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Integration and decentralization: the evolution of Dutch regional land policy

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ABSTRACT

The implementation of planning objectives in the public interest depends on the land laws and land policies of a state. Public stakeholders are not only enabled or constrained in their actions by these laws and policies, they also (re)formulate these laws and policies to support their actions. The objective of this paper is to understand how different stakeholders in spatial development processes influence land policy dynamics (both the (re)formulation and the implementation of policies) and vice versa. The paper explores the changes in land policies in the Netherlands, in particular how changes have enabled the regional planning level. The Policy Arrangement Approach is used to analyse the strategic behaviour of agencies and their use of structure in spatial development processes. The findings show that the arrangement rapidly changed from the 1980s onwards, due to changes in the underlying political discourses and the effectuation of these discourses via regulation and instruments. With objectives of decentralization and integration, the national government has enabled the regional planning level to become more active in spatial development processes. Although the provinces were enabled by new laws and policies, this did not significantly change their role within the Dutch planning system.

Introduction

Property rights make it possible for governmental actors to weight individual rights and to get insight in the public and private needs for land. Besides the constitutional framework which determines rights in land, governmental agencies formulate land policies to determine how far governments are able and willing to go in pursuing the public interest via interference in private property rights (Davy 2012). Since land is an important component of spatial development processes (Korthals Altes 2000), land ownership, land policies and land regulations structure these processes. On their own, land policies, regulations and even property rights are hollow; rights, regulations and policies are, on paper, merely reflections of considerations and agreements of governmental authorities and societal and market actors. Meaning is given to these regulations and policies via the interaction of public with private stakeholders in spatial development processes. Coalitions between stakeholders develop new strategies regarding land acquisition, land policies and regulation. The success of these strategies (i.e. negotiated deals, voluntary land acquisition) affects the delivery of planning objectives such as housing, infrastructure and nature conservation. If planning objectives are not delivered as intended, strategies and land policy instruments are adapted to better support the

delivery of these objectives in spatial development processes. How public stakeholders strategically frame debates about the use of land, and put land policies into action in spatial development processes, determines how the relation between private land ownership and the public interest evolves. Thus, understanding the way these stakeholders strategically acquire land, and operationalize land policy instruments, is essential to comprehend how land policies change, and more fundamentally, how the relation between private land ownership and the public interest in land is shaped.

Public stakeholders, i.e. officials at the national, regional and local governmental planning tiers, implement planning objectives in the public interest via spatial planning and land development processes. Spatial planning is concerned with securing land use via inclusive, transparent and well-informed processes, justified by spatially relevant arguments, while land development is characterized by its aim to provide serviced land effectively and efficiently, with cost considerations as a key argument (Van Rij and Korthals Altes 2010). Spatial planning undeniably influences land development, for instance, as it dictates land use. Therefore, this paper addresses spatial development processes, referring to both land development and the guiding principles and instruments adopted from spatial planning in these processes. Furthermore, as this paper mainly deals with spatial development processes, in which both public and private stakeholders acquire land to serve their purposes, it generally refers to land ownership rather than addressing the (partial) infringement of private property rights. In other words, the paper differentiates between spatial development processes in which land ownership is transferred to a different owner, and spatial planning procedures in which (private) property rights are constrained, for example via zoning or executing a pre-emption right.

Although several (historical) studies have been conducted on the delivery (e.g. implementation) of planning objectives with the support of land laws, and land policy instruments, most of these take an instrumental perspective, rather than addressing changes in land policies that result from strategic behaviour of interdependent actors (or stakeholders) over time. The existing studies focus on the delivery of planning objectives or integrating policy levels (e.g. Fliervoet et al. 2013; Jensen et al. 2013; Mills et al. 2014). The behaviour of stakeholders is usually analysed from an economic perspective (e.g. Alterman 2010; Hartmann and Needham 2012; Van der Krabben and Jacobs 2013). Land policy studies that do consider stakeholder behaviour tend to take two different approaches: empirical studies (e.g. Van Dijk and Beunen 2009; Davy 2012; Kerselaers et al. 2013) or modelling (e.g. Fürst et al. 2010; Samsura, Van der Krabben, and Van Deemen 2010; Sohl and Claggett 2013). Although modelling could assist in predicting the effect of stakeholder behaviour on land policy dynamics and vice versa, the use of the models is so far limited as the underlying assumptions are still insufficiently understood (Samsura, Van der Krabben, and Van Deemen 2010). Therefore, additional insights into stakeholder behaviour are necessary, especially when considering how land policies influence the decision-making of public stakeholders and their interaction with other stakeholders in spatial development processes.

In this paper we understand land policy dynamics from a duality of agency and structure perspective (Giddens 1984). According to Giddens, agency is both constrained and enabled by structure and has the ability to (re)produce these structures. Related to spatial development, this implies that public and private actors in interaction deliver planning objectives via spatial development processes, but are at the time constrained by rules and resources (structural properties of planning systems), such as land legislation, land policy instruments and finances. How structuration affects the decision-making and interaction of public stakeholders, and how stakeholders operationalize and change land policies to deliver planning objectives, is not examined yet, but this is essential to understand, and to model, stakeholder behaviour.

Our key objective is to understand how different stakeholders in spatial development processes influence land policy dynamics (both the (re)formulation and the implementation of policies) and vice versa. Since spatial development processes are relational activities shaped by a particular institutional context, this paper explores the changes in land policies in the Netherlands from the 1980s to the present. We focus on Dutch spatial development practices and the delivery of planning

objectives via the regional planning level. The regional planning level is increasingly relevant for the efficient and effective delivery of planning objectives (Louw, Van der Krabben, and Priemus 2003; Kantor 2006; Van Straalen, Janssen-Jansen, and Van den Brink 2014).

