

Flexibility beyond specificity

Flexible planning for complex urban projects

A case study on Dutch land-use plans for brownfield transformations

Michael de Baat

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“I feel however, that we architects have a special duty and mission to contribute to the socio-cultural development of architecture and urban planning”

Kenzo Tange 1913 - 2005

Colophon

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Preface

During my bachelor's and master's degree studies I gained more and more interest in urban transformation processes. Studio projects about transforming run-down urban areas were my favourite courses. This has to do with the fact that you can create vibrant urban areas out of forgotten industrial neighbourhoods. During my bachelor's thesis I researched how an unattractive industrial area which was not resistant to the effects of climate change, could be transformed into an attractive, functional and climate proof urban area. Based on interviews with businesses, residents and local governmental organisations I made urban renders to show the possibilities for urban transformation. After this more practical research I had myself intended to broaden my knowledge on brownfield transformation planning processes. My master's thesis gave me the opportunity dive deeper into the planning processes and related planning instruments behind brownfield transformations in the Netherlands. I am thankful for the fact that I gained so many new insights in the different planning approaches, planning processes, planning tools and planning theories related to urban transformations.

Firstly, I would like to thank my supervisor for this master's thesis dr. T (Thomas) Hartmann for his support, advice and critique on my work in order to improve the quality of the research. Secondly, Duncan van den Hoek for his support and knowledge. Thirdly, I would like to thank the department of Eenvoudig Beter (The Ministry of the Interior and Kingdom Relations) for giving me the opportunity to do my research at their organisation. Lastly, I would like to thank my family and friends for their social support and their involvement.

I hope that my MSc Thesis can contribute to the debate around land-use planning practices and that everyone enjoys reading it.

Michael de Baat

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Abstract

In planning practices a shift can be noticed from the rational comprehensive planning model towards a more neoliberal form of planning. The urban fabric has become a complex system in which more parties want to have say. At the same time, difficult interventions need to be taken to create a good urban quality of life. More often, the traditional planning tools are not capable of addressing all these trends. Planning agencies increasingly look for new and more flexible ways to manage new urban developments. In the Netherlands the land-use plan is the most important legally binding document. Here, the consideration between material and procedural certainty needs to be made. For this research, 50 land-use plans of brownfields have been analysed on its material and procedural certainty to be able to determine the flexibility level of the plan. In order to do this, a land-use plan assessment tool has been used which is presented in the latest planning theory. In addition, five semi-structured interviews have been held with municipal employees of the urban domain to investigate how urban transformations are led with flexible land-use plans in a country where spatial order is always created with strong interference of the government. The quantitative results show that land-use plans related to big area redevelopments are often highly flexible. However, the qualitative data shows that the land-use plan is often not the most important planning tool anymore for transformation processes. Urban development plans and urban vision have taken in a new position. This research gives new insights in more neoliberal urban planning approaches.

Keywords; legal certainty, flexibility, land-use plan, mixed-use, urban transformations, neoliberalisation.

Summary

Urban planning in the Netherlands has always been recognised as a well-regulated process. Both transformation processes and new developments are made possible by municipal planners with rigid planning instruments. Most often even an active land policy is pursued to get control over the situation. Although there are some opportunities for participation, this system of control encounters more difficulties more often. Not only do people want more participation possibilities, the urban planning challenges in the physical environment are also getting more complex. Sustainability measures, mixed-use possibilities, densification and complex urban systems are factors which transcend the regulating capacity of traditional planning tools. As a matter of fact, more and more municipalities create fuzzy maps with minimal legal possibilities to open up the discussion. Their answer to complexity is simplicity.

In the Netherlands the urban challenges are big. Densification of the already built up areas is one of the sustainability measures to preserve green land. Urban areas which are most suitable for this purpose are brownfields. These urban sites are often located in favourable places in inner-city areas, along waterfronts or along other transportation routes.

This research therefore analyses 50 brownfield land-use plans across the Netherlands. Part of these plans represent an urban transformation. For every land-use plan the average flexibility level will be determined. In other words, it will be analysed how much activities are permitted in the concerned land-use plans and under which legal instruments. This is done by using a land-use plan assessment tool presented in the newest theory on planning practises. Overall, land-use plans of transformation projects are highly flexible. Much functions are allowed with minimal legal instruments. Nevertheless, the complicated challenges as described above will not be solved automatically. Therefore, municipalities adapt to more facilitating roles. Before or during the drafting process of the land-use plan they make urban development plans or urban visions in which certain standards are set to make transformation possible. Together with stakeholders the challenges are addressed. Small developments are then legally settled in postage-stamp-plans or in other private agreements.

As all transformation projects and processes are different, local circumstances and other nuances need to be taken into account. Municipalities all have other time spans and give slightly other meanings to certain planning tools. Transformation processes really become custom-made. Nonetheless, some generalisations can be made on the basis of the quantitative and qualitative results when it comes to the planning approaches adapted by these municipalities.

This research provides new insights for municipalities and all other people who are interested in the field of tension between rigidity and flexibility for urban transformation processes. This topic will gain interest in the future as all land-use plans in the Netherlands will be abolished under the forthcoming Environmental and Planning Act. Under this act municipalities are obligated to make one environmental plan (omgevingsplan), in which more flexibility is pursued.

Chapter 1.

Window to the research on flexibility and mixed-use



This first chapter provides a small introduction into the background and motivation for doing this research. Hereafter, the changing dynamics in the Dutch planning system are further specified which results in the main objective for this research. Consequently, the societal and regulative evolvment around urban (re)development is further exemplified. In addition, an introduction will be given to brownfield (re)development. Lastly, the main and sub-research questions for this research will be given.

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Chapter 1.

Window to the research on flexibility and mixed-use

1.1. Introducing the research topic

Urban planning in the Netherlands has always been recognised as a well-regulated process where spatial order is created with strong interference of the government (Buitelaar & Sorel, 2010). Different urban functions have always been separated in urban development plans (Korthals Altes & Tambach, 2008). This strong interference can only be achieved with strict rules and regulations, which makes the Netherlands a 'planners paradise' according to Andreas Faludi. Patsy Healey furthermore said that there is a 'high degree of spatial order' in the Dutch planning system (Buitelaar & Sorel, 2010). This planning culture is based on the rational comprehensive planning model, aiming at preserving spatial and social order (Van Karnenbeek & Janssen-Jansen, 2018). Legal certainty is therefore more important in this system than flexibility (Buitelaar & Sorel, 2010). As a matter of fact, simple laws became inadequate as societies grew and got more technically advanced. At local and national level this resulted in complex building and land-use regulations in the planning field (Moroni, Buitelaar, Sorel, & Cozzolino, 2018). Nonetheless, this view on urban planning is changing. Different societal, environmental and institutional changes ask for a shift in the current approaches of the Dutch planning practices (Remøy & Street, 2018).

There is a shift taking place towards a more neoliberal form of planning. Within the regulatory spatial planning system steps are taken to introduce terms as; efficiency, flexibility, market based values and competition (Remøy & Street, 2018). More and more municipalities are looking for new instruments and strategies to adapt their planning system (Korthals Altes & Tambach, 2008). Less rules, more private developments and less interference on the governmental levels needs to lead to adaptable spatial planning. Simultaneously, socio-economic changes also challenges the Dutch strategic planning system. At the moment, parts of the Netherlands are facing a housing crisis. Suitable housing is often unpayable (Remøy & Street, 2018).

One of the binding instruments for spatial development in the Netherlands is the land-use plan, which is often seen as inflexible and static. The controversy may be true for the land-use plans before 2008. The legal certainty of these plans was low, because much of the land-use plans were older than ten years. After ten years the plans needed to be revised, most of which never happened. It was easier and faster to make deviations from the applicable land-use plan on the basis of article 19.1 of the WRO act. There were three to four times more exemptions from these old land-use plans than revisions of the plans (Buitelaar, Galle, & Sorel, 2011). In order to give the land-use plans more legal certainty again, a new act came into force on the 1st of July in 2008. This new Spatial Planning Act was implemented to bring back the number of grant exemptions. These grants, however, gave municipalities some kind of flexibility. By giving the land-use plan a strong steering and safeguarding function with this new act, the desired land use and the legal possibilities in an area were fixed again (Buitelaar & Sorel, 2010).

Nowadays the situation is radically different. In 2021 a new Environmental and Planning Act will come into force. With this act it is possible to better serve societal needs by using simpler and more effective legislation (Remøy & Street, 2018). One of the drawbacks is that clashes between environmental policies, urban design, health care and social and economic policies cannot be excluded (Stigt, Driessen, & Spit, 2017). However, in order not to create an unmanageable situation it is important to establish a framework with agreed-upon rules. According to the existing literature it is still unknown how to steer flexible urban developments with specific rules which can adapt to the changing societal needs (Van Karnenbeek & Janssen-Jansen, 2018). This knowledge gap is taken as the starting point for this research. In the next paragraph this knowledge gap will be further discussed in the present Dutch context.

1.2. Changing practices in the Dutch spatial planning framework

As explained in the introduction, the Netherlands which is known for its organised planning system, is at a crossroads (Buitelaar & Bergman, 2016). Legal planning procedures, policies and laws are being revised extensively (Korthals Altes, 2016). Already in 2011, the Dutch Minister of Spatial Planning wrote to the parliament that she was considering the abolishment of all land-use plans in the Netherlands. The alternative would be a planning by-law system which makes planning simpler, cheaper and more flexible (Korthals Altes, 2016). This is a startling measure in a country where there is a strong symbioses between local land-use planning and active land policies (Buitelaar & Bergman, 2016).

The new Environmental and Planning Act (2021) is at the core of this by-law planning system, based on the idea that there are too many laws. The new act includes the integration of 26 separate laws from the physical environment and the simplification of procedures (Remøy & Street, 2018). Various types of laws and permits in the field of the environment and planning needs to be merged. This moves beyond planning law as the ambitions are higher than simply introducing a new planning law (Korthals Altes, 2016).

Although the new act comes into force in 2021, there are already a few legal procedures and acts to give municipalities the possibility to experiment with creative and innovative urban projects. For instance, in 2010 the Crisis and Recovery Act was implemented to speed up urban projects by removing procedural hinderances. The act streamlines laws and regulations and gives municipalities the possibility to use new planning tools (Remøy & Street, 2018). One of the things municipalities have been able to do under the Crisis and Recovery Act is to by-pass land-use plan restrictions, for example when it comes to environmental contours. This made it possible to combine housing and industries. Due to the compact-city policy municipalities are looking for new strategies and instruments to realise these kind of possibilities. It has become an important aspect of the modern urban agenda (Korthals Altes & Tambach, 2008). This fosters efficient land-use and saves greenfield land (Ploegmakers & Beckers, 2015). Due to the increasing urbanisation rate planners try to make cities more sustainable by densifying the already built up areas (Hedblom, Andersson, & Borgström, 2017). In the Netherlands, there is a housing demand of 1.000.000 extra new build homes until 2030 (Ministerie van BZK, 2019). Part of this number can be accommodated on redeveloped brownfields.

Below the 'Crisis and Recovery Act', 'the Ladder of Sustainable Urbanisation', 'the new Environmental and Planning Act' and 'the National Strategy on Spatial Planning and the Environment' will be shortly described. These instruments are important within current urban (re)development in the Netherlands.

1.2.1. Crisis and Recovery Act

Due to the economic crisis of 2008, the Dutch government drafted a new crisis planning law which made it possible to reintroduce the exemption procedure and surpass restrictions of the land-use plan. The so called Crisis and Recovery Act was a modification to the rigid 2008 Spatial Planning Act (Janssen-Jansen, 2016). For complex urban redevelopments, environmental standards often form an obstacle. For noise, for example, other rules apply to the maximum amount of decibels when it comes to housing and industrial activities. Sometimes municipalities still want to construct houses on industrial plots for whatever reason. In these cases municipalities can make use of the Crisis and Recovery Act (Sorel & Buitelaar, 2012). The Crisis and Recovery Act will eventually blend into the forthcoming Environmental and Planning Act (Janssen-Jansen, 2016).

1.2.2. The Ladder of Sustainable Urbanisation

The 'Ladder of Sustainable Urbanisation' came into force in October 2012. It is a requirement for all new urban developments to improve spatial planning (Evers & Blom, 2016). Municipalities need to make clear how general planning principles are taken into account in their decision-making. Although it is a soft normative rule, local actors and opponents can use it to question the intended spatial quality (Salet, 2014).

Planning agencies have to go to three steps of argumentation for new urban developments (Salet, 2014):

1. What is the regional need for the intended urban or local development?

2. Can the intended development be realised within existing built up areas in the region?
3. If not, can the intended development be realised at nodes which are accessible via different modalities?

This ladder is the most important, perhaps the only, instrument the national government uses to steer urbanisation. All land-use plans which make new urban development possible need to motivate the three steps of the ladder (Evers & Blom, 2016). Justification of new actions is thus obligatory, but compliance is not monitored by the national government. Municipal planning agencies decide for themselves how precise their justification will be. The ladder is therefore simple in itself, but under certain circumstances it might become complicated (Salet, 2014).

1.2.3. The new Environmental and Planning Act

Under the new Environmental and Planning Act all 50.000 land-use plans in the Netherlands will be replaced by new municipal strategies called 'omgevingsplan'. Within these strategies a lot of flexibility is pursued to give room to desired societal activities. This is done through an environmental law named 'omgevingsrecht' (Van den Broek, 2014). This means that land-use plans are about to disappear from environmental law, but nobody exactly knows how this will work out in practice (Dembski, Buijze, & Van der Veen, 2014).

1.2.4. National Strategy on Spatial Planning and the Environment

The new National Strategy is a requirement of the new 'Environmental and planning Act'. Provinces and municipalities also have to draw their spatial strategy based upon this new act, taking into account the new National Strategy. Within the National Strategy four priorities and three principles for future spatial development are described. The four priorities are; 'enough room for climate adaptation and energy transition', 'durable and economic growth potential', 'strong and healthy cities and regions', and 'future proof development of rural areas'. Within every single priority three principles need to be followed, viz; 'the combination of functions is preferred over single functions', 'the characteristics and identity of an area is leading', and 'passing things on to next generations needs to be prevented' (Ministerie van BZK, 2019).

1.3. The research objective

This research is committed to analysing how flexibility in land-use plans is related to the creation of mixed-use areas, with special attention to brownfields. There are sites where transformation already happened or is happening. Here, municipal planners could have used of the Crises and Recovery Act to mix different urban functions. Besides, they probably need to take into account the Ladder of Sustainable Urbanisation. In fact, these municipalities are already experimenting with the possibilities under the forthcoming Environmental and Planning Act. These municipalities can be seen as frontrunners in the field of flexible planning practices. How these municipalities really shaped their planning processes and used their land-use plans to create mixed-use areas is still to be researched.

After the implementation of the new Environmental and Planning Act in 2021, every municipality needs to incorporate more flexible planning approaches and draft more open plans for new developments. How this works out in practice is not exactly known yet (Dembski et al., 2014). The only assurance there is, are the outcomes of those who already experimented with flexible planning approaches and open plans under the already available planning tools.

For creating mixed-use urban environments on brownfields new planning approaches and different interpretations of planning tools are needed. Therefore, municipalities which are transforming brownfields, need to be seen in their geographic, economic, social and ecological context (Korthals Altes, 2016). For that reason, this research analyses the land-use plans and associated zoning maps of 50 different industrial sites in the Netherlands to measure the amount of flexibility within these land-use plans. The chosen plans are a mix of new, old, mixed-use and single use land-use plans. Additional interviews will be held with municipal planners to learn more about their planning approach for transforming brownfields into vibrant urban areas.

Therefore the main objective for this research is; ***“Researching the mixed-use possibilities on (run-down) Dutch brownfields by analysing the amount of flexibility in the land-use plans and the associated municipal planning approach”***.

1.4. The societal evolvment around urban (re)development

World-wide, societies are demanding more influence in urban development and spatial planning. Space, planning and development related to the built environment shows a trend of 'neoliberalisation'. It can therefore be noticed that power and responsibilities of planning authorities are increasingly shared with lower authorities or third parties (Heurkens, 2017). As a result, the planning instruments also need to accommodate their desires in one way or another. It can be questioned if the professional planners in the public sector can still continue to create technical land-use plans and take decisions on behalf of the people in a certain area, without facilitating the discussion among inhabitants, private partners and other public sectors (McClymont, 2014). However, the strategy that needs to be deployed to facilitate the growing private involvement into the planning process is still contentious (Heurkens, 2017).

In plan-led systems, like in the Netherlands, legal grounds and permission for construction activities are provided by land-use plans. Future changes in land use may conflict with the regulation of current land uses (Korthals Altes, 2016). On the one hand the belief arises that urban planning needs to enable self-organisation to ensure that current and future inhabitants will tailor urban spaces to their usage (Savini, Majoor, & Salet, 2015). On the other hand, there is an increased desire to create desirable future scenarios by guiding urban change. In other words, there is a dilemma between open and closed planning. The real debate is actually more about the amount of legal certainty and flexibility within urban planning and land-use plans. On the one hand legal certainty defines desirable land uses and avoids undesirable land uses, but leaves little room for unplanned innovation. On the other hand a great amount of flexibility can result in disorganised and adventures processes where the different actors have no clear image of the end state (Savini et al., 2015).

1.4.1. The societal challenges in urban (re)development

Due to the scarcity of land in the Netherlands, old industrial areas need to be reused sustainably to realise sustainable economic growth. These areas are inefficiently used because of a lack of commitment from the owners, a lack of occupancy and rapid obsolescence (Blokhuis & Schaefer, 2007). To turn the tide, flexible rules can be implemented to attract other uses. However, fewer restrictions for commercial and industrial sites for functions and design uneasily relate to the regulations for land uses and the control over economic development (Remøy & Street, 2018). Plans that serve as blueprints for urban (re)development offers both investors and local residents the certainty they want, but mostly fail to manage urban transformation processes. Additionally, as circumstances change rapidly, stability or certainty offered by a strategic plan is always provisional. As a result, spatial planning needs to be formed by experimentation and planning tools drawn up with stakeholders. The danger is that this can lead to unstable situations due to changing actors, preferences and situations (Balducci, Boelens, Hillier, Nyseth, & Wilkinson, 2011). It also means that flexible planning gives municipalities fewer possibilities to govern these processes (Remøy & Street, 2018). Uncertainties in land-use plans may also chase away property investors as well as individual residents (Korthals Altes & Tambach, 2008). Therefore, entrepreneurs and municipalities play a key role in redeveloping projects to guide the process (Blokhuis & Schaefer, 2007). With the involvement of more parties, innovative solutions can be created which enhances the urban quality. Also mixed-use developments are more likely to arise. This requires a new way of planning and zoning to facilitate flexible developments in a well-balanced way (Korthals Altes & Tambach, 2008).

Creating good quality urban spaces through urban redevelopment can be done with or without active involvement of the government. In the Netherlands it is still very common that the government is involved in urban regeneration projects. They have a role in spatial planning with a close relationship to housing production (Spaans, Trip, & Van der Wouden, 2012). Often, an active land policy is executed with regulatory tools such as zoning maps. These tools help to steer spatial developments and to secure the provision of public goods (Buitelaar, 2010). Policies secure the legislation system and provides certainty for all (Spaans et al., 2012).

Certainty and flexibility are determining the future uses of an urban area. The more flexible a land-use plan is, the more different functions may be present at the site. Mixed-use areas are, however, not a guarantee for success. Because of the uncertainties involved in mixed-use and flexible planning approaches it may be less attractive for future residents and property investors. More certain plans create areas where a stricter separation between housing, industries and

other functions exists (Korthals Altes & Tambach, 2008). The next paragraph will describe the regulative aspect of urban (re)development in relations to flexible approaches.

1.5. The regulative evolution around urban (re)development

Organisational and administrative structures are moving away from rigidity to be able to tailor planning processes (Tasun-Kok, 2008). According to critics of spatial planning, less specific and more flexible rules are needed (Korthals Altes, 2016). Procedures have become a complexity in themselves and are perceived as unnecessarily restrictive to spatial initiatives (Gerrits, Rauws, & de Roo, 2012). However, combining flexibility and certainty in a concrete strategy is still very difficult. Therefore, planners are trying to balance the amount of flexibility in planning practices in order to prevent messy and chaotic processes (Tasun-Kok, 2008).

Planners are increasingly trying to establish constructive planning frameworks with both conforming (certainty through zoning) and performing (strategic flexibility) elements (Steele & Ruming, 2012). Nevertheless, certainty is still a key driver for development as efficiency, speed and accountability are indispensable factors in planning projects (Steele & Ruming, 2012). However, in the Netherlands, which is strongly institutionalised, there seems to be a tendency of reducing control over urban (re)development (Buitelaar & Bergman, 2016). In plan-led countries, planners are seeking for planning approaches which embrace terms like 'uncertainty', 'incompleteness' and 'different alternative futures'. Therefore, plans and decisions need to be exploratory, flexible and experimental to be able to cope with people's changing desires (Balducci et al., 2011).

1.5.1. Flexibility versus legal certainty

The trade-off between legal certainty and flexibility lies at the heart of every planning system. In the Dutch planning system legal certainty is still more important than flexibility (Buitelaar & Sorel, 2010). Hartmann and Needham (2012) wrote that a reinforcement of the democratic decision making is needed to create sustainable spatial developments in which not specific interests but the common welfare is pursued. This means that there is a close instrumentalism on goal-specific tasks (Savini et al., 2015). Contrarily, a recent planning theory by Van den Hoek, Spit & Hartmann (2020) considers legal certainty and flexibility as communicating vessels. Within certainty there is a procedural legal certainty and a material legal certainty. The amount of certainty regarding the content of the right of ownership and the certainty provided by land-use plans is seen as the material legal certainty. How much certainty people have that they will have a say in the changing restrictions of ownership right is seen as the procedural legal certainty (Buitelaar & Sorel, 2010). On the other side of the spectrum there is the amount of flexibility in planning systems. Flexibility is determined by the factors space and time in planning processes and can be more or less rigid. The fixity of the boundaries of space and time can exclude flexibility in planning processes. Space and time can therefore function as fixed conditions for interventions (Savini et al., 2015).

Furthermore, flexibility in planning systems is also determined by the legal regulations. This consists of material norms and procedural norms. Examples of material norms are: noise contours, pollution contours, safety contours and building regulations. These are the substantive norms to defend, mitigate and manage the different claims on land and to defend against conflicts (Savini et al., 2015). Increasingly complex legal systems at national and local level have emerged as societies became more technically advanced and larger (Moroni et al., 2018). Creating creative urban spaces is hampered by the solid apparatus of prescriptions and restrictions as a result of the increasing instrumentalism. This solid apparatus is seen as an obstacle, which is opposing creative thinking, individual freedom and collective action. Controversially, some see flexible planning as unstable and unpredictable (Savini et al., 2015).

Procedural norms are the procedures under which certain activities are allowed within a land-use plan (Van den Hoek et al., 2020). Procedural norms were and are introduced to create pathways for effective policy-making and spatial planning processes (Savini et al., 2015). Yet, it can also be argued that that complex urban systems need abstract, end-independent and general rules instead of even more complex rules to foster urban development (Moroni, 2007). Over the last decades instruments like strategic visions, strategic maps and orientation maps have been drawn up to endow flexibility and open up participative governance (Savini et al., 2015).

The question raises what kind of strategies municipalities are deploying to realise sustainable urban projects (Heurkens, 2017). The complexity of these strategies is related to the geographic, demographic, economic and ecological characteristics of the concerned area. Different interests, needs and preferences need to be taken into account (Korthals Altes, 2016). The next paragraph will shortly introduce the term 'brownfields' as brownfields are the research unit for this study.

1.6. An introduction to brownfield redevelopment

The trade-off between certainty and flexibility in planning is especially visible in brownfield redevelopment processes (Zwiers, 2018). Brownfields are designated as underutilised, vacant, or abandoned commercial or industrial sites where environmental concerns impede redevelopment, reuse and expansion (Paull, 2008). Redevelopment of brownfields has always been challenging due to the multiple dimensions it encompasses, like; the environment, economics, planning and policies. Therefore, academic debates around urban redevelopment continue to be important as cities try to reinvent themselves (Zwiers, 2018).

Due to the current population growth, more housing units, commercial buildings and infrastructure is needed which often leads to the vanishment of open space. From this point of view, there is a higher pressure to recycle abandoned land. This pressure is even greater when populations in growing economies demand more upscale housing units (Swickard, 2008).

Especially in the Netherlands, where land is scarce, mixed-use concepts are promoted (Hoppenbrouwer & Louw, 2005). When favourable places near city centres with polluted soils are cleaned up, win-win situations might emerge for all parties involved (Nijkamp, Rodenburg, & Wagtendonk, 2002). Here, working facilities, living units and other uses could be combined to reduce travel time, energy use and pollution (Hoppenbrouwer & Louw, 2005). In the context of the Dutch compact city policy this is an interesting strategy to create sustainable cities (Nijkamp et al., 2002).

One of the biggest uncertainties developers face when redeveloping brownfields is the scope and level for cleaning up the site (Swickard, 2008). But it is not only about the investment costs to remove environmental loads or to rehabilitate the abandoned areas themselves. It is also about the long-term integration of the site within the city and the region. Therefore, a multitude of actors is needed in the plan making process, like officials from all levels of governance (Jamecny & Husar, 2016). From this perspective, the re-adjustment of urban land leads to complex technological, financial and above all procedural questions (Nijkamp et al., 2002).

According to Swickard (2008) governmental regulators and lawmakers must recognise the necessity to facilitate brownfield redevelopment by maximising the clean-ups of urban brownfields nationwide. The lack of certainty about the end result of the redevelopment makes it difficult to accurately estimate the time and costs of the project. Because of the unpredictable outcome of introducing mixed-use on abandoned commercial and industrial sites, regulatory agencies must provide flexibility in the scope and level of brownfield utilisation and institutional control over appropriate and varied end uses (Swickard, 2008). In other words, when regulatory agencies provide flexibility in the end uses on former brownfields, redevelopment can be fostered.

1.7. The main and sub-research questions

Based on the reviewed literature a theoretical approach to flexibility in land-use plans is lacking. There is a gap in the planning science related to flexibility in land use-plans and the amount of permitted activities. Therefore, the interplay between flexibility and multifunctional land use is an underexposed subject. This research will dive into this scientific gap by analysing dozens of land-use plans of industrial areas on their flexibility. Especially when it comes to transformation processes flexibility can play an important role. Hereafter, in-depth research will be carried out to understand why certain plans are as flexible or certain as they are.

The main research question for the research therefore is;

How does flexibility in land-use plans and zoning maps help municipalities to create mixed-use areas on run-down brownfields in the Netherlands ?

This main research question is substantiated by three sub research questions;

- *How much flexibility are municipalities incorporating in their land-use and zoning plans to create mixed-use areas?*
- *What are the planning approaches the different municipalities are following to create mixed-use areas?*
- *What is the causal relation between flexibility and mixed-use planning approaches?*

Chapter 2.

Design of the study



This chapter is concerned with the performance of the research. The research approach, the research design and the data collection methods will be described. It will be explained how both quantitative and qualitative datasets are used to formulate an answer to the main research question. Also the trustworthiness of the research will be addressed.

Chapter 2.

Design of the study

As can be concluded from the previous chapter the trade-off between flexibility and certainty in planning practices is causing complicated situations. These situations get even more complicated as the challenges urban areas are confronted with grow bigger. Due to multiple practical reasons planners all around the world started to look at brownfields for redevelopment to accommodate some of these challenges. This often requires new and innovative ways for both technical and juridical issues related to brownfield redevelopment. Here, flexibility in planning often plays an important role to make things happen. In the Netherlands the planning challenges are very big and complicated. Many municipalities are experimenting with flexible zoning maps and land-use plans for brownfield sites, industrial areas, harbour areas and office areas. Municipal planners tempt to make mixed-use zones to facilitate, among other things; business units, industries, houses, retail, residential buildings, sports and the like. However, up until now very little to no research has been carried out to measure the level of flexibility in these plans. Also it has not yet been researched what kind of trajectory these municipalities are following to achieve well-working and efficient mixed use urban areas on former brownfields. In essence, research on flexibility in land-use plans and zoning maps for pursuing mixed-use on brownfields in the Netherlands is very thin.

Therefore, within this research 50 land-use plans with associated zoning maps will be analysed to measure the amount of flexibility by using the assessment tool presented by Van den Hoek et al. (2020). Additionally, five municipal employees from the spatial domain will be interviewed to get a grip on the planning process they followed to create mixed-use possibilities on brownfields. It will give more insight in the planning tools they use and how they use these planning tools. This research will be the first of its kind using both quantitative and qualitative data for measuring the flexibility level of land-use plans and analysing the associated municipal planning approach for establishing vibrant and mixed-use urban areas on brownfields in the Netherlands.

Below it will be outlined how this research is set up, how the data is collected, how the data is analysed and the how the trustworthiness and validation of the collected and analysed data is maintained.

2.1. Research approach

The objective of this master thesis is thus to gain understanding about ***how much flexibility municipalities incorporate(d) in their land-use plans and zoning maps to be able to create mixed-use areas and what kind of planning process they follow(ed)***. New insights on this topic could help other municipalities to prepare for the new Environmental and Planning Act. This objective is thus twofold. On the one hand this research tries to measure the amount of flexibility in land-use plans and zoning maps and on the other hand it tries to explore the (planning) processes they implemented. To date, little is known about how flexibility in land-use plans and zoning maps is incorporated to transform brownfields into mixed-use areas and how this works out in practice.

From this objectives perspective an exploratory research will be executed. This research will use both quantitative and qualitative datasets.

The quantitative approach has some basic characteristics. According to Kumar (2019) it follows the philosophy of rationalism. The quantitative approach follows a grid, it tries to quantify the different variations in a phenomenon by using a predetermined and structured set of procedures. Within the process there is an emphasis on the measurement of variables. It therefore believes in the substantiation of a large sample size. The findings of the quantitative approach are communicated in an analytical manner, which can be generalised.

The basic characteristics of *the qualitative approach*, on the other hand, follow the philosophy of empiricism (Kumar, 2019). This is based on an open, unstructured and flexible approach to research. The emphasis is on diversity, rather than quantifications. This means that perceptions, feelings and experiences are more important. Consequently, there is less emphasis on generalisations.

As this research uses both quantitative and qualitative data to find answers to the research questions, it uses the strengths of both methods. With the quantitative approach, the extend of the phenomenon is determined. The qualitative approach is hereafter used to explore the variation of the phenomenon (Kumar, 2019). Within this research, the quantitative approach is followed up by the qualitative approach. First, the amount of flexibility within land-use plans is measured. Second, the end-spectrum results (the land-use plans with exceptional outcomes) are selected. The concerned municipalities are then asked if they would like to have an interview about these land-use plans and their planning approaches. Only municipalities who are making or made plans for brownfield transformation are being interveiwed. This enquiry can be stipulated as a multiple methods study.

2.2. Research design

The discussion about the trade-off between flexibility and certainty within planning literature is not something new. This research uses planning theories behind this discussion to measure the flexibility within land-use plans. The literature lacks insight when it comes to the different planning approaches municipalities are using to create mixed-uses on brownfields. This research offers new insights in the phenomenon of flexible land-use plans and the associated planning approaches for creating mixed-use urban areas on depilated brownfields. This research can for this reason be stipulated as an explanatory research study.

The *Explanatory Research Design*, also known as the *Explanatory Sequential Research Design*, is a two-phase mixed method. In the first phase, quantitative data is collected. In the second phase, the qualitative dataset follows from the quantitative dataset of the first phase (Kothari, 2008).

In this model, hereafter called the *follow-up explanations model* (Illustration 1), the researcher identifies quantitative results that need additional explanation (Creswell, Plano Clark, Gutmann, & Hanson, 2003). In this research, 50 land-use plans are examined on their flexibility. The plans with the most exceptional outcomes are ranked. These plans have the highest static difference within the group because the plans score at extreme levels. In addition, qualitative data is collected from people who can help explain these findings. These people are the municipal employees who work or worked on the concerned land-use plans and zoning maps or were involved in the transformation project.

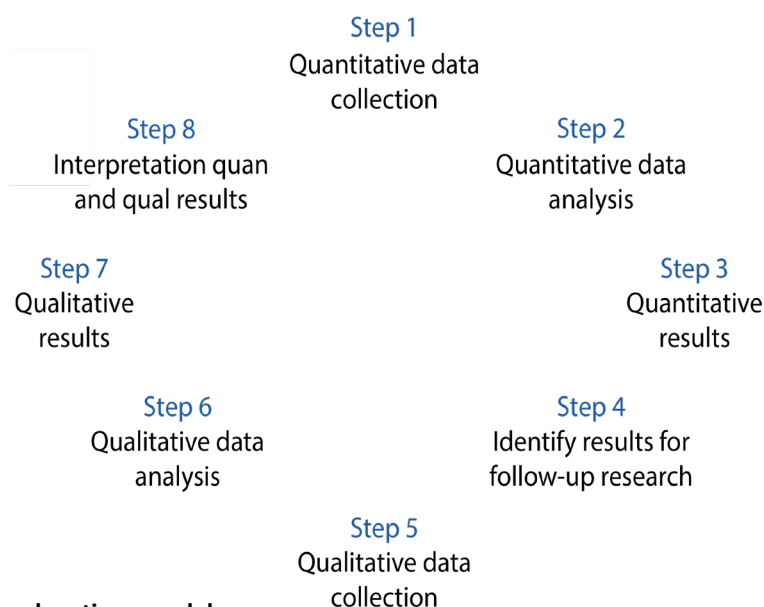


Illustration 1; Follow-up explanations model
Reproduced from (Creswell et al., 2003)

2.3. Data collection methods and data analysis

Based on the follow-up explanations model, two different phases of data collection can be distinguished within this research. This paragraph will describe what types of data collection methods are used and how this will answer the main en sub-research questions. First the way the literature research has been executed is described.

2.3.1. Literature research

The real substantive research started by executing an extended literature research. This literature research or theoretical framework (chapter three) goes further into the debate among theorists and practitioners about the trade-off between legal certainty and flexibility. Theories about legal certainty and flexibility in planning practices are the two main building blocks of this research. The theoretical framework also dives into one of the most important planning tools which forms the bases for creating mixed-use areas, namely the land-use plan. Within the literature on land-use plans a model has been presented for analysing the level legal certainty and flexibility. Lastly, the theoretical framework also highlights the literature on brownfields and explains why these areas are important and interesting places for redevelopment. Search terms that have been used during the literature research are terms like; flexibility versus certainty, flexibility in land-use plans, formal planning instruments versus flexibility, legal planning rules, flexibility versus rigidity, flexible zoning maps, fluid zoning maps, brownfield redevelopment, mixed-use on brownfields, changing planning paradigms, and so on.

This theoretical framework gives important assets to continue with the research. It provides the basis for further investigation. How this investigation takes further shape is described in the following sub-paragraphs. Here, the land-use plan analysis and the semi-structured interviews are described. The data derived from these two methods will eventually be linked to the theoretical framework to expand the literature on the research topic.

2.3.2. Land-use plan and zoning map analysis

After the theoretical framework was finalised, 50 land-use plans with corresponding zoning maps were analysed by using the theory and assessment tool as presented by Van den Hoek et al. (2020). This extended analysis aims to answer the first sub-research question which is quantitative in character.

The assessment tool presented by Van den Hoek (2020) makes use of two axes to determine the flexibility within a land-use plan (illustration 2). Every axis is one assessment unit. The assessment unit that ranges from rigidity to adaptability is largely determined by the procedure time to deviate from the land-use plan for a certain activity. In the Netherlands there are six procedures that can affect the assessment unit between rigidity and adaptability. Municipalities have the freedom to choose which procedures they use in their land-use plans (Van den Hoek et al, 2020). The more procedures they use, the more rigid a land-use plan is.

The other axis, ranging from specific to open, shows the amount of permitted activities. Municipalities can zone one or multiple activities in a certain area. The assessment unit is covered by the allowed amount of activities. In the Netherlands fourteen different land-use activities are distinguished. Some activities, like businesses and the catering industry, are subdivided in categories. For businesses there are four categories and for the catering industry there are five categories related to the environmental impact. Here, the openness is not only related to the amount of activities, but also by what is regulated under the different categories. The more activities are allowed, the more open the plan is. Besides usage-rules, a land-use plan also contains building-rules. Building-rules are related to construction requirements (Van den Hoek et al., 2020). These rules are not taken into account in this research.

In short, the horizontal axis determines the amount of legal instruments used in the land-use plan and the vertical axis is determined by the amount of allowed activities in the land-use plan. The overall score of the flexibility can be presented by doing two calculations. In Chapter four it will be explained how the assesment tool is exactly used, but the overall scores allow for quick comparisons between different land-use plans (Van den Hoek, 2020).

2.3.3. Geographical context (research area)

The assessment tool as described on the previous page has been used to analyse 50 selected areas, so-called brownfields. The selected areas include harbour areas, railway areas, business districts, office areas and industrial sites. For a list of the names of all the sites, consult appendix 1. As can be seen on the map 1 there is a balanced geographical distribution of the selected areas over the country. This enables the researcher to compare the outcomes of different planning strategies between municipalities. In one part of the country it may be easier to find flexible plans than in another. This also enables the researcher to draw conclusions on where flexible land-use plans occur by looking at area characteristics. Flexible land-use plans and zoning maps with exceptional outcomes will be subject to further investigation. Not all analysed land-use plans are flexible plans. Around half of the number of the analysed plans can be stipulated as flexible or partly flexible. The other half of the analysed plans are traditional land-use plans. For this research it is important that the sample size includes many flexible land-use plans percentage wise. Yet, within the Netherlands, there are not many flexible land-use plans. This is the reason why land-use plans are handpicked by the researcher. The researcher needs to be sure that there are enough flexible land-use plans included in the research. Land-use plans are handpicked online on www.ruimtelijkeplannen.nl. Flexible land-use plans can be recognised by their zoning map, which are often totally or partly coloured orange or white. For this reason this research makes use of the 'purposive sampling method', also called the 'judgemental sampling method'.

Crucial in every research is the data collection. This data is used to create a better understanding of the topic and to expand the theoretical framework. The purposive sampling technique does not need a set number of participants or specific underlying theories. In this non-random technique the researcher decides what information needs to be known. Information-rich cases are selected by the researcher which are well-informed with a phenomenon and which can supply the researcher with useful information. Besides the available knowledge and experience within the cases, the idea behind purposive sampling is to use cases with certain characteristics which will better inform the research. More specifically, this research uses the 'extreme or deviant case sampling' technique within the purposive sampling method. The extreme case sampling focusses on cases which are unusual or atypical and is often used when researchers want to develop 'best practice' guidelines (Etikan, Musa, & Alkassim, 2016). These extreme cases are land-use plans with atypical characteristics.

2.3.4. Semi-structured interviews

In cases with significant outcomes, explanations are needed which include the exact meaning given by a respondent. The underlying intentions of that meaning can only be understood when explained by the respondent (Kumar, 2019). Within this research, exceptional outcomes of flexible land-use plans are the guiding principles for selecting the interviewees. See illustration 2. It is assumed that flexible land-use plans end-up in the 'empty plan corner' for transforming brownfields into mixed-use urban areas. This is an assumption and does not necessarily have to be the case. Land-use plans with flexible characteristics could also end-up in other corners. In other words, land-use plans with flexible characteristics which are far apart from each other on the scatterplot will be subject to further research. This is done in order to find different planning approaches related to these flexible land-use plans. The interviewees are municipal employees who were involved in creating the flexible land-use plans or planning process.

