

Urban Regions in the Delta



Case Study Markermeer-IJmeer, the Netherlands: Emerging Contextualisation and Governance Complexity

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CONTEXT

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Contents

Executive summary	6
1 Introduction	10
2 Main regulatory frameworks	18
3 Preliminary struggles paving the road towards contextualisation (1960–2005)	30
4 Getting attention of the National Government (2005–2010)	41
5 Focusing on TBES within the RRAAM programme (2010–now)	57
6 Conclusion: mechanisms for contextualisation	65
Annex: overview of organised major stakeholders Markermeer-IJmeer	70
References	74

Executive summary

The key issue in the Markermeer-IJmeer is developing the so-called TBES (or *toekomst bestendig ecologisch systeem*), which translates as a 'robust ecological system'. A TBES is deemed the best option to cater for 1) the demands the Natura 2000 framework and (to a lesser extent) Water Framework Directive and 2) space, literally and figuratively, for developing a 60,000 additional houses in the city of Almere, a transport connection linking between Almere and Amsterdam as well as for a variety of lower scale demands such as recreation and enlarging marinas at the North Holland coast.

With the Markermeer-IJmeer being designated as Natura 2000 area the large infrastructure and urban development projects for this area should meet with demanding criteria from the Birds and Habitat directives as well as with those of the Water Framework Directive. While it is quite a challenge already to deal with the 'significant effects' that these projects will sort, the case becomes even more complicated due to the Autonomous Negative Trend (ANT) that the ecological system of the Markermeer-IJmeer is experiencing. Being an artificial lake that originally was planned to become a polder, the ecological system is rather young and dynamic. The negative trend, however, is causing an ecological situation that does not meet anymore the minimum requirements of Natura 2000. Also, with a view to the longer term, the requirements by the Water Framework Directive for 2015 and 2027 will not be met either (see Chapter 2). So, even without the plans for major urban and infrastructure development in the IJmeer, action is needed to make sure that the area complies with the demands of EU directives.

Chronology

First ideas for what now is referred to as TBES have emerged around 2004. It was around this time that the formal planning process for IJburg 2, an Amsterdam housing location on artificial islands in the IJmeer as well as plans for Almere were prepared. Both developments would heavily impact on the IJmeer lake, which had the status of a special protection zone under the Birds directive since 1994, and its environmental and ecological qualities. Also, given the experience of strong but fruitless opposition from environmental organisations against IJburg 1 fresh in mind, a number of organisations, civic as well as public, decided the time had come to sit around the table and develop a joint vision for the lake (see Chapter 3). By 2005 this resulted in the Visie IJmeer which was endorsed by 7 civic and public organisations.¹ A main message of the vision concerns the necessity to invest in the green-blue qualities of the IJmeer as a precondition for a sustainable

¹ This concerns NGO's Natuurmonumenten, Staatsbosbeheer and ANWB, the municipalities of Amsterdam and Almere and the provinces of North Holland and Flevoland (with RWS as advisor).

solution for the decreasing ecological trend and further development in the area. It is this principle that forms the basis for the future TBES.

In August 2006 the national government asks the regional stakeholders in the so-called North-Wing letter, to further develop a vision for the future development of the Markermeer-IJmeer area including Almere and the new infrastructure development. A key element is to address the ecological situation. A research programme is funded to this end. In parallel preparations are started to designate the area as part of a larger green-blue delta, which includes the Green Heart. In 2009 the area, which already was designated a protection zone under the Birds Directive is formally indicated as Natura 2000 area.

The process went through a variety of stages which can be characterised by the names of national policy programmes, acting as meta-governance environments. Subsequently these are the Programmatic Approach North Wing, from 2006 to 2007, the Programme Randstad Urgent (PRU) from June 2007 to May 2010 and the Programme RRAAM from 2009 onwards. After a change in government in 2007 much of the content of the North-Wing letter was continued under the new Programme Randstad Urgent (PRU). One of the PRU projects was Toekomstagenda Markermeer-IJmeer (TMIJ) or Future-programme Markermeer-IJmeer with the aim to develop a development perspective on the area. This resulted in 2009 in the *Toekomstbeeld Markermeer-IJmeer*: the Future Vision Markermeer-IJmeer. It is this vision that coins the concept TBES.