The role of regional planning authorities (i.e. provinces) has been extended due to a change in the regulation for rural development in the 1980s. Until the 1980s, provinces concentrated on regulatory planning, e.g. producing integrated plans. Since the 1980s this has gradually changed, allowing for more active implementation of planning objectives at the regional level via spatial development processes. This is referred to as active land policy (i.e. acquiring and developing land), as opposed to regulatory land policy (i.e. setting rules for land use). These changes have increased the formal authority of the provinces.¹ Within the Dutch administrative system the provinces traditionally acted as an intermediate between national policy-making and implementation by municipalities (Louw, Van der Krabben, and Priemus 2003). Only recently, in 2012, the role changed as administrative changes enabled provinces to become responsible for spatial policy-making. Since the 1950s many political debates have led to propositions to adapt the regional level in order to bridge the gap between national (sectoral) policy objectives and local (integrative) implementation of these policies (Van den Brink, Van der Valk, and Van Dijk 2006). A recent legislative proposal to merge provinces into larger entities is an example of these propositions (Ministry of the Interior and Kingdom Relations 2013). However, none of these propositions were implemented due to resistance within national or regional politics (Geelhoed et al. 2002; Hajer, Simons, and Feddes 2006; Lodders-Eifferich et al. 2008). This paper analyses how Dutch land policies and planning objectives have changed, and how changes at the national planning level enabled regional planning authorities to gain power in spatial development processes.

Examining stakeholder behaviour: agency–structure duality and policy arrangements

In this paper we apply the Policy Arrangement Approach (PAA) to understand the duality of structure in land policy dynamics over time. Policy arrangements are defined as ‘the temporarily stabilization of the content and organization of a particular policy domain at a certain policy level, or over several policy levels—in case of multi-level governance’ (Arts and Leroy 2006, 13). In this definition, the term ‘arrangement’ is primarily conceived as an analytical tool that helps to describe, understand and explain policy practices from a specific perspective. To emphasize the institutionalization of day-

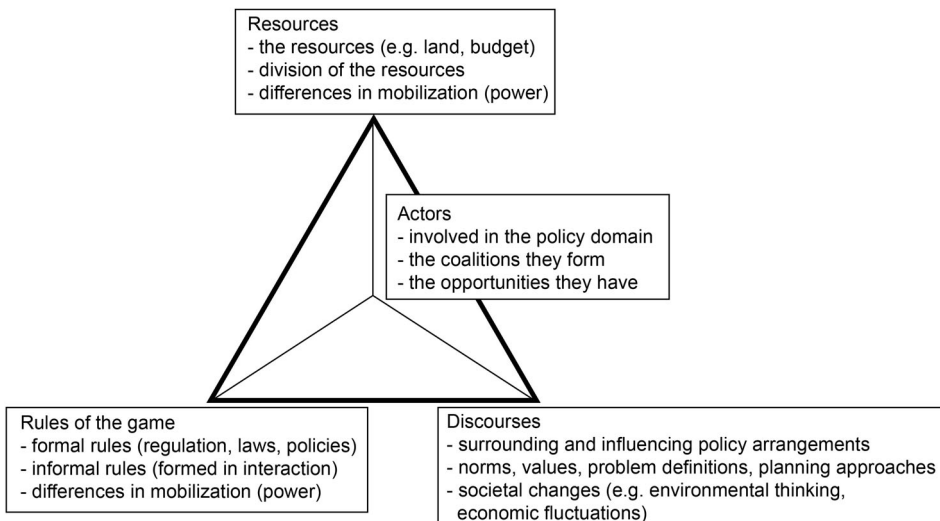


Figure 1. Tetrahedron with the dimensions of the policy arrangements (based on Liefferink 2006).

to-day interaction, the PAA includes an ideational–organizational duality, besides the agency–structure duality. Institutionalization is understood in this study as the gradual stabilization of patterns of actions and rules, either agency driven (organizational) or externally driven (ideational or discourse) (Arts and Leroy 2006). Stabilization and alterations in the arrangement of a policy can be understood by analysing the arrangement from four dimensions (see [Figure 1](#); Liefferink 2006). The temporary stabilization of the arrangement alters when changes occur in one of the four dimensions (Liefferink 2006), or when there is a change in long-term societal and political trends and processes (Arts and Van Tatenhove 2006). Furthermore, changes in policy arrangements are the result of the relations between, and actions of, agents using (and changing) these dimensions. These dimensions include the *resources* of the domain, such as the division of resources, and differences in power and influence; the *rules of the game*, concerning both formal (regulations) and informal (interaction) rules; and the *discourses* surrounding the policy arrangement, such as norms and values, problem definitions and approaches to solutions. Furthermore, as stakeholders interact in spatial development processes, the *actors* involved in the domain, the coalitions they form and the oppositions they have also influence how planning objectives are delivered.

Method

Our analysis of the arrangement of the Dutch land policies is based on existing historical studies within the timeframe 1950–2010 (Dutt and Costa 1985; Bosma 1990; Van den Brink and Molema 2008; Jansen 2009; Molema 2012), additional policy document analysis and open-ended and semi-structured interviews with experts in the field of spatial planning and land policy (28 in total) to gain insight into more recent practices, policy changes and the operationalization of the new planning powers of regional governments. The policy document analysis included a systematic search of documents related to spatial planning and land policy within the Dutch national archives.² The interviewees were employed at national, regional and local governmental planning authorities. Their professions included policy advisor, project leader, land manager, account manager and legal advisor. Their expertise was related to spatial development, land acquisition and land policy. One of the 12 provinces could not be persuaded to participate in the research, its rationale being the lack of its own provincial land policies. In the interviews several topics were addressed, all related to (integrated) regional spatial development processes, land policy and land acquisition in the Netherlands. As such, the interviews provided insights into the interpretation of policies by planning professionals, and contributed to knowledge about actual land development practices and the strategic use of land policy instruments. The interviews were conducted between 2010 and 2013.