By researching the different municipal planning approaches for creating mixed-uses on brownfields, no simple 'yes' or 'no' questions can be formulated. Open responses of the interviewees are needed to get insight into their approaches. This is the reason for conducting semi-structured interviews. Lists with predetermined topics have been prepared (see appendix 4). This interview-style allows the interviewer to discuss issues with the municipal employees they think are important when it comes to the land-use plan and the planning approach. The topics must be chosen in such a way, that it allows for comparison between the municipalities although they (probably) implemented other approaches. The interviews will be recorded and transcribed. Transcribing will take place as soon as possible after conducting the interview. This is done to maintain accuracy (Longhurst, 2010). The interviews will take place via Skype or via phone calls. While writing this research, a flu pandemic is swiping over the world. For this reason the semi-structured interviews will be held via Skype meeting or phone calls.

In the final stage of this research, both the quantitative dataset and the qualitative dataset will be compared to see if the adapted planning approaches by different municipalities have corresponding characteristics. In addition, the two datasets will also be used to see if certain flexible land-use plans are really as flexible as they seems to be at first sight. Finally, by integrating the two datasets an answer can be formulated to the main research question by describing and integrating the outcomes.

2.3.5. Trustworthiness and validation

The follow-up explanations model is the most straightforward design of all mixed methods. The two-phase structure makes it possible to collect two types of data at two different times. Therefore, the final report can also be written in two phases, which makes it possible to provide a clear delineation (Creswell et al., 2003). The model is also useful for researching complex situations from different dimensions by using multiple methods what leads to the enrichment of data. The first (quantitative) dataset is enriched by the second (qualitative) dataset by using a different perspective. Consequently, triangulation enhances the accuracy of the findings and enriches the gathered information. The literature review, carried out earlier in the process, helps to integrate the findings with the existing knowledge (Kumar, 2019). Besides comparing different datasets, it is also important for the triangulation of data that different respondents' perspectives are compared. Triangulation of data is the core justificatory principle of using the follow-up explanations model. Researching a phenomenon from different perspectives creates a more informative, nuanced and valid image of what is going on. There is the possibility that different methods create discrepant outcomes, but this is often seen as a reason for further investigation (Torrance, 2012). Nonetheless, it takes much time to work with two phases. Overall the qualitative phase takes more time than the quantitative phase. Although the amount of interviews will be limited to five, adequate time must be budgeted (Creswell et al., 2003).

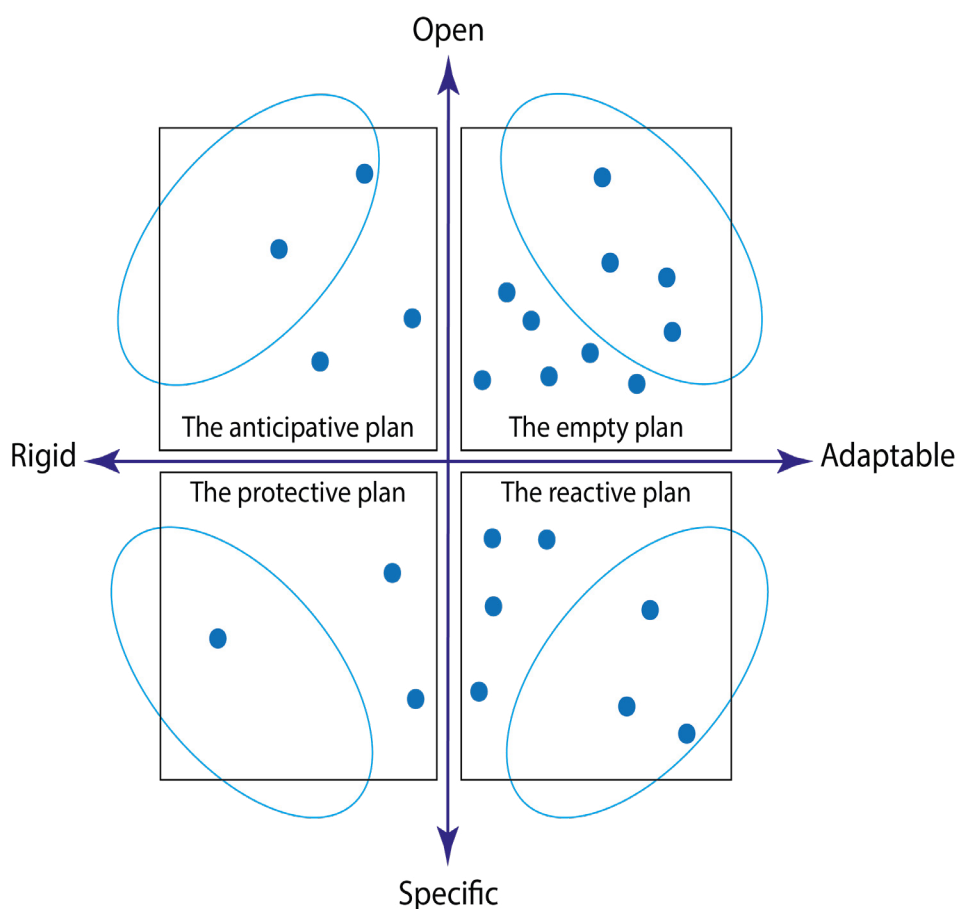


Illustration 2; Circles indicating the land-use plans for further research.

Chapter 3.

Corresponding planning theories



This research is substantiated with different planning theories. In this chapter, these theories will be outlined and the underlying interrelations will be explained. These theories will eventually lead to the main theory of this research, which forms the backbone throughout the document. This chapter will describe *'the long-lasting debate about the trade-off between legal certainty and flexibility'*, *'the growing challenges with respect to certainty and flexibility'*, *'changing characteristics for brownfields'*, and *'measuring the flexibility and certainty in land-use plans and zoning maps'*.

Chapter 3.

Corresponding planning theories

3.1. The long-lasting debate on the trade-off between legal certainty and flexibility

In Europe, almost all countries are part of the Napoleonic legal planning system (Buitelaar et al., 2011). But, as with most Napoleonic planning cultures, the certainty created by using planning instruments can be doubted. When development initiatives arise, exemptions are made within the planning instruments to allow flexibility. Needham therefore called legal certainty in planning systems derived from the Napoleonic family, 'the big lie' (Buitelaar et al., 2011). Also Friedrich von Hayek is a big criticaster of the 'rule of law'. He advocated for a renewed legal moral, in which rules should be of some stability and a certain abstraction level to secure a general legitimacy. Abstract rules must therefore be set beforehand (Buitelaar & Sorel, 2010). Planning legislation in Europe, however, was first introduced at the beginning of the 20th century. Dense and disorganised cities and increasing development pressure led to the call for more steering. Across Europe, different planning systems emerged due to differences in culture, institutions and legal affairs. Despite the UK and the Republic of Ireland all other European countries use detailed planning instruments, like; zoning, control instruments and implementation instruments (Albrechts, 2004). Already in 1986, Faludi discussed that these planning instruments, based on the Euclidean model, try to establish certainty. Thereby the following four assumptions underlie this model, namely; predicting the needs of communities with precision, converting these needs into an allocation for land use and letting politicians, economists and communities act accordingly. Lastly, the goals of the communities may not be limited by the allocation of specific zones for certain uses (Faludi, 1986). Nonetheless, many researchers advocate for simple legal rules to achieve order as societies get more complex (Moroni et al., 2018). As Faludi (1986) already stated, without knowledge about future development, rules are established. This shows that the authority's options are also unsure (Faludi, 1986).

3.1.1. From legal rules towards legal standards

Virtanen (1992) mentioned that flexibility is often seen as a positive thing for no special reason. Inflexibility is, on the other hand, seen as an undesirable phenomenon. Under the ideology of neoliberalisation people are inclined to think that freedom in planning will lead to economically efficient and well-functioning environments. However, this has not always been the case. At the birth of modern town planning there was no public control which led to badly functioning, unhealthy and ugly urban areas (Virtanen, 1992). Also Moroni (2007) mentions that flexible planning is an unstable and unpredictable form of planning. By making case-by-case decisions for often similar cases in a different manner, planning leads to an unequal treatment for all (Moroni, 2007). Being rigid, regulative and hierarchical furthermore assures the procedural infrastructure for legitimacy in spatial planning. This infrastructure for law-based inclusiveness and accountability in planning is still lacking in the informal planning tools. Courts require legal certainty and clarity, investors require security in land value development and planners require legal juridical consequences to their plans. When these certainties disappear, planners may have to make a difficult consideration between a more 'rigid form of statutory planning' and a more 'illegitimate form of strategic planning' (Mäntysalo, 2013).

As described above and according to Raban (2009) it is generally believed that certainty and predictability are strengthened by legal rules, whereas flexibility is the product of legal standards which allows for a more well-grounded development of planning laws (Raban, 2009). Savini (2016) argues that attempts to include uncertainty into spatial planning will disqualify legal norms for controlling and organising spatial relationships (Savini, 2016). Yet, others suppose that planning systems with no specific land-use control achieve the highest level of certainty. Flexibility also creates some socio-economic favours. It saves money and time for local authorities, it creates more opportunities for people in need of affordable housing and it allows for more activities in a certain area which attracts developers (Virtanen, 1992). Decision-makers increasingly seek flexibility by using broader legal standards within the policy requirements of land-use plans (Fingland, 2011).

3.2. Growing challenges with respect to certainty and flexibility

Land-use plans and zoning maps have become more extensive over the years. By way of illustration, the 1916 New York zoning plan was only fourteen pages, nowadays it is close to 4000 pages (Moroni et al., 2018). Also in other countries, like the Netherlands, land-use plans and zoning maps have become highly detailed, prescriptive and legally binding instruments (Fingland, 2011). In many parts of the world a 'hyperlexis' can be recognised, which is another word for an unstoppable regulatory accretion (Moroni et al., 2018). Cities have proven to be complex and unpredictable systems (Savini, 2016), but in the rhetoric of the government the legally binding documents will provide certainty to these complex spaces (Fingland, 2011). Still, according to Savini (2016), the aim to control space through legal frameworks is limited.

Despite the urge for creating certainty in planning, decisions are made without firm knowledge about the future. So, from this point of view land-use planning is always undertaken in a context of uncertainty, if planners admit it or not (Balducci et al., 2011). The future is by its definition unknowable (Fingland, 2011). Rapid changing environmental, economic and social conditions makes it increasingly difficult for planners to draw up long-range plans with specific targets for housing units and the like (Balducci et al., 2011). In a society with fast changing conditions (Albrechts, 2004), the rigid system cannot respond adequately by taking measures to serve sustainable urban development (Savini, 2016). Fingland (2011) states that certainty in planning practices can be summarised as a slippery concept, vague and loosely defined. Governments often seek a level of certainty for justification of their actions. But with multiple nuances of the word 'certainty', it is hard to pin down the real essence of it in land-use planning (Fingland, 2011).

However, as more informal planning systems and variations arise, legitimacy problems arise too (Mäntysalo, 2013). Formal zoning and land-use instruments were and are a response to complexity. A "zone" can therefore best be explained as the sum total of all areas given a specific function. Permissions for certain activities will be granted on the basis of the characteristics of that specific zone. This process can also be described as land regime. This provides tools for nuisance control within areas, such as; smells, noise, smoke, dangerous conditions and offensive conditions. Nuisance is, among other things, a very important element in property law (Faludi, 1986). But with the use of vaguer terms in planning, which definition is questionable, problems and inconsistencies also occur (Fingland, 2011).

This inconsistency in planning practices was also described by Alfasi (2006). Even without the use of vaguer terms, the regulatory-oriented planning system shows inconsistencies in practice by deploying deviations. This occurs in a wide range of Western planning administrations (Alfasi, 2006). Fingland (2011) furthermore describes that municipalities make procedures to simply ignore their own rigid plans. According to Needham this proves that predictability is not provided by law in planning practices (Fingland, 2011). However, developers lessen their risk by looking for certainty in creating detailed visions of the future (Alfasi, 2006).

3.2.1. Land-use plans and zoning maps as guiding principles

Planning authorities are aiming at making plans trustworthy as they assure that ideologies and policies are addressed. In this manner, planning regimes make an attempt to provide certainty. Some even see regulations and prescriptions as fundamental to planning practices and claim greater consistency in decision-making (Fingland, 2011). Land-use plans and zoning maps are therefore the most legally binding tools for spatial developments (Savini, 2016). The Netherlands, but also Sweden, France, Finland and some parts of Canada uses the comprehensive top-down spatial development model. The municipality, province or national government is the developer (Van der Krabben & Jacobs, 2013). Zoning plans can indicate types of buildings, densities and structures in allocated areas. It also addresses and separates conflicting uses (Savini, 2016).

Planners have been given the responsibility to protect areas against misuse and determine whether proposed changes in zoning serves the legitimate public interest. Detailed land-use maps are on many occasions the basis for legislative action. Zoning maps often come with a document that further restricts the use of the land (Faludi, 1986). It describes how the land should be used considering the applicable rules (Albrechts, 2004). Often heard critique on statutory planning is that processes are too rigid (Faludi, 1986). Nevertheless, practitioners in most parts of the world still prefer

the traditional strategic planning models (Balducci et al., 2011).

3.2.2. Changing practices in land-use plans and zoning maps

Clarifications are needed to underline the different variants in which flexibility works in different planning cultures. This is also one of the reasons why planners are not unanimous in their thoughts on how flexibility can best be achieved. Yet, the thought that cities are not simple plannable objects is largely shared. This awareness alone, is driving the comprehensive planning approach towards a more flexible planning approach aiming at making more custom-made plans (Cozzolino, 2018).

It has also been outlined by Virtanen (1992) that the amount of flexibility greatly depends on the statutory planning system. Important elements are the type of land-use plans, the right to appeal, the administrative handling of these matters and the organisations which ratify the plans. The speed of decision-making is thus key in improving flexibility. This can be done by decreasing the amount of legally binding plans or by reducing the amount of parties to be heard. In this way the stages of handling can be cut which saves time and increases the flexibility in land-use planning (Virtanen, 1992).

But how is the term 'flexibility' interpreted in general terms and how is it incorporated into planning practices? Virtanen, Gielen and Tasan-Kok explained the term flexibility as the ability to adapt to unexpected changes without difficulties (Virtanen, 1992) by the alteration of zoning prescriptions (Gielen & Tasan-Kok, 2010). Therefore, flexibility also means getting away from standardisation, by meeting minimum legal standards and by facilitating (Tasan-Kok, 2008). Land-use plans or zoning maps are considered flexible when new plans or maps, or modified plans or maps can be produced quickly when necessary (Virtanen, 1992). However, according to Gielen and Tasan-Kok (2010) the public sector implementation power should also not be too flexible as they might lose power and the private sector might gain power in urban development. Also, too much openness can lead to an endless understanding of problems and relations without any impact (Savini et al., 2015). Yet, Virtanen (1992) sees flexibility as the answer to uncertain futures, because the wants and needs of future generations cannot be predicted with accuracy. It is believed by some that flexibility generates as much certainty in a world of flux as needed (Tasan-Kok, 2008).

As mentioned above, flexibility means cutting time spend on decision-making. This is in conflict with the democratisation of spatial planning. It poses questions about the legal security of people as there is less time for negotiations and expressing views (Virtanen, 1992). Therefore, Moroni (2007) argues that laws are desirable to protect individual liberties directly and intrinsically. The law equally applies to all and establishes reliable expectations (Moroni, 2007). Salet, Driessen, Van Rijswijk, Spit, Van Buuren, Teisman, & Rietveld (2013) suggest that a minimum level of legal protection is needed based on the rule of law to protect the society and to legitimise adaptive planning. Governments can do this by prescribing objectives and goals in a qualitative or normative way. Leading principles can be drawn-up which can assist adoptive planning, like sustainability and procedural principles (Salet, et al., 2013). Stating the main principles like the maximum floorspace area, still leaves room for interpretation (Virtanen, 1992). In other words, by giving guidance and leaving the rest to be decided by third parties flexibility can enhance certainty. Of course, planners need to be aware of the objectives of third parties. Otherwise only giving guidance could be harmful (Faludi, 1986).

3.3. Changing characteristics for brownfields

One of the main functions of a land-use plan and zoning map is to separate conflicting uses (Savini, 2016). For industrial sites in particular, activities are restricted by their specific use and by legal standards or rules for vibrations, noise, smoke and the like (Faludi, 1986). Yet, in order to respond quickly and more adequately to changing economic and social circumstances it has been debated that in all EU planning systems more openness and less binding rules in favour of flexibility should be incorporated (Albrechts, 2004). Through flexible zoning a greater diversity of land-uses is possible which allows for mixed-use policies (Moos, Vinodrai, Revington, & Seasons, 2018). This also paves the way for converting neglected spaces, like brownfields, into mixed-use areas. This regeneration can also stimulate socio-economic developments and can improve the functionality of the area (Cysek-Pawlak, 2018).

In North American planning theories, mixing land uses is widely discussed. Yet, few empirical studies have looked at the outcomes of mixed zoning (Moos et al., 2018). Brownfield redevelopment in the US is also at a more advanced stage than in Europe when it comes to redeveloping brownfields. In the US different incentives have been drawn-up to foster processes. Some of these incentives are; the Proposal Guidelines for Brownfields Assessment, Clean-up Grants and Revolving Loan Funds (Van Heusden, 2007). Nevertheless, there is no European policy regarding brownfield remediation that applies to all members. Brownfield redevelopment strategies are usually attached to local regulations and strategies implemented by urban planning commissions (Moscovici, Banescu, & Vaduva, 2017). These strategies can be made for cities and towns of all sorts and sizes, from big metropolitan areas to small villages (Galland & Hansen, 2012).

Brownfield redevelopment projects are mostly bolstered by programmes stating the future functions and its future users (Cysek-Pawlak, 2018). The way mixed-use areas can be generated is questioned by practitioners and scholars and leads to some disagreements, but in theory it includes an aggregation of different functions (Moos et al., 2018). Also Davy (2008) wrote that in urban areas everything mixes with everything, but that it is rarely acknowledged. Mixing functions can be done on every scale, but as local governments mainly take the land-use plan as starting point for redevelopment, they often reason from neighbourhood scale. Most common is a mixture of retail, offices and residential functions. Meanwhile, also the mixture of residential uses with light industrial and commercial uses is more common nowadays (Moos et al., 2018). Mixed-use and the diversity it generates, underlies the design movement known as New Urbanism (Cysek-Pawlak, 2018).

Before diving deeper into the context of brownfield redevelopment, the term 'brownfield' will be further explained. Also the way brownfields came into existence and the need for redevelopment will be described. Lastly, the added value of this research is outlined.

3.3.1. Brownfields exemplified

Brownfields, generally located in favoured locations along waterfronts or near city centres accessible via existing infrastructure, are increasingly characterised by degraded landscapes. The catch-up effort to make these areas viable again is a complex process. Both the literature, designers and other specialists define post-industrial sites in a different manner, which makes it difficult to identify the right process for redeveloping these sites apart from the liability and contamination issues (Loures, 2015). Also between different countries the term 'brownfield' is understood differently or not used at all. This is especially the case in the EU, where there is no EU-wide record of brownfield sites. This is also due to the many European forms of pollution on these sites. It ranges from heavy former industrial areas to small river basins (Van Heusden, 2007). In the US brownfields are defined as; inactive, abandoned or underused commercial and industrial facilities which are difficult to redevelop due to the perceived or real environmental contamination (McCarthy, 2002). European countries now adopt a similar definition, however the UK uses an even broader definition and the Netherlands is not using the definition nor the term brownfield at all (Van Heusden, 2007). Under these definitions a large number properties can be defined as 'brownfield'. Also the contamination level is not further specified (BenDor, Metcalf, & Paich, 2011). Brownfields can be abandoned railroad facilities, industrial facilities, manufacturing plots, small commercial lots with suspected contamination (McCarthy, 2002), but also harbour areas (Galland & Hansen, 2012). As no city and no revitalisation process is the same, the definition also changes accordingly. For this reason the circumstances and the specificity per site needs to be considered (Kaczmarek, 2003).

3.3.2. The fall and rise of brownfields

What most dilapidated brownfields do have in common is that they offer great opportunities to achieve environmental and social goals (McCarthy, 2002). However, most of these sites still have a negative impact on industrialised cities around the world (BenDor et al., 2011). Already since the 60s of the 20th century industries slowly withdraw from the inner-city areas. Especially in highly urbanised areas in Europe and the US this transition, driven by low wages in Asia, changed the way people in developed cities earned their money. Industries lost their leading positions, which became first visible in those areas which experienced industrialisation first. Economic prosperity in the Western world is now mainly based on high-tech industries and services. The older industries are relocated or eliminated (Kaczmarek, 2003). This process leaves behind disadvantaged, degraded and socially distressed areas.

Developers, planners and designers are increasingly asked to come up with solutions for the socio-economic and environmental problems (Loures, 2015). Introducing new functions and modernising ex-industrial buildings often belongs to the possibilities. Sometimes it results in different urban aesthetics, another organisation of space and architectural highlights. These transformations add value to the areas and facilitate growth (Kaczmarek, 2003).

Rethinking landscapes and protecting the environment has raised global concern. Cities became more aware of the need to redevelop brown lands instead of consuming green lands (Loures, 2015). Also, infrastructure is already laid out in and around brownfields (Sigman, 2010). Transformation policies are therefore considered to be important tools for revitalisation (Loures, 2015). This already poses a policy challenge. On the one hand local authorities must reduce the legal barriers for private-sector reuse, but on the other hand they also need to deal with complicated regulations, availability of funding and uncertain clean-up standards. In addition, these reuse projects must generate wider community efforts by tackling sustainability issues and environmental justice issues through; environmental protection, reduced urban sprawl and city revitalisation (McCarthy, 2002). The threat of being responsible for the clean-up costs is considered a barrier for redevelopment (Sigman, 2010). It should be noted that the negative and positive impacts vary from site to site (Loures, 2015).

To generalise, most brownfield only have low to medium levels of contamination (McCarthy, 2002). However, redeveloping brownfields takes time, even when the contamination levels are low. Governments promote public health, posing strict environmental regulations which affects the liability risk for developers and thus the time the redevelopment takes (BenDor et al., 2011). On top of this, pressure to redevelop brownfields in Europe is even higher due to dense populations and heavy urbanisation. Greenfields are under great pressure. Sustainable development is therefore becoming a major task (Van Heusden, 2007).

Over the past few decades many researches have been performed regarding brownfield redevelopment. These researches often examined the liability of brownfield redevelopment regarding the contamination of these sites or the funding constructions for redevelopment. Much less is known about the legal instruments which make redevelopment possible. There are hardly any studies examining the complex dynamics and trade-offs regarding brownfield policies (BenDor et al., 2011). This study, therefore, focusses on the land-use plans which underlie the redevelopment of brownfields regarding mixed-use. Hereby, the level of certainty and flexibility plays an important role. Below it will be explained how this can be measured.

3.4. Measuring the flexibility and certainty in land-use plans and zoning maps

Within literature, theorist often tend to create a black and white picture of legal certainty and flexibility in planning strategies. A more nuanced view is presented in an article written by Van den Hoek et al. (2020). Here, certainty and flexibility are more seen as intertwined necessities to create sustainable land-use plans. The difficulties it creates is at the core of today's planning theory. The consideration between open or specific and rigid or adaptable determines the flexibility within land-use plans. This is also the bases for the land-use plan assessment tool, presented in a new theory to analyse the amount of flexibility and rigidity in land-use plans (Van den Hoek et al., 2020). Thus, Van den Hoek et al. (2020) argues, like Faludi (1986), that flexibility can increase legal certainty. Although, every planning system has a bit of both.

3.4.1. Defining legal certainty

Municipal principles and values are translated within land-use plans, which affects institutions and society (Van den Hoek et al., 2020). This means that rules (certainty) in a land-use plan effects rightful claimants made by third parties (Buitelaar & Sorel, 2010), whereas flexibility can create room for development and respond to unforeseen events. Land-use plans have the highest impact on the balance between the two. When a plan only allows one activity with strict building preconditions, the plan prioritises certainty. When a land-use plan allows multiple activities within the same location, the plan prioritises flexibility. Such a plan can better cope with future developments (Van den Hoek et al., 2020).

Within land-use plans, two types of certainty can be distinguished (Van den Hoek et al., 2020). **Material certainty** (content to the right of ownership) is the first form, which includes normative rules related to building sizes, building heights, traffic generation, pollution and the like (Savini et al., 2015). **Procedural certainty** is the second form, which relates to the amount of certainty that people will have a say on these rights of ownership when restrictions change (Buitelaar & Sorel, 2010).

Within conservative plans conditions and activities are described very precisely. This means that there is a high **material certainty** (Van den Hoek et al., 2020). These planning actions are often based on creating spatial order (Buitelaar & Sorel, 2010). Open plans, contrariwise, take into account alternative future scenarios. Not only more activities are allowed within one single location, also the regulation can have a broader range (Van den Hoek et al., 2020). Within these plans the material certainty is low.

Also when it comes to the **procedural certainty** a plan can be very rigid. Long procedures, legal protections and many participation creates long processes. Especially when deviations need to be made. In this case the procedural certainty is high. When the procedural certainty is low, procedures are quick and legal protection is minimal (Van den Hoek et al., 2020).

3.4.2. *Creating assessment units*

The tool to assess the flexibility and certainty of a land-use plan is actually based on the amount of material and procedural certainty within a land-use plan. The amount of material and procedural certainty within the land-use plans creates the balance between flexibility and certainty. The amount of specificity and openness of the land-use plans determines the material certainty, the rigidity and adaptability determines the procedural certainty (illustration 3) (Van den Hoek et al., 2020).

For **material certainty**, the axis between specificity and openness is determined by the amount of activities which are allowed in a certain area by the municipality (Van den Hoek et al., 2020). In the Netherlands there is a guideline called the 'standard comparable land-use plans', which indicates fourteen different distinguishable activities in land-use plans. The assessment unit for material certainty is covered by the mentioned activities within the concerned land-use plan. Not only the activity itself, but also the regulations regarding the activity determines the openness of a land-use plan (Van den Hoek et al., 2020). In addition, there are different categories to indicate the heaviness of businesses and the catering industry in terms of their environmental load. For business activities there are four categories and for the catering industry there are five categories. According to Van den Hoek et al. (2020) the openness of the plan is not only related to the amount of prescribed activities, but also by what is regulated under these categories.

For the **procedural certainty**, the axis between rigidity and adaptability is determined by the time it takes to deviate from the plan. Laws are used to make deviations, which influences the procedure time. Rigid land-use plans in most Western planning systems do not regulate a certain activity, until a request is made. In order to work with rigid land-use plans the law decides what possibilities exist to make plans suitable for deviations. In the Netherlands the law provides the following instruments that can have an effect on the axis between rigidity and adaptability, namely; delegation decisions, deviation plans, operation plans, internal deviations, permits for land-use plan activities, notification requirements and a policy rules (Van den Hoek et al., 2020).

These instruments are used to maintain the legal status of land-use plan. However, by using these deviation possibilities, plans often follow developments instead of the other way around (Buitelaar & Sorel, 2010). This is not delivering the desired certainty (Steele & Ruming, 2012). Some instruments are more often used than others. The municipality decides which instrument is most suited for a specific area (Van den Hoek et al., 2020). According to the theory by Van den Hoek et al. (2020) the amount of instruments used for allowing new activities are an indication for the procedural certainty of the land-use plan.

3.4.3. Combining the assessment units

By combining the two axes one assessment tool can be created. The number of instruments that influence legal procedures is reproduced on the horizontal axis. The number of activities is reproduced on the vertical axis. Per country the amount of instruments and activities within a land-use plan can vary, nevertheless the methodology stays the same. As explained above the maximum number of land-use plan activities in the Netherlands is fourteen and the number of instruments is six. By adjusting the model to the Dutch planning system, Dutch land-use plans can be examined. See illustration 3 and 4. A short but specific analysis of every land-use plan is needed before the assessment tool can be filled-in. The more activities are allowed, the opener the plan is. The less legal instruments are used, the more adaptable the plan is (Van den Hoek et al., 2020).

There is however, one complication to mention within the Dutch planning system in relation to the assessment tool. In the material certainty of a plan, a distinction can be made between building regulations and usage regulations. Building regulations are concerned with; heights, lengths, building volumes and the like. Usage regulations are concerned with the type of use within a building, like; working, living, catering and the like. Building and usage regulations are not always directly connected (Van den Hoek et al., 2020). The size of height of a building is not always indicating the actual usage of the space. That is why in this research only the percentage of floorspace of certain functions is weighted in the assessment tool to determine the flexibility level of the land-use plan.

The model calculates an overall flexibility score of the land-use plan which makes it possible to execute mutual assessments. There are two underlying calculations. The vertical position is equal to the average amount of permitted activities. The horizontal position is equal to the calculated average of all usage-regulations, based on the number of activities per planning instrument (Van den Hoek et al., 2020).

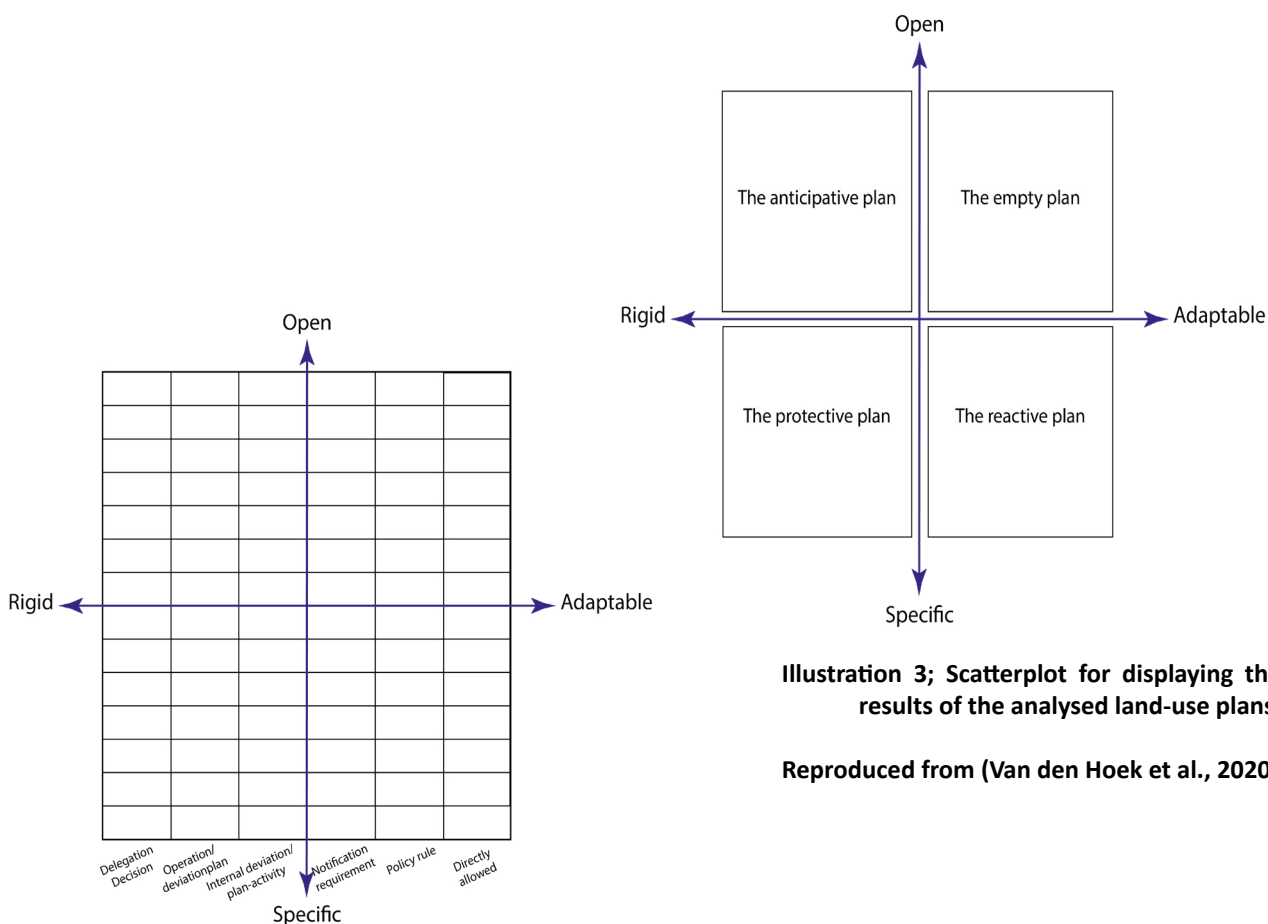


Illustration 3; Scatterplot for displaying the results of the analysed land-use plans.

Reproduced from (Van den Hoek et al., 2020)

Illustration 4; Every box stands for one activity (vertically) or legal instrument (horizontally).

Reproduced from (Van den Hoek et al., 2020)

Chapter 4.

Practical implementation of the assessment tool



This chapter is concerned with the operationalisation of the assessment tool as described in chapter three. It will be explained how the assessment tool is used in a practical manner to enable other researchers to use the tool as well.

Chapter 4.

Practical implementation of the assessment tool

To be able to use the assessment tool in a practical manner an Excel spreadsheet has been used to analyse the land-use plans on its openness and adaptiveness. This Excel file has been obtained by Van den Hoek, but can also be reproduced. See table 1 for an example of the Excel assessment sheet. The sheet shows fourteen different activities which can be permitted in a land-use plan. By reading a land-use plan it becomes clear which activities are allowed under which legal instruments. If an activity is allowed by the land-use plan, the researcher fills in the number one (1). This is the highest 'weight' that can be given to a permitted activity, even if a certain activity is only allowed in a small part of the plan. Most of the time activities are 'directly allowed' or not allowed at all. When an activity is not allowed at all, the researcher fills in zero (0).

Sometimes activities are directly allowed in one part of the plan, and allowed under one (or more) of the legal instruments in other parts of the plan. In this case, the zoning map must be consulted. It must be indicated what the surface area of the activity is within the whole zoning map. For example, if the activity 'living' is directly allowed in ten percent of the total zoning map and allowed by an 'internal deviation' in five percent of the total zoning map, fifteen percent of the total zoning map is intended for living. However, within this fifteen percent two thirds of the space can be directly used for the function living. The other one third of the space can be used for living, but only by an internal deviation. Within the Excel sheet under living 0,667 is filled in by 'directly allowed' and 0,333 is filled in by 'internal deviation'. By adding up these two numbers, the total score for living is still one.

Another difficulty arises when the functions 'business' and 'catering' needs to be filled in. There are, as stated earlier, four categories to indicate business related activities and their environmental impact. The same counts for catering, although catering is usually subdivided into five categories. The higher the category, the bigger the environmental impact for noise, smells, vibrations and the like. As indicated above, every land-use plan function has a maximum weight of one (1) in the table. As a matter of fact, every single business category represents 0.25 and every single catering category represents 0.20. If the land-use plan states that businesses in category three are allowed in one part of the zoning map and business till category four are allowed in another part of the zoning map, a small calculations needs to be made. To illustrate; the map shows that the category three businesses are directly allowed in 20% of the area and that category four businesses are directly allowed in 10% of the area. Of the total area, 30% is indicated as business. The weight of category three represents 0.75 (0.25×3), and the weight of category four represents 1 (0.25×4). Category three is allowed in 67% of the total business area and category four is allowed in 33% of the total business area. This means that $(0.75 \times 0.67 + (1 \times 0.33)) 0.825$ needs to be filled in for business under directly allowed. When, for example, category four is only allowed under an internal deviation, 0.33 needs to be filled in under internal deviation and 0.495 needs to be filled in under directly allowed.

When and for which function and category the researcher needs to consider what legal instrument is stated in the land-use plan itself. After filling in the numbers or weights for each allowed function, the Excel sheet gives the average openness and the average adaptiveness. The average openness and adaptiveness deploys two basic calculations. These calculations can also be seen in the sheet, but the openness is in essence calculated by adding up all total scores at the bottom of the sheet. The adaptiveness is calculated by multiplying the separate total scores with their weight (1 to 6) of the legal procedure. These outcomes need to be added up and divided by the total openness score. These two variables can now be illustrated on a scatterplot to determine the position of the land-use plan on the x-axis and the y-axis. The scatterplot (illustration 5) gives an indication of the position of the land-use plan with the outcomes of the Excel sheet of table 1.

4.1. Limitation of the land-use plan assessment tool

When analysing a land-use plan, there are sometimes situations that the researcher needs to make an educated guess. This situation occurs when the land-use plan states that there is, for example, only one football club. Within the Excel sheet football falls under the category 'sport'. However, only allowing one football club is not covering the whole category of sports. In these situations the category 'sport' is weighted 0.1 instead of one. The score of one would imply that multiple sports are allowed, which is not the case. In these kind of situations, the score is manually adjusted to the actual situation.

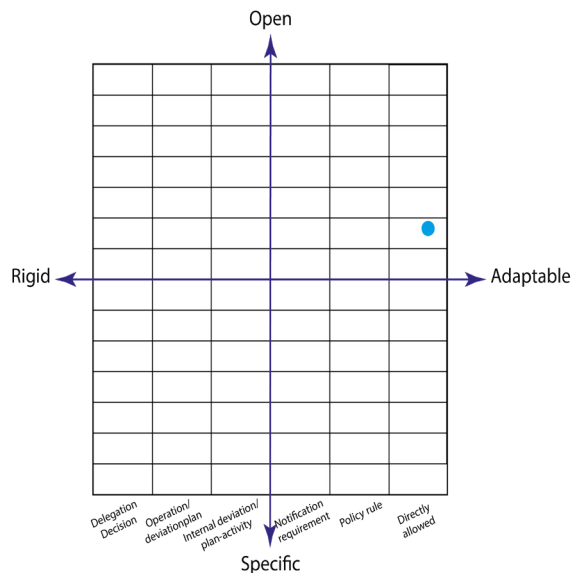


Illustration 5; Position of the land-use plan with the results of table 1.

Table 1; Excel assessment sheet land-use plan

Reproduced from (Van den Hoek et al., 2020)

| | | Delegation decision (1) | Operation/deviation plan (2) | Internal deviation/plan-activity (3) | Notification requirement (4) | Policy rule (5) | Directly allowed (6) | |
|-------------------|----------------------------------|-------------------------|--|--------------------------------------|------------------------------|---------------------|----------------------|------------|
| | | Delegatie besluit | Uitwerkingsplicht/ wij | Binnenplanse afwijkir | Meldingsplicht | Open norm en beleid | Direct toegestaan | Totaal < 1 |
| Agriculture | Agrarisch | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Business | Agrarisch met w... | | | | | | | |
| | Bedrijf | 0 | 0 | 0,33 | 0 | 0 | 0,495 | 0,825 |
| Living | Bedrijventerrein | | | | | | | |
| | Wonen | 0 | 0 | 0,33 | 0 | 0 | 0,67 | 1 |
| | Woongebied | | | | | | | |
| Greenery | Tuin | | | | | | | |
| | Bos | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| | Groen | | | | | | | |
| | Natuur | | | | | | | |
| Culture | Cultuur en onts... | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Retail | Detailhandel | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Service | Dienstverlening | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Catering industry | Horeca | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Offices | Kantoren | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Social | Maatschappelijk | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Recreation | Recreatie | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| sport | Sport | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Infrastructure | Verkeer | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Water | Water | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 0 | 0 | 0,66 | 0 | 0 | 8,165 | |
| | Totaal | | | | | | | |
| | Totaal afgerond (gebruik schema) | 0 | 0 | 1 | 0 | 0 | 9 | |
| | | | | | | | | |
| Conclusion: | Openness | 8,825 | (= 0 + 0 + 0,66 + 0 + 0 + 8,165) | | | | | |
| | Adaptiveness | 5,8 | (= (0*1)+(0*2)+(0,66*3)+(0*4)+(0*5)+(8,165*6)/8,825) | | | | | |

Chapter 5.