The Toekomstbeeld Markermeer-IJmeer document needs further elaboration and the vehicle for this is found in the (R)RAAM programme. Much more than in previous programmes is the urgency of a TBES is now recognised by the national government. This RAAM-brief has the status of government policy. TBES is one of the three core ambitions alongside housing/work (60,000 houses in Almere) and accessibility (connection between Almere and Amsterdam). A complete TBES requires an estimated investment of around €1bn. Hence, one objective of RRAAM is to develop more cost-efficient alternatives for TBES. The Werkmaatschappij Markermeer-IJmeer (WMIJ), consisting of representatives of the ministries of I&M and EL&I and the provinces of Flevoland and North Holland, is commissioned with this task.

As part of the efforts to reduce costs the WMIJ organised input from private parties. On the basis of these outcomes and by combining several elements of the reports, WMIJ constructs three TBES alternatives against cost reductions of some €200m. Based on these three alternatives and a fourth alternative developed by Natuurmonumenten (the Marker Wadden), which is partly sponsored by a substantial fund from the Postcode Lottery, and negotiations between the national and provincial governments, the national government develops a so-called RRAAM-Structure vision. This structure vision, a formal planning instrument, will further guide developments in the area. At this moment (August 2013) there is €45m available to develop the Marker Wadden as the first part of TBES. A draft land-use plan for this project was published on 5 August 2013.

Uncertainties and challenges

Although the TBES concept sounds pretty straightforward, it is surrounded by a number of uncertainties or challenges. Uncertainties relate to technical, financial, legal and, in relation to the latter in particular, process aspects. Technical uncertainties relate to the various components of which a

TBES can consist and what is effective in which location. Financial uncertainties relate to budgets, phasing and stakeholder responsibility as obviously a TBES requires some serious investment initially estimated at an amount around €1bn to be brought down during the process to amounts ranging from €350m to €800m, depending on the alternative. Legal uncertainties relate to the interpretation and application of the Water Framework Directive and in particular the Birds and Habitat directives, whose interpretation in the Netherlands is notorious for its complexity. A key question during the process is whether the solutions are 'EU-proof'. As regards process uncertainties the challenges are to involve all relevant stakeholders, of which there are a small hundred, to deal with the national and regional policies and programmes that run in parallel and to raise as much as possible support from society. The latter is relevant in a sense that avoiding legal protest is the easiest way to make the plans 'Council of State proof'. Moreover the Council of State puts much emphasis on the quality of the process when assessing a legal dispute.

A complicating factor as regards the process and governance situation that can be described in terms of multi-level, pluri-centric and meta-governance is that there is no clear single problem owner for the area. The result is that over time the central focus and the ownership of the project shifts among the various stakeholders. Also there is the somewhat difficult balance between the national government on the one hand and the regional stakeholders on the other, translating every now and then in an unclear picture of responsibilities and competencies.

Contextualisation mechanisms

- *(Re)framing - Perspective change*: a nature inclusive approach: In terms of contextualisation it can be observed that a number of mechanisms are used. The TBES concept itself can be regarded a first step in the contextualising of regulation as it addresses multiple regulations, although in particular Natura 2000. Regardless whether it is regarded an expensive and perhaps overdone solution or as a smart efficient catch all solution, it is clear that the development of a robust ecological system solves a number of regulatory issues and benefits a wide range of stakeholders. As such the perspective change by taking a 'nature inclusive approach', a concept borrowed from a discussion in the Netherlands on local and regional development starting from the perspective of nature and environment rather than treating this as a rest category, has been important for contextualising regulation.
- *Governance and process*: A second mechanism that is important for contextualisation concerns the governance dimension. Because of the scale, the soft space characteristics of the area and the lack of a single problem owner, governance is a key element to contextualise and to interpret the several policy alternatives. In this sense the TBES concept or nature inclusive approach proves to be beneficial, too, as it helps to open the floor to a wide range of stakeholders. In particular the scale of the TBES, spanning the whole Markermeer-IJmeer area, and the promise of the concept in terms of solving the administrative and practical burden that Natura 2000 regulation (as well as other regulation) casts on initiative takers for more economically oriented projects by creating more flexibility through creating an ecological surplus results in an agenda that can attract support, be it implicit or explicitly. Turning the support into full commitment has proven to be a difficult step, but the importance of having an agenda that seems to hold something in it for everybody can hardly be underestimated.