The paper focuses on changes in resources, rules and discourses related to spatial development processes and planning objectives, which are a result of, or resulted in, new coalitions and changed behaviour of actors. Changes at the strategic planning level, for instance which public authority should deliver a planning objective, were dealt with as part of the discourse dimension. As these strategic planning decisions and visions are considered guiding to spatial development processes. Changes in operational planning and the planning instruments are considered part of the resource dimension as land policy and planning instruments predominately provide support to implement planning objectives via these processes. Nevertheless, the responsibilities of governments and the changes in instrumentation of policies are also considered in relation to changing regulation (rules dimension). To be able to point out constraining and enabling factors for stakeholders interacting in spatial development processes and to identify temporal stabilizations and sources of change, different dimensions of the arrangement were explored separately. But when explored separately it was not possible to detach dimensions entirely from other dimensions, as agency sparked changes in different dimensions simultaneously. Therefore, the exploration assumed a funnel shape, which started with (global) societal processes of influence to the arrangement and ended with the different actors involved in spatial development processes and the behaviour of these stakeholders. The alterations in the arrangement are presented in four different sections, roughly coinciding with

periods of temporarily stabilization of the content and organization of the arrangement; these periods result from this analysis. To provide context, an additional preceding section briefly highlights the arrangement prior to the 1980s. After describing the arrangement and how changes in the arrangement have enabled provincial land policy, the paper discusses how the provinces have taken up their new abilities in spatial development processes.

Social welfare and national-led planning

During the 1950s and 1960s, the Netherlands, like many other European countries, was recovering from the Second World War. Political emphasis was directed at collective prosperity, rather than individual wealth, and resulted in a breakthrough for modernism, an overarching discourse of physical and social engineering, and the further development of the social welfare state. In this welfare state, central government played a crucial role in the delivery of policy objectives. This included both urban and rural planning, where implementation of policies and land use changes were organized in a top-down manner. During the 1960s the central planning objectives were stimulating economic development and an equal distribution of welfare between all regions of the Netherlands. In the 1970s controlling sprawl (compact cities) and increasing urban quality were the main objectives. Although urban and rural planning were still separated during this period, initiatives were taken to integrate both forms of planning. The core objective of rural planning was ‘modernization, rationalization, and intensification of the landscape for agricultural production’ (Doevendans, Lörzing, and Schram 2007, 334). National government, responsible for improving the rural landscape for agricultural purposes, used land consolidation as a key instrument. In a similar vein, urban planning had as a core objective to restore and develop housing areas and improve the liveability and quality of urban space (Faludi and Van der Valk 1994). Local governments controlled urban developments, planned small developments often located in Cities or on City edges and serviced the plots.

For the delivery of planning objectives in the public interest, public authorities relied on several land and planning regulations and land policy instruments. Many of these laws, and accompanying instruments, were effectuated (long) before the 1980s. These include the laws and regulations that provide the starting point for urban planning (the Housing Act of 1901), rural planning (the Land Consolidation Act of 1924) and later on more integrative spatial planning (the Spatial Planning Act of 1965), and those that regulate interference in private rights in land (e.g. the Compulsory Purchase Act of 1851). These regulations were particularly important in this period, as governmental authorities relied on them in spatial development processes; (public) land ownership hardly played a role in spatial development processes (Hofstee 1972). Municipalities, as part of their central role in urban development, acquired land prior to the start of housing projects and serviced the plots for development. Private developers could provide for the housing, but had no part in land acquisition for urban development.

The first efforts towards the integration of urban and rural planning concerned different spatial policies, including infrastructure, water quality and industrial development. The integration efforts were intensified, with growing attention to recreation in the 1960s, and the evolution of the environmental discourse in the 1970s. The evolution of the environmental discourse was related to expanding economic productivity in the 1960s, which caused new problems, such as overproduction, rapidly expanding cities (sprawl) and environmental harm. Eventually, environmental awareness created a new, more environmentally friendly discourse, but not in time to prevent economic decay in the 1970s and 1980s. Markets were saturated, production processes were outdated and the environment needed immediate attention.

To summarize, during this period the policy arrangement largely centred around the national and local planning level. The actors at the regional planning level did not have a large role in land policy arrangement, and as a planning authority they mainly restricted themselves to infrastructure and regulating land use. Changes in the arrangement result from the discourse dimension, whereby social welfare, environment and integration are three discourses which determined what the arrangement

looks like. Changes in the rules and resources dimension largely follow adaptation of the discourse dimension. Still, the increase in regulation affects the actors of the arrangement, as it constrains their actions in spatial development processes.