Exploring the quantitative flexibility outcomes



This chapter will show the quantitative results of the 50 analysed land-use plans. These results have been gained by using the land-use plans assessment tool as described in the previous chapter(s). First, the absolute flexibility results will be given. This is the first raw data set of flexibility outcomes of all 50 land-use plans. Besides, a map will be shown to indicate the locations of all analysed land-use plans in the Netherlands. Secondly, the relative flexibility results will be given. Here, the flexibility results of all land-use plans are subdivided into different groups based on empirical research. These different groups have also been illustrated on a map to show where in the Netherlands plans with certain flexibility levels occur. Thirdly, these different groups have been linked to their land-use plan typologies (traditional, semi-flexible and flexible) to see if there is a relation. These results have been used to show where in the Netherlands traditional, semi-flexible and flexible land-use plans occur and what the overall quantitative flexibility results of these groups are.

Chapter 5.

Exploring the quantitative flexibility outcomes

5.1. The absolute flexibility results of the analysed land-use plans

As can be seen on map 1, the chosen research units are scattered across the Netherlands. The reason for choosing research units in every part of the Netherlands is to be able to investigate the possible relationship between the type of land-use plan, the amount of flexibility within the land-use plan and the local spatial and socio-economic context. By using the land-use plan assessment tool the first rough dataset reflecting the amount of flexibility of every analysed land-use plan has been obtained. This dataset can be consulted in appendix 1. The results of the openness and rigidity of every land-use plan has also been plotted on the scatterplot in illustration 6. These results are the absolute results from the land-use plan analyses. This means that raw data taken from every land-use plan goes into the assessment tool to determine its position on the scatterplot. This figure allows for a first comparison and some explanations of the outcomes.

What becomes clear from illustration 6 is that all analysed land-use plans end-up in “the empty plan” corner and the “reactive plan” corner. Within these two corners there are some outliers, but overall an image is created in which most of the land-use plans allow much activities by using a small amount of legal instruments. From this first perspective it seems that the majority of the land-use plans are highly open to a lot of functions.

By analysing the land-use plans of industrial areas, harbour sites, office areas and so on it was often noticed that a lot of activities are directly allowed. Traditional land-use plans and zoning maps are at the one end of the spectrum of the research unit. The largest part of traditional plans and maps are mostly dedicated to the functions; business, office, and retail. Besides, many other functions like; living, recreation, culture, social and sport are often (only) allowed in small parts of the plan and map. This raises the openness level of the concerned land-use plans on the vertical axis, because every mentioned land-use function increases the openness with one. Another characteristic that can be noticed in traditional land-use plans is that under the main functions, other functions are allowed as well in small parts of the total floorspace given to these main functions. It therefore quite often happens that under the function “business” many other functions, like; service, retail, offices and catering industry are permitted as well. In essence, it can be noticed that many more functions are allowed under the main functions of these land-use plans, although only in small parts. This means that traditional land-use plans allow many functions, which adds up to the level of openness of these land-use plans. As a matter of fact, it seems that traditional land-use plans are (highly) flexible or open. However, it presents a distorted picture of the reality.

At the other end of the spectrum there are the flexible land-use plans. These plans are not focussing on a few main functions any more, but concentrate around the mixing of all kind of functions. This generally means that much functions are mentioned within the land-use plan and that these functions are allowed in most parts of the zoning map. This results in a high openness level on the vertical axis accompanied with the use of no or only a few legal instruments. In essence, much functions are allowed in big parts of the zoning map. The actual functions that will be situated in specific parts of the area of the zoning map will be determined later on with the concerned stakeholders. This leaves room for interpretation as there are no or little pre-determined functions and regulations.

Between the more traditional land-use plans and the flexible land-use plans, another group of land-use plans can be distinguished. This group shares both characteristics of traditional and flexible land-use plans. It means that part of the map is zoned the comprehensive top-down way, and part is zoned the flexible non-predetermined way. The reason for this can vary, but for the results displayed on the scatterplot it means that these results also cannot be distinguished

from the results of the traditional and the flexible plans.

By using the land-use plan assessment tool for both the traditional land-use plans, the semi-flexible land-use plans and the flexible land-use plans, it can be noticed that there is not a substantial difference in the flexibility outcomes of these three types of plans on the scatterplot. At least, in line of reasoning, it was expected that the more flexible the land-use plan was the higher it would end-up on the scatterplot and the more traditional the land-use plan was the lower it would end-up on the scatterplot. Here, the land-use plan assessment tool shows a shortcoming. It does not make a distinction between more traditional land-use plans, where multiple functions are often only allowed in small parts of the map, and more flexible land-use plans, where multiple functions are most often allowed in bigger parts of the map. Because of this, the outcomes of both the more traditional and the more flexible land-use plans generally cluster in the same upper-right corner.

Another particularity occurs when it comes to the use of legal instruments. As can be seen on the scatterplot almost all analysed land-use plans use minimal legal procedures. For the more flexible land-use plans it was already expected that not much legal instruments were being used. However, for the more traditional land-use plans it was expected that these would include more legal instruments and that these plans could have been distinguished better on the scatterplot. This is not the case. The possible explanation for this that conflicting uses are simply not mentioned in the traditional land-use plans within the chapter which states and describes the allowance of certain functions. Therefore, there is also no need to make use of these legal instruments for separating conflicting uses. This is probably also the reason why functions, other than the main functions, are mostly only allowed in a small part of the zoning map. This reduces the change that these functions can be of a hinderance for the main industrial or business related activities. This is most likely one of the reasons the more traditional land-use plans also end-up on the right-hand side of the scatterplot.

Based on this first rough picture of the flexibility levels of all analysed land-use plans, the results will be further distilled in the next paragraph to be able to draw more specific conclusions from the quantitative dataset.

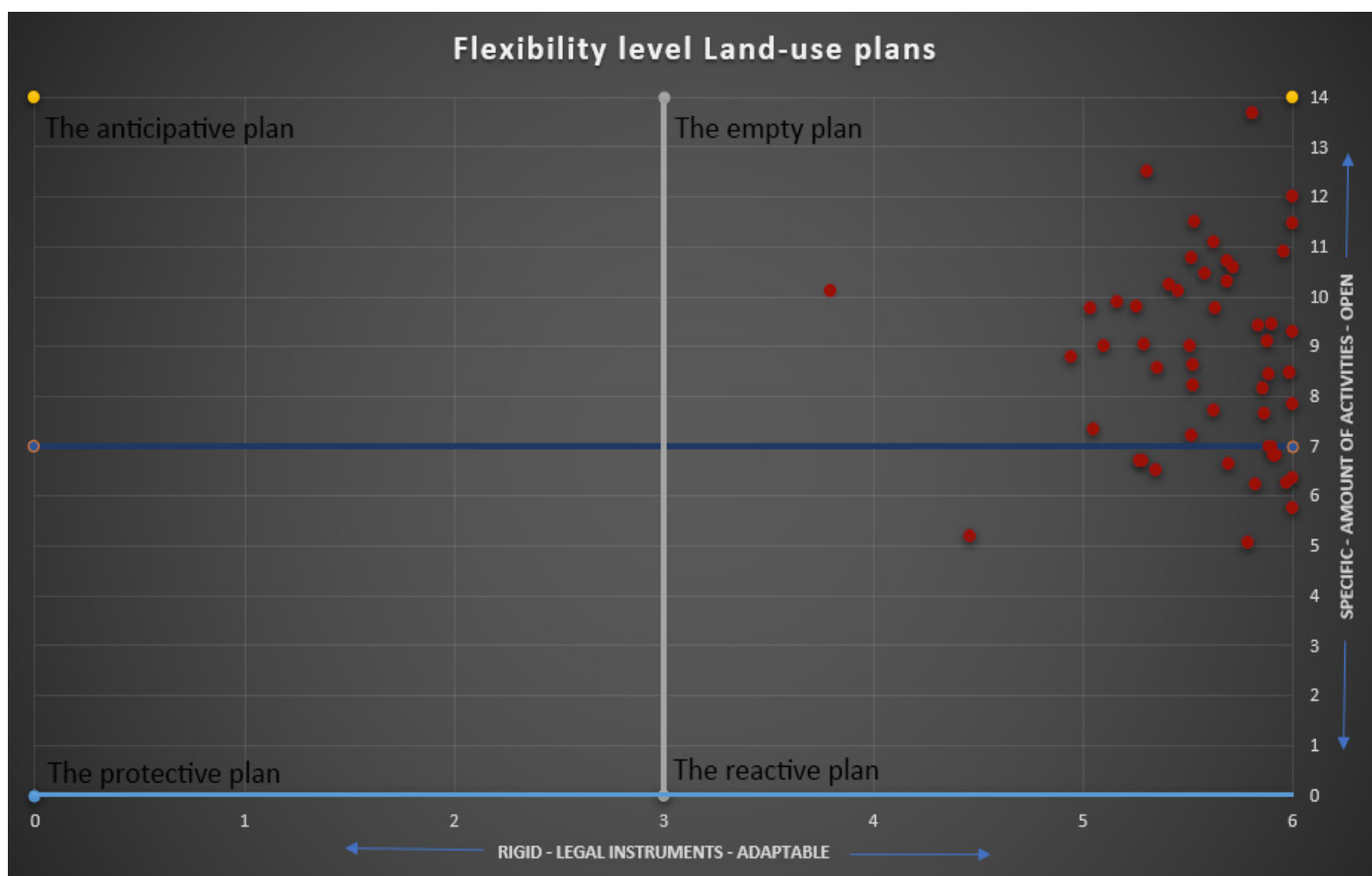


Illustration 6; flexibility outcomes of all analysed land-use plans



Map 1; chosen research units



5.2. The relative flexibility results of the analysed land-use plans

Based on empirical observations and the insights of sub-chapter 5.1, the land-use plan assessment tool has been modified to let the tool be of more relevance for this research. As explained above, it is difficult to make a distinction between the outcomes of both traditional plans, flexible plans and plans with traditional and flexible characteristics. The reason for this is that the assessment tool does not take into account the surface area of every function within the zoning maps. This means that a certain function, which only represents five percent of the total surface area in one zoning map, gets the same weight as when it represents 80 percent of the total surface area in another map. This is the reason for adding a new dataset and modifying the assessment tool. Besides data on the amount of allowed functions and the amount of used legal instruments to determine the position of the plan on the axes, the dataset is enriched with the surface area of every allowed function compared to the total area of the zoning map. This means that the scores of the allowed functions, extracted from the land-use plan, are multiplied with their percentage share on the zoning map. See appendix 2 for an example.

In this way the mixing ratio of the permitted activities per square meter can be calculated. The flexible land-use plans, which allow many activities over the whole zoning map will have a high mixing ratio per square meter. Traditional land-use plans, which only allow one or a few main activities in big parts of the zoning map and multiple other activities in small parts of the zoning map will show a much lower mixing ratio. This mixing ratio can also be seen as the openness for activities per square meter. The more functions are allowed in big parts of the zoning map, the higher the openness per square meter is. The less functions are allowed in the zoning map and the smaller their share on the zoning map is, the lower the openness per square meter is. By taking into account the share of every function on the zoning map, a better distinction can be made between traditional land-use plans, flexible land-use plans and land-use plans with both characteristics.

The scatterplot in illustration 7 displays the same results as the scatterplot in illustration 6. However, illustration 7 focusses on the openness per square meter and illustration 6 focusses on the openness of the whole plan. This means that the traditional land-use plans generally have a much lower score on the vertical axis in illustration 7 than in illustration 6. Traditional plans may include of lot functions which causes their high scores in illustration 6. In practice these functions only cover a small part of the zoning map, what causes their lower scores on the vertical axis in illustration 7. For the position of the flexible plans in illustration 7 it means that these generally score above average, which is actually also the case in illustration 6. These plans include many functions which are allowed in big parts of the zoning map. In other words, the traditional land-use plans have been filtered out from the more flexible land-use plans by not only looking at the amount of allowed activities in the land-use plans, but also by looking at the actual size of the area within the zoning map in which these activities are allowed.

Before going deeper into the separation and position of the traditional plans, flexible plans and plans with both characteristics, another adjustment to the model will be further clarified. As can be seen in illustration 7 the horizontal and vertical axes of the scatterplot have been modified as well. As the scatterplot is now focussed on the openness per square meter and not on the openness of the whole land-use plan, the vertical axis has set to “five” and the horizontal axis has been set to “three and a half”. By moving the axes, better generalisations can be made out of the 50 analysed land-use plans. This also allows for drawing more specific conclusions out of the results. As can be seen on the scatterplot, most analysed land-use plans are projected into the “reactive plan” corner. These plans have a low openness per square meter and make use of very few legal instrument. The single biggest part of the analysed land-use plans are projected into the “empty plan” corner. These plans have a high openness per square meter and also make use of very few legal instruments. The smallest part of the analysed land-use plans are projected into the ‘protective plan’ corner. These plans have a low openness per square meter and make use of more legal instruments.

Considering this scatterplot, 36 analysed land-use plans can be considered reactive, eleven land-use plans can be considered empty and three land-use plans can be considered protective within this research. These different types of plans are also displayed on map 2. As the map indicates, the biggest part of the reactive plans are situated in small municipalities in rural areas. In addition, reactive plans are more likely to occur in or near areas with socio-economic decline and in or near areas which potentially face socio-economic decline in the future. Although most reactive plans lie outside of the Randstad, there are some exemptions. In Rotterdam, Zoetermeer and Leiden a few reactive plans can be noticed. When observing the empty plans, it stands out that almost all empty plans are located in the centres of big cities in and outside of the Randstad. Most empty plans can be found in the provinces of North-Holland, South-Holland, Utrecht and Brabant. But also in the city of Arnhem and Groningen the empty plan colour can be recognised. This creates the impressions that these plans can facilitate mixed-use urban redevelopment. The protective plans, in addition, do not show strong location specific characteristics. Nonetheless, two of the three protective plans make waterfront redevelopment possible.

By adjusting the land-use plan assessment tool, by shifting the axes of the scatterplot and by focussing on the openness per square meter it became possible to better distinguish between reactive, empty and protective plans. Also, by indicating these different types of plans on the map similarities can be found. It can be noticed that most reactive plans occur in rural areas and smaller municipalities and that empty plans mostly occur in bigger urban metropolitan areas.

The rough dataset has been distilled by grouping the different outcomes. This made it possible to draw more specific conclusions. By displaying these different groups of plans on the map spatial similarities can already be found. However, within these groups of plans there are also some divergent results. The map shows that the Randstad also contains some reactive plans and that there are also some empty plans in smaller municipalities. Therefore the results from illustration 7 need an extra layer of specification.

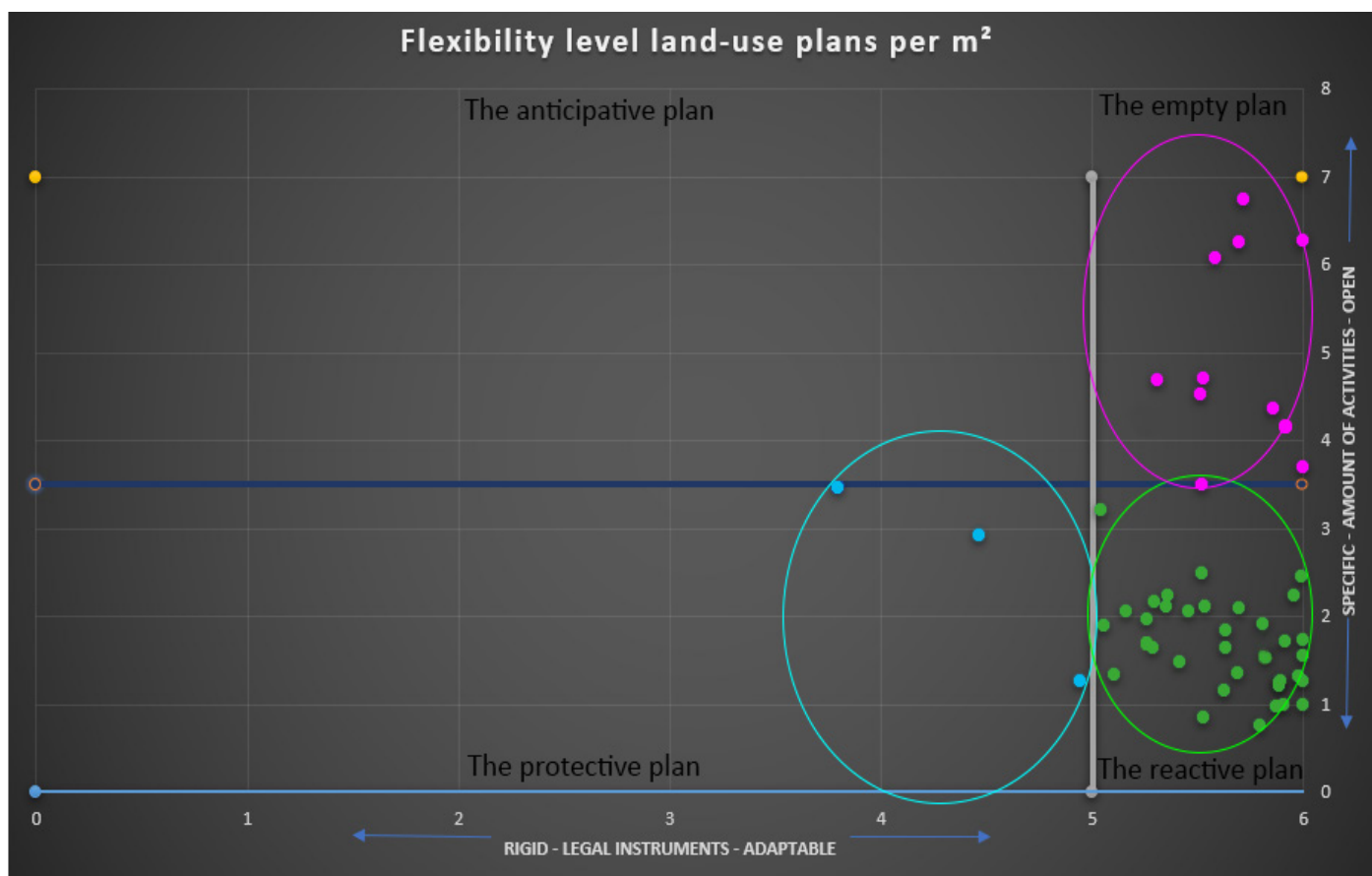
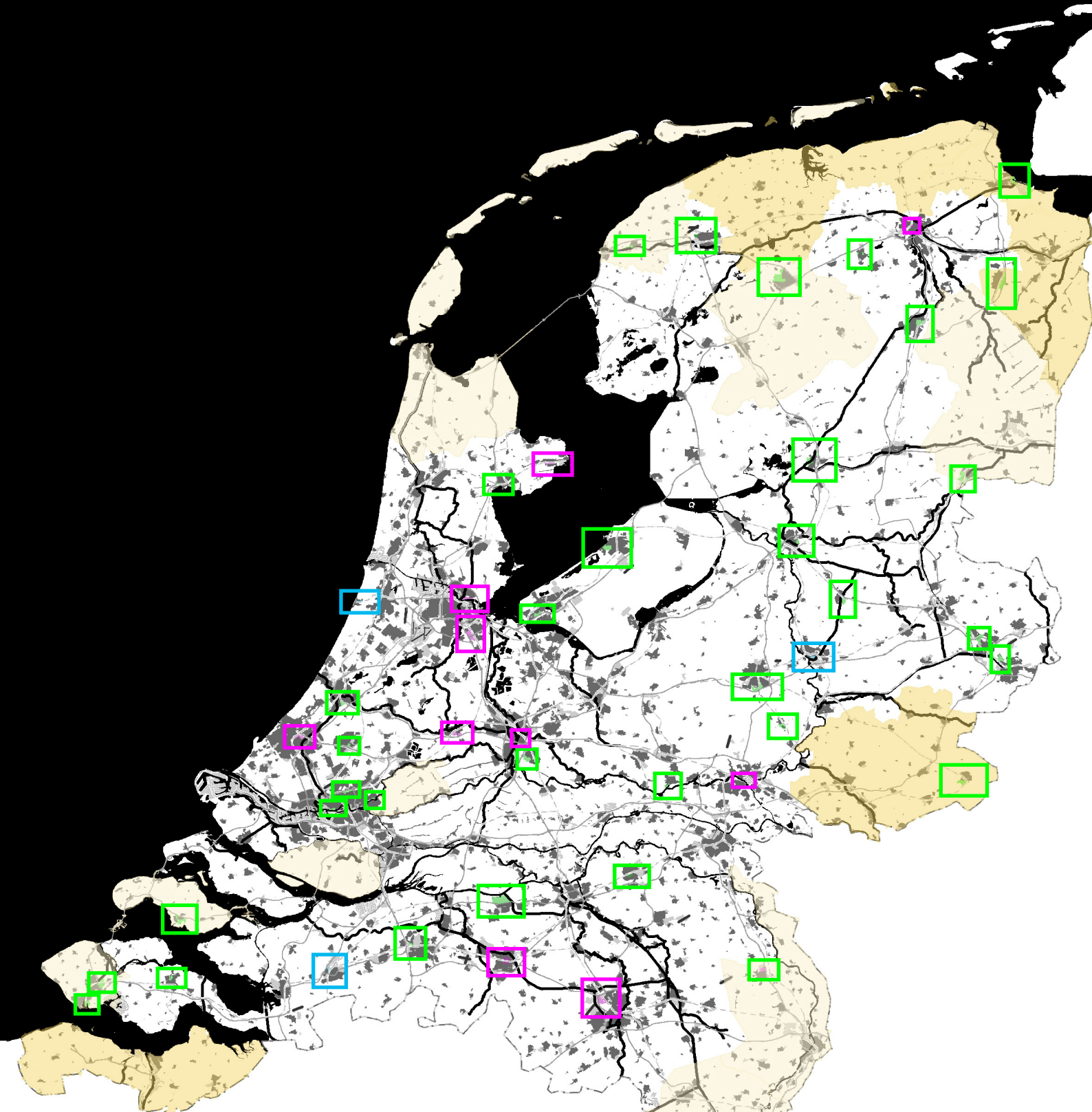


Illustration 7; grouping the flexibility outcomes of all analysed land-use plans



Legend

- The protective plan
- The empty plan
- The reactive plan
- Areas which potentially face socio-economic and decline
- Areas which face socio-economic decline



Map 2; displaying the different land-use plan groups on the map

5.3. The relative flexibility results in relation to the zoning map typologies

As shown in sub-chapter 5.2 the 50 analysed land-use plans for this research can roughly be classified into three groups of land-use plans, namely; the reactive land-use plans, the empty land-use plans and the protective land-use plans. When these groups are indicated on the map, it becomes clear that most of these groups share some basic spatial characteristics. Especially the separation between urban and rural can be recognised when looking at the reactive and empty plans. However, not all empty plans are located in large urban areas and not all reactive plans are located in small villages and rural areas. This sub-chapter will therefore further analyse the flexibility results in the “reactive corner”, the “empty corner” and the “protective corner”. It will be researched what kind of land-use plan typologies are related to these results.

The scatterplot in illustration 8 shows the same results as the scatterplot in illustration 7. Yet, every result has been given another colour. By going through all the zoning maps once again a separation has been made between traditional zoning maps, flexible zoning maps and zoning maps which show both characteristics. Flexible zoning maps are mainly coloured orange. Rigid zoning maps show multiple colours all over the zoning map. Here, each colour indicates a certain use. Zoning maps which show both characteristics are partly orange and partly multi-coloured. See appendix 3 for some examples. These three zoning map typologies are also indicated on the scatterplot in illustration 8.

As can be seen on the scatterplot, all traditional zoning maps fall into the reactive plan corner. Besides, also some flexible zoning maps and zoning maps which have both flexible and traditional characteristics are displayed as reactive plans. In addition, not all plans in the empty corner have flexible zoning maps. The biggest part does have a flexible zoning map, but there are still also some plans which have both rigid and flexible characteristics and are still projected in the ‘empty plan’ corner. When it comes to the ‘protective plan’ corner, one plan has a flexible zoning map and two plans have zoning maps with both rigid and flexible characteristics.

In essence, the results displayed on the scatterplot of illustration 8 are relatively logic. Most land-use plans with flexible zoning maps end-up in the empty plan corner. All land-use plans with traditional zoning maps end-up in the reactive plan corner and most land-use plans with zoning maps with both traditional and flexible characteristics are centred in or near the middle. Special attention will be given to the land-use plans with flexible zoning maps which end-up in the reactive and protective corner. Questions can be raised about what their difference is compared to the land-use plans with flexible zoning maps which are positioned into the empty plan corner.

The results of the scatterplot are also shown on map 3. As can be seen, not all land-use plans with flexible zoning maps are located in big urban inner-city areas. There are, by way of illustration, also land-use plans with flexible zoning maps in smaller towns in the provinces of Zeeland, Limburg, Brabant and Gelderland. From the scatterplot and the map of the previous sub-chapter it became clear that still a lot of reactive plans were situated in bigger urban cores. The map in this sub-chapter shows that much of these reactive land-use plans have zoning maps with both rigid and flexible characteristics. This might explain why some reactive plans are located in or near bigger urban areas.

The quantitative data analysis has shown that the separation between traditional land-use plans and flexible land-use plans is not so straightforward as it seems. Although, most land-use plans with flexible zoning maps are projected in the “empty plan” corner and all land-use plans with traditional zoning maps are projected in the “reactive plan” corner, there are some outliers. Contrary to the expectations, there are still some land-use plans with flexible characteristics which end-up in the “protective” and “reactive plan” corners. These plans follow, in all probability, another planning approach than the other flexible plans. What the kind of planning trajectories are attached to these flexible land-use plans and zoning maps will be researched in the following chapter. The scatterplot in illustration 8 indicates six plans which are subject to further investigations. Three very flexible plans are derived from the empty plan corner, one plan with flexible characteristics is taken from the protective plan corner and another plan with flexible characteristics is taken from the reactive plan corner. The aim is to find similarities and differences in the municipal planning approaches. It will be researched how these municipalities deployed their flexible land-use plans to transform brownfields into mixed-use areas. In order to gather this information semi-structured interviews with

municipal employees will be executed. The map shows the locations of these six chosen research locations.

This chapter showed the positions of all analysed land-use plans between “open and specific” and “rigid and adaptable”. The first sub-research question could therefore be answered, which is; **“How much flexibility are municipalities incorporating in their land-use plans and zoning maps to create mixed-use areas?”**

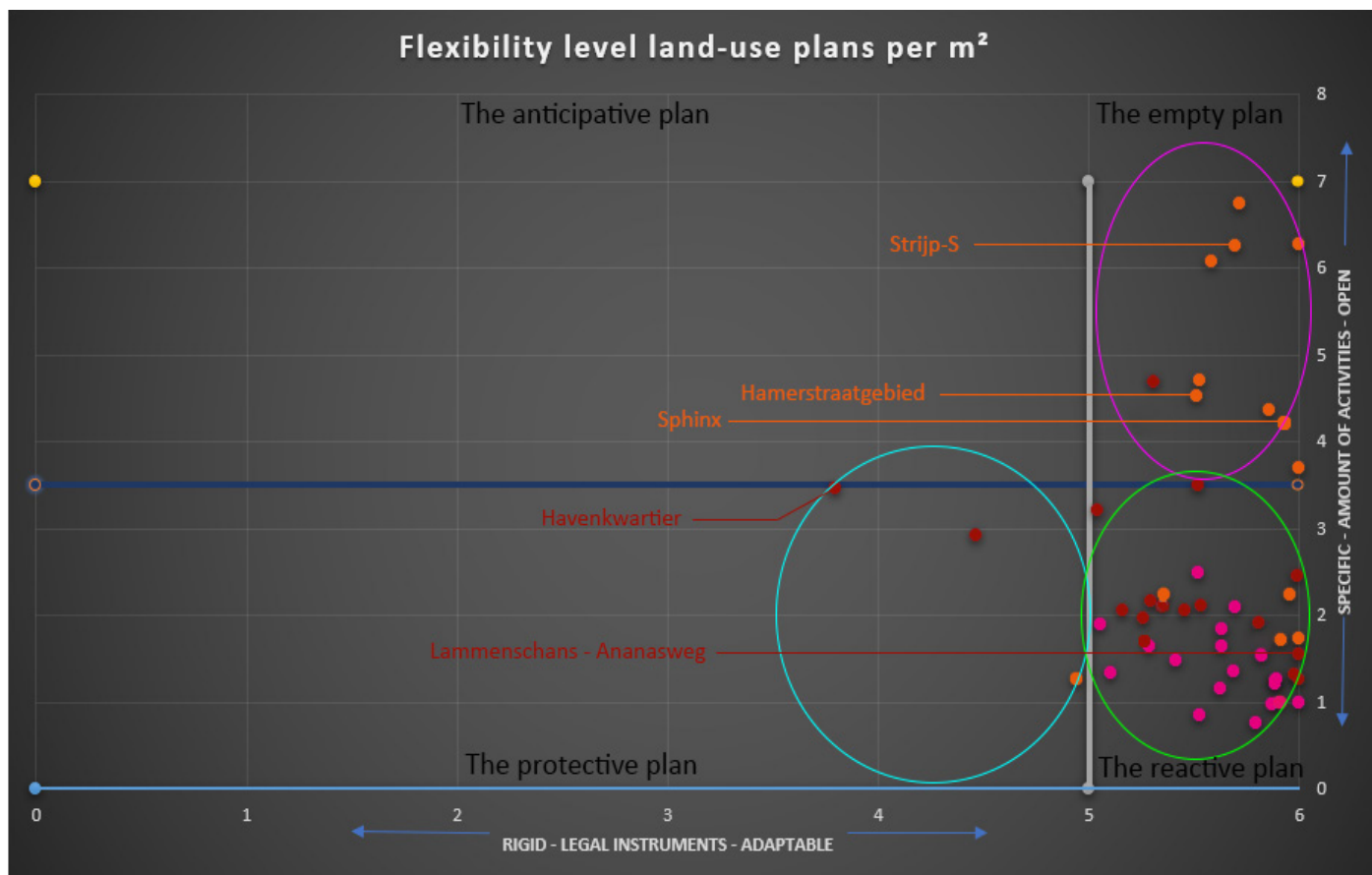
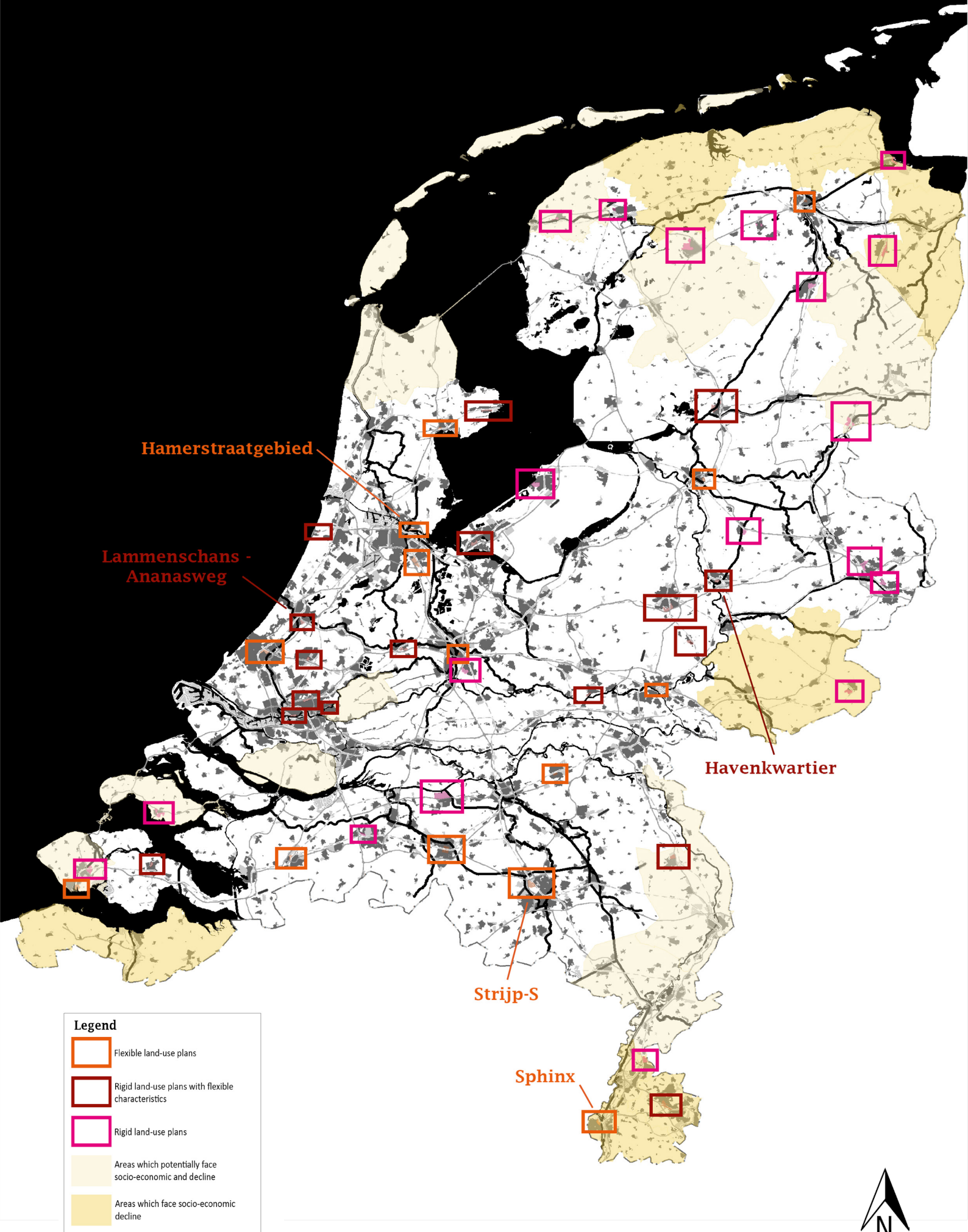


Illustration 8; indicating the different zoning map typologies within the corners



Map 3; displaying the different zoning map typologies on the map

Chapter 6.

Finding the planning approach beyond different flexible land-use plans

Chapter five was mainly about measuring the flexibility levels of the 50 analysed land-use plans and describing the similarities and differences between the results. This chapter will mainly focus on the planning approaches some of these municipalities executed related their flexible land-use plans to create and give substance to transformation processes on brownfields.

Chapter 6.

Finding the planning approach beyond different flexible land-use plans

This chapter will outline the results of five semi-structured interviews with different municipal employees, namely; three municipal planners, one legal officer and one project leader. These interviews have been undertaken to understand the context in which the land-use plans has been drawn-up. The interviews are also used to broaden the knowledge about the underlying (flexible) planning approaches to transform brownfields. Due to the very different circumstances these planning approaches are undertaken in, generalisability of the approaches to other land-use plans is not entirely possible. However, a common thread can be noticed in the analysed planning approaches. This is mainly due to the fact that all five interviews were held about brownfield transformation projects in inner-city areas.

Interviews have been undertaken with the following municipalities; Amsterdam, Deventer, Leiden, Maastricht and Eindhoven. Illustration 8 shows the position of the subsequent land-use plans. Only land-use plans with end-spectrum results have been chosen for further investigation. In other words; three projects from the “empty plan” corner, one project from the “reactive plan” corner and one project from the “protective plan” corner have been selected. This has been done in order to find differences in approaches according to their position on the scatterplot.

During the interviews five topics have been widely discussed, namely; motives for the redevelopment, the planning process, the land-use plan, the spatial context of the redevelopment and the instrumental and procedural flexibility within the land-use plan or project. By discussing these topics, the second sub-research question could be answered, which is; ***“What are the planning approaches the different municipalities are following to create mixed-use areas?”***

First the interview with the municipality of Amsterdam will be outlined, secondly the interview with the municipality of Deventer will be outline, thirdly the interview with the municipality of Leiden will be outlined, fourthly the interview with the municipality of Maastricht will be outlined and lastly the interview with the municipality of Eindhoven will be outlined.

6.1. Amsterdam’s planning approach for Hamerstraat

6.1.1. Motives for redeveloping Hamerstraat

Years ago, the municipality of Amsterdam wanted to boost the housing production in the Northern part of the city. Since a few years, the municipality works on further planning details for the Hamerstraat area (see map 4). The municipality sets lots of requirements for things like; redevelopment, new buildings, functions and programmes. According to the municipality transformation does not happen automatically. When decisions are to be made by the market, the municipality will not get the results it demands. Yet, the municipality is heavily dependent on market initiatives for its redevelopment project. The municipality does not own land and there is not enough money to pursue an active land policy. Parties who purchased land are already making plans.

6.1.2. The spatial context of Hamerstraat

The Hamerstraat area is located close to the city centre. The municipality wants to create an “urban centre environment” with conforming program. This means that besides living many other functions are possible. Otherwise the Hamerstraat area will not turn into a lively, mixed-use and durable neighbourhood. Durability is pursued by a reduction of traffic movements and by mixing housing units and work related activities. Despite a reduction of traffic movements and due to the enormous densification task in the area, the pressure on public spaces will increase. Everything that happens in the public space, like the renewal of cables, quays and underground infra is the responsibility of the municipality. The municipality does not pursue an active land policy. Only when it comes to public

spaces, schools and sport facilities the municipality will probably need to acquire the land to make sure these facilities are realised. Everything that happens on the building plots is the responsibility of the developer. Consequently, the municipality has no control on the phasing of the transformation process. Some parties are making plans, but first some "phasing issues" (faseringsvraagstukken) need to be solved. One of these issues is related to the sewer system.

6.1.3. The Hamerstraat planning process

Development can only take place within the already taken building volumes. When parties want to develop, they first need to go to the municipality to test their plan against the new urban development plan. When the initiative complies and looks good, the municipality will contribute to a procedure of derogation (afwijkingsprocedure). This procedure also comes with a building permit. Each small development within the area will get its own small land-use plan (postage-stamp-plan) within the bigger (flexible) land-use plan. Normally, a tender is issued with pre-determined conditions. Now these conditions, like; functions, social rent, nuisance and so on are discussable at the start of the process. Amsterdam is looking for new ways to steer future planning processes, but sets high standards for the quality and the program. The philosophy of the transformation process is that the market needs to do the work, but the municipality does not want to let things go.

The new urban development plan is almost finished and the environmental assessment of the plan has already been executed. This gives the municipality a facilitative role. Hereafter, it is up to the developers to work on the further detailing of the urban development plan for their specific plot. They need to employ an architect who also needs to comply with the image quality plan.

Along the river IJ, three big lots are owned by a real estate developer, a housing association and a cable factory. They discuss with the municipality about the costs and the quality of the plans, but sometimes compromises need to be made. This process can take years and is labour-intensive, but for the municipality it is the only way to achieve the highest quality standards. When both parties agree, the municipality will sign a development agreement and drafts a postage-stamp-plan. This is then brought into a public-law proceeding. Beforehand, nothing is settled in a judicial manner.

