



The concept of red-for-green in the Netherlands

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Abstract

Dutch spatial planning policy and practice are moving towards a more balanced and – even more than before – comprehensive approach of spatial developments (Ministry of VROM et al., 2004). Together with trends such as the public cuts in housing and agricultural budgets, new partnerships between public and private stakeholders in spatial planning, a call for more quality of space (public space in particular), this has led to a search for new creative financing constructions (De Jong and Spaans, 2009). In this context new concepts and mechanisms to approach spatial developments are developed. Red-for-green is such a new mechanism which is increasingly used in Dutch spatial developments (Ministries of LNV & VROM, 2009). The revenues from urban developments such as housing, offices and industrial estates, are partly used to finance investments in the rural landscape. Often it concerns complex, long-term projects at the supra local level in which several land-uses have to be realised. In this paper we elaborate on the Dutch concept of red-for-green. We relate this concept to international literature and national spatial planning policy documents. We then propose a typology of the many different projects which are undertaken under this umbrella and analyse the different types of problems which this type of projects encounters. We conclude with some propositions to overcome these problems (De Wolff et al., 2009).

(1) Introduction

A number of trends in Dutch spatial planning policy and practice result in a search for new creative financing constructions (De Jong and Spaans, 2009). Amongst them are the focus on a more balanced and – even more than before – comprehensive approach of spatial developments (Ministry of VROM et al., 2004), a call for more quality of space (public space in particular), public cuts in housing and agricultural budgets and new partnerships between public and private stakeholders in spatial planning. New constructions also come into the picture as a result of an increase of the residual value of land in greenfield development due to a more market-oriented approach in housing development (De Greef, 2005). The use of these profits (or surplus value) from new urban development for unprofitable parts of a development project is one of the strategies which is growing in importance in Dutch spatial development. In governmental policy new concepts are developed and new legislation comes into force with better possibilities for a more comprehensive development taking into account this surplus value. In this paper we focus on a specific category of these projects, the so-called red-for-green projects.



(2) Surplus value

The introduction of a value capturing mechanism within spatial development is one of the key elements in the new financing constructions. According to Smolka and Amborski (2000) value capturing refers to the process by which a portion of land value increments attributed to the 'community effort' is recouped by the public sector, either through its conversion into public revenues through taxes, fees, exactions and other fiscal means, or more directly in on-site land improvements for the benefit of the community. Idea behind value capturing is that no individual property owner or resident has an exclusive right to profit from specific governmental investments or measures, including a change of the allowed land use of his property (or 'zoning'-category). Such a right can be seen as a community property right, instead of a personal property right (Fischel, 1985: 36). Recapturing would therefore result in more distributive justice (the gain is unearned) and reduce land speculation by reducing its gains. Besides this, the captured value can be used to compensate negative external effects of the development.

New approaches for value capturing in spatial development are recently discussed in for example Belgium, the UK and the Netherlands. In 2000 in Belgium, a system for value capturing has been introduced, allowing government to capture part of the surplus value of an individual landowner. The system is based on taxation (*planbatenheffing*). The legislation has only recently been changed (in 2008); implementation of the system was delayed, partly due to the difficult implementation of legislation. The profits of this tax will be used for strategic investment projects. Value capturing is also an important policy issue in the United Kingdom. The Barker report (2006) addresses this issue, and the 2008 Planning Act introduces further reforms to the town and country planning system in the UK. One of them is the introduction of a Community Infrastructure Levy (CIL). As the name indicates the instrument focuses on capturing the surplus value for new infrastructure development (Ashworth & Demetrius, 2008). In the Netherlands too, value capturing mechanisms have become an issue in spatial development. The national Land Policy Memorandum [*Nota Grondbeleid*] (Ministerie van VROM, 2001) states the necessity of investigating the possibility of an 'open space tax' (Korthals Altes, 2009). The Province of Limburg, inspired by the US concept of transferable development rights, tried to develop a new policy for investing in landscape in combination with housing and industrial development (Verhoeven, 2005; Provincie Limburg, 2006). More in general, the National Spatial Strategy [*Nota Ruimte*] (Ministry of Housing, Spatial Planning and the Environment et al., 2004) introduces the principle of development planning taking value capturing into account as the preferable planning approach.