From technocracy to multi-functionality in rural land development

The economic decay of the late 1970s and early 1980s resulted in a loss of momentum for spatial planning. Due to the stagnating economy, the municipalities were confronted with descending real estate prices and high interest rates on mortgages, which resulted in financial losses. This strengthened the caution of municipalities against taking (risky) land positions for urban development, and, likewise, increased their willingness to cooperate with private developers. Public authorities, especially municipalities, became more cautious on the land market and opted for regulatory planning, rather than development planning (Priemus and Louw 2003). To support public intervention in land rights for urban development, a new law was introduced in 1985. Because intervention in property rights is such a delicate topic in Dutch politics, even resulting in the resignation of several governments (in 1958, 1966 and 1977; De Vries 1989), it took until 1985 to establish new regulations to interfere in private rights in land. In this year, the political climate was such that a law, and accompanying instrument, was introduced: the Pre-emption Right Act. The aim of this law was to mitigate strongly increasing land prices, which put pressure on municipal budgets due to urban developments. The need for a broad instrument, applicable to all planning levels and in both urban and rural contexts, was emphasized. However, in 1985 the pre-emption rights instrument could only be used by national and local governments in inner-city areas and therefore only enabled these layers of government to pursue urban development. It took until 1996 to effectuate pre-emption right for urban development outside cities, and even until 2008 to effectuate the use by regional governments. In addition, the Compulsory Purchase Act — originally introduced to expropriate land for the construction of infrastructure, such as railways, waterways and national defences — was revised several times, alongside the introduction and revision of new laws, mainly to expand the planning objectives for which expropriation is possible, for instance nature conservation and recreational facilities.

Meanwhile, the emphasis on environment, nature and recreation highlighted the relatedness of urban and rural planning and the need for further integration. The replacement of the Land Consolidation Act — revised in 1938 and 1954 — by the Land Development Act in 1985 made it possible to include nature conservation and recreation objectives in rural land development, besides agricultural productivity objectives. Also the Act introduced a multifunctional approach to the development of rural areas, with a greater diversity of instruments for rural policy delivery. Land consolidation, which had been the main land policy tool since the 1920s, was replaced by land development, a less technocratic and more inclusive and multifunctional rural planning instrument (Van den Brink 2009). The introduction of the Land Development Act brought a broader perspective to rural areas and increased the role of regional planning authorities in land development processes. In 1994, a policy document was released, directed at the quality of rural areas, and with objectives to improve nature conservation (by creating a National Ecological Network, made up of existing and planned nature areas; the network was designed to link nature areas more effectively with each other, and with surrounding farmland), develop recreational opportunities, preserve cultural-historical valuable landscapes and enhance the quality of agricultural areas. The objectives were implemented by a national governmental agency that had been in charge of the delivery of rural objectives since the early days of land consolidation projects (see Van den Brink and Molema 2008). Land development was still used as the main instrument and (national) public authorities opted to acquire land voluntarily. Although regional planning authorities were involved in establishing the planning framework for these developments, in practice their role remained rather small, as the national governmental agency in charge of policy implementation was experienced in these kinds of processes and defended its law-based position. Furthermore, the tasks of the provinces were

foremost dedicated to sectoral policies and lacked overall responsibility for supra-local and regional spatial-economic policy (Lodders-Eifferich et al. 2008).

To summarize, in this period, alteration in the arrangement largely resulted from changes in the rules dimension. The new objectives and visions on spatial development, established in the previous period, resulted in changes in regulation in this period. Although the rules dimension altered the most, the changes in regulation also slowly increased the role of regional actors in the arrangement. Furthermore, changes in the rules dimension resulted in new resources, e.g. pre-emption right and budgets for nature conservation, which increased the planning powers of local and national governmental actors in the arrangement, and potentially enabled their agency in spatial development processes.

Neo-liberalism and market-led development

At the end of the 1980s, the emergence of a neo-liberal discourse and a parallel political discussion on involvement of society in political decision-making changed the relation between state, market and society. Although, in the scientific literature, the shift to a more neo-liberal planning system is often mentioned in one and the same breath with the shift from 'government to governance', there is no clear, singular or uni-linear development from government to governance in the Netherlands. The Dutch consensus and pacification democracy (Lijphart 1984) of the beginning of the twentieth century provides an early example of governance. The Dutch political system is based on the principles of consultation, cooperation and consensus (Duyvendak and Krouwel 2001). These principles are reflected in the decentralized planning system and the division of spatial planning tasks between the layers of government (national, provincial and municipality); regional and local government increasingly handle and supervise several (former) national tasks, including decision-making on financial budgets (Pierre and Peters 2000; Korthals Altes 2000; Eckerberg and Joas 2004). As the planning arena was opened to new (private) stakeholders, cooperation between agencies became more important (e.g. Healey 1997; Albrechts 2004). Governmental planning agencies relinquished their central role in spatial development processes (Marshall 1996; Pierre and Peters 2000; Cheshire et al. 2009). This brought about more multifaceted development processes, in which public and private stakeholders interacted, and communicated their interests, objectives and visions, while negotiating consensus to provide for the public interest.

The interrelatedness of urban and rural planning increased at the end of the 1980s, as urban growth could no longer be sustained within smaller developments in cities or at city edges. As a result of a new housing policy in 1989, and a new spatial planning policy in 1992, urban growth was focused within 'spill-over' areas in rural areas close to city boundaries (Van den Brink 2009). These new policies set the development agenda for governmental agencies, but affected property developers too. The new housing policy loosened the regulations in relation to the development of social housing, which increased the interest of the market, e.g. property developers, in housing development. As a result of the new spatial policy, local planning authorities identified 'search areas' for urban developments at the edges of cities and designated them on a map. As these search areas clearly indicated where land was needed for development, this opened possibilities for property developers to purchase land in rural areas at 'safe prices', i.e. without taking major financial risks in relation to development. Although the discourse on property rights remained largely the same, i.e. property rights were considered a fundamental civic attainment, the role of (private) land ownership in spatial development processes increased from this point forwards (e.g. Overwater 2002).