6.1.4. The associated land-use plan

In the current land-use plan transformation is not possible. Work related activities still predominate, despite the 200 houses which are already partly there. The municipality made a new vision, which is worked out in the urban development plan. In this plan function mixing is pursued. According to the municipality this cannot be organised in a land-use plan, because the pressure on building housing units is too high. All other functions will be pushed away. Two thirds of the area is reserved for work related functions and one third is reserved for living.

The urban development plan is not translated into a land-use plan. The municipality can do this and offer space for redevelopment, but there is a risk that the quality, functions and program they foresee will not be realised. The municipality wants to get in touch with initiators and have individual assessments. The moment initiators come with an initiative, the municipality will help with the planning. Legally, nothing is settled yet. There is only an urban development plan to discuss.

6.1.5. The instrumental and procedural flexibility

The spatial framework of the urban development plan is relatively hard. Things can be moved, but not so simply. The plan needs to comply with different disciplines and policy objectives. Besides, land is very expensive and developers prefer to build ten penthouses on top of each other. Creating durable urban areas with a good function mix is not so obvious according to the municipality. They say that when too much flexibility is pursued, developers have no reason to start the conversation. Especially in Amsterdam, where mixing functions is difficult and expensive.

Within the development plan it is settled that even within buildings functions need to be mixed. Besides, the municipality tries to preserve different businesses from multiple categories within the area on the ground floor of (new) buildings. The theme of the transformation is focussed on "manufacturing companies". The amount of living

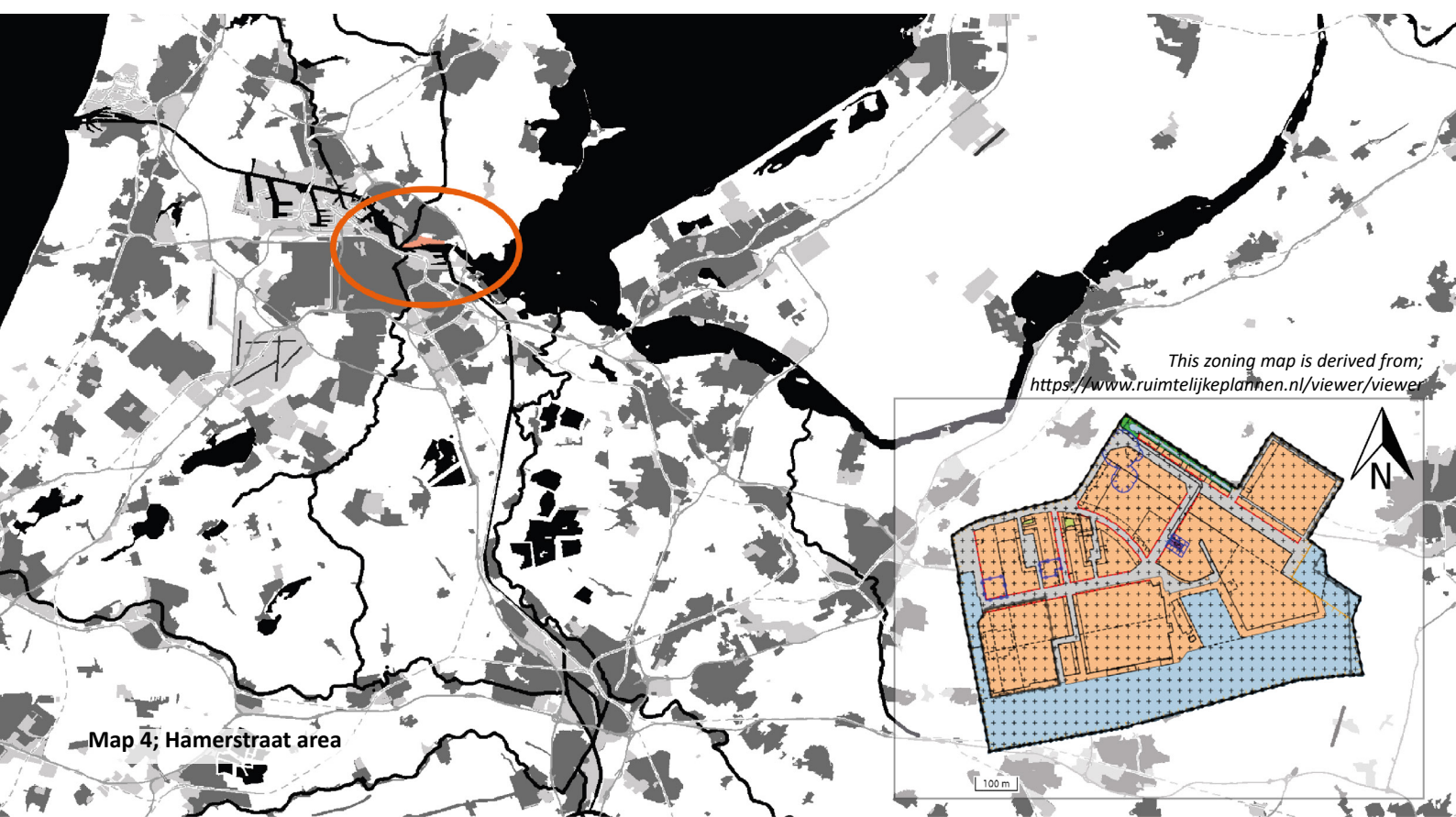
units will be intensified by 6500 in combination with more work related activities. Different functions will be piled up and roofs are made accessible for public functions. Existing buildings as well as new buildings will be used. There is a lot of physical flexibility. Construction wise, measures need to be taken to let different functions mix.

The municipality focusses on the forthcoming Environmental and Planning Act. They still search for the right way to arrange things, but other projects will also be shaped the way the Hamerstraat area is shaped right now. Now, a development framework and an urban development plan are used to make things possible. This development plan needs to land in the new municipal environmental plan, which need to be drafted under the new Environmental and Planning Act.

6.1.6. Clarifying the scatterplot outcome

The land-use plan of the Hamerstraat area falls into the “empty plan” corner. This means that not much legal instruments are used and many functions are possible. This position has mainly be determined on the amount of allowed activities within the land-use plan across the whole area. For some activities there are restrictions, like for living. When much activities are allowed in large parts of the area by the indication “mixed-use” on the zoning map and the associated description in the land-use plan, the flexibility rate on the scatterplot will be high. However, this does not automatically mean that transformation or mixing functions will take place automatically. It is not as black an white as it seems. For mixing functions or transforming brownfields much more is needed.

The interview has learned that (re)development can only take place within the available volumes, but most volumes are taken. The municipality makes an urban development plan next to the land-use plan which guides the transformation process. Initiators can hand in urban design sketches of their intended projects. These will be measured against the urban development plan. The urban development plan may be detailed, but many things are discussable at the front. This is usually not the case during the drafting process of a land-use plan. The municipality will not loose its grip on the situation by leading discussions at the beginning of every process. Juridically, things are only settled when both the municipality and the developer can come to an agreement. The land-use plan and zoning map will be replaced piece by piece. When the municipality allows all kind of activities without any plan, developers will take advantage of the situation. In other words, steering is needed to create mixed-use areas. When all pieces of the urban development plan are laid down, it will eventually be copied into the new municipal environmental plan. From that point forward, the land-use plan will be useless and looses its value.



6.2. Deventer's planning approach for Havenkwartier

6.2.1. *Motives for redeveloping Havenkwartier*

Havenkwartier is a transformation area close to the city centre of Deventer (see map 5) and part of the industrial area Bergweide. The area was messy and there was a low quality of the surroundings. Already in 2000, there was a heavy masterplan with a strong focus on living. Demolition and constructing new buildings was the guiding principle. An active land policy has been pursued in order to acquire the land. However, different stakeholders from Bergweide unified themselves to protest against the intended development. They felt threatened by the new plans. Based on their criticism and the costs, the city council eliminated the masterplan. Hereafter, the board was asked to make a new plan for the area. They came up with the idea to create a breeding place for artists. Many buildings were vacant and by allowing certain temporarily functions with low rents, a creative breeding place emerged. During the plan development phase, the board examined if it was also possible to transform the area into a work-living environment while maintaining characteristic buildings. This asked for a different program.

6.2.2. *The spatial context of Havenkwartier*

The municipality does not own the land in the whole Havenkwartier area. In total there are three harbour docks in the area. The harbour dock on the left is largely owned by the municipality, but the two other docks are not in possession. The municipality wants to transform all harbour docks in the near future into a mixed-use area. The land-use plan is formalised in such a way, that the municipality can also make amendments for the middle and right harbour dock. The right dock is closest to the remaining industrial areas. When it comes to sensitive functions, less is possible here. Also for the middle part there are already a few plans, but most of the developments are taking place on the left side. Here, the municipality can better steer because of their land position.

On the left harbour dock, the public spaces have been tackled quickly. Back roads and squares have been repaved. According to the municipality this made the area already more liveable. Parking is not possible on private land, because of the small lots. The public space does offer enough space for parking, but events organised by entrepreneurs also need to take place here. The concerned parties need to arrange this among themselves. As developments continue, the municipality sees an increasing pressure on the public spaces which might become a point of attention in the future. The municipality might construct a parking building when the pressure gets too high. As most development took place in existing buildings, excavating polluted soils was not needed.

6.2.3. *The Havenkwartier planning process*

After the board came with new plans, they drew-up a spatial development perspective for the area. This perspective made use of the creative breeding place philosophy which already emerged. Besides, characteristic buildings and industrial heritage needed to be preserved. Two silos are now used for the catering industry, living and service and social related companies. The remaining spaces on the harbour dock are used for housing and small businesses. It is a transformation program which makes use of old and new buildings to create a mixed-use outcome.

The philosophy of the Havenkwartier redevelopment is market driven. The land-use plan is based on both the development perspective and a facilitative planning approach. The municipality prefers to have the smallest active role as possible. They actually only want to bring parties together and facilitate the discussions. When the development plan was made, multiple sessions were organised with surrounding neighbourhoods, entrepreneurs, possible developers and other stakeholders. It is up to these stakeholders to come with initiatives. According to the municipality it is not possible to leave it up to the market entirely. It may even be more work to facilitate the whole process, compared to making a traditional land-use plan. The municipality also installed a "front office" to discuss plans with the initiators.

Two thirds of the left harbour dock is now redeveloped. On the two other harbour docks it is more difficult to get something off the ground. New developments cannot disturb business operations and all parties need to agree on each other's plans.

6.2.4. The associated land-use plan

On the bases of the development perspective the land-use plan has been drawn-up. According to the municipality there is an interaction between public law on the one hand (the land-use plan) and private law (contractual agreements) on the other hand. These two elements complement and strengthen each other when necessary. Notably, on the left harbour dock a mixed-use area has been created. Here, plenty of functions are allowed without imposing (many) restrictions. On the other harbour docks the traditional zoning is left intact. However, rules of derogation are included in order to shorten the procedure to transform here later on.

Initiators can choose of a variety of functions and mixes for the left harbour dock. Within the land-use plan, no standard environmental framework is included. In that sense, it will also not be a standard living area. Residents need to accept more environmental nuisance from the businesses. Houses need to be insulated better to create an acceptable living environment. This means that more mixing of functions is possible and that living here means something else than living in a quiet residential area. The other docks do not cause hindrances for the activities on the left harbour dock, but the municipality made sure that heavy activities cannot settle there anymore.

Within the land-use plan spacious building plots have been incorporated for some locations. Here, large developments can take place. According to the municipality there is a danger that when developers buy the land they will only construct houses. This is why a maximum is set to the number of new build houses. When the land is not owned by the municipality, a “prepare decision” (voorbereidsbesluit) will be made when needed to prevent monofunctionally. After all, the municipality hopes that the framework within the development perspective will give enough stimulus to hold on to mixed-use.

6.2.5. The instrumental and procedural flexibility

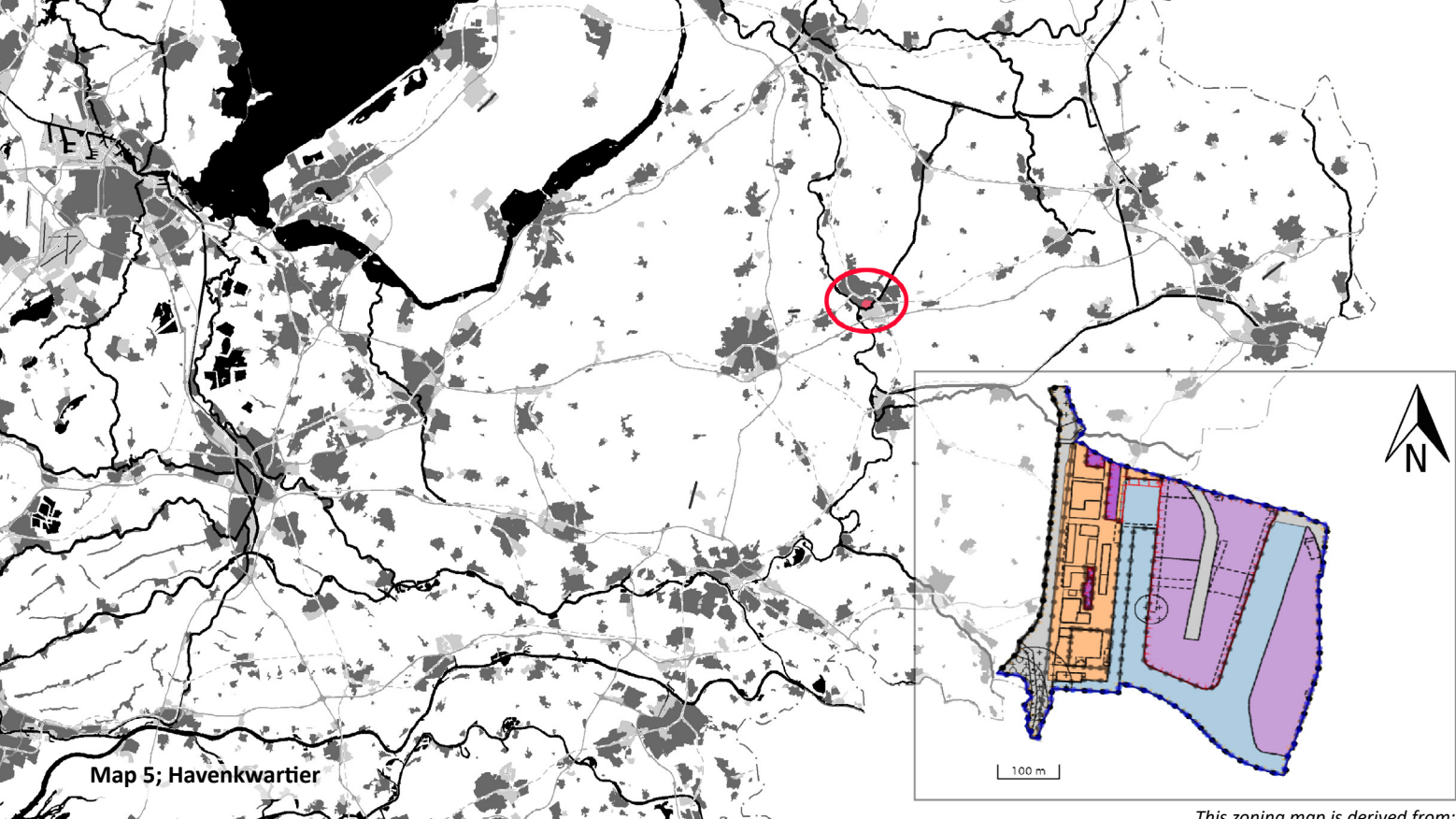
The land-use plan has been drawn-up under the current planning regulations. Within this land-use plan transformation and facilitative planning are key, but it actually still is a traditional land-use plan. This can be understood in two ways, namely; traditional under the current planning regulations or traditional in the form of a detailed land-use plan. The municipality made a plan with a mix of detailed and general aspects. It is not a detailed land-use plan in which everything is settled, but it is a plan in which a mixture exists between detailed and general under the current planning regulations. These details are the restrictions for certain office and retail related facilities or restrictions to prevent monofunctionally.

Basically, everything that fits within the framework can be realised. This perspective is the leading principle. If the land-use plan does not allow a certain activity and the development perspective does, the land-use plan will be adjusted. Although the municipality gives a lot of room for different developments, tensions also arise between residents and businesses. Sometimes residents want the municipality to interfere, but these kind of things need to be discussed in the local business and residents association.

6.2.6. Clarifying the scatterplot outcome

The land-use plan of the Havenkwartier area falls into the “protective plan” corner. This means that more legal instruments are used and less mixing of functions occurs. Although the scatterplot shows a different picture, the land-use plan is actually highly flexible. However, a particular situation occurs. The area can be divided into three harbour docks, but only one is zoned flexible. Here, many functions are possible. On the two other harbour docks, transformation can also take place, but only with a deviation plan.

The main reason why only the left side is zoned flexible, has to do with municipal ownership of the land. The broad spatial development perspective for the area, which is more philosophy description than an urban plan, has been translated into a land-use plan. Especially for the flexible part, lots of functions are allowed with minimal regulations. In addition, the development perspective is more important than the land-use plan itself. There is also no environmental framework. Both new residents and entrepreneurs need to accept each other’s nuisance and make appointments or insulate their buildings to be able to live next to one another. The only thing the municipality tries to prevent is monofunctionally by forbidding a few functions and setting a maximum to floorspaces for living.



Map 5; Havenkwartier

This zoning map is derived from;
<https://www.ruimtelijkeplannen.nl/viewer/viewer>

6.3. Leiden's planning approach for Ananasweg

6.3.1. Motives for redeveloping Ananasweg

In 2008 the municipality was approached by a real estate developer who came up with a plan for the area. The municipality had no clear vision for the area yet in that time. Ten years before, this developer already bought the plot. Originally, it was a logistical point for vegetables and fruit. Since the 1950s vegetables and fruit were distributed, traded and auctioned off. This took place in warehouses. During the 1990s the area lost its function. Shortly after, the developer bought not only the warehouses, but also the corporate cartels behind it. They bought it with the intention to transform the area. According to the municipality this never happens all in once, definitely not in a compacting city like Leiden.

6.3.2. The spatial context of Ananasweg

The Ananasweg area is located in the Lammenschans square (see map 6). This is the biggest housing location in Leiden. The urban housing demand in Leiden is very high. Building new homes is thus a necessity. The aim of the municipality is to create a dense urban environment for living with a mixture of other functions. According to the municipality a dense urban environment not only means building high-rise, but also creating sufficient facilities nearby. Within the new apartment blocks, like the one at the Ananasweg, neighbourhood-bound facilities need to be projected in the plinth area of the building. The municipality is reticent when it comes to creating offices or retailing possibilities in the Ananasweg area. These functions are reserved for the main shopping area. All other functions, like; wellness, sport and services are permitted. The two south corners of the land-use plan of the building are therefore designated as mixed-use.

The developer is responsible for making the grounds ready for construction and developing the public spaces around the building. They also partly paid the reconstruction of a crossroad to better enclose the new building.

6.3.3. The Ananasweg planning process

Already in the 1990s the municipality was in favour of redeveloping the Lammenschans square, of which the Ananasweg is part. The redevelopment of the Ananasweg is the next step in the total urban redevelopment process of the Lammenschans square. In 2008 the real estate developer came with a plan which was different from the plan that is now being implemented. The old plan included high-rise apartments, substantial room for retail and

other facilities, a big underground parking garage and a yacht port behind the building. For years the municipality and the developer discussed about these possibilities, but due to the economic crisis the developer did not find enough investors for the project. In 2014 a reorientation of the plan was made in consultation with Bouwend Nederland, an umbrella organisation for developers. It was decided to leave out the yacht port and retail facilities. Focussing mainly on apartments seemed to be the best option economically, but also for the municipality. The municipality does want to create a mixed-use urban environment, so commercial activities have been projected in the plinth area of the building. It took the developer and its architect one year to come up with a construction plan. This plan has been used to make a spatial justification procedure (RO-procedure). Based on this procedure, people can express their views. Based on these views the land-use plan is adjusted sometimes.

Before the spatial justification procedure was started, a framework decision (kaderbesluit) has been taken. This framework-setting is done to determine the scopes of the project. The city council needs to approve this framework decision before the project can start. Sometimes this can be done in the form of a vision or development strategy. The framework decision broadly registers the functions, building requirements and traffic enclosures. The council actually takes a broad decision on how the area should look like.

The municipality does not own the land and fulfils a facilitating role. They are not pursuing an active land policy in the Lammenschans square, which means that the municipality is not making concrete tenders for redevelopment. They try to seduce landowners to take action. According to the municipality this only works when they are allowed to add value to their land. This is why the municipality holds them the prospect that they can build bigger, higher and mix multiple functions. The municipality tries to convince them to take action and hand in a plan as long as it fits within the municipal framework of the area. This framework has been settled in a vision. However, the Ananasweg just falls outside of this vision. Making an image quality plan is also part of this strategy.

6.3.4. The associated land-use plan

According to the municipality, the planning process is flexible when wanted and rigid where needed. When it comes to the building volumes and heights the land-use plan has a steering function. Not everything is allowed. The view, the skyline and the shadow effect are important elements. Most objections from neighbours are related to these topics. In 2015 the municipality started drawing the land-use plan. It is a traditional land-use plan, because the investor already had a well worked-out construction plan.

It was not very difficult for the municipality to allow the construction of apartments. There are no businesses nearby with heavy environmental impacts. However, traffic noise does pose a small challenge. Railways and a busy roads are located next to the building plot. Especially within the building measures are taken to prevent nuisance for future residents.

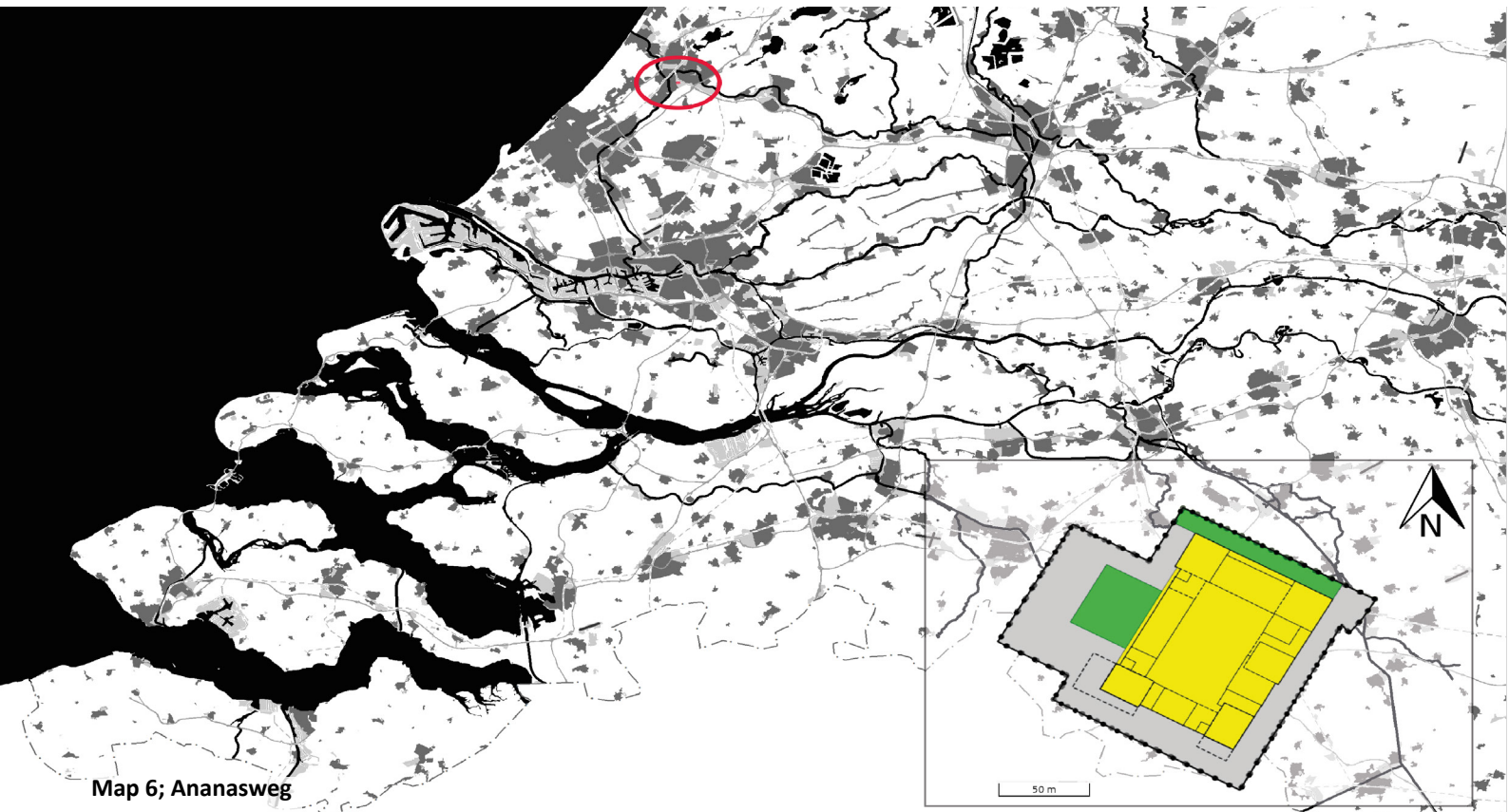
6.3.5. The instrumental and procedural flexibility

The developer wanted some flexibility, but not too much. Too much flexibility could make the whole redevelopment project riskier for both the developer and neighbours. This can also lead to more objections. For the commercial areas at the ground floor of the new building, much functions are allowed. These areas are zoned as flexible as possible within the municipal and provincial policies. For the whole Lammenschans square, the municipality makes sure that the ground floor of new buildings is used for mixed-use purposes. All in all the municipality is much more flexible in the program making phase for a specific plot, than in the actual land-use plan itself.

6.3.6. Clarifying the scatterplot outcome

The land-use plan of the Ananasweg area falls into the “reactive plan” corner. This means that not much functions are allowed and also not much legal instruments are used. The main reason for this is that the land-use plan is made for a single building instead of a bigger area. Within this land-use plan, only parts of the ground floor are devoted to mixed-use possibilities. By far, the largest part of the building is intended for living. This land-use plan is actually a small postage-stamp-plan within a bigger land-use plan which is accompanied with vision for a larger area. When the postage-stamp-plan fits within the vision or development plan, the valid land-use plan is by-passed with a deviation procedure.

This also happened for the transformation project at the Ananasweg. The developer came with a development plan, upon which the municipality agreed after they discussed about the actual interpretation of the plan. For the building itself, the municipality made a traditional land-use plan because of the well worked-out development plan of the developer. It should be noticed that the developer first made its own plan, in accordance with the municipality. Hereafter the plan has been translated in a land-use plan. The land-use plan itself may not be very flexible, but the process and program before the fixation of the land-use plan was very flexible. The municipality let the developers take the initiative, which should be in line with a municipal vision or development plan, but still includes a variety of options for developers. Only seeing a tradition land-use plan and not knowing how it came into being can give a distorted picture of reality when it comes to the flexibility of the transformation process itself. It should be noticed that the land-use plan is not always used as a tool in itself for leading brownfield transformation processes.



Map 6; Ananasweg

This zoning map is derived from;
<https://www.ruimtelijkeplannen.nl/viewer/viewer>

6.4. Maastricht's planning approach for Sphinx

6.4.1. Motives for redeveloping Sphinx

The old Sphinx factory, which is located in a district in Maastricht called Belvédère (see map 7), is being redeveloped. For Sphinx, a subplan has been made under the Belvédère masterplan. Within Belvédère a developer, called Wijkontwikkelmaatschappij Belvédère, buys land, old factories and industrial areas and redevelops it accordingly. The 'Wijkontwikkelmaatschappij' has been established by the municipality to prevent competition between other developers. Together with the municipality the development agency acquires the land. After they bought the land, the agency makes the grounds ready for construction, lays down the infrastructure and hires advisors and architects for the superstructure. The agency also makes sure that in accordance with the municipality land-use plans and urban development plans are drawn-up. The land-use plan for Sphinx was made ten years ago.

6.4.2. The spatial context of Sphinx

The agency is responsible for making the grounds ready for construction, soil remediation, implementation of sewer systems, making streets and so on. At the south-end of Sphinx, 400 houses are now being constructed. At the right-hand side there are big empty halls in which anything and everything can be realised. These areas have been zoned as “centre” within the land-use plan. This is in essence also the set-up of the plan. The central part is addressed as a quiet living area and the edges are more focussed on creating lively functions. These edges are connected to the rest of the inner-city area. Especially the ground floors are suited for a mix of different functions. There is for example a bowling centre, a Student Hotel, lofts, shops, catering facilities and a big furniture store.

When the land is sold, a purchase agreement is signed between the buyer and the agency. This also comes with a ground agreement. The latter includes a set of cross-compliances. One of these cross-compliances is the land-use plan.

6.4.3. The Sphinx planning process

After the development agency bought the land from Sphinx, they started to make a development plan. Because of the size of the plan, it has been subdivided in phases. During the refining of every phase of the development plan, the agency also drafted the land-use plan together with the municipality. In fact, the urban development plan has been translated into a land-use plan. The municipality did not draft a land-use plan beforehand, but translated initiatives and ideas from developers. Next to the land-use plan drafting process, the municipality, the agency and some smaller developers discussed about the percentages of rental properties and owner-occupied properties.

After the plan was finished the financial crisis broke out. For years nothing happened. According to the agency no one wanted to take the risk of building owner-occupied houses. When new investors came forward, the urban development plan needed to be recalibrated. The focus of the plan shifted from building owner-occupied buildings to realising rental properties. Because of the lower selling price of rental properties, the plan could not proceed as it was drawn-up before the crisis.

The municipality did not want to make a *carte blanche* for the area. The planning process has always been an interaction between the municipality and the developers. The municipality is dependent on the market for initiatives and is not constructing houses and redeveloping monumental buildings on its own. The municipality has mainly acted as a facilitator, but does have a strong position due to the land ownership. Within the planning process the land-use plan is used as a public planning instrument and the ground agreement is used as a private planning instrument.

6.4.4. The associated land-use plan

The whole project is market-driven and depends on investors who want to invest in projects in Maastricht. The development agency and the municipality both coordinate these projects, but it can never be determined exactly where things will be realised. It is almost an organic model for transformation. The land-use plan is the assessment framework for every initiative. Within the land-use plan there is a built-in flexibility, mostly for construction related issues. This can result in an interesting interplay between the architect, the project developer, the urban planner and the aesthetics committee. The whole plan needs to refer to the old Sphinx factory. This is also written down in the image quality plan. This plan provides unity between the different developers and their architects within the area. However, the image quality plan also creates tension. Developers and architects prefer to have as much room as possible. Therefore, discussions evolved around the juridical binding of the image quality plan. The land-use plan has been set by the council in combination with the image quality plan. Thus, the question arises if someone can deviate from the image quality plan without any procedure.

On the one hand the municipality steers from the land-use plan and on the other hand they steer from the spatial context. Architects and developers want freedom, but also clarity. This is the reason why they also have been involved in the writing and development process of the land-use plan, the urban development plan and the image quality plan.

6.4.5. The instrumental and procedural flexibility

From an urban planning perspective, people want to settle as much as possible to create a final image of the project.

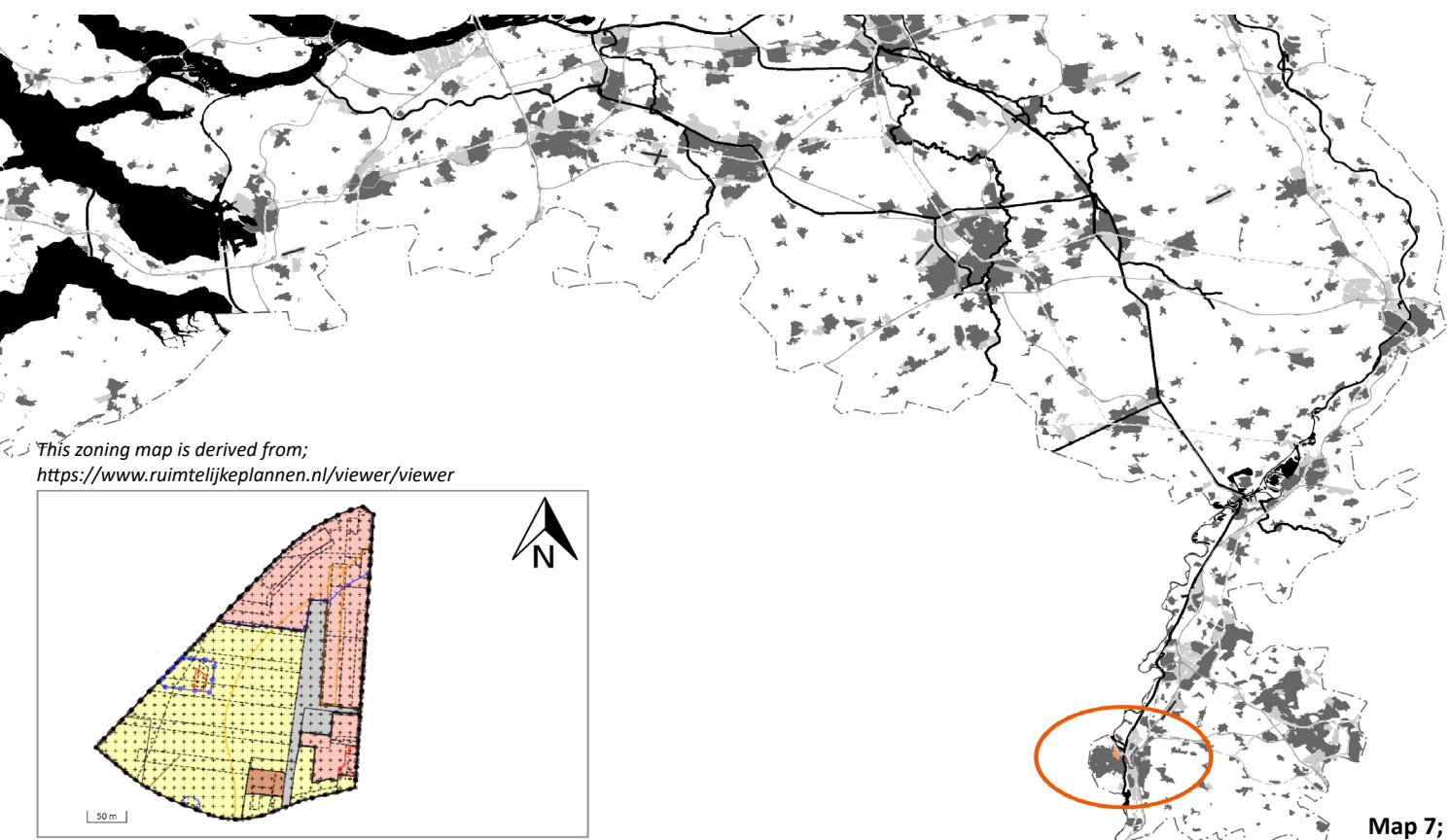
From a development perspective, people want more flexibility to be able to adjust to changing situations. According to the development agency, not everything can be settled. Much can change during the time needed to finalise the project.

The municipality could have zoned the whole area as “centre” in which almost every function fits. However, due to financial and programmatic reasons this was not possible. Much room has been reserved within the land-use plan for quiet living areas, without any other functions. At the edges of the land-use plan, flexibility has been pursued. Here, mixing different functions is possible. According to the agency, flexibility can have its drawbacks. The drawback within this project was that surrounding residential areas experience nuisance from the bowling centre. When people want to file an objection, they barely have any legal grounded possibilities because of the flexibility of the land-use plan. According to the agency people have been informed about the redevelopment project of Sphinx. The project developer presented the plan, upon which people could respond. Nevertheless, when activities are allowed by the land-use plan, a permit needs to be granted. Eventually, some concessions have been made based on the received objections.

6.4.6. Clarifying the scatterplot outcome

The land-use plan of Sphinx falls into the “empty plan” corner. This means that not much legal instruments are used and many functions are possible. This has mainly to do with the fact that around half of the Sphinx area is devoted to living. The other half is stipulated as centre, which means that more functions are possible in mixed forms. The function centre is focussed on the edges of the area and in old factory buildings. Here, functions related to; culture, retail, service and catering are projected. In some small parts of the plan a deviation is needed to allow certain functions. Other regulations are related to construction.

It can be noticed that within the Sphinx project that the municipality first discussed the initiatives with developers before the land-use plan was settled. The land-use plan is basically a juridical translation of the development plan which has been made earlier. The land-use plan serves as an assessment framework, but the municipality also interacts with different developers during the planning process to redevelop the area. The land-use plan is therefore used as a public planning instrument, whereas in other transformation projects the urban development plan is more often used as the guiding document. It is also stated within the ground agreements that the land-use plan is a cross-compliance. Although around half of the land-use plan is zoned rather flexible, the land-use plan remains directive.



6.5. Eindhoven's planning approach for Strijp-S

6.5.1. *Motives for redeveloping Strijp-S*

Strijp-S is an old industrial complex of Philips which needs to be redeveloped to create a high-end urban environment. This transformation will take years. For this reason, the plan has been made as flexible as possible (see map 8).

6.5.2. *The spatial context of Strijp-S*

The transformation process already started in 2000, but there are still plots which need to be built. For these plots, the functions and programs still need to be settled. According to the municipality there is an increasing dynamic within the area. More and more small businesses focussed on design, creativity and technic settle down, but there is also enough space for living. However, these developments need to be appropriately managed. The department "Park Strijp Maintenance" coordinates the development related to traffic and buildings. Park Strijp Maintenance is partly municipality and partly developer. They ensure that implemented programs of land owners or initiators for new functions are desirable. Where certain functions are developed depends on the technological possibilities when it comes to environmental aspects. Along the railway for example, noise and external safety are major challenges. Different measures need to be taken before apartments can be constructed. Within the area, there are three big landowners. Most often, they are responsible for making the ground ready for construction, unless a contractual agreement states otherwise.

6.5.3. *The Strijp-S planning process*

The basis for the land-use plan has been the urban development plan. There is no image quality plan, but a supervisor keeps an eye on the architectural elaboration. The municipality did draw-up an agreement with the two major housing associations. More cooperation's are not possible as these two associations are the two main developers. Besides, there is also an "activities decree". When catering industry related activities are accommodated somewhere, requirements from this decree need to be followed to minimise nuisance.

Under the actualisation of the land-use plan, requirements for noise have been transferred to the department for granting licences. The actualisation of the land-use plan has also been reported to the Crises- and Recovery Act. The reason for this is that it cannot be precisely said beforehand in which locations houses are constructed. When this is clear, examinations to noise, odour and external safety with matching measures will be conducted. Within a traditional land-use plan, these noise and odour parameters need to be set at the determination phase of the land-use plan. Now this has been shifted to the department for granting licences, which creates more flexibility within the actualisation of the land-use plan. Functions are therefore not excluded beforehand.

6.5.4. *The associated land-use plan*

The land-use plan for Strijp-S has been drawn-up in 2007 and has been updated in 2017. This actualisation brought along a few developments. The zoning map now consists of four mixed-use areas in which exchange of functions is possible. Within the mixed-use areas a variety of functions are allowed, like; living, working and public-oriented functions. In addition, for working and living a maximum amount of floorspace is set. This floorspace can be exchanged. This means that floorspace intended for living can be exchanged for work related activities and vice versa. In addition, the land-use plan also does not include percentages of rental properties or owner-occupied properties. These measures create a lot of flexibility according to the municipality, which will result in dynamic urban areas. The 2017 land-use plan will be revised again, but according to the municipality there are most of the time not much deviation procedures needed when a lot is allowed within the framework of the land-use plan.

