

PERFECT and cross departmental working

The environmental planning act is affecting all governmental levels in the Netherlands. From the national, to the provincial but also the water and health organizations such as Waternet and the GGD (mental health organization). I will explain something about the act, why it is introduced and what the consequences of the act are for the local government. Finally, I will explain why cross departmental working is an inevitable effect of the implementation of the environmental planning act.

What

The Environmental planning act aims to renew regulation of human activities with an effect on the physical environment. It is part of the Dutch 'Simpler and Better programme', that is established to create a better overview of the legislation in the Netherlands and make it easier to use.

The environmental planning act is the merging of approximately 26 acts and incorporates rules from other acts combined into one environmental planning act. The environmental planning act covers, amongst other; environmental protection, cultural heritage, nature conservation, water management and urban and rural development. With the environmental planning act the diversity of policy and legal instruments is reduced. Furthermore, it creates uniformity in procedures and the planning act is designed to align more with relevant EU Environmental Directives.

The environmental planning act introduces a new legal system, which orders the rules for the physical environment differently. With this new system the aim is to reduce the contradicting legislation, and to get the different authorities to align their policy between themselves. Furthermore, a digital system will be created that will show which rules are applicable on a location. Every level of government has to share its local data with this national digital system. For its users the information about the rules per location, and what you can and cannot do, will not only provide them with more information, it will establish a common information position between the authorities and its users.

In order to provide more room for initiatives, and make it easier for initiators to develop an activity in the physical living environment, the environmental planning act obligates the governments to provide a permit within 8 weeks (which can now be up to 26 weeks). The municipalities also have to determine whether they set a permit obligation after the introduction of the environmental planning act, or if a notification is sufficient. With the reduction of the term the initiator can be provided with information sooner, and it will be easier to apply for a permit.

The planned date that the environmental planning act will be in effect is now set on January 1st 2021. However, the authorities will get a transition period of 8 years until 2029 before the environmental planning act will have to be implemented completely.

Why

The coming of the environmental planning act finds its ground in the economic crisis in the Netherlands from 2009/2010. Due to the high number of legislations, difficult procedures and different authorizations, it was very difficult to launch an initiative in the physical living environment. Many initiatives died in its infancy, or were established with the help of an attorney. During the economic crisis this was a huge problem, as developments in the physical living environment laid still. Although we are no longer in a crisis, it is still not easy to get a permit for simple things such as the placing of a dormer or the expanding of a house. Therefore it is often up to the authorities to launch an initiative, or nothing happens at all.

The society is changing, and in recent years civilians became used to being more and more proactive. Almost everything can be arranged with the help of the internet, and companies are giving its users more responsibility by let them arrange things where the company is the facilitator. The basis of the environmental planning act is that it is the ground for less rules and more trust in the people who use those rules. The municipality can take the role of facilitator if citizens initiate developments themselves.

The environmental planning act demands a larger role for civilians by means of participation. Authorities have to consult civilians earlier in the planning process, and civilians are responsible for participation and creating support if they want to launch an initiative in the physical environment. The act does not prescribe how this participation process should be executed; therefore the municipalities and other governmental levels have to arrange this themselves. This will mean that after 2021 the authorities have to ask themselves per initiative what role they want to take, and if, and in what form, they would like to involve civilians. The authorities will sometimes be more of a facilitator that supports initiatives, but can also be initiator that is informing the civilians. Examples can be the self construction of a house, where the municipality is facilitating with advice and helps with the connection to the sewer and electricity. On the other hand there is for example the creating of a new subway line where the municipal only informs its citizens, and does not actively involve them in the process.

Aside from the benefits for the users of the physical living environment, the new act will introduce several ground for flexibility for the municipalities, so that solutions can be tailored to specific situations. This gives local government the possibility to deviate from national legislation, and set heavier rules for example air quality or smell load. Although the Netherlands is not a very large country, the local challenges are very diverse. As the rural areas are coping, for example, with

vacancies and brain drain, the larger cities such as Amsterdam have trouble to meet the high demand of houses. With the environmental planning act initiatives can be more applied to local developments.

How

The environmental planning act was composed by the national government, but it is up to all the municipalities in order to implement the act. In Amsterdam we are busy with the preparation of the implementation of the environmental planning act. With approximately 17.000 colleagues, we are establishing which parts of the municipal organization will be affected by the act. We are preparing for the new legal system, are digitalizing information in order to connect to the national digital system of the environmental planning act, and we are researching what we as organization have to do in order to provide a permit within 8 weeks. By executing several pilots, where we practice in a small area or department, we try to determine the impact of the act and make more clear what we have to do in preparation of the implementation.

Cross departmental working

But what has all of this to do with cross departmental working?

The introduction of the environmental planning act, and the merging of several acts means that it will be easier and more clear which rules are applicable on a certain location. If you have an initiative for the living environment you have to apply one, or a few, permits since the legislation is gathered into one act. This will make it easier to launch an initiative for its users.

The merging of regulation does not mean that certain laws will disappear. On the contrary, the law is still applicable, but for one permit several department and authorization bodies have to grant approval. Currently do the different permits one has to apply for, all the authorization bodies can grant approval separately. After the introduction of the environmental planning act the approval has to be granted, but the different authorization bodies have to do this together for one permit. If several governmental levels are involved, they have to align their policy. Moreover the approval has to be granted within 8 weeks

Therefore the environmental planning act will not make this simpler and easier for the local government, and cross departmental working is necessary under this new act.