In the 1990s and early 2000s, the Dutch economy flourished. The prosperous economy result not only in optimism and rising stock markets, but also in thriving spatial development. The prosperous and stable economy proved to be a safe climate in which to invest in land and property for spatial development processes. Both public and private stakeholders took the opportunity and invested in land, especially for housing development. The larger role of private developers in spatial development processes influenced the power balance in planning practices. Market-led planning practices

from the 1990s onwards strengthened the role and power of private developers in planning processes. From a governmental perspective, the relation could be visualized as a struggle between encouragement of private development and fear for dependency on private developers. Although the economy flourished and both municipalities and developers made large profits, municipalities felt that a larger portion of the profit from urban development should be reinvested in the development of public facilities as a component of the social welfare philosophy. For this reason, provincial stakeholders chose to abandon their more traditional role as regulatory planning authorities to become active developing stakeholders (De Weerd-Van de Poll and Van den Brink 2005). The relation between private and public stakeholders became less top-down, and more based on partnership. Most of these new forms of cooperation are former business models adapted to use in spatial development processes. As governmental agencies now act as both regulator and partner in planning processes, it is difficult to maintain transparency and the equality of different partners in and between development processes. The fact that the public authorities own land could influence the planning objectives that public authorities set and seek to implement (see Needham 2007).

Additionally, the new housing and spatial policies, and their effect on the regional planning level, increased the debates within and between provinces to gain a larger role as spatial planning authority. For instance, the Association of the Provinces of the Netherlands (*Interprovinciaal Overleg*, IPO), as umbrella organization of all the provinces, initiated an ad hoc Committee Spatial Development Politics (*Commissie Ruimtelijke Ontwikkelingspolitiek*; IPO 2001) to study the role of the provinces within the spatial planning domain. The committee concluded that maintaining and promoting spatial quality was one of the main drivers for the provinces to get involved in spatial development processes. Likewise, the committee legitimized this focus on quality and integrated development of different land uses as the added value of the regional planning level. It advised investing in skills and expertise to strengthen the role of the provinces as the primarily responsible authority in regional planning processes. Although the IPO is an advisory organization, its lobby activities did influence decision-making to increase provincial planning powers from this moment onwards.

To summarize, in this period the stabilization in the land policy arrangement gave way to several alterations, occurring rapidly after one another, and in response to each other. First were the changes in discourse, i.e. neo-liberalism, market-led development, changes adjoining policy fields. These in turn changed the number of actors in the arrangement and their interactions in spatial development processes. The changes in discourse and adjoining policies (i.e. housing policy) enabled the private sector to acquire land for development, which simultaneously constrained the actions of public actors in the arrangement, especially at the local planning level. As a reaction to these alterations in the arrangement, the rules dimension was adapted to better support the delivery of planning objectives. However, the adaptation of the Pre-emption Rights Act did not sort the effect public actors had hoped for, and public planners had to rely on partnerships and negotiated deals to deliver planning objectives. Additionally, land acquisition or land ownership gained importance as a resource in development processes. It enabled private developers to access spatial development processes, and granted public actors more space to negotiate deals or initiate partnerships. The role of the regional planning level was still largely dedicated to mediation between national policy objectives and local planning implementation, but new discussions to strengthen this planning level emerged.

Decentralization and integration

In 2001, the planning discourse changed, as national government aimed to decentralize several planning tasks and integrate several policy fields. Previously, spatial policy documents had a strong focus on centralized planning, and were largely content based. In 2001, a new spatial policy was introduced with a stronger emphasis on decentralization of planning objectives, integrative planning processes and provision of guidelines, rather than core objectives. It supported the integration of urban and rural planning at regional planning level with the introduction of a new concept: 'Integrated Spatial

Development'. Integrated spatial development addressed several planning 'buzzwords', such as integration, transparency, openness and participation (Louw, Van der Krabben, and Priemus 2003; Boelens and Spit 2006). The introduction of this concept resulted in different hybrid planning forms, often referred to as metropolitan planning, development planning and (integrated) area development (Van den Brink, Van der Valk, and Van Dijk 2006; Korthals Altes 2006; Allmendinger and Haughton 2010; Roodbol-Mekkes, Van der Valk, and Korthals Altes 2012). The new policy opened the arena for regional planning authorities to get involved in larger regional development processes, combining the delivery of both urban and rural planning objectives in regional spatial development processes, including housing, infrastructure, nature conservation, recreation and spatial quality.

The preference for spatial development over regulatory planning stimulated the release of a National Land Policy in 2001 (Ministry of Housing, Spatial Planning and the Environment and the Ministry of Finances 2001). The reasons for such a land policy were plenty: land was scarce, land was essential for the delivery of policy objectives, and there was a need to re-evaluate land policies in relation to the national planning objectives. The National Land Policy contained the philosophy and choices of national government related to land acquisition (task-specific, anticipatory, strategic), and the use of land policy instruments (pre-emption right, expropriation) in the context of spatial development processes and the direct development strategies of public planning authorities. This included active participation of governmental agencies in planning processes to provide for planning objectives in the public interest and enhance the quality of use of land. The release of a National Land Policy also sparked many advisory and policy documents at the regional (and local) planning levels (e.g. IPO 2000), to outline and strengthen their land policies. As a result many of the provinces wrote their own land policy documents, although the content of the policies and the extent to which these policies emphasized an active role in land acquisition and spatial development processes differed. This was largely due to political and cultural differences between the provinces, and, likewise, their budget constraints (Van Straalen, Janssen-Jansen, and Van den Brink 2014).