6.5.5. *The instrumental and procedural flexibility*

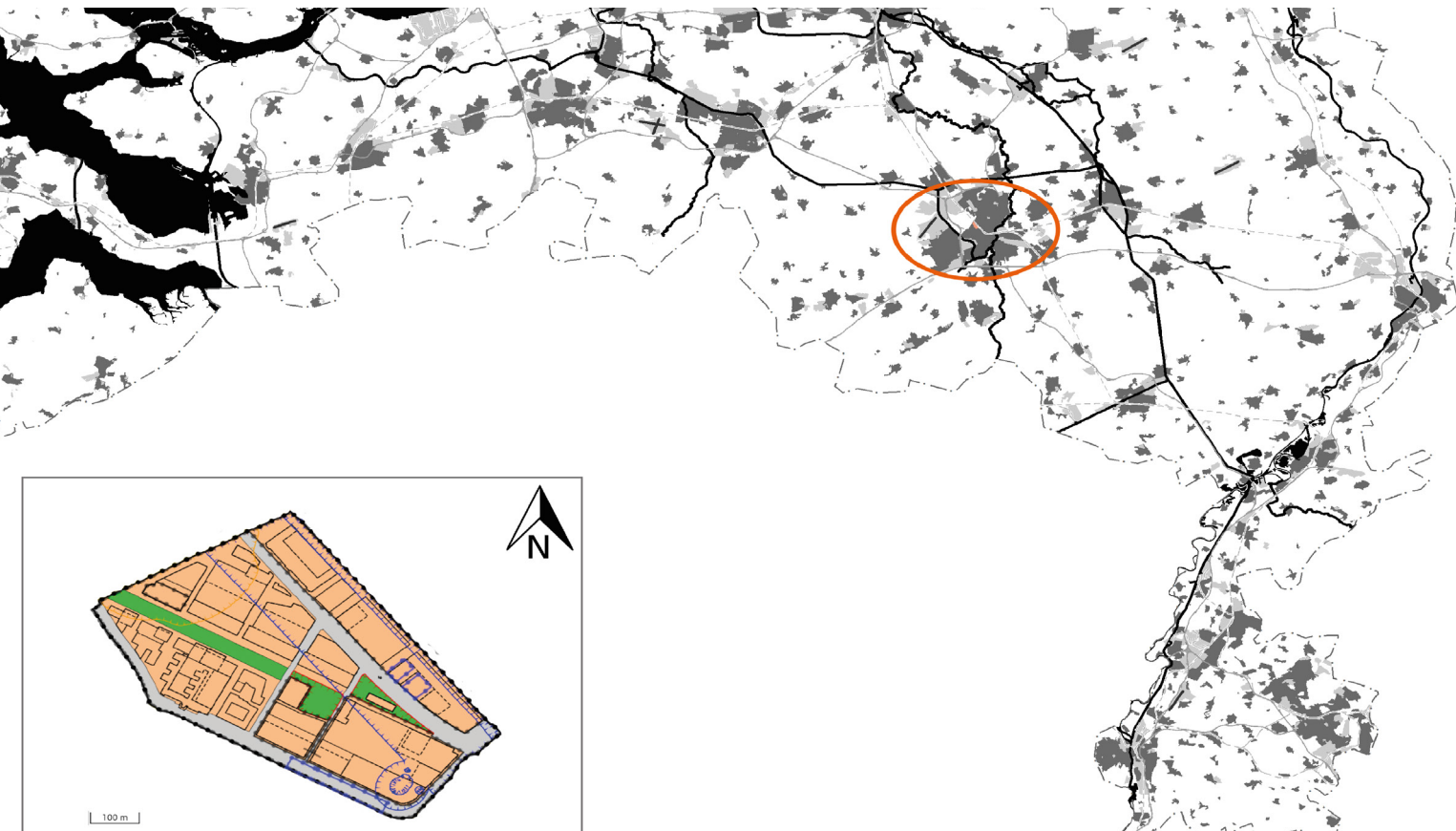
The biggest advantage of this planning approach, according to the municipality, is the great amount of flexibility and the ease in which something can be developed within the land-use plan framework. When the land-use plan regime is too tight and a developer wants something else, it would take a long time to make a deviation or to make an "extensive Wabo-procedure" (uitgebreide Wabo procedure). Despite the flexible land-use plan, the municipality is not totally surrendered to the market. Park Strijp Maintenance keeps its grip on all developments.

The biggest pitfall of this land-use plan is that all kind of activities are allowed, thus people can change their function without any kind of permit. This is a little bit tricky, because undesired situations could emerge. There is an activities decree to safeguard certain activities within an area, but there is also a certain degree of mutual trust between the municipality and developers or land owners. Without this flexible approach, Strijp-S could have never flourished the way it does now.

6.5.6. Clarifying the scatterplot outcome

The land-use plan of Strijp-S falls into the “empty plan” corner. This means that not much legal instruments are use and many functions are possible. Strijp-S is actually one of the most flexible plans analysed in this research. This has mainly to do with the fact that almost all functions related to living, culture, retail, service, catering, offices and social are permitted across the whole area. For businesses, catering and recreation there are some restrictions, but overall many functions are possible.

As with many other projects, the municipality first made an urban development plan which has been the bases for the land-use plan. Within this land-use plan a lot of flexibility has been built-in by taking all kind of measures. One is setting a maximum on floorspace surfaces for certain functions and giving the possibility to exchange these functions. Another measure is that requirements for noise have been extracted form the land-use plan, which prevents certain functions from exclusion. However, there is an agency under the municipality which ensures that unwanted developments are not taking place. By drafting, among other things, agreements with the developers and an activities decree supervision is maintained.



This zoning map is derived from;
<https://www.ruimtelijkeplannen.nl/viewer/viewer>

Map 8; Strijp-S

Chapter 7.

Discussion



Chapter 7.

Discussion

The first part of this research has focussed on literature which discussed the shift on national and international level in the planning practices. The biggest direct impact comes from economic, political and societal changes (Tasun-Kok, 2008). Densifying the already built-up areas and making cities more sustainable becomes more important as land-use is increasingly effected by urbanisation (Hedblom et al., 2017). New urban governance models are shifting towards more cooperative approaches, however they struggle to define their meaning under meaning under vastly changing circumstances. Futures more than fifteen years ahead are not certain anymore. Therefore, strategic and long term planning cannot cope with the current urban planning challenges (Balducci et al., 2011). The need to provide legal certainty on the one hand and room for unplanned innovation on the other hand raises a regulation dilemma. This dilemma is caused by the balance between general norms, like spatial quality and sustainability, and particular norms, like building and zoning regulations. This balance is challenging many countries across the globe (Savini et al., 2015).

Coping with a reality which is changing continuously, asks for another view on steering and suitable spatial planning instruments. Adaptive forms of policy are promising alternatives, but at the same time it is still in its infancy. Above all, adaptive planning can be interpreted in many different ways (Rauws, Zuidema, & de Roo, 2019). Adaptive planning also makes use of the capacity of others to be adaptive. This is different from the traditional planning approach. The role of the government shifts from controlling developments towards stimulating adaptiveness. This also comes with another set of spatial instruments. Spatial issues are increasingly a common responsibility (Rauws et al., 2019).

But how are these new planning processes shaped in practice? How are planning instruments used? And how are the urban planning challenges, like densification, spatial quality and sustainability taken into consideration to create liveable environments? These kind of questions have not clearly been answered yet by the literature. As discussed in this research, the land-use plan is one of the most important planning instruments in the Netherlands. Besides, brownfields are more often subject to transformation and redevelopment processes to create mixed-use urban areas. This gives the opportunity to investigate what kind of planning instruments and approaches these municipalities are using, considering the challenges describes above. The objective of this research therefore is; ***“researching the mixed-use possibilities on (run-down) Dutch brownfields by analysing the amount of flexibility in the land-use plans and the associated municipal planning approach”***.

To be able to research this objective a main research question has been formulated. This main research question is; ***“how does flexibility in land-use plans and zoning maps help municipalities to create mixed-use areas on run-down brownfields in the Netherlands?”***

Based on this research two major discoveries have been made. The first discovery has to do with the used assessment tool. The second discovery has to do with the flexibility outcomes and the way functions actually mix in the urban fabric using the land-use plan. Both discoveries will be further described and discussed below.

To be able to answer the research question the theory and assessment tool by (Van den Hoek et al., 2020) has been used. 50 Land-use plans have been analysed on its material and procedural certainty. When the material and procedural certainty are calculated, an average flexibility rate can be determined. Surprisingly, within this average flexibility rate an inconsistency occurs when it comes to the material certainty. Basically, the idea is that the more functions are allowed within a land-use plan, the higher the material flexibility is. But this is not always the case. Especially not when it comes to traditional land-use plans in relation to flexible land-use plans. Here a nuance is needed. Traditional land-use plans can allow as much functions as a flexible land-use plan, but this does not mean that traditional land-use plans are as “flexible” as flexible land-use plans. Normally, traditional land-use plans only allow functions in certain parts of the zoning map while flexible land-use plans are more likely to allow multiple functions all over the zoning map. Or at least, in bigger parts of the zoning map. This means that a flexible land-use plan is way

more “flexible” when it comes to allowing certain functions in bigger parts of the zoning map than a traditional land-use plan. Yet, traditional land-use plans seem to be as “flexible” as a flexible land-use plans, because the assessment tool only counts the amount of permitted activities and does not take into account the surface area in which these activities are permitted. However, for this research it is important to take these surface areas into account. Otherwise differences in flexibility rate outcomes from traditional and flexible land-use plans cannot be distinguished from each other. For this reason the assessment tool by (Van den Hoek et al., 2020) has been modified by adding the percentage share of the surface area per permitted activity (see appendix 2). After this addition was made, results were gathered.

Astoningly, after the assessment tool was modified the flexibility outcomes of the land-use plans were largely different from the flexibility outcomes without modification. The new quantitative results were gathered. These flexibility levels were more in line with what was expected. However, when the quantitative results were compared with the qualitative insights from the interviews, divergences showed up. It was expected that the more flexible the outcomes of the quantitative data were, the more functions were allowed all over the concerned areas without any restrictions. In other words, it was expected that the more material and procedural flexibility there is, the more mixing of functions would show up with little interference of the municipality. This is not exactly the case. In fact, when land-use plans are made highly flexible and municipalities would withdraw from the planning process, it is more likely that monofunctional urban areas will be created.

To cut right to the chase; having a flexible land-use plan with associated flexible zoning map does not automatically mean that everything mixes with everything everywhere. Instead, the planning approach is way more nuanced for creating mixed-use urban areas. What became clear is that the municipalities still play a very important role when it comes to transforming former brownfields into viable urban areas. Although their role shifted from steering towards facilitating, municipalities still have the final say in many occasions. The flexible land-use plans and zoning maps have become a tool to foster transformation processes, without using it as a real planning tool. More important in transformation processes are now the urban development plans, visions and image quality plans instead of the land-use plan itself. All interviewees pointed out that first an urban development plan was drafted, before things were settled in a land-use plan. These urban development plans and visions are most often drafted in consultation with initiators, landowners, housing associations and the like. In these documents general frameworks are presented in which development can take place.

It can be noticed that the land-use plan is not that important any more sometimes. They are rather used as a back-up documents next to the development plans and visions, than as the planning tool which is leading the urban transformation process. It can also be noticed that the interviewed municipalities changed their planning approaches after the economic crisis of 2008 by making urban development plans. Urban development plans and urban visions have taken in a new position after this crisis. One of the reasons for this maturation are the ambitions related to sustainability, mixing functions and the integration of transformation areas within complex urban networks which transcends the regulating capacity of a land-use plan. The land-use plan is not a planning tool on its own anymore, but is accompanied by a toolbox of other spatial instruments, like; image quality plans, visions and urban development plans.

By drafting urban development plans, broader frameworks are set. By doing this, municipalities try to stimulate initiators to make plans for their own plots. They actually work on the further detailing of the urban development plan. Most transformations are therefore market dependent. This is in contrast with the traditional Dutch planning practices. When the initiative looks good and fits within the framework of the urban development plan, the municipality will deviate from the applicable land-use plan. During this phase, more negotiations take place between the municipality and the initiator. Things are settled in activity decrees, ground agreements, image quality plans and/ or postage-stamp-plans. Legal certainty is in this way ingrained again to some extent. There is, so to say, more flexibility within the planning process than in the actual land-use plan. By drafting urban development plans, land-use plans are by-passed to make transformation possible. Actually, these urban development plans and urban visions are organic planning tools of market-driven transformations. New initiatives are all small impulses to accomplish the transformation project. Every time a new initiative is approved by the municipality and translated into

a postage-stamp-plan, the actual land-use plan is replaced a bit further by the developments made possible under the urban development plan. In other words, municipalities make use of public and private planning instruments. The public instruments are the land-use plan, the urban development plan and the image quality plan. Here broader standards are set for the bigger area, although the level of detailing might vary a between these documents. The private instruments are the ground agreements, postage-stamp-plans and other kinds of private agreements. In these documents, the details are worked out within the broader frameworks of the public instruments. When these public instruments are settled, things are most often made legally binding. Remarkable is that the more traditional forms of planning moves towards more performance based forms of planning. Within the urban development plans certain standards are set. These standards can range from certain building heights, to mixing functions, to sustainability measures, to building volumes, to maximum dimensions of floor spaces for living and working and to maximum standards for odour and noise pollution. Where functions need to be developed is not determined beforehand. Developers can buy a plot of land and make a plan. This plan is, when they can make an agreement, anchored juridically. During the whole planning process prior to this, only the flexible land-use plan is made juridically binding of which the urban development plan or urban vision is part. Sometimes, there are instances that functions which produce noise, vibrations or odour are located next to living areas due to the flexible standards which apply to the whole transformation area. This surprisingly means that both residents and business need to accept that there is nuisance or that both residents and businesses need to take source measures within their buildings. Construction wise, many measures can be taken to minimise nuisance which makes mixing functions even more accessible.

Within planning literature it is stated that the Euclidean geometry is gradually replaced by fuzzy maps with fluid boundaries. This approach forces urban regions and cities to embrace entrepreneurial approaches which better fits the competitive political agendas (Olesen, 2014). According to the literature many researchers advocate for simple legal rules to achieve order as societies get more complex (Moroni et al., 2018). Also Salet et al., (2013) states that the legal context needs to be neglected by avoiding extremely specified legalism. One way to do this is by creating fuzzy maps (Olesen, 2014). Olesen (2014) mentions that representational vagueness is a political strategy that can be used to camouflage spatial politics within strategy making. In this way political difficult issues are brought to lower levels which encourage decision making, whereas strategic plans at higher levels creates a maze of details in which decisions are postponed (Olesen, 2014). Secondly, fuzzy boundaries creates value for cross-disciplinary and multilateral collaboration by reducing the uncertainty (Olesen, 2014). In addition, Olesen (2014) describes that fuzzy maps create soft spaces. Therefore, neoliberal agendas move beyond planning requirements, rigidities and statutory planning. It is believed that lock-ins or planning impasses can be dealt with in a better way within these soft spaces. On the other hand, Olesen (2014) also argues that these "soft spaces" might lead to uncontrollable planning situations which destabilise planning. As a matter of fact, control will be lost when too much flexibility is deployed and when too much room is given to other forces when governments give up their steering ambition (Olesen, 2014).

State-led spatial planning is in direct contrast with neoliberalism, which can be understood as a gradual shift away from collective policies. In addition, more market-dependent and market-oriented approaches are promoted through competitive structuring (Olesen, 2014). Also the shift from an economy based on manufacturing to an economy based on services influenced, and is influencing, urban spatial development and its corresponding planning strategies (Tasan-Kok, 2008). In most Nordic countries there is often a hybrid form of the two extremes which results in a mix of welfare state planning ideas and neoliberal planning approaches. The shift in planning practices is most evident in the UK, but also in Belgium, Denmark, the Netherlands and Germany the neoliberal ideologies are starting to overshadow strategic spatial planning practices (Olesen, 2014). A flexible system for adjustment and communication between private and public actors is emerging, whereas the traditional governmental framework is disappearing (Hartmann & Needham, 2012). For this reason, neoliberalism receives increasing attention in planning theory (Olesen, 2014).

Hartmann and Needham (2012) describe that transferring more and more responsibilities towards private and quasi-public institutions is in contrast with European integration and globalisation. According to Hartmann and Needham (2012), cooperation systems are as democratic as majority systems. To filter out legitimation problems more government and less governance is needed (Hartmann & Needham, 2012). Yet, Davy (2008) mentions that

sustainable urban development and urban quality can only be achieved by a culture of difference and understanding plural rationalities. With strong interference of governmental bodies (order), it is likely that monorational thinking will prevail which causes a threat for inventive solutions to severe planning challenges. Polyrationality in planning means taking into account different voices and rationalities. Important questions can be raised about the distribution of power, the management of processes and the balance between rules and flexibility (Olesen, 2014). Therefore clarifications are needed to underline the different variants in which flexibility works in different planning cultures. This is also one of the reasons why planners are not unanimous in their thoughts on how flexibility can best be achieved (Cozzolino, 2018).

The shifting planning approaches and governance models have, as described above, also been addressed by the exciting literature. But it has never been placed in a local context. What flexible planning exactly means in reality remained unknown. Flexible planning practices for transformation processes in the Netherlands have shown that there is not one way to organise this. In general terms, it can be concluded that municipalities shifted their focus from making land-use plans to making urban development plans and vision in which much more is possible. These documents are then subdivided and worked out in custom-made and more detailed plans. Things are also anchored juridically later on in the planning process instead of at the beginning. By refining the concept and giving new meaning to public and private planning tools, a more performance based planning approach emerged which is more likely to benefit flexible planning outcomes.

Chapter 8.

Conclusion



Chapter 8.

Conclusion

By writing the conclusion, this research has almost come to an end. This research departed from the idea that organisational and administrative structures are moving away from rigidity to be able to tailor planning processes. Critics of spatial planning argue for less specific and more flexible rules. How this process takes shape in a country like the Netherlands, where the planning system is very organised, remained to be investigated. According to the literature, it is still unknown how flexible urban developments are steered with specific rules which can adapt to the changing societal needs. In other words, there is a dilemma between open and closed planning. This knowledge gap has been taken as the starting point for this research.

The land-use plan is one of the most important planning tools. This research has been committed to analysing 50 land-use plans. These documents have been analysed on its material and procedural certainty to be able to determine the flexibility level. In these documents the trade-off between certainty and flexibility is most provable. Legal certainty defines desirable land uses and avoids undesirable land uses, but leaves little room for unplanned innovation. Besides measuring the flexibility level in land-use plans, this research was also committed to analysing how flexibility in land-use plans is related to the creation of mixed-use urban areas, with special attention to brownfields. Due to the scarcity of land in the Netherlands, old industrial areas need to be reused to realise sustainable urban growth. There are sites where brownfields have been transformed or are being transformed at the moment. This is then a great opportunity to analyse the flexibility level of these land-use plans which underly these transformation processes. In addition, the planning approaches which guide these transformation processes have also been taken into consideration.

8.1. Used methods

For doing the land-use plan analyses, the assessment tool and theory by (Van den Hoek et al., 2020) has been used. The biggest advantages of using this tool is that the flexibility level of all analysed land-use plans can be plotted on one single figure in Excel. For every land-use plan one average flexibility level is calculated by measuring the material and procedural certainty. From this figure, it is much easier to speculate why these plans are located on the scatterplot as they are. Another advantage of the assessment tool is that it is rather easy to analyse a land-use plan, as land-use plans are generally very descriptive, long and difficult documents. For filling in the assessment tool it is important to selectively read through the land-use plans and search for texts related to the amount of permitted activities and the legal procedures related to these activities. This makes it possible to analyse a substantial amount of land-use plans within a reasonable timespan. One of the biggest disadvantages of the assessment tool is that it does not take into account the surface area of each activity within the zoning map. Each permitted activity will elevate the flexibility level of a land-use plan, while it is much more nuanced to take into account the surface area in which this activity is permitted within the zoning map. Knowable, not all activities are permitted within the whole zoning map. The assessment tool has been adjusted for this research for this reason. Another disadvantage of the assessment tool is that random error can occur by filling in a lot of numbers for every land-use plan. For this reason every Excel sheet has been checked twice.

The quantitative data from the land-use plans is substantiated with qualitative data from semi-structured interviews. These interviews have been held with municipal employees to get to know more about the planning approach behind the flexible land-use plans. From the quantitative data it can only be guessed what the planning approaches and reasons behind the establishment of the flexible land-use plans were. Therefore five semi-structured interviews have been held, transcribed and coded accordingly. The biggest advantage of doing semi-structured interviews is that the interviewee gets the opportunity to clarify and express him or herself without too many restrictions on the topics. In addition, the interviewer gets the opportunity to extract information which cannot be found online. Five topics related to the land-use plan and the planning approach have been broadly discussed during

the interviews. This enriches and supplements the already available and gathered information. The biggest disadvantage of doing semi-structured interviews is that the researcher might gather unusable information or that the interviewee goes off-topic because of his or her knowledge or expertise. For example, a project leader might know more about the planning process and a legal officer might know more about drafting the land-use plan. Besides, random error might occur when a respondent does not know an answer. Another disadvantage of doing semi-structured interviews is the amount of time it takes to arrange, hold, transcribe and code an interview. Because of this, it was not possible to do more interviews. A side issue was that all interviews were done via Skype or via a phone call. Due to bad connections, conversations were sometimes interrupted.

8.2. Answering the sub-research questions

8.2.1. Context for answering the first sub-research question

The first sub-research question is; ***“how much flexibility are municipalities incorporating in their land-use and zoning plans to create mixed-use areas?”***

The quantitative data shows (illustration 8) that almost all land-use plans with flexible zoning maps are projected at the top of the scatterplot on the righthand side. This generally means that these land-use plans allow many functions in the whole zoning map with the use of minimal legal instruments. In other words, the material flexibility as well as the procedural flexibility is high. Most land-use plans with flexible zoning maps allow three to seven functions per square meter of the concerned area and use only one or two legal instruments within the land-use plans to restrict certain functions. There are only a few land-use plans with flexible zoning maps which allow much less functions. This has to do with the fact that the actual surface areas of these plans are relatively small.

All land-use plans with traditional zoning maps are projected at the bottom of the scatterplot on the righthand side. This means that these plans allow few functions in the concerned areas with the use of minimal legal instruments. In other words, the material flexibility is low and the procedural flexibility is high. The land-use plans with traditional zoning maps allow 0 to 4 functions per square meter of the plan and only use one or two legal instruments within the land-use plan to restrict certain functions.

The third group of land-use plans which can be distinguished have zoning maps with flexible characteristics. These plans have a much greater distribution over the scatterplot. They can be found at the top, middle and bottom of the scatterplot, but most appear at the bottom. In addition, most plans are projected at the right-hand compared to the left-hand side. This projection on the scatterplot generally means that land-use plans with zoning maps with flexible characteristics allow few functions with by using minimal legal instruments. In other words, the material flexibility is low and the procedural flexibility is high. Although there are some exceptions. The quantitative data shows that these land-use plans generally allow 0 to 5 functions per square meter of the concerned area and use 1 to 4 legal instruments to restrict certain functions.

8.2.2. Answer to the first sub-research question

Not all analysed land-use plans have the purpose to create mixed-use urban areas, especially not the ones with traditional zoning maps. Land-use plans which do have flexible zoning maps or flexible characteristics are most suitable for realising mixed-use urban areas. It can be concluded that all land-use plans with flexible zoning maps and some zoning maps with flexible characteristics indeed have the purpose to make transformation and redevelopment possible in the broadest sense of the word. These transformation and redevelopment processes can include reusing old buildings, constructing new buildings, realising mixed-use or single use areas, small transformations or big area transformations. This is also the reason why the flexibility level of flexible land-use plans may show variations in outcomes.

Based on the theory and assessment tool the specific level of flexibility has been measured of every analysed land-use plan. It can be concluded from the quantitative data that land-use plans with flexible zoning maps incorporate a high

amount of flexibility. More specifically, most flexible land-use plans and associated zoning maps generally allow three to seven functions per square meter. This does not mean that every square meter of these plans literally accommodates so many functions, but that in theory this range of functions are possible within these locations. Thereby only few, one or two, legal instruments are used. The most flexible land-use plans and zoning maps are almost always linked to big and complex area transformations.

Land-use plans and zoning maps with flexible characteristics are also sometimes related to transformation processes, but rather smaller in extend. These land-use plans and zoning maps are almost always related to a partial transformation of a bigger area, postage-stamp-plans, finding new functions for a few existing buildings or making construction of smaller projects possible within applicable land-use plans. The objectives of these plans can have a wide range. It can be concluded from the data that land-use plans and zoning maps with flexible characteristics generally allow zero to five functions and generally use zero to four legal instruments.

8.2.3. Context for answering the second sub-research question

The second sub-research question is; ***“what are the planning approaches the different municipalities are following to create mixed-use areas?”***

To be able to answer this question five semi-structured interviews have been arranged with three municipal planners, one project leader and one legal officer. During these semi-structured interviews five topics have been discussed, namely; motives for the redevelopment, the planning process, the land-use plan, the spatial context of the redevelopment and the instrumental and procedural flexibility within the land-use plan. Based on the quantitative results only land-use plans have been chosen which are flexible or have flexible characteristics. Besides, the quantitative results of the chosen plans needed to be exceptional to be able to see differences in planning approaches. As a consequence, three land-use plans have been chosen which are highly flexible in both a material and procedural manner. These plans are: Strijp-S (Eindhoven), Hamerstraatgebied (Amsterdam) and Sphinx (Maastricht). One plan has been chosen which is inflexible in a material way and flexible in a procedural way. This plan is Lammenschans-Ananasweg (Leiden). The last chosen plan is not very flexible in both a material and procedural way. This plan is Havenkwartier (Deventer).

Due to the very different spatial, economic and political circumstances these land-use plans are drafted in, generalisability of the findings to other land-use plans and projects which share the same quantitative features is not possible. Result always need to be explained in the local context. The one spatial characteristic that the chosen locations do have in common, is that they are all located in dense urban environments. This does make it possible to mutually compare them to some extend in their planning approaches in creating mixed-use urban environments. The aim of these interviews is to clarify how flexibility works in these different transformation processes.

8.2.4. Answer to the second sub-research question

Amsterdam, Hamerstraat

The municipality of Amsterdam made a detailed urban development plan next to the land-use plan. At the start of the drafting process of the urban development plan many things were open for discussion. The urban development plan guides the transformation process. Urban sketches of new initiatives will be measured against the framework of the urban development plan. Although the municipality does not own the land, they have a strong position. Development is not made possible without an agreement between the municipality and the developer. The applicable land-use plan and zoning map will be replaced piece by piece as new initiatives are approved. When all pieces of the urban development plan are laid down, it will eventually be copied into the new municipal environmental plan.

Deventer, Havenkwartier

The municipality of Deventer made a broad spatial development perspective for the area, which is more a philosophy description for the area than a development plan. This vision has been translated into a land-use plan. Around a third

of the zoning map has been zoned as “mixed-use” due to the municipal ownership of the land. Here, lots of functions with minimal regulations are permitted. The development perspective is more important than the land-use plan itself. Residents and entrepreneurs make appointments when it comes to nuisance or just accept nuisance. There is no worked-out environmental framework. Monofunctionally is counteracted by the municipality by forbidding a few functions and setting a maximum to floorspace for living.

Leiden, Lammenschans-Ananasweg

The municipality of Leiden made an urban vision for the Lammenschans square, upon which a developer made a construction plan for the Ananasweg. This construction plan was agreed upon with the municipality. The municipality translated this construction plan into a postage-stamp-plan afterwards. The land-use plan itself may not be very flexible, but the planning process before was. The developer took initiative, but needed to take into account the municipal vision. The land-use plan is therefore not used as a steering tool anymore at the beginning of this planning process. When the postage-stamp-plan was created, the valid land-use plan was by-passed with a deviation procedure.

Maastricht, Sphinx

The municipality of Maastricht first made an urban development plan. They discussed the initiatives of the developers and settled everything later on juridically in a land-use plan. The municipality interacts with the developers in the area during the whole planning process. Nevertheless, the land-use plans functions as an assessment framework after it was settled. The land-use plan serves as a public instrument and has more status than the urban development plan. Within every ground agreement the municipality makes with a developer, it is stated that the land-use plan is leading.

Eindhoven, Strijp-S

The municipality of Eindhoven made an urban development plan which has been the basis of the land-use plan. By taking all kind of measures, a lot of flexibility has been built-in in the land-use plan. For example, for certain functions a maximum to the floorspace area has been set in which mutual exchange with other functions is possible. For noise, requirements have been transferred from the land-use plan to the department of licences. In this way, certain functions are not excluded beforehand. Supervision is maintained by having an agency under the municipality which ensures unwanted activities are not taking place. Private agreements and activity decrees need to create order.

8.2.5. Context for answering the third sub-research question

The third sub-research research question is; ***“what is the causal relation between flexibility and mixed-use planning approaches?”***

To be able to answer this question the quantitative data and the qualitative data needs to be compared.

8.2.6. Answer to the third sub-research question

What became clear from the interviews is that all municipalities drafted an urban development plan or a vision which guides the transformation. New developments or initiatives are also even measured against the development plan instead of the land-use plan in many occasions. This means that the land-use plan lost its main purpose of regulating functions. Urban development plans and visions have been given a new dimension by letting them functions as the main public planning tool. In all five researched projects the urban development plan has been translated into a land-use plan accordingly. These land-use plans allow many functions under few legal procedures. When a new initiative arises for a building plot, it might be possible under the land-use plan, but it also needs to fit within the urban development plan framework. Urban development plans or visions are part of the land-use plan. These documents can be very detailed or can only set certain standards. This depends on local circumstances and the aim of the project. The reason for making urban development plans and urban visions more valuable than the land-use plans has to do with the complexity of urban structures, the ambitions for sustainability and mixing functions which transcends the regulating capacity of the land-use plan. Things that cannot be regulated in the urban development plan and lacks within the land-use plan, are settled in ground agreements, activities decrees, image quality plans, postage-stamp-plans and some other public and

private agreements. In this way things are settled juridically to be able to start construction. Normally, juridical formalities are settled at the beginning of the land-use plan drafting process. In the five projects analysed for this research, this comes later in order to leave things open for discussion. Municipalities moved from regulating planning processes to facilitating planning processes. They use broad standards within the transformation projects, instead of creating detailed plans. In this way traditional planning approaches are turned into performance based approaches.

In general, there seems to be a common planning approach in all five projects. Between the projects there are some differences due to local circumstances, but the essence of their approaches stays the same. The quantitative results of the transformation projects in Amsterdam, Maastricht and Eindhoven were very flexible in both a material and procedural way. These are big transformation projects. The quantitative result of the transformation project in Deventer was less flexible in both a material and procedural way. This has probably to do with the fact that only a third of the area is zoned as “mixed-use”. The other two thirds of this area will be redeveloped in the near future. The quantitative result of the transformation project in Leiden was unflexible in a material way and flexible in a procedural way. This has probably to do with the fact that there is only one building being constructed on a former auction site.

At first sight, there seems to be a causal relation between the quantitative flexibility level of the land-use plans and the planning approach described above. Most often, when a land-use plan is highly flexible in both a material and procedural way, the zoning map is also made flexible. But this does not mean everything is allowed everywhere. Many things are settled later on in other public and private planning tools, like; urban development plans, visions, ground agreements and the like. From this perspective the level of flexibility and the mixed-use planning approach comply for the most part. But there are some exemptions, like the plans of Deventer and Leiden. These plans have lower quantitative results but share the same characteristics as the other projects when it comes to the planning approach. This has to do with the fact that these two plans are also related to a transformation process, but are much smaller in size (thus less functions are possible) and have other local circumstances.

8.3. Answering the main research question

The answer to the main research question is based on the answers given to the sub-research questions. The main research question is; ***“how does flexibility in land-use plans and zoning maps help municipalities to create mixed-use areas on run-down brownfields in the Netherlands?”***

What became apparent from the quantitative data is that three groups of land-use plans with associated zoning maps can be distinguished. There are land-use plans with highly flexible zoning maps, land-use plans with zoning maps with flexible characteristics and land-use plans with traditional zoning maps. Overall, it can be concluded that the biggest part of the land-use plans with highly flexible zoning maps allow three to seven functions per square meter. This does not mean that three to seven functions are present on every square meter, but that this range of functions are allowed on this square meter. The land-use plans with zoning maps with flexible characteristics allow zero to five functions and the land-use plans with traditional zoning maps allow zero to four functions per square meter. This confirms the idea that the more flexible a land-use plan and associated zoning map is, the more functions are allowed all over the concerned area. There are some exemptions. Some land-use plans with flexible zoning maps have a much lower flexibility level on the scatterplot (illustration 8). This has to do with the size of the actual plan or local circumstances.

But how do these flexible land-use plans and zoning maps help municipalities to create mixed-use areas on run-down brownfield in the Netherlands? When it comes to the transformation projects for which interviews have been undertaken, the land-use plans do not have a very active role anymore when it comes to creating mixed-use areas. The idea that highly flexible land-use plans and zoning maps will automatically result in mixed-use urban areas is an utopia. Instead, when land-use plans would allow anything and everything with no legal procedures the reverse of mixed-use areas will be realised. Developers would only construct what is most profitable. Therefore, urban development plans and vision have taken in a new position next to the land-use plans. These documents are more often leading the transformation processes. Development plans and visions are often drawn up together with developers,

housing associations and other land owners. In addition, in these documents frameworks are presented. New initiatives and developments are measured against these frameworks. Therefore, the land-use plan lost its main function in these kind of projects for regulating functions. It became apparent from all five interviews that the urban development plan has been translated into a land-use plan accordingly. These land-use plans allow many functions with few legal procedures. As a consequence, these land-use plans seem very flexible for a lot of things. But when a new initiative arises, it also needs to fit within the framework of the urban development plan if developers want a building permit. These frameworks can be detailed, or only contain certain standards. It is believed that these frameworks are better capable of coping with the high ambitions for sustainability, mixed-use possibilities and complex urban structures. Next to the urban development plan and the land-use plan, municipalities make use of; ground agreements, activity decrees, image quality plans and postage-stamp-plans in order to settle certain things juridically. Normally, juridical formalities are settled at the beginning of the land-use plan drafting process. Setting things juridically beforehand will also exclude certain functions beforehand. Anchoring things juridically later on makes it possible to open up discussions about intended developments.

The municipal planning approach in transformation processes moves away from regulating towards facilitating. The urban development plans they draft beforehand, supports the discussion with different stakeholders at the beginning of the planning process. Nevertheless, the municipality still has the final say in many occasions. Otherwise, transformation will not take place as it should be. Standards are set and certain aims need to be met, but where something needs to be realised is left to the market. Actually, there is talk of a kind of performance based planning. When new initiatives arise, negotiations between the developer and the municipality start. The aims of the municipality need to be baked in, without scaring off the developer. When they come to an agreement, the municipality will issue a deviating procedure or create a new land-use plan to make the development possible. In this way, transformation happens bit by bit, almost organically, driven by the market.

8.4. Contribution to land-use planning sciences

Buitelaar & Sorel (2010), mention that the Dutch planning system has always been recognised as a well-regulated process with strong interference of the government. Korthals Altes & Tambach (2008) acknowledge that different urban functions have always been separated in urban development plans. Finally, also Andreas Faludi mentions that the Netherlands is a planners paradise with strict rules and regulations (Buitelaar & Sorel, 2010). The Dutch planning system is based upon the rational comprehensive planning model (Van Karnenbeek & Janssen-Jansen, 2018), in which legal certainty is more important than flexibility (Buitelaar & Sorel, 2010). This resulted in complex building and land-use regulations at local and national level (Moroni et al., 2018). Nonetheless, due to different societal, environmental and institutional changes, the Dutch planning practices are under pressure (Remøy & Street, 2018).

Nowadays, steps are taken to introduce terms as efficiency, flexibility and competition within the regulatory spatial planning system (Remøy & Street, 2018). More and more municipalities are looking for new strategies and instruments to adapt their planning system (Korthals Altes & Tambach, 2008). Less rules, more private developments and less interference on the governmental levels needs to lead to more adaptable spatial planning (Remøy & Street, 2018). In order not to create an unmanageable situation it is important to establish a framework with agreed-upon rules (Van Karnenbeek & Janssen-Jansen, 2018). However, one of the binding instruments for spatial development in the Netherlands is the land-use plan, which is often seen as inflexible and static. According to the existing literature, it is thus still unknown how to steer flexible urban developments with specific rules which can adapt to the changing societal needs (Van Karnenbeek & Janssen-Jansen, 2018).

This research jumped into this research gap by analysing 50 land-use plans on its flexibility. Part of these plans were linked to brownfield transformation processes. The aim of these processes is to create mixed-use urban areas. To be able to do so, flexibility is needed. In addition, it has also been investigated how these land-use plans have been used to steer these flexible urban developments. By doing semi-structured interviews with some municipalities, more clarifications have been gathered on how the planning approaches of these urban transformations look like. By combining the flexibility levels of the land-use plans, and the qualitative data from the interviews, it became clear how some of

the municipalities steer flexible urban developments. New insights have also been gained regarding role of the actual land-use plan in these flexible urban developments. Besides the fact that new insights have been gathered on how municipalities steer flexible urban developments and how they use the land-use plan in these developments, new questions have also popped up. During this research it became clear that municipalities set certain standards when it comes to area redevelopment, for example when it comes to; maximum floor spaces for certain functions, sustainability measures and mixing functions. Therefore it seems to be interesting it to further investigate how performance based planning is related to flexible planning approaches. Besides, this research focussed on the Netherlands only. It might also be useful to do the same research in other countries and compare the quantitative flexibility results and planning approaches between different (European) countries which share similar planning characteristics. Thirdly, as land-use plans disappear from the scene under the new Environmental and Planning Act, it might be useful to develop a tool to measure the flexibility in urban development plans instead of land-use plans.

8.5. Contribution to the societal problem

People demand more influence in urban development and therefore responsibilities are increasingly shared with third parties (Heurkens, 2017). As a matter of fact, planning instruments also need to accommodate their desires. Within the traditional land-use plans this is not entirely possible yet (McClymont, 2014). Also the strategy that needs to be deployed to facilitate the growing private involvement into the planning process is still contentious (Heurkens, 2017). On the one hand, self-organisation needs to be built-in in urban planning practices. On the other hand, there is an increased desire to guide urban change. There is a dilemma between “open” and “closed” planning, however the real debate is more about legal certainty and flexibility in land-use plans and planning practices (Savini et al., 2015). This debate is especially noticeable in urban transformation processes. As blue print plans fail to manage these processes, experiments and planning tools are drawn-up together with the stakeholders. However, changing actors, preferences and situations can result in vague plans with no clear end product (Balducci et al., 2011). Drawing up these kind of plans also gives municipalities fewer possibilities to govern these processes (Remøy & Street, 2018). Besides, the uncertainties may chase away investors as well as future residents (Korthals Altes & Tambach, 2008). All in all, entrepreneurs and municipalities play key roles in transformation processes (Blokhuys & Schaefer, 2007). When more parties are involved and the urban quality needs to be improved, new ways of zoning are needed to create mixed-use urban areas (Korthals Altes & Tambach, 2008).