(3) Change in policy

How can this new approach in Dutch spatial development be explained? Until the 1990s a clear distinction existed in Dutch spatial development between the realisation of new urban areas, infrastructure development and recreational areas. For each policy field the responsibilities were separated, and different granting schemes existed at national level. For



example, the realisation of areas for recreational purpose close to the most urbanised part of the Netherlands, the *Randstad*, was primarily the responsibility of the Ministry of Agriculture, whereas the realisation of new housing areas was the responsibility of the ministry of Housing, Spatial Planning and the Environment. This approach partly originated in post-war housing policy of central government, in which the realisation of affordable housing for everyone was a key policy issue. The development of new urban areas was not loaded up with the costs of unprofitable developments of recreational areas and infrastructure in the vicinity. The policy idea behind this approach was that low housing costs would keep salaries low, which was important for the competitive position of the Netherlands on the international market.

However, in the 1990s, Dutch housing policy shifted towards a more market-oriented approach. A larger part of housing in new urban areas was realised in the market sector. People were prepared to pay higher prices for housing, which was also caused by the enlargement of the financing capacity of possible buyers and the scarcity on the housing market. All this resulted in higher housing prices, not only in the existing stock but also in the new-built housing (De Greef, 2005). As a consequence of this, the residual value of land in new urban areas rose. The strange situation occurred that on the one hand the landowner or the developer was able to profit from this surplus value, whereas on the other hand grants from central government were still necessary to develop recreational areas. And because of the expected rise of land values in rural areas close to the build-up areas, the costs for the realisation of these recreational areas also rose, because farmers counted on higher prices than the agricultural value for their land, and were not prepared to sell their land at a lower price.

The issue rose whether the surplus values of the new urban development could be used for unprofitable development in the surrounding area. This resulted in an area-oriented approach in spatial development at regional level (*regionale gebiedsontwikkeling*). This new approach was introduced in the National Spatial Strategy [*Nota Ruimte*] (2004). Before that arrangements were experimented with at a smaller scale, in which use was made of surplus value of new urban development for unprofitable development in the surrounding areas. Meanwhile, new legislation was prepared for cost recovery in urban development. Although the main focus of the new legislation was to enlarge the possibilities for local government to enforce the recovery of costs within development projects, the possibilities of covering costs outside the area to be developed have also been discussed. To a certain extent, value capturing is part of this new Land Development Act (*Grondexploitatiewet*) (a chapter in the new Spatial Planning Act (*Wet ruimtelijke ordening*)) (De Wolff, 2007; Ministerie van VROM, 2007).

In spatial development, this use of the surplus value within a development project is of growing importance. With regard to the realisation of recreational, but also nature areas, the term red-for-green (*rood-voor-groenprojecten*) is used. Red-for-green is a mechanism which is becoming increasingly common in Dutch spatial development. In a nutshell red-for-green boils down to an improvement of the quality of rural land uses (e.g. landscape, recreational areas, nature, so-called 'green') which is (partly) financed with the revenues of additional urban land uses (housing, commercial development and industrial estates, so-called 'red').



Within a land development project the programmatic and financial coupling between rural and urban land uses is essential.

The policy concept red-for-green dates from the 1990s and has become part of many spatial development strategies. The National Spatial Strategy puts a balance between red and green (and even blue: water) on the agenda of new developments. In a recent advice the Task Force Financing the Dutch Landscape (Task Force Financiering Landschap Nederland, 2008) stresses the financial importance of the link in red-for-green projects. Central government joins up in this in its Landscape Memorandum (Ministries of LNV and VROM, 2009): a sustainable financing of landscape is seen as one of three central issues.

Red-for-green is thus important for the quality of the spatial environment. Planning practice however turns out to give a less optimistic picture. The realisation of projects in which red-for-green is part, do not always go by successfully:

- Some projects stagnate in the plan development phase (or are not implemented at all)
- Some need much longer time to be implemented than anticipated
- Some turn out to be realised against high costs only
- Some have to hand in part of the original green ambition.