In 2007, the Dutch government replaced the Land Development Act with the Rural Area Development Act, and in 2008 the government drastically revised the Spatial Planning Act to deal with flexibility and 'free-rider' behaviour in planning processes. The changes included a further devolution of planning powers to the regional and municipal governments, while simultaneously increasing the planning powers of regional governments to enforce spatial developments, infrastructure and housing. Regional planning authorities became (financially) responsible for the implementation of nature conservation and restoration, recreational opportunities and the quality of the rural areas. The provinces gained opportunities to overwrite municipal land use plans, access to the pre-emption right and additional powers to expropriate land. Furthermore, the 2008 Spatial Planning Act introduced a new spatial development instrument, the Land Exploitation Plan. The Land Exploitation Plan aims to regulate the behaviour of private developers on the land market and in housing development. The instrument allows municipalities and provinces to draw up a plan in advance of an area development and reinvest part of the profit of housing development in other public facilities (infrastructure, parks, nature, etc.). The tool is more in line with regulatory approaches to urban development, enabling municipalities to draw on legal certainty, than with flexibility in planning and leaving housing development to private developers.

To summarize, in this period the stabilization in the arrangement was not breached to such an extent as it was in the previous period. Still, changes in the discourse dimension added to the arrangement, for instance as integration and decentralization objectives enabled the planning powers of regional public actors. The changes in the visions on the delivery of planning objectives (discourse dimension) also resulted in alteration in the other dimensions. Rules were adapted, and new planning instruments introduced, which enabled regional planning level to gain access to both urban and rural land development.

Economic decay and deregulation

The prosperous era ended in 2008 with the collapse of the financial systems, causing a new economic setback. The large investments in land seen in the 1990s and early 2000s of both public and private stakeholders, and the negotiated agreements between the public and private stakeholders cooperating in spatial development processes, led to a mutual dependency between private developers and public authorities. Both suffered losses due to stagnating spatial development processes and high interest rates on investments (i.e. land); neither of the stakeholders was able to break through existing negotiated agreements without loss. Both parties needed each other to break the impasse on the housing market and to stimulate spatial development processes, either financial or regulatory. To the current date, the setback is continuing, sparking new debates on the role of governmental agencies and the private sector in spatial development, and the extent to which government has a political responsibility to provide for the delivery of planning objectives and social welfare system at large.

In 2012, the Dutch government presented its planning objectives in a new form, a vision on infrastructure and spatial development (*Structuurvisie Infrastructuur en Ruimte*, Ministry of Infrastructure and the Environment 2012). Although the content of the vision is similar to the previous spatial policy — a focus on integration, guidelines and broad planning horizons — the new vision is revolutionary in the sense that it includes the withdrawal of national government from many planning tasks. Intentionally, this withdrawal is not characterized as decentralization, but as deregulation. This change in vocabulary has a financial intent; while decentralization includes a transfer of accompanying budgets, deregulation explicitly opts to withdraw without budget transfers to other planning levels. For example, national government withdraws from its coordinating task in the regional distribution of housing developments and industrial sites. Now, it is left to provinces and municipalities to decide how they want to regulate and coordinate these types of spatial developments. Since 2012 several provinces have attempted to take over coordination of housing developments or the distribution of new retail locations within the province in individual cases, but municipalities feel threatened by the idea of losing business opportunities. To date, no province has released an overarching policy document to force municipalities to comply with their visions for the distribution of urban development within the province. Whether or not this deregulation will last is still to be seen, as new political debates on recentralization have recently commenced.

Although towards the end of the 2000s spatial development had become more integrative and included both rural and urban planning objectives, there is still some distinction between urban and rural planning. This is reflected, for instance, by the different ministries at the national level, responsible for agriculture and nature, infrastructure and urban development. However, after the most recent elections, the responsibilities for spatial planning, infrastructure and the environment were merged into one department.³ In addition, new political debates sparked by the financial losses of municipalities and stagnating housing markets have redirected the attention from ‘spill-over’ areas back to existing residential areas and city centres (e.g. brownfield locations and urban regeneration). Likewise, declining budgets for nature conservation and the quality of rural areas has led to re-evaluation of the implementation of these planning objectives by the provinces. Thus, there is the possibility that urban and rural planning will be more separated in the future. This is, however, still undetermined and largely depends on the economic prospects of the forthcoming years.

Even though the new path of both urban and rural development is not yet clear, there are interesting experiments happening in relation to the ‘old’ land consolidation instrument. The land consolidation instrument, which was replaced by the land development instrument, is gaining new attention for both rural and urban development. Regional planning authorities and land owners are experimenting with a voluntary form of the instrument to improve the allocation of land of individual farmers and deliver nature conservation objectives in rural areas. Simultaneously, the instrument has been reinvented to assist the regeneration of city centres and retail areas (*stedelijke herverkaveling*). Currently, the first experiments are being conducted to see whether the instrument

could be as effective as it has been for the development of rural areas. It should also be mentioned that currently a new and far-reaching legislation is in preparation, a so-called Environmental Act, which will encompass all existing laws and regulations on spatial development, infrastructure and the environment. It is expected that this new law will be enacted in 2018.

To summarize, with the collapse of the economy the land policy arrangement came to a standstill. First, the actors in the arrangement had to make inventory of their land acquisition strategies and evaluate the extent of their financial losses. After a period of relative quietness, the national public stakeholders were the first to react, by deregulating planning and thus influencing the discourse dimension of the arrangement. The changes also influenced the actors dimension as the (potential) planning tasks of provincial actors increased. Whether or not the provinces take up these tasks is still being debated in provincial politics. Because the economy is only very slowly recovering, it is still unclear how the changes will affect the stability of the arrangement and what decisions will be made with regard to rules and resources. Still, the assessment of actors, their new experiments with the land consolidation instrument and the wish to integrate several policy domains under one Environmental Law shows that new alterations to the arrangement are to be expected.

