berlin/Heidelberg, Berlin, Heidelberg, pp. 217–228.
- Stürer, B., 2005. *Handbuch des Bau- und Fachplanungsrechts: Planung – Genehmigung – Rechtsschutz*. Beck, München, 1806 S.
- Taekema, S., Roo, A. de, Elion-Valter, C., 2011. *Understanding Dutch Law*. Eleven International Publishing, The Hague.
- Tennekes, J., Harbers, A., 2012. Groot- of kleinschalige verstedelijking? Een institutionele analyse van het ontwikkelingsproces van woonwijken in Nederland, Vlaanderen en Noordrijn-Westfalen. Netherlands Environmental Assessment Agency, The Hague.
- Thiel, F., 2008. *Strategisches Landmanagement: Baulandentwicklung durch Recht, Ökonomie, Gemeinschaft und Information*. Books on Demand, Norderstedt.
- Thiel, F., Erdenberger, J., 2012. Landmanagement, Bodenpolitik und Grundstückswertermittlung im Zeichen der Energiewende. *Zeitschr. Geod. Geoinform. Landmanag. (zfv)* 137 (3), 135–142.
- UBA., 2003. *Sicherung und Wiederherstellen von Hochwasserrückhalteflächen*. Umweltbundesamt, Berlin.
- van Baardewijk, E., 2012. Herverkaveling op ontwikkelingslocaties: steun voor faciliterend grondbeleid. *Grondzaken* (3), 14–16.
- van der Krabben, E., Needham, B., 2008. Land readjustment for value capturing: a new planning tool for urban redevelopment. *Town Plan. Rev.* 79 (6), 651–672.
- Voß, W., Weitkamp, A., 2009. Zum aktuellen Einsatz der Umlegung nach dem BauGB (Teil 1). *Flächenmanag. Bodenordn. (FuB)* (5), 207–214.
- Voß, W., Weitkamp, A., 2010. Zum aktuellen Einsatz der Umlegung nach dem BauGB (Teil 2). *Flächenmanag. Bodenordn. (FuB)* (1), 29–35.
- Wegener, M., 2012. Government or governance? The challenge of planning for sustainability in the Ruhr. In: Hartmann, T., Needham, B. (Eds.), *Planning by Law and Property Rights Reconsidered*. Ashgate, Farnham, Surrey, pp. 157–168.
- Wolff, H.d., Bregman, A., 2012. Herverkaveling: mogelijkheid van versnelling van het facilitaire grondbeleid op ontwikkelingslocaties? *Tijdschr. Bouwr. (TBR)* (1), 2–6.
- Wolsink, M., 2003. Reshaping the Dutch planning system: a learning process? *Environ. Plan. A* 35 (4), 705–723.