This research gave municipalities and planners a sneak preview on how urban planning in the Netherlands will take shape after the implementation of the new Environmental and Planning Act of 2021. Especially when it comes to transformation projects. In 2021 all land-use plans will gradually be abandoned and municipalities will work with environmental plans (omgevingsplannen). The different challenges described above, need to be taken into account in these new environmental plans. How this is done is already described in this research to some extent. This research has given insights in how some of the municipalities are already working with urban development plans next to the land-use plans to organise transformation processes. These municipalities are frontrunners when it comes to making environmental plans (omgevingsplannen). This research has also shown that municipalities and other parties try to find common ground in urban development plans. Nowadays, urban development plans are mainly reserved to urban transformation processes. The use of development plans as guiding principles will grow in the coming years under the new Environmental and Planning Act. This means that municipalities need to facilitate instead of regulate, integrate instead of separate and that they need to participate instead of insulate. This asks for new and experimental ways of urban planning as there is no predetermined format.



Photo made by the author

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Appendixes.

Appendix 1. Results of all analysed land-use plans

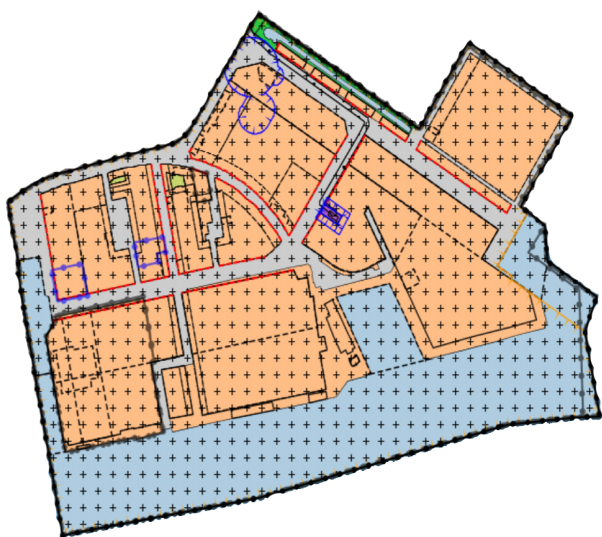
| nr. | Bestemmingsplan | Link naar plan | Gemeente | Provincie | Jaar van publicati | Type gebied |
|-----|----------------------------|---|---------------------|----------------|--------------------|----------------------------|
| | bestemmingsplan naam | url | Gemeente naam | Provincie naam | Jaar van publicati | buitengebied, woonwijk, be |
| 1 | Bedrijventerreinen Leek e | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0022.BPLETBBT15BEHE1-VA01/r_NL.IMRO.0022 | Leek | Groningen | 2016 | Bedrijventerrein |
| 2 | Bedrijventerreinen Veend | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0047.02BP00012010-0401/r_NL.IMRO.0047.02 | Veendam | Groningen | 2016 | Bedrijventerrein |
| 3 | Havengebied | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0010.18BP-OH01/r_NL.IMRO.0010.18BP-OH01 | Delfzijl | Groningen | 2013 | Havengebied |
| 4 | Bodenterrein | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0014.BP586BodentUMCGGV-gv01/r_NL.IMRO.0014 | Groningen | Groningen | 2017 | Bedrijventerrein |
| 5 | Businesspark en WTC | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0080.03005BP00-VG01/r_NL.IMRO.0080.03005 | Leeuwarden | Friesland | 2013 | Bedrijventerrein |
| 6 | Industrierrein De Haven | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0090.BP2010BHA001-0501/r_NL.IMRO.0090.BP | Smallingerland | Friesland | 2012 | Industrierrein |
| 7 | Industrierrein West | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0070.BPFRAINDUSWEST2009-ONH1/r_NL.IMRO.0070 | Franeke | Friesland | 2009 | Industrierrein |
| 8 | Bedrijventerreinen Stad | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0109.200BP00004-0003/r_NL.IMRO.0109.200B | Coevorden | Drenthe | 2015 | Bedrijventerrein |
| 9 | Stadsbedrijvenpark | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0106.07BP2013121A-C001/r_NL.IMRO.0106.07 | Assen | Drenthe | 2015 | Bedrijventerrein |
| 10 | Noordpoort | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0119.TFGNoordpoort-BP1/r_NL.IMRO.0119.T | Meppel | Drenthe | 2019 | Wonen+bedrijventerrein |
| 11 | Havenkwartier | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0150.D133-OH01/r_NL.IMRO.0150.D133-OH01 | Deventer | Overijssel | 2012 | Havengebied |
| 12 | Ceintuurbaanzone | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0193.BP11002-0004/r_NL.IMRO.0193.BP11002 | Zwolle | Overijssel | 2013 | Bedrijventerrein |
| 13 | Bedrijventerrein Western | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0164.BP0020-0302/r_NL.IMRO.0164.BP0020-03 | Hengelo | Overijssel | 2010 | Bedrijventerrein |
| 14 | Raalte bedrijventerreiner | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0177.BP20130007-0003/r_NL.IMRO.0177.BP20 | Raalte | Overijssel | 2014 | Bedrijventerrein |
| 15 | Eerbeek | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0213.BPEECE390000-va02/r_NL.IMRO.0213.BP | Brummen | Gelderland | 2018 | Bedrijventerrein |
| 16 | Kennispark | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0153.BP00061-0003/r_NL.IMRO.0153.BP00061 | Enschede | Overijssel | 2015 | Campus |
| 17 | Malkenschoten-Kayersm | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0200.bp1002-vas1/r_NL.IMRO.0200.bp1002-va | Apeldoorn | Gelderland | 2013 | Bedrijventerrein |
| 18 | Bedrijventerreinen Wage | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0289.0000BpBedtrerr-VSG3/r_NL.IMRO.0289.0 | Wageningen | Gelderland | 2017 | Bedrijventerrein |
| 19 | Bedrijventerrein Veenesk | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0294.BP1112BThERZBEDR-VA01/r_NL.IMRO.0294 | Winterswijk | Gelderland | 2018 | Bedrijventerrein |
| 20 | Cobercoterrein | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0202.822-0301/r_NL.IMRO.0202.822-0301.htm | Arnhem | Gelderland | 2015 | Bedrijventerrein |
| 21 | Het Rondeel - De Meerpa | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0321.0270BPDEELMP-VAST/r_NL.IMRO.0321.0 | Houten | Utrecht | 2013 | Bedrijventerrein |
| 22 | Bedrijventerrein Middella | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0632.bedmiddelont-bVA1/r_NL.IMRO.0632.b | Woerden | Utrecht | 2013 | Bedrijventerrein |
| 23 | De Trip, Tolsteeg Rotsoor | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0344.BPDETRIPTOLSTEEG-0601/r_NL.IMRO.0344 | Utrecht | Utrecht | 2014 | Bedrijventerrein |
| 24 | Gooisekant en De Uitgeve | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0034.BP2JV02-vg01/r_NL.IMRO.0034.BP2JV02-v | Almere | Flevoland | 2016 | Bedrijventerrein |
| 25 | Noordersluis | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0995.BP00035-VG01/r_NL.IMRO.0995.BP00035 | Lelystad | Flevoland | 2012 | Bedrijventerrein |
| 26 | Amstel III Oost | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0363.T1102BPGST-VG01/r_NL.IMRO.0363.T110 | Amsterdam | Noord-Holl | 2013 | Kantorenzone |
| 27 | Hamerstraatgebied | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0363.N1002BPST-OH01/r_NL.IMRO.0363.N10 | Amsterdam | Noord-Holl | 2013 | Bedrijventerrein |
| 28 | Plandelen Dampten, Keer | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0405.BPDptnKrnDwPmpd-va01/r_NL.IMRO.0405 | Hoorn | Noord-Holl | 2019 | Bedrijventerrein |
| 29 | Bedrijventerrein Nieuw N | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0473.BpBedrijvent-VA02/r_NL.IMRO.0473.BpB | Zandvoort | Noord-Holl | 2017 | Bedrijventerrein |
| 30 | Centrale Zone | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0532.BPcentralezone-OH01/r_NL.IMRO.0532.B | Stede Broec | Noord-Holl | 2012 | Bedrijventerrein |
| 31 | Strijp-5 | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0772.80284-0301/r_NL.IMRO.0772.80284-0301 | Eindhoven | Brabant | 2017 | Industrierrein |
| 32 | Steenakker | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0758.BP2012039001-0501/r_NL.IMRO.0758.BP | Breda | Brabant | 2014 | Wonen+bedrijventerrein |
| 33 | Spoorzone | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0855.BSP2018005-b001/r_NL.IMRO.0855.BSP20 | Tilburg | Brabant | 2019 | Spoorzone |
| 34 | Stadsoevers | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.1674.2087STADSOEVERS-0601/r_NL.IMRO.1674 | Roosendaal | Brabant | 2017 | NS-werkplaats |
| 35 | Bedrijventerrein Haven | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0867.bpWWbedrijvenhaven-va01/r_NL.IMRO.0867 | Waalwijk | Brabant | 2013 | Bedrijventerrein |
| 36 | Bedrijventerrein Euterpel | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0828.BPeuterpelaanoss-VG02/r_NL.IMRO.0828 | Oss | Brabant | 2015 | Bedrijventerrein |
| 37 | Crama-Husken-de Vrank | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0917.BP030900W000002-0401/r_NL.IMRO.0917 | Heerlen | Limburg | 2014 | Bedrijventerrein |
| 38 | Sphinx | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0935.bpSphinx-oh01/r_NL.IMRO.0935.bpSphin | Maastricht | Limburg | 2009/ 201 | Bedrijventerrein |
| 39 | Keizersveld | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0984.BP10005-va01/r_NL.IMRO.0984.BP10005 | Venray | Limburg | 2011 | Bedrijventerrein |
| 40 | Industrierrein Noord | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.1883.BPIndusNoord-VA01/r_NL.IMRO.1883.BP | Sittard-Geleen | Limburg | 2012 | Industrierrein |
| 41 | Havengebied Goes | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0664.BPGS03-OH99/r_NL.IMRO.0664.BPGS03-O | Goes | Zeeland | 2016 | Havengebied |
| 42 | Bedrijventerrein Zierikzee | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.1676.00088BpAbt-va01/r_NL.IMRO.1676.00088 | Schouwen-Duivela | Zeeland | 2014 | Bedrijventerrein |
| 43 | Binnenhavens | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0718.BPBH01-VG01/r_NL.IMRO.0718.BPBH01-V | Vlissingen | Zeeland | 2013 | Havengebied |
| 44 | Arnestein | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0687.BPARS-OH99/r_NL.IMRO.0687.BPARS-OH | Middelburg | Zeeland | 2013 | Bedrijventerrein |
| 45 | Lammenschans-Ananasw | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0546.BP00125-0301/r_NL.IMRO.0546.BP00125 | Leiden | Zuid-Hollar | 2019 | Veilingterrein |
| 46 | Lloydkwartier | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0599.BP1059Lloydkwtr-va03/r_NL.IMRO.0599.B | Rotterdam | Zuid-Hollar | 2014 | Havengebied |
| 47 | Boezembocht-Veilingterr | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0599.BP1065BoezbVeilter-on01/r_NL.IMRO.0599 | Rotterdam | Zuid-Hollar | 2019 | Veilingterrein |
| 48 | De Mient | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0502.BP17DeMient-4002/r_NL.IMRO.0502.BP1 | Capelle aan den Ijs | Zuid-Hollar | 2018 | Bedrijventerrein |
| 49 | Boerhaavelaan | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0637.BP00033-0031/r_NL.IMRO.0637.BP00033 | Zoetermeer | Zuid-Hollar | 2015 | Kantorenzone |
| 50 | Binckhorst | https://www.ruimtelijkeplannen.nl/documents/NL.IMRO.0518.OP0365FOmgevBinck-400N/r_NL.IMRO.0518 | 's-Gravenhage | Zuid-Hollar | 2018 | Bedrijventerrein |

| planningsdoel | aantal hectare | Groei/krimp | Bevolkingsdichtheid | Openheid | Adaptiviteit | Bebouwingpercentage | | | | | |
|-----------------------------------|---------------------------------|---------------------|---------------------|----------------|----------------|---------------------|------------------------------|--|--|--|--|
| | | | | | | | | | | | |
| Reden voor opstellen plan | Aantal hectare wat het plan beh | Sprake van groei of | Bevolkingsdichtheid | Uit beoordelin | Uit beoordelin | Afgelezen ruim | Openheid per vierkante meter | | | | |
| Actualisering | 50 | Groei | | 9,1 | 5,9 | 90% | 1,21 | | | | |
| Actualisering | 453 | Krimp | | 8,2 | 5,5 | 95% | 0,85 | | | | |
| Actualisering | 77 | Krimp | | 5,8 | 6,0 | 50% | 0,98 | | | | |
| Transformatie | 1,5 | Groei | | 8,6 | 5,5 | 50% | 4,71 | | | | |
| Actualisering | 78 | Groei | | 10,3 | 5,4 | 85% | 1,49 | | | | |
| Actualisering | 310 | Groei | | 7,7 | 5,9 | 95% | 0,97 | | | | |
| Actualisering | 61 | Groei | | 5,1 | 5,8 | 90% | 0,75 | | | | |
| Actualisering | 502 | Krimp | | 9,0 | 5,1 | 80% | 1,33 | | | | |
| Revitaliseren | 247 | Groei | | 10,3 | 5,7 | 75% | 1,36 | | | | |
| Transformatie | 53 | Groei | | 8,5 | 6,0 | 60% | 2,45 | | | | |
| Transformatie | 21 | Groei | | 10,1 | 3,8 | 80% | 3,46 | | | | |
| Actualisering | 99 | Groei | | 10,9 | 6,0 | 60% | 2,23 | | | | |
| Actualisering | 274 | Groei | | 7,0 | 5,9 | 80% | 1,26 | | | | |
| Actualisering | 155 | Groei | | 9,8 | 5,6 | 80% | 1,65 | | | | |
| Transformatie/ revitaliseren | 111 | Krimp | | 9,8 | 5,3 | 85% | 1,97 | | | | |
| Actualisering | 200 | Groei | | 7,4 | 5,1 | 60% | 1,9 | | | | |
| Actualisering | 290 | Groei | | 11,5 | 5,5 | 65% | 2,1 | | | | |
| Actualisering | 50 | Groei | | 10,1 | 5,5 | 90% | 2,06 | | | | |
| Actualisering | 121 | Krimp | | 7,2 | 5,5 | 85% | 2,49 | | | | |
| Transformatie | 40 | Groei | | 9,3 | 6,0 | 90% | 3,69 | | | | |
| Actualisering | 116 | Groei | | 6,6 | 5,7 | 60% | 2,08 | | | | |
| Actualisering/ functieverandering | 131 | Groei | | 12,5 | 5,3 | 85% | 4,68 | | | | |
| Transformatie | 1 | Groei | | 8,2 | 5,9 | 65% | 4,37 | | | | |
| Actualisering/ functieverandering | 105 | Groei | | 9,8 | 5,0 | 60% | 3,21 | | | | |
| Actualisering | 220 | Groei | | 6,7 | 5,3 | 60% | 1,63 | | | | |
| Transformatie | 95 | Groei | | 10,6 | 5,7 | 75% | 6,73 | | | | |
| Transformatie | 51 | Groei | | 9,0 | 5,5 | 60% | 4,52 | | | | |
| Functieverandering | 11 | Groei | | 7,9 | 6,0 | 95% | 1,74 | | | | |
| Transformatie | 18 | Groei | | 5,2 | 4,5 | 90% | 2,92 | | | | |
| Functieverandering | 71 | Groei | | 10,8 | 5,5 | 80% | 3,49 | | | | |
| Transformatie | 30 | Groei | | 10,7 | 5,7 | 90% | 6,25 | | | | |
| Actualisering | 265 | Groei | | 11,1 | 5,6 | 85% | 1,84 | | | | |
| Transformatie | 10 | Groei | | 10,5 | 5,6 | 70% | 6,07 | | | | |
| Transformatie | 20 | Groei | | 8,8 | 4,9 | 70% | 1,27 | | | | |
| Actualisering | 359 | Groei | | 6,2 | 5,8 | 89% | 1,53 | | | | |
| Functieverandering | 23 | Groei | | 8,6 | 5,4 | 90% | 2,24 | | | | |
| Actualisering | 90 | Groei | | 6,3 | 6,0 | 75% | 1,32 | | | | |
| Transformatie | 8 | Krimp | | 9,4 | 5,9 | 95% | 4,24 | | | | |
| Actualisering | 43 | Krimp | | 6,7 | 5,3 | 80% | 1,67 | | | | |
| Herzienning | 181 | Krimp | | 9,4 | 5,8 | 85% | 0,98 | | | | |
| Transformatie | 131 | Groei | | 13,7 | 5,8 | 45% | 1,91 | | | | |
| Actualisering | 111 | Groei | | 8,4 | 5,9 | 80% | 1,25 | | | | |
| Transformatie | 26 | Krimp | | 6,8 | 5,9 | 48% | 1,71 | | | | |
| Actualisering | 217 | Groei | | 7,7 | 5,6 | 75% | 1,15 | | | | |
| Transformatie | 2 | Groei | | 6,4 | 6,0 | 86% | 1,55 | | | | |
| Revitaliseren | 77 | Groei | | 11,5 | 6,0 | 42% | 1,26 | | | | |
| Revitaliseren | 83 | Groei | | 9,9 | 5,2 | 85% | 2,05 | | | | |
| Transformatie | 5 | Krimp | | 6,5 | 5,4 | 75% | 2,11 | | | | |
| Revitaliseren | 13 | Groei | | 9,1 | 5,3 | 90% | 2,16 | | | | |
| Transformatie | 148 | Groei | | 12,0 | 6,0 | 80% | 6,28 | | | | |

Appendix 2. Land-use plan assessment tool + openness per m²

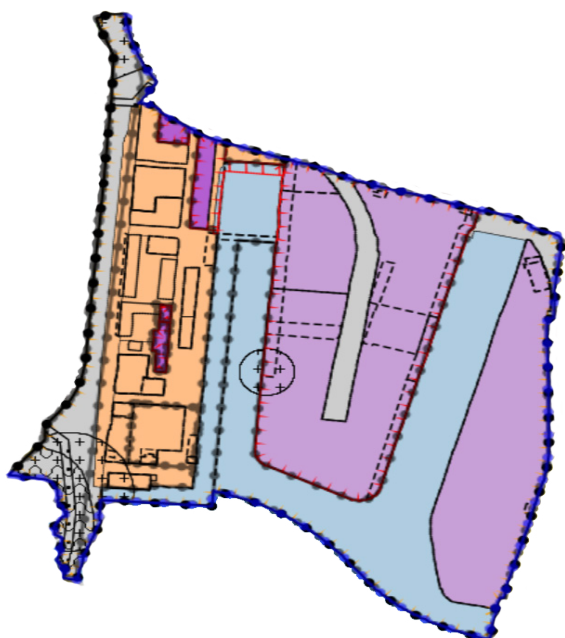
| | | Decision | | | Policy | | | Directly allowed | | | Square meter mixing ratio | | |
|--|--|----------------|-----------|-------------|--------|------------|--------|------------------|----------------------|-----------------|---------------------------|--|--|
| | | Deviation | Deviation | Requirement | Open | Direct | Totaal | Score | Size | Openness per m2 | | | |
| | | Uitwerk | Binnen | Melding | Open | toegestaan | < 1 | | | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,02 | | | | |
| | | 0 | 0 | 0 | 0 | 0,86 | 0,86 | | 0,95 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,01 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,01 | | | | |
| | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | | | | |
| | | 0 | 0,25 | 0 | 0 | 0,5 | 0,75 | | 0,33 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,01 | | | | |
| | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,02 | | | | |
| | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | | | | |
| | | 0 | 0 | 0 | 0 | 0 | 0,1 | | 0,0033 | | | | |
| | | 0 | 0 | 0 | 0 | 0,4 | 0,4 | | 0,02 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,06 | | | | |
| | | 0 | 0 | 0 | 0 | 1 | 1 | | 0,01 | | | | |
| | | 0 | 0,35 | 0 | 0 | 8,76 | | | | | | | |
| | | Totaal | afgerond | | 0 | 9 | | | | | | | |
| | | | | | | | | Openness plan | % total surface area | Openness m2 | | | |
| | | Conclusie | Openheid | | 9,11 | | | 9,11 | 1,4433 | 1,21283 | | | |
| | | Adaptiviteit | | | 5,9 | | | | | | | | |
| | | Bouwpercentage | | | 90% | | | | | | | | |

Appendix 3. Different types of zoning maps



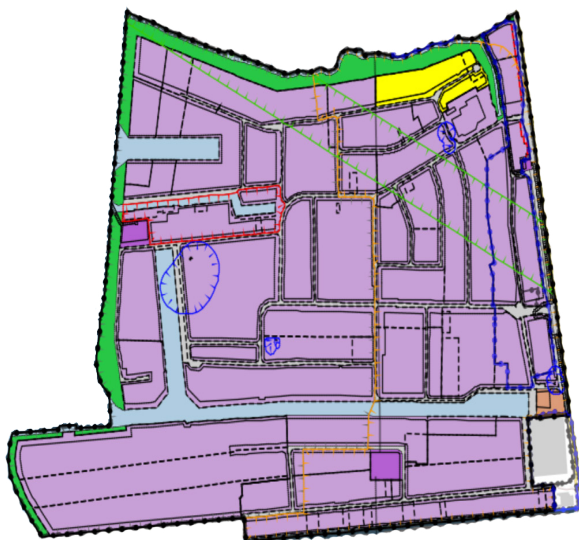
Example of a flexible zoning map

<https://www.ruimtelijkeplannen.nl/viewer/viewer>



Example of a semi-flexible zoning map

<https://www.ruimtelijkeplannen.nl/viewer/viewer>



Example of a rigid zoning map

<https://www.ruimtelijkeplannen.nl/viewer/viewer>

Appendix 4. Interview reports

Semigestructureerd interview Hamerstraatgebied (Amsterdam)

Locatie: Pijnacker-Nootdorp (bel gesprek)

Datum en tijd: 01-05-2020 / 10:00 uur

Interviewer: Michael de Baat

Geïnterviewde: alleen op aanvraag

Functie: alleen op aanvraag

Dit interview wordt afgenomen als onderdeel van mijn master scriptie aan de Wageningen Universiteit. Het doel van dit interview is om meer te weten te komen over de aanleiding van de transformatie, het planningsproces, het bestemmingsplan, de ruimtelijke context van de herontwikkeling en de daadwerkelijke materiële en flexibiliteit van het bestemmingsplan. De antwoorden uit dit interview zullen worden verwerkt in de thesis, maar de geïnterviewde blijft anoniem.

Aanleiding herontwikkeling/ transformatie

De gemeente Amsterdam, ik weet niet of je meer bestemmingsplannen uit Amsterdam hebt gezien, maar zij stellen over het algemeen nogal wat eisen als het gaat om herontwikkeling, nieuwbouw, functies, programma, verzin het maar. Dus op allerlei terreinen, zowel ten aanzien van wonen en het mengen van functies worden eisen gesteld. We zijn al een aantal jaren bezig met de planvorming voor het Havenkwartier en we hadden het idee, en dat is in andere projecten ook wel gebleken, het komt allemaal niet vanzelf. Als je dingen overlaat aan de markt, dan krijg je niet wat we als gemeenten beogen, dus je moet daar nogal dwingend op sturen. Verder hebben we in het gebied geen eigen grond, het is allemaal uitgegeven in erfpacht. Er zitten een paar kavels tussen met eigen grond. Het is een transformatie en dat betekent dat we afhankelijk zijn van initiatieven vanuit de markt om te komen tot deze transformatie.

Er is geen budget om dingen aan te kopen om zelf aan de slag te gaan, het bouwrijp te maken en vervolgens zelf uit te geven. Dat gaat over zoveel geld en dat is er niet. Tegelijkertijd blijven de bedrijfsbestemmingen overeind. Het gebied stond jaren geleden al in de schijnwerpers, van hier gaat waarschijnlijk iets gebeuren. Toen hebben bepaalde partijen positie ingenomen en dingen gekocht in afwachting van het initiatief van de gemeente om te beginnen met die transformatie. Heel veel partijen staan dus in de startblokken.

Noordwaarts is al een tijdje geleden. Op een gegeven moment heeft Amsterdam bedacht we moeten de woningbouw-opgave oppakken en toen is Noord opgepakt. Een van de eerste projecten die toen van start is gegaan is Achterhoeks, NDSM en Buiksloterham. De Oostkant is toen een beetje blijven liggen. Dit was in de tijd van Noordwaarts. Dit richtte zich vooral op het westelijk deel van Amsterdam Noord. In die tijd, in de tijd van Noordwaarts, ergens na 2000, toen is er wel een conserverend bestemmingsplan gemaakt voor het Hamerkwartier, echt met functiewerk. Dit conserverende plan is in 2013 opnieuw vastgesteld. Met dit plan wordt nog steeds gewerkt.

Planningsproces

De grap is dat partijen wel langs de gemeente moeten want op het moment kan er niks. Er kan alleen worden gewerkt binnen de volumes die er nu zijn. Horeca, hoogbouw etc. kan dus allemaal niet. Alle metrages die in het bestemmingsplan genoemd zijn zitten nu vol, dus eigenlijk als je nu een positie hebt in het gebied kun je niks. Nieuwe plannen toetsen we dus aan het stedenbouwkundig plan dat de gemeente gemaakt heeft en als het voldoet en het er goed uitziet gaan wij meewerken aan een afwijkingsprocedure.

We zijn begonnen met; nou de markt moet het werk doen, maar de gemeente Amsterdam is niet heel goed in dingen loslaten. Dus stiekem is het enorm gedetailleerd geworden. Het gaat over zoveel procent sociale huur, woningen van bepaalde groten, duurzaamheidsmaatregelen, het mixen van functies (wonen, werken in hetzelfde gebouw), het huurniveau van bedrijfsruimtes en volumes (er mag best hoogbouw in het gebied maar het moeten we slanke torens

worden). Heel veel partijen die positie hebben en een plan willen maken worden ook gek van ons, maar dat is hoe het werkt in Amsterdam. Wat dat betreft is het wel heel anders dan in andere gemeenten. Daar zie dat de gemeente ergens een stuk grond heeft. Vervolgens wordt er een ontwikkelaar ingeschakeld die een plan maakt en dan is het al gauw goed, om het zo maar even te zeggen. In Amsterdam willen we altijd nog een tandje beter en meer, kwalitatief wat beter en duurzamer. Vanuit de gemeente zijn we dus enorm sturend op stedelijke ontwikkeling. Je kan je dus afvragen of het plan wel flexibel is, ik denk eigenlijk niet eens dat er in Amsterdam heel veel flexibele plannen zijn.

Er zitten in het gebied ook veel bedrijven met een klein plot. We willen een derde werken twee derde wonen, parkeren moet ondergronds opgelost worden. Dat red je niet als je een kaveltje hebt van een paar honderd vierkante meter. Het moeten ook gelijk best grote ingrepen zijn. Op die manier probeer je ook partijen die burens van elkaar zijn te verleiden met één gezamenlijk plan te komen voor een wat groter bouwveld. Langs het IJ zijn nu drie grote kavels in handen van Eigen Haard, Draka (die hebben een samenwerkingsverband met twee ontwikkelaars) en Amvest. Met deze partijen zijn we gedurende het proces van het maken van het stedenbouwkundig plan steeds in gesprek over wat we voor ogen hebben, wat je op verschillende manieren kan uitwerken en hoe zij daar tegenaan kijken. Die partijen zijn nu dus ook druk bezig om een plan te maken wat past binnen onze kaders, daar wordt wel echt over gepingpong. Zij zeggen dan bijvoorbeeld; als we aan al jullie eisen gaan voldoen is het niet meer te betalen en dan wordt het hem niet. Dan moeten wij weer nadenken hoe we dan toch onze gewenste kwaliteit kunnen krijgen, op zo'n manier dat het dan toch te betalen is. Met deze partijen zijn we dan ook al jaren in gesprek, en zo zijn er wel meer. Dat is wel heel arbeidsintensief, maar wij denken dat dit de enige manier is waarop wij de kwaliteit krijgen die we voor ogen hebben.

Het stedenbouwkundig plan is nu ongeveer klaar. We hebben een MER gemaakt en die is ook bijna klaar. Hierin hebben we de maximale variant van het programma op milieuaspecten doorgerekend. Ook hebben we andere onderzoeken uitgevoerd. In dit opzicht zijn we ook wel heel faciliterend, of dat proberen we in ieder geval te zijn. Vervolgens is het aan de partijen zelf om binnen de kaders van het stedenbouwkundig plan een verdere uitwerking, een stedenbouwkundige detaillering of invulling te maken voor hun specifieke plot en daar dus ook eigen architecten voor in de arm te nemen. Die moeten werken binnen het door ons nog vast te stellen beeldkwaliteitsplan.

Als een partij als Eigen Haard straks hun concept plan af heeft op schetsontwerp niveau gaan wij op basis hiervan een ontwikkelovereenkomst sluiten met hen. Gelijktijdig met hun uitwerking van het schetsontwerp stellen we een afwijking en/of een postzegelbestemmingsplan op. Dat wordt vervolgens publiekrechtelijk in procedure gebracht. Tot het moment dan we het eens zijn over de uitgangspunten van het plan wordt er juridisch planologisch niets vastgelegd. Wel in de vorm van intentieovereenkomsten, ontwikkelovereenkomsten en samenwerkingsovereenkomsten. Afspraken en potenties worden dus wel vastgelegd, maar niet juridisch planologisch.

De afwijkingsprocedure zijn gewoon postzegeltjes. Als de ontwikkelende partij, of verschillende kaveleigenaren die samen één plan maken, voldoende volume creëren om zaken als parkeren in hun programma op te kunnen lossen dan vinden wij dat prachtig en dan werken we graag mee aan een afwijkingsprocedure. Pas op het moment dat we inhoudelijk een stap gemaakt hebben in dat hele planproces gezamenlijk en wij als gemeente het idee hebben dat het plan dat ze gaan uitwerken voldoet aan onze eisen, pas dan komen wij in actie. Dat komt dus echt pas later in het proces. De afwijkingsprocedure en het postzegelbestemmingsplan wordt dus echt gemaakt op basis van het schetsontwerp van de ontwikkelende partijen. Afwijkingsprocedures worden ook gecombineerd met bouwvergunningen.

Normaal schrijven we een tender uit, waarin zaken ten aanzien van functies, bouwhoogten, sociale huur, midden huur, etc. al worden geregeld. Dan schrijf je echt gewoon een concrete tender uit. Nu leiden we aan de voorkant al discussies over bijvoorbeeld goedkope bedrijfsruimte en de noodzaak hiervan. Discussies die je normaal niet hebt, heb je nu wel aan de voorkant en wij denken dan dat het voor dit gebied wel werkt. Het is nu even afwachten wat er allemaal gaat gebeuren vanwege Corona, maar partijen staan nog steeds in de rij. Ze vinden ons niet lief, leuk en aardig, maar dat hoeft ook niet. Wat dat betreft zijn we best sturend.

In Amsterdam zijn we heel erg op zoek naar manieren om te kunnen sturen op wat er komt, omdat we hele hoge eisen stellen aan kwaliteit en programma. Het moet een levendig stuk stad worden en de hele strategie is daar dan ook op

gericht. Het is voor ieder project wel anders. Er zijn ook gebieden waar ontwikkelaars niet in de rij staan, zoals Sloterdijk één. Bedrijven hier willen transformeren, maar de burens niet. Daar is een andere strategie nodig, waarbij de gemeente nog steeds een vinger in de pap wil hebben over wat er komt. Maar daar is het veel meer trekken, terwijl wij meer kaderstellend bezig zijn.

We zijn begonnen met planvorming eind 2015. We hopen in het eerste kwartaal van 2021 de investeringsnota aan de gemeente te kunnen voorleggen. Dit is het stedenbouwkundig plan met een financiële onderbouwing waarop we dan een akkoord hopen te krijgen van de gemeenteraad. Als dat er is kan de eerste paal de grond in bij partijen als ze voldoen aan de eisen. Dan verwachten we dat we minimaal 20 – 25 jaar zullen sleutelen aan het gebied. Als er een economische crisis komt wordt het gefaseerd, en die kant lijken we op te gaan, dus het zou zomaar kunnen dat ontwikkelaars geen financiering kunnen vinden waardoor het paar jaar stil kan liggen. Tenzij we als gemeente zelf gronden gaan kopen en bouwrijp gaan maken, maar als we dan niet doen kunnen we ook niet sturen op tempo.

Bestemmingsplan

Het huidige plan is gewoon werken en in het gebied kan niet gewoond worden, op 200 woningen na die er voor een deel al zijn. Op een paar plekken kunnen wat woningen worden toegevoegd, maar niet op de manier zoals we het in de projectnota voor ogen hebben. Wat we gedaan hebben is een plan maken voor het hele gebied, zoals beschreven in de projectnota. We zijn nu bezig met een investeringsnota. Daarnaast werken we het plan uit tot op het niveau van een stedenbouwkundig plan. Dit is nu het nieuwe plan waarin we vooral het mengen van wonen, werken (twee derde wonen en een derde werken), sociaalmaatschappelijke voorzieningen, sport, groen, etc. allemaal plek moet vinden. Hiervan denken we dat we dat niet rond gaan krijgen in een nieuw bestemmingsplan. De druk op wonen is hoog en er wordt het meeste geld aan verdiend, dus alle andere functies blijven dan achter.

Er is een stedenbouwkundig plan gemaakt, maar dit is dus nog niet vertaald in een bestemmingsplan. Want bij het maken van het stedenbouwkundig plan hebben we een paar keer een discussie gehad over hoe we dit juridisch planologisch gaan regelen. Toen hebben we bedacht, als we dit nu één op één gaan vertalen in een bestemmingsplan en daarmee ruimte biedt voor herontwikkeling dan krijg je niet het beoogde programma, de functies en de kwaliteit. Daarnaast was er ook nog het aspect van kostenverhaal, hier zaten ook een aantal haken en ogen aan waardoor het maken van een bestemmingsplan geen goede optie was. Toen zijn we gaan afpellen. Je kunt een bestemmingsplan maken en daarna een uitwerkingsplan en een wijzigingsplan. Maar eigenlijk wilden we gewoon met initiatiefnemers en partijen in gesprek bij de gemeente om echt gewoon een goed plan te maken. Ook omdat er vanuit de gemeente nogal wat investeringen nodig zijn. Om dit voor elkaar te krijgen moet je met al die partijen individueel in gesprek. Op het moment dat zij met een initiatief komen gaan wij helpen met de planvorming en dan gaan we het begeleiden. Het is een heel arbeidsintensief traject, maar op die manier gaan we proberen om de kwaliteit die we voor ogen hebben te realiseren. Juridisch planologisch hebben we dus niks, er is alleen een stedenbouwkundig plan. Bij een nieuw initiatief gaan we ofwel met postzegelplannen werken, dit is vooral bij de eerste initiatieven omdat we de MER die we gemaakt hebben willen vaststellen. En daarna gaan we werken op basis van het huidige conserverende bestemmingsplan en gaan we werken met afwijkingsprocedures. Voor ieder initiatief wordt er straks, als we het eens zijn over het programma en de kwaliteit, meegewerkt aan een afwijkingsprocedure gebaseerd op het plan waar we dan met zijn allen akkoord op zijn. Het vigerende bestemmingsplan waarin alleen gewerkt kan worden is dus nog steeds van kracht.

Het oranje plan uit 2013 is dus het vigerende plan. Het idee is dat het conserverende plan waarin niet gewoond kan worden straks onderdeel wordt van het omgevingsplan. Er zijn al een aantal partijen die bezig zijn met het maken van een plan binnen de kaders van de projectnota en de investeringsnota. Als zij straks met een goed plan komen waarin iedereen het eens is over het programma, de architectonische kwaliteit, functies, mixen, hoogten, etc. dan is de gemeente bereid juridisch planologisch af te wijken van het vigerende bestemmingsplan.

Ruimtelijke context herontwikkeling/ transformatie

Het gebied ligt dicht tegen het centrum aan. Als er geen oeververbinding komt dan worden de pondjes in de komende jaren geïntensiveerd. Wij zien daarom ook dat dit echt een centrum stedelijk milieu wordt, dus ook met bijbehorend programma. In Amsterdam hebben we een aantal projecten gedaan zoals Oostelijk Havengebied waar een grote focus

ligt op wonen en dat levert niet helemaal op wat je voor ogen hebt. Iedereen woont daar en verder gebeurt er niet veel. Het is niet het stuk stad wat we in deze tijd graag zouden willen. Te weinig levendig en te weinig gemengd. Ten aanzien van verkeer, parkeren en mobiliteit te weinig duurzaam. Als je wonen en werken gaat mixen dan betekent dat over het algemeen een afname van het aantal verkeersbewegingen. Een ander aspect dat meespeelt zijn de omliggende wijken, zoals de Vogelbuurt. Sociaaleconomisch gezien zijn dat nogal zwakke wijken. Deze wijken staan in de top 10 zwakste wijken van Amsterdam. Het idee is dat de ontwikkeling van het Hamerkwartier een bijdrage levert aan de sociaaleconomische en sociaalmaatschappelijke ontwikkeling van die wijken. Wat ook anders is dan in heel veel andere projecten is dat steeds gekeken wordt naar wat de herontwikkeling betekent voor de omliggende wijken. Kunnen we nou iets doen om ervoor te zorgen dat het ook een positief effect heeft op die omliggende wijken? Hierbij kun je denken aan werkgelegenheid, voorzieningen, het ontsluiten van het IJ en recreatieplekken.

Alle openbare ruimte dingen zoals; leidingen, het vernieuwen van kades, ondergrondse infra, etc. daar is de gemeente voor verantwoordelijk, dat trekken wij. Alles wat op de bouwkavels gebeurt dat is de taak van de ontwikkelaar. De gemeente faciliteert en koopt geen grond op om het vervolgens bouwrijp uit te geven. Daar ontkomen we niet helemaal aan omdat in het stedenbouwkundig plan ook een soort uitwisseling is. Wat nu nog bouwveld is zien wij in de toekomst als openbare ruimte of andersom. Ook de grond onder scholen, eventuele sporthallen en sportvoorzieningen zullen voor zover het nog niet in bezit waarschijnlijk moeten worden aangekocht. Gezien de oppervlakte van het projectgebied is dit echter wel beperkt.

Wat we wel zien is dat we geen grip hebben op de fasering van de transformatie. We weten dat er een aantal partijen bezig zijn met het maken van een plan, maar wanneer zij zover zijn dat zij kunnen gaan starten even los van wat er nu gebeurt vanwege Corona, hebben we nog wel een aantal faseringsvraagstukken waar we naar moeten kijken. Er ligt bijvoorbeeld een rioolstelsel, dat moet in de toekomst een gescheiden rioolstelsel worden. Er moet nog ergens een leiding worden gelegd voor de regeneratie van warmtebronnen voor de warmtepompen. Dat zijn echt enorme ingrepen. Er ligt ook nog een rioalgemaal op de verkeerde plek welke vernieuwd moet worden. Hieraan vast hangen ingewikkelde faseringsvraagstukken. Bouwrijp maken van gronden en het afgraven van eventueel vervuilde grond is voor de eigenaar.

Juist omdat er enorm verdicht wordt, is de druk op de openbare ruimte straks een stuk hoger. Dit betekent ook dat je nu nog makkelijk kan parkeren, maar dat dat straks ondergronds moet. In deze tijdelijke situatie, die overigens wel 20 jaar kan duren voordat alles getransformeerd is, zullen we als gemeente ook zelf moeten gaan investeren in tijdelijke parkeergebouwen, tijdelijke voorzieningen binnen of buiten het gebied om een aantal van dat soort dingen op een goede manier te kunnen oplossen.