For this reason the Dutch ministries of Housing, Spatial Planning and the Environment (abbreviated VROM in Dutch) and Agriculture, Nature and Food Quality (abbreviated LNV in Dutch) and a major developer AM asked the Delft University of Technology to do research into the reasons and come with recommendation to avoid this (De Wolff et al., 2009).

(4) Three types of red-for-green projects

The large diversity in red-for-green projects is one of the first things that attracts the attention. Research shows that the problems of stagnation are not evenly spread over the different types of red-for-green projects. Some projects pass relatively smoothly, while other projects last long. For this reason it is useful to formulate a typology for the analysis. We distinguish between three ideal categories of red-for-green projects:

1) The *green-through-red project* is a project in which the implementation of a major green ambition is the central focus of the project. There is no policy necessity to realise the red ambition, but there is primarily a financial or administrative necessity. It is necessary to include urban land uses in the programme in order to be able to implement the rural land uses with the available financial means. The realisation takes place on a project basis by one or a few parties which are responsible for the land development.

2) In the *green-through-red process* a policy framework is drawn up for a – in landscape sense – ‘messy’ area in order to improve the landscape quality by offering the landowners the opportunity to engage in red-for-green arrangements. The landscape quality (the rural land uses) is leading. It is not fixed beforehand where the rural land uses will be located: this



depends to a large extent on the willingness of the landowners (within the conditions of the policy framework). The realisation takes place on a process basis by several landowners in the area.

3) Finally the *red-and-green project* is a project in which the realisation of rural land uses takes place in close cooperation with and as a consequence of the realisation of the urban land uses. Because urban land uses will be realised in a specific area, the stakeholders also want to expand or qualitatively improve the rural land uses in that area. This may relate to a recreation area or a water storage area. The size and location of the rural land uses will be demarcated in the plan development phase. As in the first category the realisation takes place on a project basis by one of a few parties which lead the land development.

(5) Three examples of red-for-green projects

“Le Français moyen n’existe pas”, literally means that the average Frenchman does not exist, but in our case refers to the fact that the ‘ideal’ project does not exist. In practice, regional development projects or strategies often have characteristics of the different categories. In this paragraph three cases are introduced, which come close to the ideal categories of projects: (1) Waterdunen, (2) Meerstad and (3) De Ruimte. Waterdunen is an example of a *green-through-red project*. The project is about the improvement of the ecological quality, the quality of the landscape and the quality of the coastal defence. It is located in an economic weaker part of the Netherlands. De Ruimte is an example of a *green-through-red process*, in which a gradual improvement of the (ecological) quality of the rural area is the main focus. Meerstad is an example of a *red-and-green project*. The realisation of new urban areas is the primary focus, which is combined with the realisation of green and blue land uses. In figure 1 the location of the three projects within the Netherlands is indicated.

Waterdunen

This project consist of the (re) development of an area of 300 hectare of which the actual uses are a camping site and arable land. It is situated west of Breskens in the South of the province of Zeeland in the municipality of Sluis. On the basis of the plan an area of about 250 hectare of wet nature will be developed. The ‘red’ development will include a camping site in the dunes (14 hectare), space to expand a neighbouring camping site, holiday homes (40 hectare) and a hotel. These developments will be combined with an (inward) reinforcement of the coastal defence. The touristic recreational improvement of the whole area is part of the Area Plan ‘Naturally Vital’ (*Natuurlijk Vitaal*).

The project is in the last stage of the plan development phase. An Environmental Impact Assessment has been drawn up, but the result has not yet been implemented in a binding land use plan (*bestemmingsplan*). The project seems financially feasible, now that promises have been made that the project will be granted by both central and provincial government. Not all land is already in hands of the stakeholders: further acquisition stagnates because of high land



Figure 1: location of the three projects

prices and a stalemate in the voluntary acquisition. The municipal council takes an ambiguous role in the project. Although the potential of the new development for attracting tourists is recognised, the council stated that the loss of arable land is only allowed if the present landowners of the area decide to sell voluntarily. Therefore, the local authority decided only to bring a binding land use plan in procedure after voluntary acquisition has been settled. The province does not agree with this, and decided to speed up the project and if necessary to expropriate the land. Therefore the province has taken over the competence of making a binding land use plan.

