

## The Environmental Planning Act

With the Environmental Planning Act the legislation in the field of planning and environmental law will be integrated and simplified. The current Dutch system of planning and environmental law is complex and not sufficiently efficient in case of (widely supported) developments. Necessary consents, which are numerous in complex projects, take a lot of time and effort to be granted. The current sectoral laws all have their own principles, procedures and requirements. The lack of consistency between the laws creates insecurity among citizens, businesses but also among officials who work with the laws.

### Purpose and principles of the Environmental Planning Act

Where planning and environmental law has been developed from sectors, the Environmental Planning Act is designed from an integral perspective. The fragmented sectoral regulations are bundled in an orderly manner, procedures are streamlined. Fifteen existing laws are fully integrated into the Environmental Planning Act and parts of about 25 other laws (the planning/environmental part of these laws) are placed to the Environmental Planning Act. With this the Environmental Planning Act provides a comprehensive legal framework for the management and development of the living environment.

The main objective of the Environmental Planning Act is to create a safe and healthy environment, and managing in a sustainable and efficient manner and develop the environment.

The law involves among other things, the following principles :

1. An equivalent level of protection of the environment.
2. Based on the existing division of responsibilities between municipalities , provinces, water board and the central government
3. Integration of plans, procedures and assessment frameworks within the Environmental Planning Act (by cleaning up and deleting rules and better reflecting the practice).
4. Better connection to sustainable development.
5. More space for administrative decision (decentralized) and regional and local initiatives (flexibility and less administrative burden by establishing general rules instead of permits and consents).
6. Faster and better decision-making under the new Environmental Planning Act.
7. More efficiently dealing with research obligations.
8. Better connection to European legislation (no stricter than absolutely necessary based on the European legislation).

The Environmental Planning Act reduces the number of instruments to 6: Environmental Planning Strategies, Environmental plan and programmes, Integrated environmental permit, Project decisions, General binding rules at national level, Environmental impact assessment.

For more information:

- Brochure of the Ministry of Infrastructure and the Environment, "Simpler and Better. The Environmental Planning Act: the main changes", august 2013
- Report of the Ministry of General Affaires, "Main points on simplifying environmental planning legislation in The Netherlands", june 2012

## Case Merwe-Vierhavens (Stadshaven Rotterdam/City port Rotterdam)

The case City Port Rotterdam, Merwe-Vierhavens is a good example for the benefits the Environmental Planning Act should be able to provide.

In cooperation with private companies, the City of Rotterdam and the Rotterdam Port Authority take initiative to create innovative living and working areas in the city port area in the coming 20 to 40 years. Goal is to reinforce the economic structure of the city and the port.

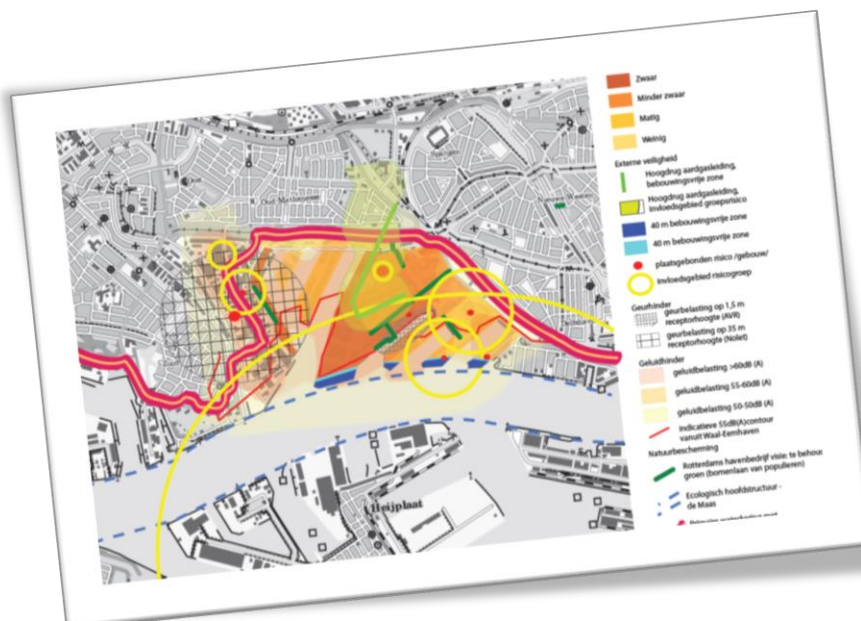
### Merwehaven - Vierhavens

One of the areas within Stadshavens is Merwehaven - Vierhavens. Fruit and juice companies are setting the scene in this area at this moment. In the future an innovative home-based work environment will be created. Follow this hyperlink for more info:

<http://stadshavensrotterdam.nl/en/deelgebieden/merwe-vierhavens/>.



Because of the existing contours and conditions coming from the Dutch legal framework of planning and environmental law it is very difficult (or impossible) to develop this area. In short, the planning and environmental legislation isn't tailored to the nature and extent of this type of transformation areas with a plan horizon of 25 years.



**Figure:** contours/conditions Merwe-Vierhavens in the current situation coming from existing legislation (pre Environmental Planning Act).

**Bron:** Ilka Demeny, Student TUD

## Questions

1. The companies in this area are allowed, according to the environmental permit, to cause hindrance (noise, stench, danger, pollution). This causes problems for new developments, especially if the development involves new dwellings.
  - a. Is it possible, according to existing law of your country, for authorities to decrease existing rights of companies (for instance by diminishing the existing contours) or to impose measures (for instance measures which reduce nuisance)?
  - b. If so, who has to bear the costs of damages and/or the measures that have to be taken?
  - c. In case it is necessary for the development to buy out companies, who has to bear the costs?
2. Which instruments exist in the national legislation of your country to deal with the above mentioned problems in case of a large and complex development like Merwe-Vierhavens?
3. Does the National system on planning law contain a binding planning instrument for prolonged developments (20 to 40 years) like Merwe-Vierhavens and other projects in City Port Rotterdam?
4. Under the Dutch Crisis and Recovery Act (see J. Verschuuren, "The Dutch Crisis and Recovery Act: Economic recovery and legal crisis?", PER/PELJ 2010 (13)) it is possible, by experiment, to derogate from existing law (like sound regulations or building regulations) to make certain (complex, innovative) projects/developments possible (or easier to develop).
  - a. Does the existing national legislation of your country make a similar derogation possible?
  - b. If so, what implications does this have for the assessment framework?

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