Materiële/ instrumentele flexibiliteit

Het moet vanuit verschillende hoeken en disciplines voldoen aan beleidsdoelstellingen, dus er is heel veel voorgescreven. De flexibiliteit zit hem dan vooral in bepaalde bandbreedtes voor bijvoorbeeld duurzaamheid. In Amsterdam is grond heel duur, er wordt zoveel verdiend aan wonen dat ontwikkelaars het liefst tien penthouses boven elkaar maken want dat levert geld op. Alle andere functies leveren niet tot nauwelijks geld op, in ieder geval niet hier. Dat betekent dat je dat dus ook niet automatisch krijgt. Heel veel partijen staan erin met wij zijn hier op aarde om geld te verdienen. Tuurlijk moet het mooi en goed, maar je kan dan nog discussiëren over wat een goede functiemix is, wat duurzaam is. Wij denken dat dat niet automatisch gaat en hebben het dus op deze manier aangepakt. Qua flexibiliteit kunnen we dus alleen op bepaalde bandbreedtes dingen tegen elkaar uitruilen. De stedenbouwkundige kaders zijn best hard, daarbinnen kan nog wel met een en ander geschoven worden, maar niet zomaar. Het is stiekem best een blauwdruk plan, dat stedenbouwkundige plan wat we nu aan het afronden zijn. Onze ervaring met andere projecten is dat als je die flexibiliteit in die bestemmingsplannen gooit, je dan aan de voorkant je sturing kwijt bent. Je hebt geen enkele reden meer om met partijen in gesprek te gaan, ofwel partijen hebben geen enkele reden meer om met jou in gesprek te gaan. Als in het bestemmingsplan staat dat van alles mag, dan kun je het ook niet meer tegenhouden. Je kunt bijvoorbeeld wel iets opnemen over sociale woningbouw, maar dat is zo beperkt. Onze ambities gaan echt wel een paar stappen verder dan wat je kunt regelen in een bestemmingsplan en daarom voldoet het niet in dit geval.

Het mengen van functies in Amsterdam is vaak duur en lastig. Zeker met verschillende functies in één gebouw, want dan moet je allemaal verschillende voordeuren hebben. Ontwikkelaars bouwen het liefst toch een blok sociale huur, mengen is gewoon lastiger, ook later in beheer en onderhoud. Dat krijg je niet één twee drie voor elkaar. In ons stedenbouwkundig plan wordt het mengen van verschillende functies binnen één gebouw dan ook vastgelegd. We proberen ook om verschillende bedrijven in verschillende milieucategorieën zoveel mogelijk te behouden. De transformatie zou voor hen geen aanleiding moeten zijn om te verhuizen. Dit betekent ook dat deze bedrijven op de begane grond terug zouden moeten kunnen komen. Het aspect moet in dit gedeelte van noord ook komen te liggen op maakbedrijven. De woningen worden dus geïntensiveerd, maar in combinatie met bedrijven. Nu zijn er allemaal loodsen waar bedrijven zitten. Het idee van loodsen op de begane grond is dus prima, wel met iets erboven. Dus echt het stapelen van functies en dan waar mogelijk ook het toegankelijk maken van daken als openbare ruimte of voor sportvoorzieningen. Het gaat echt fors de lucht in, ook als je de projectnota erbij pakt. We willen meer vierkante meters werken dan nu in het gebied is en toch ook 6500 woningen toevoegen. Dit zijn echt wel enorme ingrepen. Veel zal dus nieuwbouw zijn, maar er kunnen ook palen langs bestaande gebouwen worden gezet om er iets bovenop te zetten als het bijvoorbeeld een cultuurhistorisch gebouw is. Binnen de gemeentelijke bandbreedtes is er materieel dus wel wat flexibiliteit.

Conform de regelgeving moeten er maatregelen worden getroffen om woningen en bedrijven naast elkaar te kunnen laten bestaan. Nu zijn er in het gebied geen categorie 4 of 5 bedrijven. Het enige wat er naast het gebied zit is een fabriek van Albemarle en een deel van hun geluidscontouren vallen over een deel van het projectgebied. Bouwkundig zal je daar maatregelen voor moeten treffen. Tegelijkertijd zijn we ook met hen in gesprek om te kijken of ze bronmaatregelen kunnen treffen. Waarschijnlijk zullen beide nodig zijn.

Er is geen gebruik gemaakt van de Crisis- en Herstelwet. We hebben een jaar of twee geleden hebben we sessies gehad over hoe we als gemeente juridisch planologisch voldoende grip en sturing houden op de ontwikkelingen. Toen was er al het idee om waarschijnlijk rond de introductie van de Omgevingswet het stedenbouwkundige plan klaar te hebben. Bestemmingsplannen met verbrede reikwijdte hebben dan dus niet veel zin meer. We focussen ons vooral op de Omgevingswet. We hadden ook een paar deskundigen die schreven aan de Nieuwe Omgevingswet en daarmee hebben we gesproken om zoveel mogelijk voor te sorteren op de Omgevingswet. De manier waarop we nu werken in het Hamerkwartier zal straks ook de manier zijn waarop er wordt gewerkt in andere gebieden. Het was toen (en nu nog steeds) lastig, omdat in een aantal van die onderwerpen het nog niet helemaal uit is gekristalliseerd hoe het nu in de Omgevingswet zal landen en hoe we daar als gemeente mee om willen gaan. Het is steeds een beetje zoeken naar de juiste manier om dingen op te schrijven en om dingen te regelen. We hebben eigenlijk een soort ontwikkelkader met een stedenbouwkundig plan erbij om aan te geven welke aspecten we belangrijk vinden. Het idee is wel dat dit het liefst één op één gaat landen in het Omgevingsplan. Er is nog niemand die precies weet hoe het Omgevingsplan eruit gaat zien en hoe de Omgevingswet eruit gaat zien, dus dat maakt het wel een beetje lastig.

We hebben een MER gemaakt. Daarin zijn verschillende varianten met verschillende mixen en ook met maximale woningaantallen doorgerekend. Stedenbouwkundigen zeggen dat je het niet zou moeten willen om het dichter te maken dan nu het geval is gezien de mobiliteit en logistiek van bedrijven. Als dat over 10 jaar op een hele andere manier geregeld zou kunnen worden, bijvoorbeeld met vervoer over water, dan is er misschien wel weer aanleiding om te kijken of je niet iets anders zou willen. Dat kan dan ook want er is niks in beton gegoten.

Semigestructureerd interview Havenkwartier (Deventer)

Locatie: Pijnacker-Nootdorp (Bel gesprek)

Datum en tijd: 08-05-2020 / 11:00 uur

Interviewer: Michael de Baat

Geïnterviewde: alleen op aanvraag

Functie: alleen op aanvraag

Dit interview wordt afgenomen als onderdeel van mijn master scriptie aan de Wageningen Universiteit. Het doel van dit interview is om meer te weten te komen over de aanleiding van de transformatie, het planningsproces, het bestemmingsplan, de ruimtelijke context van de herontwikkeling en de daadwerkelijke materiële en instrumentele flexibiliteit van het bestemmingsplan. De antwoorden uit dit interview zullen worden verwerkt in de thesis, maar de geïnterviewde blijft anoniem.

Aanleiding herontwikkeling/ transformatie

Eigenlijk is het Havenkwartier een transformatiegebied dat tegen het centrumgebied van Deventer aan ligt, maar ook nog onderdeel uitmaakt van het industriegebied Bergweide. Het was een redelijk verrommeld gebied en er was geen hoge kwaliteit van de leefomgeving en de bedrijven die er zaten en nog steeds zitten. Het was eigenlijk een beetje aan het verloederen. Er kwam een plan om het te transformeren naar een ander soort gebied. Dat was al in 2000 of 2002, in die tijd. Toen is er al bedacht om het gebied te transformeren naar een woon- werkgebied, maar waar wonen met name voorop stond. Het idee was toen de tijd ook sloop nieuwbouw. Dus hoge woontorens, die ook een geluidswerend effect zouden hebben voor het achterliggende woongebied. Dat was eigenlijk het idee. Een zwaar programma op dat gebied met woningbouw. Hier is zelfs een masterplan voor opgesteld. Dat is toentertijd ook bij de gemeenteraad belandt, maar het industrieterrein Bergweide had zich toen verenigd in een vereniging en die waren heel erg tegen woningbouw op die locatie. Dat had er natuurlijk mee te maken dat zij hun uitbreidingsmogelijkheden beperkt zagen, door die toch gevoelige functie die tegen het bedrijventerrein aan zou komen.

De gemeenteraad is eigenlijk meegegaan in die weestand. Die heeft gezegd, zo'n masterplan met woningbouw en een zwaar programma dat willen we daar niet. Dus zij hebben eigenlijk een streep door die plannen gezet, ook omdat het financieel wel moeilijk haalbaar was rond die tijd, en eigenlijk aan het college gevraagd maak nieuwe plannen voor het gebied. Dit was nog voor de crisistijd, dat is ook wel even belangrijk om te weten. Toen is het college met die opdracht teruggegaan en hebben ze nagedacht over hoe ze het gebied op een andere manier konden ontwikkelen. In die periode is er ook gedacht over een soort broedplaats voor kunstenaars en dat soort functies binnen het gebied. Dat had ook te maken met dat het gebied veel leegstand kende en door dat soort functies tijdelijk toe te laten konden we kunstenaars, ateliers en kleine bedrijfjes op het terrein laten zitten met lage huren. Het werd eigenlijk een soort creatieve broedplaats op dat moment. Het college is toen ook verder gegaan met planontwikkeling en toen kwamen ze eigenlijk bij het idee om niet meer alleen sloop nieuwbouw toe te passen, maar te kijken of ze het gebied zouden kunnen laten verkleuren naar een gemengd woon- werkgebied waarbij de meeste karakteristieke panden behouden konden worden. Dat geeft natuurlijk een heel ander programma voor zo'n gebied.

In de tijd dat we dachten we gaan daar hoogbouw realiseren met flinke woontorens, toen is een actieve grondpolitiek gevoerd. Toen is ook gekeken naar of de gronden aangekocht konden worden en dan voor een deel zelf ontwikkelen. Dat is iets wat in deze tijd eigenlijk bijna niet meer voorkomt. Voor het Havenkwartier bekend dit wel dat er een hoge druk is op de boekwaarde van het gebied. De gronden zijn namelijk duurder aangekocht dan dat ze zullen worden verkocht. Er is dus sprake van een onrendabele top. Er moet ook een bepaalde opbrengst worden gegenereerd.

Planningsproces

Toen is een ontwikkelperspectief gekomen, het ontwikkelplan havenkwartier, waarin eigenlijk ook gebruik werd gemaakt van die creatieve broedplaats die er al was, omdat we wel zagen dat dat ook een bepaalde identiteit aan het gebied geeft. Dat is dus meegenomen in de ontwikkeling, naast het zoveel mogelijk behouden van de karakteristieke gebouwen, het industrieel erfgoed. Er zijn ook twee monumenten in het gebied, de silo's. Die hebben beide een

andere functie gekregen. De één een horecafunctie en de andere een woonfunctie met dienstverlenende en maatschappelijke functies in de plint. Voor de rest zijn er ook woningen en kleine bedrijfjes in het gebied gerealiseerd. Het is eigenlijk een transformatieprogramma geworden waar met name hergebruik van bestaande gebouwen en richting een gemengd gebied wordt toegewerkt. Uiteindelijk hebben we daar ook het plan voor het bestemmingsplan op gemaakt.

Het is een beetje de filosofie van het Havenkwartier dat de markt zoveel mogelijk doet. Het bestemmingsplan is helemaal gericht op uitnodigingsplanologie, dat is ook het ontwikkelplan voor het Havenkwartier. Daar willen we eigenlijk het liefst zo min mogelijk een actieve rol in hebben. Wij zijn meer de faciliterende partij, om partijen bij elkaar te brengen. Dat gebeurt nu ook in de tweede en derde havenarm. Dan moeten die partijen en grondeigenaren zelf met plannen gaan komen. Alleen dan zie je wel dat dat voor een markt dan moeilijk is om elkaar te kunnen vinden en alle belangen goed op tafel te brengen. Daar merk je wel dat de gemeente een wat actievere rol heeft dan wij eigenlijk hadden gedacht.

In de bijlage bij het bestemmingsplan staat dat er 300 partijen/ stakeholders betrokken zijn geweest, maar dit was in de periode dat we de plannen aan het maken waren voor de linker havenarm. Dit was het ontwikkelplan, toen hebben we eigenlijk met de omliggende woongebieden, de ondernemers van Bergweide en de stakeholders en mogelijke ontwikkelaars binnen het gebied zelf zijn er flink wat sessies geweest om de mogelijkheden door te spreken. Dus het waren niet 300 partijen die daar wilden ontwikkelen, maar het waren 300 partijen die hun belangen naar voren hebben gebracht.

Voor ons was dit project met name een experiment, ik wil het eigenlijk geen experiment noemen, maar we wilden wel een andere rol hebben in het gebied. Het was geen sloop- nieuwbouw meer, dus we wilden eigenlijk dat de markt vanuit de uitnodigingsplanologie zelf dingen zoveel mogelijk ging oppakken. Het idee was om de gemeente daar niet heel actief in te laten zijn, maar de markt het werk laten doen. Dit was het grote voordeel voor de gemeente, meer in de faciliterende rol komen. Aan de andere kant zien we wel dat we het niet los kunnen laten, misschien hebben we nog wel meer werk om dit goed te begeleiden dan dat je dat heel traditioneel doet. Dit heeft met name te maken met de globale kaders die je hebt en je partijen bij elkaar moet brengen. Daarnaast kijken veel partijen altijd nog sterk naar de overheid. Het is niet vanzelfsprekend dat de markt het oppakt en het is ook niet vanzelfsprekend dat de markt begrijpt wat de gemeente nou bedoelt. We hebben wel een frontoffice Havenkwartier en daar worden alle plannen met de initiatiefnemers besproken. Op die manier proberen wij als facilitator eigenlijk zo goed mogelijk de partijen te begeleiden hierin. Onze ervaring is een beetje dat volledig loslaten niet werkt. Je zal je rol als gemeente moeten blijven pakken. Dit is dan meer de rol van het verbinden en faciliteren, zeker als je geen grondpositie hebt, maar in deze rol zit ook gewoon veel werk.

De ontwikkelingen op de eerste Havenarm zijn goed op gang. Twee derde van het gebied is wel ontwikkeld. Nu zijn er nog een aantal grote projecten die moeten plaatsvinden, daar zijn ook al plannen voor ingediend. We zien wel dat waar bestaande bedrijven nog actief zijn, dus de tweede en derde havenarm, ontwikkelingen veel moeilijker van de grond komen. Partijen komen er vaak moeilijker met elkaar uit, ze moeten het namelijk allemaal met elkaar eens zijn. Nieuwe ontwikkelingen mogen bestaande bedrijfsvoering niet frustreren.

Bestemmingsplan

Het ontwikkelplan is uiteindelijk door de gemeenteraad vastgesteld, en op basis van het ontwikkelingsplan hebben we het bestemmingsplan vormgegeven. Er is een samenspel tussen de publiekrechtelijke kant, dus het bestemmingsplan, regels met name, en de privaatrechtelijke kant, waarin we contractueel met partijen afspraken kunnen maken. Die twee elementen vullen elkaar aan en versterken elkaar waar dat nodig is. Voor het bestemmingsplan hebben we eigenlijk gekozen om een gemengd gebied te maken. Met name op de eerste havenarm. Op de tweede arm hebben we de bedrijvenbestemming intact gelaten, maar wel met wijzigingsregels naar gemengd gebied. Dus dan hebben we een kortere procedure om het gebied te laten verkleuren. Voor de eerste havenarm hebben we eigenlijk heel veel functies naast elkaar toegelaten zonder een echte beperking op te leggen in de bestemmingsplanregels.

Pandeigenaren, ontwikkelaars en initiatiefnemers kunnen binnen heel veel verschillende functies kiezen van wat zij willen doen en dat mag ook in mengvorm bestaan. Daarvan hebben we ook geprobeerd de milieunormeringen goed in te gebruiken, in de zin van dat we vinden dat Havenkwartier niet een standaard woongebied is en dat daar wat meer geluidsproductie of milieuoverlast mag zijn van de bedrijven die daar zitten ten opzichte van de woonfunctie. Dat betekent wel dat als je een woning wil realiseren naast een bedrijfje waar je eigenlijk 50 meter afstand van moet bewaren je wel moet kijken naar de manier waarop je de woning moet gaan isoleren om een goed woon- leefklimaat te gaan bereiken. Het bestemmingsplan is op die manier toch redelijk flexibel opgezet, omdat we veel functies toelaten, maar we daar wel wat beperkingen aan meegeven in de zin van kantoor- en detailhandel functies. We hebben geregeld dat horeca wel belangrijk is voor het gebied, in de lichte vorm kan het bijna overal, alleen in de zwaardere categorie (restaurant, bar) zal het wel moeten voldoen aan bepaalde eisen die we daaraan stellen. Voor detailhandel willen we voorkomen dat er een standaard supermarkt komt. Dus daar hebben we ook wel wat beperkingen voor in de regels opgenomen.

Met een aanvaardbaar woon- werkmilieu bedoelen we wel iets anders dan een aanvaardbaar woon- werkmilieu in een stille woonwijk. Dat betekent dat er wat meer functiemenging mogelijk is. De havenactiviteiten vormen momenteel geen directe belemmeringen voor de activiteiten in de eerste havenarm. Dit hebben we onderzocht en we hebben er niet heel veel last van. We hebben er ook voor gezorgd dat bedrijven qua bedrijfsvoering nog prima kunnen functioneren op de tweede en de derde havenarm. Alleen we hebben er wel voor gezorgd dat er geen zwaardere bedrijven meer kunnen komen. Het is wel zo dat als we een transformatie op de tweede en derde havenarm willen bereiken, dan zullen die bedrijfsfuncties wel moeten stoppen, want anders kunnen we die gemengde functie daar niet realiseren. Dat is de fase waar we nu in zitten. Dat betekent dus ook dat bepaalde bedrijven moeten stoppen met hun bedrijfsvoering, willen ze daar een andere invulling geven. Dat is aan die marktpartijen zelf. We hebben natuurlijk het ontwikkelplan en als de nieuwe initiatieven daar binnen passen, wat eigenlijk ook al best veel stedenbouwkundige kwaliteiten bevat, maar daarnaast hebben we ook een beeldkwaliteitsplan opgesteld voor heel het gebied. Hier stellen we niet heel veel kwaliteitseisen, maar we willen wel een gebied hebben dat zich onderscheidt, meer richting creatieve broedplaats, dan een traditioneel woon- werkgebied. Dat zie je ook terug in de vormgeving van de woningen die nu zijn gerealiseerd in de eerste havenarm. Zo heb je woonpanden die een zeecontainer op het dak hebben staan waarin een atelier in is gebouwd. We hebben daar dus wel een industriële creatieve uitstraling beoogd met weinig welstandsregels. Maar we hebben wel een kader waaraan nieuwe plannen kunnen worden getoetst.

Voor de gemeentelijke monumenten staat de bescherming van het monument en de monumentale onderdelen voorop. Wel hebben we ook in deze gebouwen gemengde functies mogelijk gemaakt. In het bestemmingsplan is het dan ook geregeld dat die waarden niet mogen worden aangetast. Dit is ook afgedekt met de monumentenvergunning.

We hebben in het plan redelijk ruime bouwvlakken opgenomen voor sommige locaties, daar kan flink wat worden gerealiseerd. Het gevaar bestaat natuurlijk wel, waarvan wij denken dat wordt een mooi gemengd gebied, dat er alleen maar woningen gaan komen. We hebben daar geen rem op gezet, we hebben er geen maximum aan gebonden. Wat we wel altijd proberen in de gesprekken die we hebben, ook omdat we nog redelijk veel grondeigendom hebben in dit gebied, met partijen die grond willen kopen van de gemeente en die plannen hebben om daar zoveel mogelijk op te sturen met elkaar. Dat het een gemengd gebied blijft. We hebben wel gezegd, stel nou dat we geen grond hebben en partijen alleen woningen willen realiseren, dat kunnen we achteraf ingrijpen door het bestemmingsplan aan te passen en een voorbereidingsbesluit te nemen. We hopen dat de marktwerking en de kaders die we hebben gesteld voldoende prikkel geven om het een gemengd gebied te houden. Het gevaar bestaat wel wie het eerst komt wie het eerst maalt. Als je een plek hebt waar bouwmogelijkheden zijn waar nu een speelplek is, dat kunnen wij als gemeente niet tegengaan. Het is een redelijk industrieel gebied, dus qua groengebruik is er niet veel in het gebied. Het enige is dat we in de openbare ruimte zoveel mogelijk proberen te mengen door evenementen toe te staan.

Ruimtelijke context herontwikkeling/ transformatie

Als gemeente hadden we niet overal grondeigendom. We hebben drie havenarmen in het havengebied. De eerste havenarm die hadden we al wel aangekocht, dus daar hadden we veel bezit. De tweede havenarm niet, dat is haveneiland. Hier hebben we geen bezit. In de derde havenarm hebben we ook weinig bezit.

Het rechter gebied willen we in de toekomst ook transformeren naar een meer gemengd gebied, alleen dat zit het meest tegen het industriegebied aan. Dus daar zal je qua gevoelige functies wat minder kunnen doen. We hebben hier ook bijna geen grondeigendom.

Voor het middelste gedeelte zijn wel wat plannen, maar daar hebben we geen grondbezit. Maar ook hier willen we wel een transformatie op gang brengen.

In de linker havenarm, waar we de meeste grond hebben vindt ook de meeste ontwikkeling plaats. Je merkt dat als je grondbezit hebt, je beter kan sturen op de ontwikkelingen. Maar het bestemmingsplan is wel zo vormgegeven dat we ook wijzigingen kunnen toepassen voor de tweede en derde havenarm. We willen wel heel het gebied transformeren, maar je hebt gelijk dat dat qua gevoelige functies van licht naar zwaarder gaat. Dus van de derde havenarm, waar eigenlijk geen gevoelige functies kunnen, naar de eerste havenarm, wat tegen een woonwijk aan ligt.

De openbare ruimte hebben we heel snel aangepakt binnen het Havenkwartier. We hebben de openbare ruimte heel snel op orde gebracht. Het is een redelijk versteend gebied, maar de binnenwegen en pleinen hebben we zo goed mogelijk ook al gelijk bestraat. Dan zie je ook gelijk dat het gebied leefbaarder wordt als je dat opknapt. Daar is met name de gemeente aan zet geweest. Voor de druk op de openbare ruimte, dat gaat met name over het parkeren en evenementen, want in heel het openbare gebied zijn evenementen toegelaten. Ondernemers uit het gebied kunnen daar hun evenementen laten plaatsvinden. Dat betekent wel dat je als gebied zelf afspraken moet maken over; wanneer deze evenementen zijn, dat de parkeerplekken bezet zijn en dat je daarvoor een oplossing moet zoeken. Maar dat laten we redelijk aan het Havenkwartier zelf. Dit moeten ze onderling goed regelen en daar zitten we als gemeente niet erg in.

Het parkeren in dit gebied op eigen terrein is erg moeilijk, omdat er weinig ruimte is. Er is nog wel ruimte in het openbare gebied en zolang dit gebied voldoende ruimte biedt voor parkeren hebben we ook geen eis om het parkeren op eigen terrein te realiseren. We hebben wel in de regels gezet dat er een verplichting is om op eigen terrein minimaal één parkeerplaats te realiseren. Maar de parkeernormen zijn een stuk lager dan in andere gebieden en dat hebben we eigenlijk gediscoteerd in de verkoopprijs van de kavels. In de grondprijs zit een opslag voor het parkeren. Met eigenlijk een soort fonds wat eraan gekoppeld is om het parkeren in openbaar gebied t.z.t. als de druk zodanig toeneemt op te lossen door een gebouwde parkeergarage te realiseren als gemeente. Op die manier hebben wij geprobeerd de druk op de omgeving op te lossen en ook de ontwikkelingen door te kunnen laten gaan. Maar je merkt nu wel doordat de ontwikkelingen steeds verder gaan dat de druk op de openbare ruimte steeds zwaarder wordt. Dit gaat wel meer een aandachtspunt worden over hoe we omgaan met de openbare ruimte en de druk erop.

Wij hebben niet heel veel bouwrijp hoeven te maken, omdat veel ook gewoon in bestaande gebouwen is gerealiseerd. Maar we hebben voor de woningen, dat noemen we het zelf- samenbouw project, hebben we voor een groot deel de grond wel bouwrijp gemaakt. Daar waar we grondeigendom hadden hebben we zelf de grond schoon opgeleverd.

In het stedenbouwkundig plan Havenkwartier, het ontwikkelplan, hebben wij wel aangegeven waar we bepaalde openbare voorzieningen willen hebben. Maar het gebied leent zich niet zo voor openbare ruimte en dat soort functies.

Materiële/ instrumentele flexibiliteit

We hebben het Havenkwartier onder de huidige regelgeving qua bestemmingsplan opgezet. Het is dus geen Crisis- en Herstelwet project. We zijn we bezig met een Crisis- en Herstelwet plan, maar dat is meer gericht op het hele stedelijke gebied van Deventer en niet zozeer op transformatiegebieden. Wij hebben dus een plan gemaakt waar transformatie en uitnodigingsplanologie bovenaan staan, maar met gebruikmaking van de huidige wetgeving. Daar hadden we niet direct de Crisis- en Herstelwet mogelijkheden voor nodig. Het is eigenlijk een traditioneel bestemmingsplan. Het is alleen de vraag wat je hieronder verstaat, namelijk; traditioneel onder huidige regelgeving of traditioneel in de vorm van een gedetailleerd bestemmingsplan. Wij hebben binnen de huidige regelgeving een mix gemaakt van gedetailleerd en globaal. Dus het is niet een traditioneel gedetailleerd bestemmingsplan waarin alles is vastgelegd, maar het is wel een bestemmingsplan onder de huidige regelgeving waar een mix is ontstaan tussen gedetailleerd en globaal. Dat valt ons

eigenlijk tijdens de planontwikkeling tegen, dat wil je flexibiliteit regelen onder de huidige regelgeving, dat betekend soms wel dat je gedetailleerd moet gaan bestemmen. Dat gedetailleerde zit hem dan bijvoorbeeld in de beperking van kantoorfuncties en detailhandel functies, of dat je bepaalde bouwvlakken moet gaan vastleggen.

Wij hebben kaders aan de voorkant meegegeven en alles dat past binnen die kaders kan ook gewoon. Wat nu is gerealiseerd past redelijk binnen die kaders, maar je zal altijd zien dat er een plan komt wat gebruik maakt van regels die niet aansluiten. Wat we wel hebben gezegd voor het Havenkwartier is dat het ontwikkelplan leidend is. Dus als het bestemmingsplan bepaalde ontwikkelingen niet toelaat, terwijl de ontwikkelvisie het wel als een gewenste ontwikkeling ziet, dan passen wij het bestemmingsplan daarvoor aan. Maar het is niet zo dat men nog een heel stedenbouwkundig plan moet gaan maken, vaak doen ze dit wel zelf op pandniveau, maar dat past dan wel binnen de ontwikkelvisie. Voor ons is dus niet het bestemmingsplan het leidende kader, maar eigenlijk meer het ontwikkelplan waarvan wij zeggen; past het daarbinnen dan kan het prima en hopelijk past het dan ook binnen het bestemmingsplan en mocht het bestemmingsplan niet toereikend zijn dan passen we het bestemmingsplan aan. Naast het ontwikkelplan hebben nog een beeldkwaliteitsplan. We hebben in het ontwikkelplan meer de filosofie van het gebied beschreven, de leefomgeving Havenkwartier. Die heeft een eigen identiteit, die broedplaats. Daar is gewoon heel veel ruimte binnen om initiatieven te ontplooiën.

We zien nu zelf ook een spanningsveld. Er zijn bijvoorbeeld woningen gerealiseerd en de mensen die er komen te wonen weten dat het geen rustig woonklimaat is in de zin van een rustige woonwijk. Als je in zo'n gebied gaat wonen moet je tolereren dat er een bepaalde overlast gaat ontstaan door de bedrijven en horeca die er zit. Soms komen er gezinnen en vinden ze bijvoorbeeld dat er te hard wordt gereden op de straat, waardoor ze bloembakken willen. De gemeente bemoeit zich hier echter niet mee. De partijen moeten samen afspraken maken en dingen naast elkaar tolereren. Maar je ziet wel dat het spanningsveld op gaat lopen naarmate er meer gebruikers zijn in een gebied. Andersom zien we ook dat bepaalde ondernemers woonfuncties in het gebied ook wel spannend vinden, omdat dat hun mogelijkheden zou kunnen beperken. Als gemeente zijn we daar dan strak in, ze weten namelijk wat voor een gebied het is en zoek het met elkaar goed uit. De gemeente is wel betrokken om dit in goede banen te leiden, maar het moet van beide kanten komen. Partijen proberen hun eigen belangen te beschermen door af te wijken van de filosofie van het gebied waar ze oorspronkelijk voor hebben gekozen. Er is een bedrijf en inwoners vereniging Havenkwartier en daar stemmen ze van alles met elkaar af.

Juridisch gezien betekend het dat als een bedrijf er al zit, een horecabedrijf, en je wil een woning realiseren moet je als initiatiefnemer voor die woning ervoor zorgen dat je goede isolatie hebt in je pand. Dat is het risico wat je hebt. Het is een beetje wie het eerste komt wie het eerste maalt.

Semigestructureerd interview Lammenschans – Ananasweg (Leiden)

Locatie: Pijnacker-Nootdorp (Skype gesprek)

Datum en tijd: 06-05-2020 / 09:30 uur

Interviewer: Michael de Baat

Geïnterviewde: alleen op aanvraag

Functie: alleen op aanvraag

Dit interview wordt afgenomen als onderdeel van mijn master scriptie aan de Wageningen Universiteit. Het doel van dit interview is om meer te weten te komen over de aanleiding van de transformatie, het planningsproces, het bestemmingsplan, de ruimtelijke context van de herontwikkeling en de daadwerkelijke materiële en instrumentele flexibiliteit van het bestemmingsplan. De antwoorden uit dit interview zullen worden verwerkt in de thesis, maar de geïnterviewde blijft anoniem.

Aanleiding herontwikkeling/ transformatie

De Ananas is een al heel langlopend en oud project. We zijn in 2008 al begonnen met nadenken over deze plek en het was vooral de initiatiefnemer die er zelf mee kwam. Het is dus niet zo dat de gemeente van te voren al een visie had op die plek en daar zelf graag woningbouw wilde, maar dat was een idee van de eigenaar/ ontwikkelaar. Wij werden als gemeente in 2008 benaderd door die eigenaar/ ontwikkelaar. Dat was de Raad Vastgoed uit Katwijk. Ongeveer 10 jaar daarvoor hadden zij het veilingterrein al gekocht. Het veilingterrein was, zoals de naam al doet vermoeden, een overslagterrein voor fruit en groente. Sinds de jaren 50 werd er fruit en groente overgeslagen en ook verhandeld en geveild. Dit gebeurde in grote bedrijfshallen. Die groente- en fruithandel is zijn functie kwijtgeraakt, ik meen ergens in de jaren 90. Toen heeft de Raad Vastgoed het hele terrein gekocht. Niet alleen het complex waar nu de Ananas wordt gebouwd, maar ook de achterliggende bedrijfskavels. Helemaal van de Lammenschansweg tot aan de Vijf Meilaan. Dat hadden ze gekocht met het doel om te transformeren, want het terrein had zijn oorspronkelijke functie verloren. Bij zo'n grote gebiedsontwikkeling gaat dat nooit in één keer. Zeker niet in een complexe verdichtende stad als Leiden. Het is geen uitleggegebied waar je even een totaalplan voor maakt. Dit moest veel meer organisch en geleidelijk gaan. De Raad Vastgoed heeft toen voor al die hallen nieuwe huurders gezocht, maar met tijdelijke huurcontracten. In de wetenschap dat daar getransformeerd zou gaan worden.

Planningsproces

De gemeente heeft al vrij snel, ook al in de jaren 90, aangegeven wel wat te zien in zo'n herontwikkeling. We hebben dat uiteindelijk kavel gewijs opgepakt. Dus in eerste instantie is er een tweetal hallen langs het spoor nieuw gebouwd. Dat is al in de jaren 90 gebeurd. Vervolgens is de Pompoen gebouwd, dit is een kantoorachtig complex. Dit staat ook wat meer richting de Vijf Meilaan. De Ananas is nu de volgende fase in deze gebiedsontwikkeling. In 2008 kwam de Raad Vastgoed voor het eerst met dit plan. Dit is een heel ander plan, dan het plan wat nu wordt gebouwd. Het was wel hoogbouw en het ging ook vooral over woningbouw, maar er zat ook nog heel veel detailhandel in dat plan. Zij wilden voor iets van 8000 m² detailhandel en andere voorzieningen erin hebben op de onderste paar bouwlagen. Het idee was ook om een hele grote ondergrondse parkeergarage te maken van wel drie bouwlagen diep en om een jachthaventje te maken aan de achterkant van het complex. Daar hebben we toen een paar jaar over gesproken, niet heel internsief, dat kwam omdat de Raad Vastgoed een relatief kleine ontwikkelaar is en zij tegelijkertijd ook in Katwijk een groot project hadden. We hebben een jaar of drie lang maar één keer per maand samengezeten en dat liep allemaal niet zo vlot. Dit kwam ook omdat de vorige economische crisis toen was begonnen. De ontwikkelaar merkte toen dat hij het project niet afgezet kreeg bij beleggers. Toen is er een project gestart bij Bouwend Nederland. Dit is een koepelorganisatie voor bouwers. De Raad Vastgoed is niet alleen belegger en ontwikkelaar, maar ook bouwer. Zij hadden hun uitdaging toen aangekaart bij Bouwend Nederland en toen zijn we ook vanuit de gemeente uitgenodigd bij Bouwend Nederland om eens te praten over hoe we dit plan konden vlottrekken. Toen is het tot een hele heroriëntatie gekomen, dit was in 2014. Toen hebben we besloten om de jachthaven niet meer te maken, om het hele programma om te gooien, dus ook om die detailhandel eruit te halen en om eigenlijk alleen nog maar woningen te bouwen. Dit leek het best afzetbare programma en ook een programma waar we als gemeente het meeste behoefte aan hadden.

We wilden wel dat er een gemengd stedelijk milieu ontstond, dus we wilden op de begane grond nog wel wat commerciële ruimten, zoals daghoreca, maar verder geen grote winkels. Toen heeft het ongeveer een jaar geduurd voordat de ontwikkelaar met zijn architect ook echt tot een nieuw bouwplan is gekomen. Daar zit o.a. een bovengrondse garage in, ingepakt met woningen, dus je ziet de garage niet. Dit maakt het plan ook veel beter faseerbaar. In plaats van dat het in één keer moest worden gebouwd, vanwege de grote ondergrondse parkeergarage (en je dus miljoenen kwijt zou zijn aan voorinvesteringen wat niet rendabel is voor een parkeergarage en je daarna ook gelijk het hele complex erboven moest bouwen om voldoende opbrengsten te genereren) is het faseerbaar geworden. Ook was de conjunctuur goed in 2014, dus met dit plan zijn we een RO procedure ingegaan.

We zijn als gemeente faciliterend geweest. Dit past ook bij de eigendomssituatie van de grond. Het is niet onze grond, de grond is altijd van de ontwikkelaar geweest. We hebben geen actief grondbeleid bedreven, ook niet in de rest van de Lammenschans driehoek. Wij kopen geen grond op, daar hebben we geen geld voor als gemeente. We maken dus ook zelf geen plannen die we tenderen en in de markt zetten. We proberen de zittende eigenaren in actie te laten komen. Dat werkt alleen als je ze toestaat om waarde te creëren, anders houden ze het bij het oude. Dat zag je ook aan de overkant van de Lammenschansweg, schuin tegenover de Ananas, waar ook allemaal bedrijfshalletjes staan. Dit is vooral perifere detailhandel, zoals; autoshowrooms, de Gamma en andere winkels. Het ziet eruit als een bedrijventerrein, maar het is vooral een winkelgebied. Wat we deze eigenaren in het vooruitzicht houden is dat ze er een groot nieuw gebouw mogen neerzetten. Veel groter dan wat ze nu hebben en ook groter dan het huidige bestemmingsplan toestaat en waarin allemaal verschillende functies mogelijk zijn. Wij weten dat dat tot een waardestijging kan leiden voor die grond. De eigenaren zouden dus wel gek zijn als ze niet een architect aan het werk zetten. Dit proces zie je nu dus ook overall gebeuren in de Lammenschans en de Ananas is één van de eerste projecten geweest. We kietelen dus de eigenaren in de hoop dat ze tot actie willen overgaan, maar vervolgens nemen we een faciliterende rol aan. Dan zeggen we; maak maar een plan en laat zien wat je hebt bedacht. We sturen dan als we dingen zien waarvan we denken; dat willen we echt niet hebben. Zolang het past binnen de grotere kaders die we hebben, is het echt aan de ontwikkelaar om tot een plan te komen.

Deze grotere kaders zijn vastgelegd in een visie. Momenteel is er alleen een visie voor de oostelijke kant van de Lammenschansweg, hier valt de Ananas dus niet in. Het maken van een beeldkwaliteitsplan is ook onderdeel van deze ontwikkelstrategie.

De ontwikkelaar heeft eerst zelf een plan gemaakt en vervolgens is het juridisch planologisch vastgelegd. We hebben de gewoonte in Leiden dat voordat we de RO procedure voeren, voordat we een bestemmingsplan ter inzage leggen, of een uitgebreide omgevingsvergunning ter inzage leggen, we altijd eerst aan kaderstelling doen. Dit laten we ook door de Raad vaststellen. Soms doen we dan in de vorm van een gebiedsvisie of een ontwikkelstrategie, zoals voor het gebied aan de oostkant van de Lammenschansweg en soms doen we het in de vorm van een zogenoemd kaderbesluit. Dit kan in andere gemeenten anders heten. Dit hebben we voor de Ananas ook gedaan. We hebben daar een kaderbesluit voor vastgesteld. De eerste keer in 2010 en een paar jaar later voor het gewijzigde plan. In dat kaderbesluit hebben we gezegd hoe het plan er ongeveer uit moet komen te zien t.a.v. van bouwkenmerken, functies, parkeren, omsluiting, etc. Heel globaal hebben we daarmee de Raad al een beslissing laten nemen over hoe het gebied eruit moet komen te zien. Dit is niet op detailniveau. Vervolgens komt de bestemmingsplanprocedure en wat we dan vaak zien, ook bij de Ananas, is dat er aan de hand van zienswijzen en de onderzoeken die we voor het bestemmingsplan uitvoeren wel wat aan het plan wordt geschaafd. Dit was bij de Ananas ook gebeurd .

Bestemmingsplan

Eind 2015 zijn we begonnen met het opstellen van een bestemmingsplan. Dat was een behoorlijk traag proces. Het is een traditioneel bestemmingsplan geworden. In die tijd, eind 2015, hadden we het ook nog niet zo over bestemmingsplannen met verbrede reikwijdte of voortborduren op de Nieuwe Omgevingswet. Dat leek ook allemaal niet nodig voor dit plan, want we hadden een vrij goed uitgewerkt bouwplan inmiddels. Er was dus ook niet veel flexibiliteit nodig.