The following stakeholders are involved: the province of Zeeland, the local authority of Sluis, the Foundation for the Zeeland Landscape (*Stichting Het Zeeuwse Landschap*), the Dike board and recreation enterprise Molecaten BV. These parties have signed an agreement on the goals in June 2007. Red-for-green appears to provide a modest contribution from a financial viewpoint to the project, in which many grants will be invested too. Only €10 million out of the total estimated land development costs of €57 million will be invested by the private sector: The Foundation for the Zeeland Landscape, European grants and the recreation enterprise which will pay the residual land value. The costs for the coastal defence are attributed completely to the Ministry of Transport, Public Works and Water Management.

De Ruimte

The municipality of Tubbergen in the East of the Netherlands developed a Spatial Quality Framework [*Ruimtelijk Kwaliteitskader, RKK*] (Gemeente Tubbergen, 2006) for the agricultural area De Ruimte. The aim of this Spatial Quality Framework is to transform De Ruimte – with a surface of 7,000 hectare – into an economically vital rural area with



improved spatial quality. There has to be place for factory farming, arable farming and other economic initiatives. The Spatial Quality Framework presents a concrete and expressive vision – not a blueprint plan – on the future of the area in 2030, thereby translating reconstruction aims spatially into the area. The province of Overijssel is closely related to the project.

The Spatial Quality Framework De Ruimte is not a concrete red-for-green spatial project but offers a framework and conditions for (predominantly) private initiatives. New estates [*nieuwe landgoederen*] may be developed in the area and use may be made of a red-for-red arrangement and a Space for Space arrangement. These arrangements mean, that some extension of existing red functions is allowed, on the condition that the quality of the landscape will also be improved. De Ruimte therefore concerns a collection of optional projects each with its own implementation strategy. The contribution to improvement of the rural area may either be in kind on the land of the initiator of a project or on land in ownership of the municipality or the district water board, but also through payment to a municipal fund for improvement of the quality of the countryside. The comprehensiveness is promoted by elaborating provincial sector budgets at area level and through an area broker who offers the various measures to private individuals. The project is being implemented since 2008.

Meerstad

This project consists of the (re) development of an area of 2,400 hectares. The former use of the land was agriculture. It is situated east of the city of Groningen, in the North of the Netherlands, within the municipalities of Groningen and Slochteren. In the area the proposed urban development consists of 10,000 new housing units, as well as 135 hectares of industrial estate. The realisation of the new housing is necessary according to calculation on the demand for new housing in the region of Groningen and Assen. Besides this proposed new urban land uses, a large lake (600 hectares) will be realised in order to enlarge the water storage capacity in de province of Groningen as well as for recreational purpose. Additionally 800 hectares of recreational and nature areas will be realised.

The cost estimate for the project is based on a cost-effective plan: the profits of the realisation of the new urban land uses will be used to realise the other land uses in the area. Besides this, an additional contribution will be paid to realise nature development outside the project area. The project will be realised by a public private partnership. A consortium of market parties cooperates with the two municipalities, the province of Groningen and an agency from central government (the Government Service for Land and Water Management) in a joint venture. The joint venture, called GEM (joint development company) Meerstad, is responsible for the acquisition of land in the area and takes care of the development of the land: the servicing of the land, the realisation of the different land uses as well as the sale of plots for housing and industrial development. Land which is already owned by parties involved in de GEM is transferred to the GEM.

The realisation of the project started recently. Despite the less favourable economic situation which causes some pressure on the project, the long-term perspective of the project is



positive, and the expectation is that, using the surplus value of the housing and industrial development, a large surface of recreational and nature area as well as a large lake will be realised.