- *Programming approach*: A third and more direct way of contextualising Natura 2000 regulation concerns the earlier mentioned programming approach. A programming approach differs from usual mitigation or compensation measures in a sense that it comprises of a number of measures that are interrelated in time and effectiveness. Judging several advisory reports commissioned by the Markermeer-IJmeer working association,² there are a number of problems in terms of its legal assessment and whether a programming approach can mitigate or compensate for economic development. First, with a plan horizon located somewhere between 2035 and 2040, the promise of the programming approach, or of the TBES as such, lies in a quite distant future. This means that no certainty can be given as regards its effectiveness and indeed implementation. Second, the initiative taker for economic or urban development projects is not the same as the bodies that implement the TBES. A third problem is related to the timing and phasing and whether it is allowed to embark on urban development projects envisaged in the RRAAM context before or at the same time of implementing mitigating or compensatory measures.

Due the economic crisis this last problem seems to be of little importance for the implementation and development of the TBES. New urban developments are almost stopped, whereas funding for the first parts of TBES are available.

² A. Freriks, Nader Advies juridische strategie RRAAM, 27 August 2012; AKD, Juridische strategie structuurvisie Amsterdam-Almere-Markermeer, 21 August 2011.

1 Introduction

Key characteristics of the Markermeer-IJmeer

The Markermeer-IJmeer³ concerns a lake of some 30 by 25 kilometres in the centre of the Netherlands. In spite of its name which seems to indicate that we are dealing with two lakes, the Markermeer and IJmeer in reality form one water system, with no clear border between the two lakes (see also Fig. 1).⁴ The case study centres on a project aiming to developing a TBES (*toekomstbestendig ecologisch systeem*) for the Markermeer-IJmeer area. TBES literally translates as a 'future proof ecological system', but throughout the report we will simply refer to it as robust ecological system. Such a system aims to create possibilities for some major urban development projects within the area without doing further damage to its environmental and ecological qualities. Currently the ecological conditions of the Markermeer-IJmeer do not meet the requirements related to the area's Natura 2000 status or those demanded by the EU Water Framework Directive. Moreover, the ecological situation is prone to a so-called Autonomous Negative Trend (ANT) (see also Box 1 below). So, even without urban development or any activity at all the ecological system will further degrade.

Being located in the Amsterdam Metropolitan Area, the Markermeer-IJmeer area is subject to pressure from several desired and planned developments. In particular the enlargement of Almere with 60,000 new houses, this is commonly referred to as a 'scale jump'. A substantial part of the houses may be realised offshore outside the polder dykes in the IJmeer and Markermeer. In order to guarantee accessibility new infrastructure connecting Schiphol, Amsterdam, Almere and Lelystad (OV-SAAL) is planned (see Schaalsprong Almere and OV-SAAL in Fig. 2). All developments will directly impact on the ecological quality of the protected Markermeer-IJmeer.

These projects are developed in mutual coordination within the so-called RRAAM programme,⁵ a programme between the national government and regional stakeholders including the provinces Flevoland and North Holland, concerning the development of the Amsterdam, Almere and Markermeer-IJmeer region. The various RRAAM projects are closely related with each other (amongst other by means of the RRAAM organisation that prepares them) and due to the Natura 2000 status of the Markermeer-IJmeer all are somehow dependent on the quality and robustness of the ecological system, or in other words developing a TBES.

³ Note that the Dutch word *meer* translates as lake in English. Throughout the report we will refer to the Markermeer-IJmeer by its Dutch name without further translation.

⁴ In fact also the Gooimeer and Eemmeer make part of this closed water system.

⁵ RRAAM refers to *Rijk-Regioprogramma Amsterdam-Almere-Markermeer* and concerns a programme in which the central government cooperates with regional stakeholders.