In Lammenschans is vrij wat vrij kan en regelen we wat moet. Dat zit niet zozeer in de bouwmassa's, daar willen onze stedenbouwkundigen best sturend zijn. We staan dus niet zomaar allemaal massa's toe zonder dat we precies weten

hoe het zit met bezonning, aanzicht en skyline ontwikkelingen. Je ziet dus in de bestemmingsplannen, ook voor de Ananas, dat er redelijk sterk wordt gestuurd op massa's en waar de hoogbouwaccenten komen. Dat hebben we ook uit te leggen aan omwonenden. Dat is ook één van de thema's waar de meeste bezwaren op binnenkomen.

Om de Ananas heen zitten niet hele zware milieubelastende bedrijven. Het bestemmen van woningbouw op de locatie van de Ananas was milieukundig niet een hele zware opgave. We hebben geen Crisis- en Herstelwet hoeven toepassen of andere milieuafwijkingen hoeven inbakken om dit voor elkaar te krijgen. Het is wel een plek die qua verkeerslawaaï meer belast is. Er ligt een spoorlijn vlak naast aan de noordkant en een drukke weg aan de zuidoost kant. Dit genereert natuurlijk behoorlijk wat verkeer. Hier hebben we in het gebouw voorzieningen voor moeten treffen. Er zijn bijvoorbeeld inpandige balkons gerealiseerd aan de kant van de twee meest belaste gevels. Een andere maatregel was een trillingsscherm tussen het spoor en het gebouw. Dit ondergrondse scherm is in het bestemmingsplan verplicht gesteld. Er mag dus alleen worden gewoond als dat scherm aanwezig is. Er is dus niet veel gedaan met bedrijfshinder in het plan.

Ruimtelijke context herontwikkeling/ transformatie

Dit project ligt in de Lammenschans driehoek, dit is Leidens grootste woningbouwlocatie en ons doel is om hier een sterk stedelijke en gemengd woongebied te maken. Voor ons is sterk stedelijk niet alleen hoog of meer massa. Sterk stedelijk betekent dat je voorzieningen hebt in de buurt. In Leiden hebben we het over sterk stedelijk als je op een korte fietsafstand zit van fijne stedelijke voorzieningen in de binnenstad. Dat is hier het geval, want je zit op tien minuten fietsen van de Leidse binnenstad. Maar we vinden een stedelijk woonmilieu ook pas een stedelijk woonmilieu als je buurtgebonden voorzieningen op kruipafstand hebt. Dat is wat een woonwijk stedelijk maakt. Wij vinden dat we in al die blokken in Lammenschans, waaronder dus de Ananas, ook in de plint wat buurtgebonden voorzieningen moeten projecteren.

Waar we in Leiden mee te maken hebben is dat we een provincie hebben die kantoorontwikkeling tegenstaat. Leiden mag maar op één plek in de stad nieuwe kantoren bouwen en dat is bij het stationsgebied, dus niet in Lammenschans. We mogen hooguit kleine lokale kantoorvoorzieningen toevoegen tot 1000 m², maar dat hebben we in de Ananas niet gedaan. Daarnaast willen we zelf op het gebied van reguliere detailhandel iets terughoudend zijn, omdat we willen voorkomen dat er mode- en schoenenwinkels komen in gebieden buiten het kernwinkelgebied. Al het overige wat je maar kunt verzinnen, zoals; zorg, sport, wellness, dienstverlening en horeca. Dat mag allemaal, ook in de Ananas. Op de twee zuidhoeken zit de functieaanduiding 'gemengd'. Op die plek mag dus van alles.

Alle kosten van de hele ontwikkeling komen volledig voor rekening van de ontwikkelaar. Het bouwrijp maken van de grond van de Ananas heeft de ontwikkelaar zelf gedaan. Ook gaan zij de openbare ruimte inrichten, wel volgens ons Leidse handboek kwaliteit openbare ruimte. De ontwikkelaar heeft ons ook geld betaald voor de reconstructie van een kruispunt aan de Lammenschansweg. Om het gebouw te kunnen omsluiten moeten we namelijk ook iets aan de openbare weg doen. Dat moet de gemeente echt zelf doen en daarvoor hebben we een bijdrage gevraagd van de ontwikkelaar. De openbare ruimte direct rondom het gebouw, dus de trottoirs, het terras voor mogelijke horeca, plantsoenen met speeltuin en andere zaken waar vooral de bewoners van de Ananas gebruik van gaan maken, worden wel door de ontwikkelaar zelf aangelegd.

We hebben een regionale woonagenda die met de provincie is afgestemd. Daar zitten bevolkingsprognoses onder en wordt elke drie jaar geactualiseerd. Hier blijkt een gigantische woningbouwopgave uit voor Leiden en voor omliggende gemeenten. Het bouwen van woningen is dus noodzaak. De behoefte is erg groot.

Materiële/ instrumentele flexibiliteit

De ontwikkelaar zei ook zelf; ik wil gewoon bestemd hebben wat ik ga bouwen, want dan weet de buurt ook waar ze aan toe zijn. Hij wilde wel wat flexibiliteit, maar niet heel veel. Dat maakt het plan voor de omwonenden ook alleen maar onzekerder, waardoor de ontwikkelaar meer bezwaren kon verwachten. Er is dus gekozen voor een meer traditioneel bestemmingsplan. Daarin hebben we wel qua bouwhoogtes en rooilijnen een beetje flexibiliteit gezocht. Het is namelijk een complex dat is opgebouwd door tunnelbouw. Dus wat straks allemaal vaste stramienen kent, maar als

je één zo'n stramien 10 centimeter breder wil maken dan heeft dat voor je hele complex best wel wat gevolgen. Dan heb je aan alle kanten 1,5 meter extra nodig. Ook qua hoogtes merken we, als we het heel strak bestemmen, dat het net niet allemaal uitkomt wanneer de aanvraag voor een omgevingsvergunning binnenkomt. We zijn dus wel gewend om in bouwvolumes net wat meer flexibiliteit te bieden.

Voor de functies hebben we voor de commerciële ruimtes op de begane grond, waarvan we nog steeds niet weten wat erin gaat komen, wel een redelijke brede bestemming gezocht. Dus daar kunnen allerlei typen horeca, zorgvoorzieningen, dienstverlenende functies (zoals; een kapper, schoonheidsspecialist of fietsenmaker) in. Dit kan allemaal. Die bestemming hebben we zo breed mogelijk gehouden, binnen dat wat ons eigen beleid en het beleid van de provincie toestaat. Dus we hebben eigenlijk gezegd; qua bestemming voor de commerciële ruimten onderin mag alles, behalve die paar dingen die we echt niet willen. Dit is gedaan om de kwaliteit van het gebied te waarborgen.

Wat we dan doen in Lammenschans, dus ook in de Ananas is een gemengde bestemming voor de begane grond erin zetten, waarin al die buurtgebonden voorzieningen zijn toegestaan. Waar welke voorziening dan komt is aan de markt. Hier zit dus wel flexibiliteit in.

Maar op het gebied van de bestemmingen zelf, de programma's die je kunt maken, daar zijn we veel vrijer in.

Semigestructureerd interview Sphinx (Maastricht)

Locatie: Pijnacker-Nootdorp (bel gesprek)

Datum en tijd: 29-4-2020 / 10:00 uur

Interviewer: Michael de Baat

Geïnterviewde: alleen op aanvraag

Functie: alleen op aanvraag

Dit interview wordt afgenomen als onderdeel van mijn master scriptie aan de Wageningen Universiteit. Het doel van dit interview is om meer te weten te komen over de aanleiding van de transformatie, het planningsproces, het bestemmingsplan, de ruimtelijke context van de herontwikkeling en de daadwerkelijke materiële en instrumentele flexibiliteit van het bestemmingsplan. De antwoorden uit dit interview zullen worden verwerkt in de thesis, maar de geïnterviewde blijft anoniem.

Introductie geïnterviewde

Ik ben projectleider bij de Wijkontwikkelmaatschappij Belvédère. Dit is een club die in het Belvédère gebied, dit is een onderdeel van Maastricht, gronden aankoopt met oude fabrieken, oude parken en waterlopen en eigenlijk het hele gebied herstructureerd. Hier zitten dan een aantal deelprojecten in en ik heb een aantal van die deelprojecten onder mijn hoede. Wij hebben een wijkontwikkelingsmaatschappij, dat is een aparte bv, die aan de gemeente Maastricht gekoppeld is. Dit is een club met een eigen bankrekening en administratie en kopen gronden waar we een nieuwe invulling aan geven. De realisatie van de opstal wordt gedaan door projectontwikkelaars die van ons de grond kopen. Wij onteigen de grond in samenwerking met de gemeente, we leggen de infrastructuur aan en maken de grond bouwrijp. De projectontwikkelaar huurt vervolgens een architect en adviseurs in die een plan maken. Plannen voor de verbouwing bijvoorbeeld. Uiteindelijk wordt de opstal verhuurd of verkocht. Wij vooral degene die de grond aankopen en klaarmaken voor bebouwing en verkopen het dan weer. We zorgen er ook voor dat stedenbouwkundige plannen en bestemmingsplannen worden gemaakt, meestal gebeurt dat door externe bureaus in samenwerking met mensen van de gemeente. Zo ben ik in het verleden ook betrokken geweest bij het plan Sphinx, waarvoor toen tien jaar geleden een bestemmingsplan is gemaakt. Ik ben dus geen planoloog of jurist maar coördineer het proces van het begin tot het eind om tot realisatie te komen.

Aanleiding herontwikkeling/ transformatie

Binnen het project Belvédère zijn toen de tijd allemaal deelplannen gemaakt en één daarvan was Sphinx, nadat we in de gelegenheid kwamen daar een groot fabrieksterrein aan te kopen. In het kader van de onderhandelingen met Sphinx, zij wilden veel geld hebben voor het terrein, met als doel om van dat geld een nieuwe fabriek te bouwen. Daarnaast hadden ze een sociaal plan om een aantal medewerkers af te laten vloeien omdat ze hun productieproces gingen moderniseren. Voor Sphinx moest deze nieuwe fabriek en dit sociale plan met een gesloten beurs haalbaar zijn in ruil voor het terrein wat wij zouden kopen. In dat kader zijn er plannen gemaakt om de haalbaarheid te kunnen beoordelen. Je kunt je voorstellen dat dat leidt tot een aantal woningen in dat gebied en nog wat andere functies. De eigenaar vond dat veel te weinig, daarom vond er een proces plaats waarbij het ging om stedenbouwkundige, programmatische en financiële aspecten. Eerste hadden we opgenomen dat er bijvoorbeeld drie bouwlagen waren toegestaan en uiteindelijk in de onderhandelingen in de driehoek die ik net schilderde worden dat vijf bouwlagen. Ook wordt er op dat moment nagedacht over het type woningen, wat de grondprijs zou kunnen zijn (duur, middelduur, goedkoop).

Planningsproces

In de eerste fase van de onderhandeling hebben we eigenlijk al best veel dingen vastgelegd. Toen we het eens waren en de aankoop hadden gedaan, zijn we overgegaan op feitelijke planontwikkeling. Omdat het een groot plan was, was het duidelijk dat we dat gefaseerd zouden doen. Het stedenbouwkundig plan is toen verder verfijnd en toen zijn we ook begonnen aan het bestemmingsplan. We moesten namelijk een juridisch kader hebben. In dat bestemmingsplan hebben we het stedenbouwkundig plan vertaald zoals het in feite al was opgesteld. Parallel met dat bestemmingsplan werd al nagedacht, met de projectontwikkelaars, over de feitelijke invulling. Wat moet het precies worden? Hoeveel procent koopwoningen komen er? Dit was alweer een verfijningsslag parallel aan het bestemmingsplan. Eigenlijk

hadden we de plannen die we al hadden uit de fase van de verwerving, planologisch en juridisch vertaald in dat bestemmingsplan. We hebben dus niet gedacht laten we eerst eens een bestemmingsplan gaan maken en dan vervolgens invullen. Nee, we hadden al ideeën over de invulling en die hebben we dus planologisch vertaald.

Die plannen waren klaar en toen brak de financiële crisis uit en toen is er eigenlijk een aantal jaren niks gebeurd. Niemand wilde het risico nemen om koopwoningen te bouwen. Die zouden misschien niet verkocht worden. In het begin lag het accent bijna volledig op koopwoningen, toen is de crisis eroverheen gekomen, de woningmarkt was ingestort en een paar jaar geleden hebben zich een aantal beleggers gemeld. Zij wilden huurwoningen bouwen en zij wilden op deze plek in Maastricht investeren. Dit heeft de boel weer aan de gang geholpen. We hadden dus een bestemmingsplan wat best gedetailleerd was met bouwblokken, rooilijnen enzovoorts. Vervolgens werden we met een nieuwe situatie geconfronteerd na de crisis. Toen hebben we een herijking gedaan van het stedenbouwkundig plan. We hebben dus opnieuw gekeken naar de verhouding koopwoningen en huurwoningen. Toen is een forse afboeking geweest op de boekwaarde voor wat we in het verleden hadden betaald voor de grond. We zijn op een wat lager segment uitgekomen en dat ging echt over miljoenen. We konden het project zoals het in de tijd was bedacht niet realiseren omdat de grondprijs van huurwoningen een stuk lager is dan van koopwoningen. Kortom, we hebben toen een flinke adem moeten laten, maar het plan kon weer aan de gang. Nu is het interessant, vanwege jouw vragen, het te hebben over de flexibiliteit.

Voor het project is gebruik gemaakt van de Crisis- en Herstelwet. Ik maak geen onderscheid tussen 'normale' en 'flexibele' bestemmingsplannen. We hebben gedaan wat we altijd gedaan hebben alleen met de toevoeging van het maakwerk. We wilden geen blanco bestemmingsplan maken, in de zin van we gaan eens bedenken vanuit de gemeente wat er moet gebeuren, maar het is steeds een samenspel geweest. De Crisis- en Herstelwet is vooral gebruikt om het proces wat sneller te laten verlopen, dit zegt eigenlijk niks over de inhoud of de manier waarop we inhoudelijk het bestemmingsplan vorm hebben gegeven. Het ging vooral over een sneller verloop van de goedkeuringsprocedure.

De initiatiefnemers van Loods 5 hebben het gebouw voor één Euro gekocht onder de voorwaarde dat ze het zouden restaureren. Het gebouw van het studenthotel hebben we voor een aantal jaren verhuurd. De rest van de monumentale panden zijn in particulier beheer en waren een tijdje geleden al gerestaureerd. Zij zaten dus niet in de grondexploitatie. We moeten dus onderscheid maken tussen de particuliere panden en de monumenten die we gekocht hebben en dus onderdeel waren van het Sphinx complex en het deel wat gesloopt is. We hebben wel een onderhandelingsproces met bijvoorbeeld Loods 5 over wat zij daar gaan doen. Dit zijn hele intensieve gesprekken geweest met de vertegenwoordiger van de monumentencommissie om de gebouwen monumenten zijn.

Aan de ene kant hebben we dus flexibiliteit en aan de andere kant intensive samenwerking of het samenspel met de stakeholders/ projectontwikkelaars. Wij gaan als gemeente de woningen niet bouwen en wij gaan zo'n hotel niet realiseren, dus wij volledig afhankelijk van marktpartijen. Vandaar ook die samenwerkingen. Het geeft ons wel veel invloed dat we eigenaar zijn van de grond. We hebben dus het bestemmingsplan als publiek instrument en de grondovereenkomst als privaat instrument. Hier kunnen wij veel in vastleggen. Het zou inderdaad anders zijn als je een bestemmingsplan maakt voor een gebied waar je geen eigenaar van bent. Dit kun je dan bewust loslaten met het gevaar dat je iets krijgt wat je niet wilt. Bij ons is de Wijkontwikkelmaatschappij juist opgericht om te voorkomen dat verschillende ontwikkelaars elkaar gaan beconcurreren.

Het Sphinx gebied is een redelijk afgebakend gebied. We zijn vooral uitnodigend geweest, dus er waren geen partijen die elkaar wilden verdringen. We zaten namelijk al aan tafel met de partijen die iets wilden.

Bestemmingsplan

Het hele project is eigenlijk markt gestuurd. Het project is gaan lopen door de investeringen van die beleggers die in Maastricht wilden beleggen. De realisatie van bepaalde kleine projecten is dus erg afhankelijk van initiatiefnemers. Wij coördineren deze initiatieven, maar kunnen niet bepalen wat precies waar gaat komen. Als een initiatiefnemer zich meldt is dat voor ons weer een kans. Wij noemen het inmiddels al een organisch model. We hebben dus een bestemmingsplan en we hebben een bepaalde visie en organisch wordt de zaak dan gerealiseerd afhankelijk van de markt en

van de behoefte. Het bestemmingsplan is het toetsingskader eigenlijk. Met initiatiefnemer gaan we dan aan de tafel en wordt er verkend. Dan geven wij een indicatie van de grondprijs en dan komt er een projectontwikkelaar die een rekenmodel gaat tekenen van hoe het project eruit kan komen te zien. Het kader is hierbij steeds het bestemmingsplan. Hier zit natuurlijk wel een flexibiliteit in. Eén van de punten van het bestemmingsplan is dat het college ontheffing kan geven voor een extra laag bijvoorbeeld. Overal zijn dus drie of vier bouwlagen aangegeven met de mogelijkheid hier nog een extra bouwlaag op aan te brengen. Dit zijn de interessante punten als het gaat om het samenspel tussen architect, stedenbouwkundige, de welstands- en monumentencommissie en de projectontwikkelaar. Het mag echter geen normale extra laag zijn, maar het moet als het ware onderscheidend en onderdeel zijn van de rest. Het hele plan refereert namelijk ook wel naar het verleden toen de Sphinx fabriek er nog stond. Er waren toen veel verschillende gebouwen met verschillende daken, het zou dus leuk zijn als we ook wat afwisseling in het dak landschap krijgen. In het bestemmingsplan is er dus de mogelijkheid om hier van B&W de goedkeuring voor te krijgen. Het middengebied is dus totaal gesloopt en aan de randen staan een aantal monumentale panden.

Bij het bestemmingsplan hoort ook een beeldkwaliteitsplan. Dit plan geeft allemaal sferen aan waarin de bebouwing zou moeten passen. Zo'n beeldkwaliteitsplan leg dan bijvoorbeeld vast hoe de dakopbouw eruit moet komen te zien. Ook de manier waarop de openbare ruimte eruit moet komen te zien wordt vastgelegd, zodat de architect zich een beeld kan vormen en er overeenstemming ontstaat tussen de verschillende architecten. Dit beeldkwaliteitsplan gaat dan ook over het hele gebied, waarin verschillende architecten verantwoordelijk zijn voor een klein stukje. Hier zit natuurlijk ook weer spanning. Een ontwikkelaar en een architect hebben namelijk het liefst zoveel mogelijk speelruimte. We hebben daarom ook veel discussies gehad over wat dat beeldkwaliteitsplan betekend in juridisch opzicht. Het bestemmingsplan is door de gemeenteraad vastgesteld inclusief het beeldkwaliteitsplan. De vraag is dan of je zomaar mag afwijken van dat beeldkwaliteitsplan. Dat beeldkwaliteitsplan hebben we dus herijkt, er is eigenlijk dus een actualisatie geweest van het beeldkwaliteitsplan. Dit hebben we uiteindelijk niet door de gemeenteraad laten vaststellen, maar we zijn ermee naar de welstandscommissie gegaan. De welstandscommissie heeft toen de actualiseren van dat plan vastgesteld, als zijnde het actuele toetsingskader.

Het grootste voordeel van deze aanpak is dat het project markt gestuurd is en dat het bestemmingsplan bestand blijkt te zijn tegen de gewijzigde marktomstandigheden. Ondanks de crisis en de bouw van een ander type woningen is het ons toch gelukt om met dit bestemmingsplan uit de voeten te komen.

We sturen aan de ene kant vanuit het bestemmingsplan, maar ook vanuit de ruimtelijke situatie. Architecten willen aan de ene kant wat vrijheid en aan de ander kant duidelijkheid. Hetzelfde geldt voor de projectontwikkelaars, zij zijn betrokken geweest bij het opstellen van het stedenbouwkundig- bestemmings- en beeldkwaliteitsplan. Dit is allemaal in samenwerking gebeurd en is ook een kenmerk van onze planaanpak.

Ruimtelijke context herontwikkeling/ transformatie

Er was een grote leegstaande zaal, hier had van alles in kunnen komen, zoals; kantoren en alles wat binnen die functie 'centrum' doeleinde past. Dit is dus juist breed gekozen, dit is dan de onderscheid in de opzet van het plan. Het middengebied is ingevuld als rustig woongebied en aan de rand zit je aan een belangrijke straat als onderdeel van de binnenstad. Daar past qua functies veel meer in op de begane grond, zoals centrumfuncties, dus meer levendige functies en daarboven zit met name dan wonen. Het plan is nu heel sterk in uitvoering. Aan de zuidkant worden nu zo'n 400 woningen gebouwd, dus aan de onderkant van het plan. Dit noemen wij Sphinx Zuid. Aan de rechterkant, dus aan de kant van de Boschstraat wordt nu die bowlingbaan gebouwd met wat andere functies eromheen. Iets daarboven zit een groot monumentaal gebouw, dit noemen wij het Eiffelgebouw, en hier is een studenthotel in gerealiseerd. De bovenste laag bestaan uit lofts, daar zitten woningen in. Daarnaast zit er ook nog wat horeca in en wat winkeltjes in de plinten. Op de kop van het project aan de noordkant zit loods 5. Dit is een grote meubelzaak. Zij zijn bezig met restauraties aan de gebouwen. Ook is er nog een grote parkeerplaats die nog niet bebouwd is en daar zijn we nu bezig met de planontwikkeling. De bedoeling is dat daar een hele grote ondergrondse parkeergarage komt en verschillende blokken met appartementen daarboven. Van het plan is 70% klaar of in de afrondende fase.

Als ontwikkelingsmaatschappij hebben wij de grond gekocht van Sphinx. Wij maken de grond klaar voor bebouwing en dat betekent ook dat wij de bodemverontreiniging opruimen op onze kosten. Men betaald, bijvoorbeeld, 40.000 tot 50.000 Euro voor de grond van een woning of appartement. Deze prijs gaat ervan uit dat er geen kosten meer hoeven te worden gemaakt voor extra zaken zoals bodemverontreiniging, de aanleg van riolering en de aanleg van straten. Deze verhoudingen zijn in dit plan erg duidelijk.

De grond wordt dus gekocht en daarna wordt de grond ook weer verkocht aan verschillende ontwikkelaars en partijen. Bij deze grondovereenkomst zit een heel pakket met randvoorwaarden en één van deze randvoorwaarden is het bestemmingsplan. Hierin staan bijvoorbeeld ook klip en klaar de voorwaarden over de grond en dat wij zorgen voor de bodemverontreiniging, de straten en dat soort dingen. In de grondovereenkomst, en dus niet in het bestemmingsplan, wordt afgesproken wie waar voor verantwoordelijk is.

Binnenkort start er nog een blok in het zuidelijke deel, maar hier zijn al vergunningen voor. Dit is alleen nog een kwestie van uitvoering. Er is nog één blok waar wel een omgevingsvergunning voor moet worden aangevraagd. Over anderhalf tot twee jaar is het hele zuidelijke deel af. De planontwikkeling voor het noordelijk deel, waar nu de parkeerplaats ligt, wordt nu opgestart.

Materiële/ instrumentele flexibiliteit

Er is altijd een spanning bij de gemeente met partijen die zoveel mogelijk willen vastleggen. Dit zijn projectontwikkelaars en marktpartijen waarvan bekend is dat zij altijd de grens zullen opzoeken. Als ze de kant krijgen om op appartementenblokken er nog een paar lagen op te zetten, dan doen ze dat meestal. Vanuit de stedenbouw wil men het liefste zoveel mogelijk vastleggen, om zoveel mogelijk invloed te hebben op het eindbeeld. In zekere zin er een soort middenweg gekozen in dit plan. We hebben een aantal zaken vastgelegd, maar er zit nog wel wat flexibiliteit in. In de zin dat B&W nog wat mogelijkheden heeft om af te wijken. Voor zover ik weet is het grotere gebied als woongebied bestemd. Het bestemmingsplan gaf dus wel wat flexibiliteit, aan de andere kant is vrij veel vastgelegd. Dus vanuit de ene kant, vanuit de stedenbouw, wil men zoveel mogelijk vastleggen in het bestemmingsplan om garanties te hebben voor het eindbeeld. Vanuit de projectontwikkeling, of vanuit mijzelf (de projectleider) heb ik het liefste zoveel mogelijk flexibiliteit. Dat ik in kan spelen op bijvoorbeeld een crisis of gewijzigde marktomstandigheden. Dit zijn ook vaak discussies die we hebben bij zo'n bestemmingsplan. Gaan we nu niet te ver met zaken vastleggen? Als je weet dat het tien jaar duurt voordat zo'n plan wordt gerealiseerd, dan kun je natuurlijk niet alles van tevoren voorspellen en wil je niet nu al alles vastleggen. Ik vind zelf uiteindelijk dat er in het plan nog wel wat flexibiliteit is gekomen, omdat ondanks dat we het stedenbouwkundig plan herijkt hebben en het kwaliteitsplan opnieuw hebben laten opstellen, zijn we er toch ongeslaagd het bestemmingsplan als zodanig vast te houden. Ondanks dat er een hele nieuwe situatie was na de crisis, kunnen we toch het bestemmingsplan gebruiken zoals dat voor de crisis was vastgesteld.

We hadden het plan ook geheel kunnen bestemmen als 'centrum' en dan had alles gekund, maar we wilden ook vanuit de financiën en het programma sturen en we wilden dus ook een behoorlijk aantal woningen. Hier zit de flexibiliteit in dat we niet het type woningen hebben vastgelegd of het huur of koop of iets dergelijks moest zijn. We hebben ook nog wat kunnen schuiven met grondgebonden woningen en appartementen. We vonden het belangrijk het woongebied eenduidig te definiëren, dat het helder is dat het een rustig woongebied wordt zonder horeca en dat soort zaken. Daarnaast zijn er 'roze' gebieden aan de rand en daar hebben we juist wat meer flexibiliteit. In één van de roze gebieden zijn we nu een bowlingbaan aan het bouwen tot groot ongenoegen van de omgeving. Dus daar zie je ook die spanning. Jarenlang was een sociaal-cultureel gebouw en dit heeft jarenlang leeggestaan. Op een gegeven moment is dit plan in de inspraak geweest, dit is vrij geruisloos gebeurd tien jaar geleden. Toen de bewoners werden geconfronteerd met het plan schrokken ze zich rot. Het centrum kwam namelijk dichterbij de bestaande bebouwing toen. Zij hebben hier toen bezwaar tegen gemaakt, maar ze hadden niet in de gaten dat het bestemmingsplan flexibiliteit bood dus in feite hebben ze nog nauwelijks mogelijkheden om bezwaar te maken omdat het binnen de contouren van het bestemmingsplan past. Dit is het nadeel voor derden wanneer een bestemmingsplan heel flexibel is.

Stakeholders in het gebied zijn geïnformeerd, maar er is niet gevraagd wat willen jullie graag of wat vinden jullie ervan. De projectontwikkelaar heeft een plan ontwikkeld en die heeft dat gepresenteerd. Over de functies en dergelijke daar

was niet over te praten, want anders had hij ook de kosten voor een architect niet gemaakt natuurlijk. Het is dan toch een wat rechtlijnig proces in een zaaltje met een kaart aan de muur. Mensen beginnen dan met 'wat is dat allemaal' en 'dat willen we helemaal niet'. Uiteindelijk zijn er dan wel wat concessies gedaan door de ontwikkelaar bijvoorbeeld wat betreft de bouwhoogte. Dit was nog niet naar tevredenheid van de omwonenden, die zijn uiteindelijk in beroep gegaan. De uitvoering van het plan is uiteindelijk doorgezet, en dan kom ik terug op het bestemmingsplan want het bestemmingsplan gaf die 'centrum' doeleinden en dat betekent dat voor het bouwplan gewoon een vergunning verleend moet worden.

Ons hele project Belvédère is een heel groot gebied en we zijn er steeds vanuit gegaan, dat is ook de sleutel van ons succes, is die flexibiliteit. Het project had toen het begon een looptijd van een jaar of 30 over zo'n periode kun je niet alles overzien. We zijn dus vertrokken met het idee dat we een flexibel kader moeten hebben, waardoor we in kunnen spelen op allerlei situaties. Het plan moet een uitnodiging zijn voor investeerders en ontwikkelaars om uiteindelijk tot realisatie over te gaan. Deze flexibiliteit is onderdeel van het hele project Belvédère.

Over een paar jaar is 70% gerealiseerd. In die zin, wat wonen is, is wonen maar het bestemmingsplan laat ruimte over mocht er in de toekomst een andere initiatief moeten worden gezien.

Semigestructureerd interview Strijp-S (Eindhoven)

Locatie: Pijnacker-Nootdorp (Bel gesprek)

Datum en tijd: 08-05-2020 / 13:00 uur

Interviewer: Michael de Baat

Geïnterviewde: alleen op aanvraag

Functie: alleen op aanvraag

Dit interview wordt afgenomen als onderdeel van mijn master scriptie aan de Wageningen Universiteit. Het doel van dit interview is om meer te weten te komen over de aanleiding van de transformatie, het planningsproces, het bestemmingsplan, de ruimtelijke context van de herontwikkeling en de daadwerkelijke materiële en instrumentele flexibiliteit van het bestemmingsplan. De antwoorden uit dit interview zullen worden verwerkt in de thesis, maar de geïnterviewde blijft anoniem.

Aanleiding herontwikkeling/ transformatie

Het gebied was een oud industriegebied van Philips en dat moest getransformeerd worden naar een hoogwaardig stedelijk milieu. Omdat deze transformatie jaren zou gaan duren, hebben ze het zo flexibel mogelijk in willen steken.

Planningsproces

Er is een Park Strijp Beheer en zij zien erop toe dat er een programma komt wat wenselijk is.

Park Strijp Beheer is deels gemeente en deels ontwikkelaar. Als gemeente hebben we een aandeel van ongeveer 50% in, maar dat weet ik niet zeker. Maar als gemeente hebben we er nog wel een aandeel in. Park Strijp Beheer regisseren de functies die er komen en de ontwikkelingen voor de gemeente.

Sowieso mag je in een hoogstedelijk milieu wat meer hinder verwachten. Naast het bestemmingsplan hebben we ook een activiteitenbesluit. Op het moment dat er horeca is gerealiseerd in een pand, dan heb je te maken met de voorschriften die voortkomen uit het activiteitenbesluit. Dat betekent dat je daar de waarborg hebt voor omwonenden voor minimaal geluidsoverlast. Dit geldt ook voor bijvoorbeeld de geurbelasting. Via een ander soort wetgeving is er dus eigenlijk ook een vangnet. Daarnaast hebben we regelingen voor geluid overgeheveld naar vergunningverlening in het actualisatieplan. Het gebied ligt namelijk naast een spoor. Het actualisatieplan hebben we aangemeld bij de Crisis- en Herstelwet, omdat op voorhand nog niet duidelijk was waar woningen zouden komen. Wanneer dit duidelijker is komt er meer onderzoek met de daarbij horende maatregelen. Normaal gesproken, bij een gewoon bestemmingsplan, dan moet je bij de vaststelling van het bestemmingsplan al de hoge waarden hebben vastgesteld. Nu kan dat dus bij de vergunningverlening. Hiermee heb je dus flexibiliteit, je hoeft niet op voorhand functies uit te sluiten of hoge waarden vast te stellen die later niet goed blijken te zijn.

Er is een stedenbouwkundig plan geweest wat de basis was voor het bestemmingsplan. Initiatieven worden vervolgens getoetst aan het bestemmingsplan. Er zit een supervisor op die de architectonische uitwerking in de gaten houdt, maar er is geen beeldkwaliteitsplan. In het gebied is wel een overeenkomst opgesteld tussen de gemeente en twee woningbouwverenigingen. Dat zijn de grootste partijen in het gebied. In die zin zijn er niet veel andere mogelijkheden voor samenwerkingen. Het zijn voornamelijk de twee woningbouwverenigingen die realiseren in het gebied.

De Ladder Duurzame Verstedelijking is niet toegepast, omdat hier geen nieuw programma is toegevoegd. We zijn gebleven binnen het programma wat mocht op basis van het geldende bestemmingsplan, ook qua ruimtebeslag. Per saldo wordt dus geen extra ruimtebeslag mogelijk gemaakt. Er ligt al een planologisch regime.

Het gebied is volop in ontwikkelingen en er wordt veel gebouwd. Het planologisch gedeelte ligt er, dus dan is het alleen nog de feitelijke invulling van het gebied.

Bestemmingsplan

Het bestemmingsplan van Strijp-S is in 2007 vastgesteld. Wij hebben in 2017 een actualisatie van het plan gemaakt. Er zijn in deze actualisatie een paar ontwikkelingen meegenomen, geen grote ontwikkelingen, maar we hadden bijvoorbeeld een bepaalde hoogte voor een toren mogelijk gemaakt. We hebben het bestemmingsplan van 2007 dus eigenlijk in een nieuw jasje gegoten.

In het gebied is heel veel mogelijk qua functie uitwisselingen. Alles is bestemd als gemengd. In het bestemmingsplan zijn vier gemengde bestemmingen opgenomen; gemengd 1, gemengd 2, gemengd 3, gemengd 4 en een nog uit te werken bestemming. Binnen deze bestemmingen mag je wonen, werken, publieksgerichte functies maken, etc. Met die actualisatie hebben we dat wel aangepast, want voorheen was er alleen mogelijkheid voor wat ouderwetse horeca, kantoren en detailhandel. Nu hebben we het meer in het licht van de Nieuwe Omgevingswet hebben we er werken en publieksgerichte functies van gemaakt. In het oude bestemmingsplan zat ook nog de systematiek uit 2007 waarin een beperking voor het aantal vierkante meters wordt opgelegd aan functies. Dat is nu heel ruim, want er is bijvoorbeeld 60.000 m² wonen toegestaan en 40.000 m² werken. Dat kan je onderling uitwisselen. Wat wonen is kan je dus ook inzetten voor werken. Hierdoor heb je heel veel flexibiliteit, waardoor je zo'n gebied heel dynamisch kan inrichten.

Geluidstechnisch zijn er in het bestemmingsplan niet echt maatregelen opgenomen. Voor de externe veiligheid hebben we wel een en ander over opgenomen. Waar we maatregelen moesten opnemen, omdat je anders niet voldoet aan een goede ruimtelijke ordening, die hebben we opgenomen. Waar dat niet noodzakelijk is hebben we dan niet gedaan.

In de verbeelding zijn de hoogtes en wat specifieke aanwijzingen opgenomen. Het gaat hier bijvoorbeeld om het opnemen van bepaalde maatwerken ten aanzien van torens. Het geeft aan waar je iets wil inperken of juist wat groter wil. Dit hebben we dan gedaan met specifieke bouwaanwijzingen. Dit is ook de vertaling van het stedenbouwkundig plan.

In het gebied is deels koop en deels huur. Trudo is een woonstichting, zij verhuren woningen. Huur- en koopprijzen zijn niet in het bestemmingsplan vastgelegd, maar het kan zijn dat daar onderling afspraken over zijn gemaakt.

Binnenkort wordt een eerste herziening van het bestemmingsplan vastgesteld. Daarin hebben we functies uitgewisseld tussen de uitgewerkte bestemming en bestemming gemengd 3 aan de spoorzijde. Van de uitgewerkte bestemming ging 3000 m² wonen af en bij gemengd 3 kwam het erbij. Over het algemeen komen wijzigingen alleen voor in de bouwvoorschriften, in het gebied zelf kan namelijk veel. Bestemmingsplannen waarin veel mag, daarin zijn de afwijkingen over het algemeen ook niet zo groot. We geven randvoorwaarden aan en binnen deze randvoorwaarden mag je ontwikkelen.

Ruimtelijke context herontwikkeling/ transformatie

Waar de woningen komen hangt af van wat geluidstechnisch de mogelijkheden zijn en welke maatregelen ze kunnen treffen. Als er heel veel maatregelen moeten worden getroffen moeten we ons afvragen of een gebouw op die plek nog wel financieel haalbaar is of dat er dan niet beter een andere functie kan komen. De techniek gaat heel snel en de innovatieve maatregelen die je kunt treffen zijn in de toekomst waarschijnlijk verder dan wat nu kan.

Langs het spoor zitten we met geluid én externe veiligheid. Als daar woningen worden gebouwd is de eis dat er eerst een parkeergarage wordt gerealiseerd en daarachter pas de woningbouw. Dus dan heb je een buffer qua externe veiligheid en geluidswerende werking.

De eigenaar maakt contractuele afspraken maken met de initiatiefnemer voor het bouwrijp maken van gronden. Dit kan in de vorm van een verkoopovereenkomst, maar in het gebied zijn voornamelijk drie partijen die al een grondpositie hebben. Als je zelf een grondpositie hebt moet je ook zelf zorgen voor het saneren. De gemeente maakt alleen bouwrijp als het eigen gronden zijn. Wat de verhoudingen precies zijn in het gebied weet ik niet.

Deze transformatie loopt al sinds begin 2000. Voor het uitwerken van de bestemmingen komt nog een heel programma. Er zijn ook nog best wat plotten over die bebouwd kunnen worden.

Park Striip Beheer monitort bijvoorbeeld het parkeren en zij zorgen er dan ook voor dat er voldoende parkeergelegenheid is.

Je merkt dat er in het gebied heel veel kleine bedrijfjes zitten, maar er zijn ook veel ondernemingen gericht op creatief, design en techniek. Ook is er ruimte voor wonen. Wel merk je dat er steeds meer dynamiek is in het gebied. We moeten daardoor ook blijven zoeken naar manieren om deze dynamiek in goede banen te leiden.

Materiële/ instrumentele flexibiliteit

De voordeel van deze aanpak is dat er een grote flexibiliteit is waardoor ontwikkelaars altijd wel makkelijk binnen de grenzen van het bestemmingsplan kunnen ontwikkelen. Als het strak zou zijn bestemd, en men wil net iets anders, dan zitten we weer met een herziening van een bestemmingsplan of een uitgebreide Wabo procedure. Daarbij komt dat er regie wordt gehouden door Park Striip Beheer. Als je het volledig aan de markt over zou laten heb je er totaal geen grip op. Een nadeel is onder andere dat ontwikkelingen voor de vergunningverleners moeilijk te toetsen zijn in het bestemmingsplan. Er wordt met vierkante meters gewerkt en er is geen monitoringssysteem, dus zij weten ook niet precies hoeveel er al is en hoeveel er nog gerealiseerd mag worden. Park Striip Beheer kan deze informatie wel leveren, maar we moeten dan dus uitgaan van informatie van derden.

Wat wel een vuilkuil is met dit bestemmingsplan is dat allerlei functies mogen, dus je kan zonder dat je een vergunning nodig hebt van functie veranderen. Dat is natuurlijk wel tricky, in de zin dat je dan wel ongewenste situaties kan krijgen. Met het activiteitenbesluit heb je wel een bepaalde waarborg. We zien dit echter nog niet gebeuren, het gaat ook om een stukje vertrouwen in de markt. Striip-S was namelijk nooit op deze manier tot ontwikkeling gekomen als we daar een strak regime overheen hadden gelegd.