(6) Analysis: the factor land

Many projects assume in their financial arrangement that the surplus value of additional urban land uses can be totally used for the green ambitions. Because in the Netherlands there are no possibilities in public law for enforcement of capturing the (whole) surplus value, in practice different strategies are followed:

- Active land policy: becoming the owner of the land to be able to realise and cash the surplus value: this strategy is followed in Waterdunen, where the provincial government is acquiring the land in the area involved. However, the surplus value in this project is limited to the area in which the recreational dwellings and a hotel will be realised. The project as a whole has a substantial deficit, which will be covered by governmental grants.
- Public private partnership: making an agreement with the private developer of the area: this strategy is followed in *Meerstad*, where the GEM Meerstad acquires the land in the area.

In both strategies the developer (either public, private or a combination) tries to get the ownership of land; this strategy plays a dominant role in green-through-red projects as well as in red-and-green projects in the Netherlands.

However, a complicating factor is to determine the value of the land to be acquired. The present landowners often disagree about this with the developer: in their opinion a share of the surplus value should also benefit them. Therefore, when the (public or private) developer is trying to buy the land, these landowners are often unsatisfied with acquisition on the basis of the agricultural value. This problem even occurs in projects in which grants are needed to make them feasible as a whole, as for example in Waterdunen. The surplus value of the proposed red land uses within this project is by no means sufficient to cover the costs of the green development. Nevertheless, the landowners are of the opinion that they are entitled to be compensated on a higher land value than the agricultural land value. Their argumentation is that, because in a part of the planning area a red (recreation) land use has been planned, the value of all the land in the area has to rise. Partly because of this, land acquisition in these projects stagnates and as a consequence of that, the implementation of the project cannot start. This stagnation especially happens within red-through-green projects. The chance for stagnation is smaller in the category red-and-green projects. The reason is that there is more room in the development budget for a higher compensation of agricultural landowners in these projects. For example in the Meerstad case, land acquisition turns out to be relatively easy compared to many red-through-green projects. In green-through-red processes land acquisition is not a problem, because the initiative is left to the landowners. In the example of De Ruimte landscape improvement takes place when an owner applies for optimisation of his 'red' land use. In that case he only gets permission if also the green land use is realised. And if a landowner does not cooperate, this will not harm the project as a whole.



How should be dealt with problems which the factor land sometimes cause, especially in green-through-red projects? If land acquisition causes problems or attempts for land acquisition end in a stalemate, government has the possibility to expropriate the land. This big stick has a disadvantage, with regard to the possibilities for value capturing. The way in which in a possible expropriation procedure the land value is determined, does not necessarily has to respect the financial effect of the red-for-green arrangement completely. Admittedly the costs which have to be made in an area to make the new land use possible, are taken into account in determining the value the land (the residual land value). However, not all costs can be attributed to this specific area, since by definition many people from outside the area also benefit from this new green land use. The costs of the unprofitable part of the development can only be taken into account proportionally. In Waterdunen, the owners of the new holiday houses and the new hotel are not the only ones benefiting from the new recreational and nature area, but also tourists visiting the area and owners of recreational facilities in the vicinity. The fact that not all costs can be charged, means that the acquisition costs may be above the agricultural land value, even if a project is unprofitable.

A smart land acquisition strategy therefore proves crucial. A land position in which land was bought against the agricultural land value before the start of the project, helps. The fact that central government was able to buy land on the future locations of Meerstad and Waterdunen before the plans became concrete, improves the feasibility of both projects. Also acquisition of land in the vicinity, which can be offered as exchange land to farmers of whom land has to be acquired, can make land acquisition less complex. The land acquisition strategy can be reinforced through the establishment of a pre-emption right on land in the area by government, which gives government the right of first negotiation if a landowner wants to sell his property. Seriously threatening with expropriation might also speed up the progress, as is in discussion in Waterdunen at the moment. Especially in this last option transparency about the financial possibilities of the project might also help. It has to be prevented that the actual landowner thinks that particularly his land will be turned into an urban land use.