How the provinces have taken up their new abilities in spatial development processes

As a result of the changed planning discourse and the new planning responsibilities, regional planning authorities became more involved in the spatial development processes. Initially they focused on cooperating with municipalities and private developers, but from the 2000s onwards alterations in the land policy arrangement enabled them to take a leading role in the development processes or to participate in (risky) investments during these processes. In the development processes, both urban and rural planning objectives were combined, with the aim of dedicating some of the profits of housing development to less profitable parts of the plan, using concepts such as *red-for-green*. To reflect, in 2009 the National Council for Spatial Planning (VROM-raad) concluded that the most important financial source for developing spatial quality in the Netherlands resulted from the difference between the land acquisition price and the final housing prices. (VROM-raad 2009).

The strategies provinces chose to deliver planning objectives differ; not all provinces became equally active in the spatial development processes. Although the new instruments added to the planning powers of the provinces, many of them have not used these powers to date, or only in development processes on the regional scale level. The consensus-based approach to spatial development processes, cooperating with the municipalities and leaving implementation of processes to them, is still preferred by many of the provinces.⁴ Still, four provinces were so dedicated that they started their own land development department, usually in the form of a land bank, to enable land acquisition in spatial development processes (often using revolving funds). However, as the interviews showed, the provinces perceive land policies and land acquisition as tools to deliver planning objectives, rather than as the intended purpose of spatial development processes. Nevertheless one interviewee argued: 'land is very determining in the delivery of some provincial planning objectives'. Another proclaimed: 'the department for land affairs is an instrument to realise our visions'. Also, the provinces acknowledge the use of both regulatory and active land policy instruments. One interviewee reflected that 'one could work faster with both regulatory instruments and land acquisition ... Without acquiring land a project could take easily ten years before the development could even start'. Other provinces focused on their core planning tasks of nature conservation and restoration, and the quality of rural areas using the 'old' land development instrument, often in cooperation with or with assistance from the national governmental agency previously in charge of land development in rural areas. One interviewee responded: 'Since the new Rural Development Act, the province increasingly takes a directing role in (rural) development processes. This does, however, not necessarily mean a role as a leading authority; we simply seek the best fit for objective delivery'.

The interviews showed that the provinces made these choices deliberately, depending on the political climate of the Provincial Council and the culture within the institution. Still, several of the provinces depended less upon the required knowledge and skills to participate or lead such large projects. One interviewee explained the difference between municipal and provincial ability to involve in active spatial development processes: ‘When the municipalities are concerned there is an equal share between policy design, development, and construction, whilst the provinces mainly focus their attention to policy design ... The provinces still lack the culture to invest in property development’. Another interviewee indicated that the position of the provinces is shifting as ‘his’ Provincial Council simply explained that ‘we want active land development, you do not have to consider this, it suits us’. Several of the provinces are using their newly gained planning powers to struggle free from their position as intermediate between national and local planning level to be able to become a fully functional planning level with planning responsibilities at the supra-local and regional level. Still, the debates about recentralization of planning tasks, the long cultural background as intermediate, and the reluctance of municipalities to release control to the provinces counteract this process of empowering the provincial planning level.

The newly available Land Exploitation Plan did not change the active behaviour of several provinces. The interviews indicated that provinces are reluctant to use the instrument, largely because it is difficult to predict the costs of large-scale spatial development processes which include multiple (non-profitable) planning objectives and have a lengthy character, often spanning 20 years or more. In addition, the economic setback has made provinces more careful in the acquisition of land and active participation in spatial developments. One interviewee reflected on public-private partnerships and provincial investments in these joint processes: ‘five years ago this was very interesting, but now everybody has gotten very careful’. Another highlighted how past experiences have increased knowledge on the use of instruments and land acquisition:

In terms of professionalization, there are discussions to integrate different policy fields ... In this respect it is interesting to view that there are different Provincial Executives for nature conservation, water security, land acquisition, etc. and that they have to start cooperation ... there is a need and cause to connect these fields.

Another had similar reflections: ‘What adds to our reflections is the knowledge and critical mass that we have gathered since 2006. As civil servants, we now have improved knowledge to consider direct development strategies more thoroughly’. Finally, one interviewee reflected on the progress in nature conservation via spatial development processes. The interviewee argued that although there has been a large budget, the actual progress of the delivery of the objective was lacking: ‘We have acquired equal amounts of plots as trading objects, as we have acquired land in the locations we seek to develop the National Ecological Network’. This shows how decentralization of planning objectives and planning powers does not immediately result in success in the delivery of planning objectives in the public interest.

Discussion and conclusion

Changes in both the societal discourses and the political responses, and the day-to-day interactions of stakeholders interacting in spatial development processes, influence Dutch land policy. As many development processes and (political) policy discussions take place simultaneously, public and private stakeholders continuously influence the arrangement of the domain. Although this mutual influence might not directly breach the temporarily stabilization of the arrangement, in the longer run these interactions together bring about change. Changes are a result of constraining and enabling processes, an outcome of the interaction of stakeholders, strategies and regulation *within* and *between* spatial development and policy processes.

The analysis shows that from the mid-1980s onwards, the land policy arrangement became less stable. Through the late 1970s and 1980s, several occurrences pushed for change in the arrangement. Although these occurrences generally originated from outside the arrangement or even outside the

context of spatial planning, they affected spatial development processes to a large extent. An example is the economic crisis in the late 1970s and its far-reaching effects on municipal land development, and later on, provincial land development. Coupled with other changes in the discourse, such as environmental considerations, integration objectives and neo-liberal philosophy, and associated (new) rules and resources, the arrangement made a rapid alteration. Within a time period of approximately a decade, the arrangement reached a new temporal stabilization that was largely different from the previous one. This implies that the political momentum for a wider intervention in property rights via regulation and instruments, created by different external influences, changed the arrangement during the 1980s. Through the 1990s and 2000s, when private developers altered the moral of planning processes, the arrangement changed again, both rapidly and multiple times as changes occurred in several of the dimensions of the land policy arrangement. To explain, public and private stakeholders became involved in spatial development processes, and their strategic mobilization of rules and resources were the cause of new alterations. Even though the arrangement altered, the 1990s were a relatively stable period for the regional planning authorities in relation to the land policy arrangement.

