

## **CONTEXT – Results**

CONTEXT addressed the challenge of sustainable transformation in urban areas. This involves the alignment of interests between different development (housing, offices, infrastructure) and terms of environmental quality. In practice, it is often observed that the local does manage to come up with innovative solutions to combine both sides but that achievement is hampered by detailed sector rules. Conditioning through legal norms is necessary but practical solutions should not be frustrated. CONTEXT questioned of what requirements rules must satisfy in order to give meaningful direction in different contexts.

On the basis of seven empirical case studies in depth (in the Randstad, Metro Paris and Manchester region) a conceptual model was designed to study the tension between policy ambitions and regulations systematically. The model has four dimensions:

1. The normative dimension: How are standards established and what quality standards should be entitled to work useful in different contexts?
2. The relational dimension: How are the different positions from which meaning is given to legal standards aligned? Are the interpretations of legal provisions by the legislature, the judiciary and the citizens in line with each other?
3. The time dimension: the state of the circuit at the different times when standards come in force?
4. The functional dimension: how do the different roles of the government relate to another in regulation and policy?

Along these four lines, hypotheses were developed and tested. On this basis, the expectations were revised and a refined model was constructed. In collaboration with Agency North South 4 reflection meetings were organized in major current projects of municipalities (Eindhoven Vlaardingen), Province Gelderland (Space for the River) and the government (Ministry of I & M).

### **Some notable findings**

Regarding the normative quality is the challenge that at the time of adoption of standards there is considerable uncertainty about the different contexts in which the rules will apply. In light of this the expectation did come out that standards should be generic: they should have no context-specific detailing (such as the Policy Guideline Rivers) that change of situation seems to backfire. Further, legal standards should be durable. This requires, in both cases the art of abstraction. Also the expectation that objective rules work better than prescriptive regulations came out. A surprising outcome was that flexible and open standards are not always guides towards a better contextualization. If desired environmental qualities are standardized in a precise way, just that might provide the parties the opportunity to choose their own behavior. A next important finding is that it is important to regulate the normative core of the desired environmental quality and not the derivative purposes. E.g. the 'sustainability ladder' provides a standard that does not force the defense of a sustainable environment, but a specific (compact) planning. When it pursues sustainable objectives but with relatively extensive spatial development, the standard does not give home!

Regarding the relational dimension much mismatches exist between open standards and arbitration through the courts. Then the question is what one does in practice: does one act 'Court-proof' or one dares to trust the key. The question plays with a lot of rules and standards, such as zoning or noise, odors, etc. Finally, also there is question of whether and how the civilian standards will apply. The meaning of norms appears to shift frequently.

The temporal dimension has brought several cases with adverse effects in time of legal norms in the picture. On issues of compensation is often a problem that compensation can act only as the first damage occurred. Also notable is the discrepancy between the lack of interest for rules (e.g. on

water safety, noise, odor) in the early stages of policy development across frustrating legal hairsplitting in the policy implementation phase of projects. Here's a better balance possible.

With respect to the functional dimension the different roles of government often appear to overlap. Overlapping of responsibilities but not making transparent the distinctions may easily cause the problem of double roles, such as the case where the local government both defines the zoning of the land while also acting as the landlord. The diversity of government roles is not the problem but the lack of clear distinction of responsibilities.

Thus, the model appears to be able to play a structural role in the systematic search for problems and opportunities for improvement of contextualization in the tension between law and policy for sustainable transformations.

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