(7) Analysis: the administrative organisation

Red-for-green projects are complex; they often have a long turnaround and many stakeholders are involved. Especially in the category of green-through-red projects with a major green ambition, problems may arise in the administrative organisation. The green ambition is often controlled from a supra local interest point of view, while local government stands for the red ambition. Sometimes local government is insufficiently equipped for the realisation of a major green ambition, as it often involves small local authorities. In Waterdunen discussion arose between local and provincial government about the land acquisition strategy to be followed. This has consequences for the administrative organisation within the project: who takes which responsibility? The project of Waterdunen is an example in which the province took over the developing role from the municipality. In Meerstad, the province decided to participate in the public-private partnership, responsible for the realisation of the project, in which also two municipalities participate. The supra local interest is partly guaranteed by this participation



from the province. Especially in the category of green-through-red projects in which green is the motive for the projects, a powerful role of the province is important. Not only can the province create the planning framework, it can also offer additional financial grants. The new Spatial Planning Act, which came into force in 2008, helps the province in this role. Not only is the province allowed to make binding land use regulations (*inpassingsplan*), also the province has the power to establish a pre-emption right or start an expropriation procedure. In Waterdunen, the province has the intention to use these new competences.

A factor for delay in many projects is a lack of flexibility in the strategy to be followed and related administrative organisation. Because of the long turnaround of this type of projects, interim changes in for example the housing market and the policy framework easily occur. If the organisation is too fixed, readjustment to current conditions takes valuable time. Moreover the green ambitions are often (too) high already at the start of a project. This is especially the case for green-through-red projects. The danger exists that the enthusiasm about the project in the initial phase overrules the thinking about the feasibility of the financial rearrangement. A project should then be able to fall back on a plan B while relying on sufficient basis in the administrative organisation. Often these projects have been enclosed in such a financial and administrative way that it is difficult to step over to a plan B. It is important to be realistic about the feasibility in an early stage: are the adequate stakeholders involved and is there clarity about the programme (including the financial feasibility and conditions)? Even though projects are too different to prescribe a standard approach, we may conclude that a good preparation with a joint and realistic analysis of the financial feasibility may overcome stalemates in a later stage. A powerful and competent initiator, who can continue to fight for plan B under changing tendencies of the market, appears to be essential for the speed in many projects. Especially in projects with a primarily large green ambition, the province can sometimes make the difference by taking the initiative in supra local projects – which are often situated in small municipalities – through difficult stages.

Projects in the category green-through-red process such as De Ruimte are by definition flexible in nature. A pallet of arrangements to be used is offered to landowners. Individual landowners usually implement an arrangement and it is not local government or a developer acquiring land in order to start the project. Therefore a stalemate between stakeholders is not easy to happen.

(8) Conclusions

Value capturing has become of growing importance in Dutch spatial planning. The renewed attention for this subject is not unique: also in other European countries new instruments for value capturing have been developed or are discussed. In the Dutch approach, value capturing is not implemented with a new enforceable fee (as in Flanders and possibly the UK) but value capturing is closely connected to the spatial planning process and often to an active land policy. The success of new arrangements can be explained by a proactive land acquisition strategy in which the development of recreational areas, new nature and the improvement of



the quality of the rural areas is connected to development of urban land uses, and a thoroughgoing administrative management. Also the strategic use of binding land use regulations plays an important role: land use planning is instrumental for spatial development.

Looking more closely to the different categories of red-for-green projects in the Netherlands, it can be concluded that the projects are different in nature and therefore differently shaped. If the choice is free, a process-oriented approach (the category green-through-red process) will cause least problems. Most vulnerable for delay is the category green-through-red projects (primarily green). For these projects, a smart land acquisition strategy is of major importance, and thus the administrative cooperation has to be successful. Even the more because due to the duration of the projects, there is a big chance that the concept has to be adjusted during the term of the project. Also the alternative plan B has to be able to count on sufficient basis. The category red-and-green projects (primarily red) is less sensitive to delay in practice: the main stakeholder of the project is often the main stakeholder of both red and green, which is favourable if the plan has to be adjusted. The financial arrangement of these projects is also less complex, so that the land acquisition price will be above the agricultural acquisition price.

Although the red-for-green approach offers an attractive perspective for comprehensive development, it assumes that value can be captured. However, the current economic situation shows that this cannot always be the case.

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