The role of the regional planning authorities increased significantly in the 2000s to the present where they have become involved in 'integrated spatial development' and the urban developments in 'spill-over' areas. This shows how the stabilization of the arrangement, and the changes in the arrangement, are largely dependent on urban developments. Although the changes to the rural objectives and the decentralization of these objectives to the provinces have increased their ability to act in the land policy domain, rural development was less important to changes in the arrangement. Rural land development did not influence the arrangement to such an extent as the strategic behaviour of private stakeholders in market-led housing development did. One of the reasons for this is the profit that could be made with urban development. Rural land development, nature conservation and recreational objectives have smaller budgets and do not turn into profit. This made implementation of these objectives less interesting to private developers, and consequently the land policy arrangement in relation to rural development less dynamic than its urban counterpart.

The slow effectuation of regulation and instruments, such as pre-emption right, is considered a constraining factor from the point of view of the public interest. This can be explained by the strong property rights discourse, but also by the Dutch democratic system. In the Dutch democratic system, decisions are taken by administrations, consisting of coalitions of political parties with different political ideologies. In relation to the delivery of planning objectives, political ideologies and the 'fear to sear wings' on the topic of property rights prevented new regulations from being effectuated quickly.

Over a long time, the set of objectives to be implemented was largely inspired by the planning tasks and visions of national and local government. When private developers became involved, this changed, as the developers brought their own set of objectives inspired by business models and profit. From this moment onwards, land ownership became a strategy, thereby changing the use of land policies and land policy instruments, and likewise, changing the moral of spatial development processes. A stakeholder who owns land is able to get involved in land development processes, or even control the development. The course of history proves that land property is essential in Dutch planning processes, both enabling and constraining stakeholders and shifting power between stakeholders.

Land politics and political momentum have been important in the establishment of Dutch land policy. The political debates and choices have both enabled and constrained the arrangement evolution, and stakeholders to strategically mobilize, rules and resources, especially the private developers and the regional planning level. This underlines the importance of political choices, and how these choices are implemented via laws and policies. Political decisions at national level have enabled regional governments to get involved in spatial development processes and to use land policy instruments, thereby adding to the planning powers of regional stakeholders and their abilities to interfere in private rights. This shows the importance of the roles that politicians and governmental agencies arrogate to public and private stakeholders in the arrangement.

The choices of national government aimed at the integration of policy fields and active land development as instruments to provide integration at the regional planning level have influenced the planning powers of regional government. The initial decentralization objectives of national government related to rural land development and only enabled the provinces to become stakeholders in rural development processes. When additional changes in planning and land laws in the 2000s created opportunities to become involved in urban development, several of the provinces took the opportunity. The findings show that land acquisition opportunities have added to the power regional governments can mobilize to deliver planning objectives in the public interest, especially now that the national government has retreated from spatial planning and leaves it to the regional planning level to define (a larger part of) the planning objectives in the public interest. Yet the increase of the formal (planning) authority of the provinces and the changes in the Dutch administrative system when spatial policy-making is concerned has not changed the position of the Dutch provinces to date; the provinces still act as intermediaries between national policy-making and local policy implementation. The changes in their arrogated role, for example as a result of deregulation of national government, have not led to substantial changes in the provincial planning cultures. Therefore, the provinces are still largely dependent on their use of planning instruments and their cooperation with the local (municipal) planning level to implement national and regional spatial (planning) objectives.

Disclosure statement

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Notes

1. According to Hooghe, Marks, and Schakel (2010), the Dutch provinces have a reasonable amount of formal authority, in comparison with other European regions. They studied the rise of regional governments and measured their formal authority. Based on a dataset from 2006, the Dutch provinces were scored 14.5 on their 'regional authority index'. This figure is comparable with the Italian *Regioni a statuto ordinario* (14.0), lower than the German *Länder* (21.0), but higher than the *Regions* in the UK (4.0).
2. This search included the Archives of the Ministry of Agriculture, Nature and Food Quality, the Ministry of Housing, Spatial Planning, and a selection from the Archives of the Dutch Parlement: 2.11.93 Archief Directie Ruimte en Recreatie en taakvoorgangers van het ministerie van Landbouw, Natuur en Voedselkwaliteit (1973)1979–2005; 2.17.05 Archief Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieu (VROM): Raad van Advies voor de Ruimtelijke Ordening (RARO), 1965–1994 (1996) en idem (RARO) (1991)1995–1996(1998) en hun commissies en werkgroepen; 2.02.28 Archief van de Tweede Kamer der Staten Generaal (1949)1945–1980(1994).
3. In 2010, the ministries included Agriculture, Nature and Food Security; Infrastructure and Water Affairs; Housing, Spatial Planning and the Environment. In 2013, several tasks have been reassigned to new ministries. Planning tasks related to agriculture and nature conservation are now part of the Ministry of Economic Affairs, and tasks concerning infrastructure and spatial planning are now part of the Ministry of Infrastructure and the Environment.
4. See for a detailed overview of how the provinces have taken up their new planning powers as a result of the 2008 Spatial Planning Act, and their reasons for choosing different land policy strategies, Van Straalen, Janssen-Jansen, and Van den Brink (2014).

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