Fig. 1. Reference image for the case study area. Source: Ministerie I&M, 2009: 2



Fig. 2. RRAAM projects in overview. Source: Samenwerkingsverband Markermeer-IJmeer, 2009: 11

Box 1. Current ecological situation in the Markermeer-IJmeer

The Markermeer-IJmeer lake is an artificial lake created in 1976 with the construction of the Houtribdijk (or Markermeerdijk) between Lelystad and Enkhuizen. It was never intended to be a lake at its current the large scale as the objective was to reclaim another polder from the lake in this area: the Markerwaard polder. However, due to a lack of financial means and increasing environmental concern, the support for developing the Markerwaard polder faded. Ultimately, the plan-reservation for the Markerwaard has formally been abandoned in the National Spatial Strategy of 2006. In the meantime the IJmeer and Markermeer lakes, which basically form one water body, have been appointed as Special Protection Zone (SPA) under the Birds directives in 1994 and 2000 respectively. Some parts of the area, near the Muiden coastline and the Gouwzee, also have been appointed as Special Areas of Conservation (SAC) under the Habitat area. Since 2009 the whole area is formally indicated as a Natura2000 area.

As a result of not developing the Markerwaard polder a new, unforeseen, ecological system has come into existence, something for which the lake never had been designed. This becomes clear amongst others from the design of the dikes surrounding the lake, which are hard and steep, allowing no vegetation to grow. The lake is around 4 meters deep at maximum with a bottom largely covered by a layer of silt and sludge which easily whirls up in modestly windy conditions (as from 3 or 4 Beaufort). As a result the water is generally muddy (see Fig. 3 and see the photo on the cover of this report which shows the Houtribdijk seen from the North-Holland side and clearly shows the difference in water clarity between the adjacent IJsselmeer and murky Markermeer). This prevents vegetation to grow and clear water species, such as mussels and certain types of fish, to live. The latter, including waterplants (in particular a particular type of weeds [kranswieren]) serve as food for several of the protected birds in the area, whose populations are in decline. If nothing is done the ecological system will degrade further, a situation that is referred to as the Autonomous Negative Trend (ANT).

While the RRAAM programme started only in 2009, there is quite a long and complex history of events preceding it. In 2009 the TBES concept was already developed and elaborated to quite an extent. The RRAAM programme merely forms a meta-governance environment in which the TBES could be further elaborated. Before RRAAM there have been other such meta-governance frameworks, such as the national Programme Approach North Wing as from 2006 and the Programme Randstad Urgent that facilitated the work on the TBES. Before that period the national government has never been involved and it have been exclusively regional stakeholders that felt a need to develop a vision on the IJmeer and Markermeer. This process started around the year 2000 when Almere developed plans for major urban extension, partly within the IJmeer. As chapter 3 points out the regional visioning followed on an earlier period characterised by difficult plan development and fierce opposition of environmental and nature pressure and lobby groups around the new Amsterdam district IJburg located on a number of new islands built in the IJmeer. Whereas in this period in the 1990s public and civic stakeholders were at loggerheads, in hindsight it paved the road towards contextualisation and the TBES concept.



*Fig. 3. Murky waters of the Markermeer-IJmeer hydrological compartment.
Source: WMIJ, 2012: 11*

The TBES approach is innovative to Dutch standards in a sense that it departs from the more commonly adopted approach to mitigate or compensate for lost and affected nature under the Birds and Habitat Directive regime. TBES does not aim at maintaining a status quo but aims for an ecological situation, which in terms of quality will go far beyond minimal ecological requirements. The idea is that the scale and robustness of ecological system can easily absorb the negative impacts of urban and infrastructure development projects, as well as a variety of smaller scale impacts, mainly related to recreation and leisure, along the North Holland coast.

The development of the ecological system itself is a complex affair surrounded by many uncertainties. In a technical sense it is uncertain which elements will be effective in which shape and location. Also it is unclear how various elements of the TBES act together. Fig. 4 shows the base-line TBES concept and its various elements of July 2012. In the meantime the concept has been further elaborated, as will become clear in chapter 4.

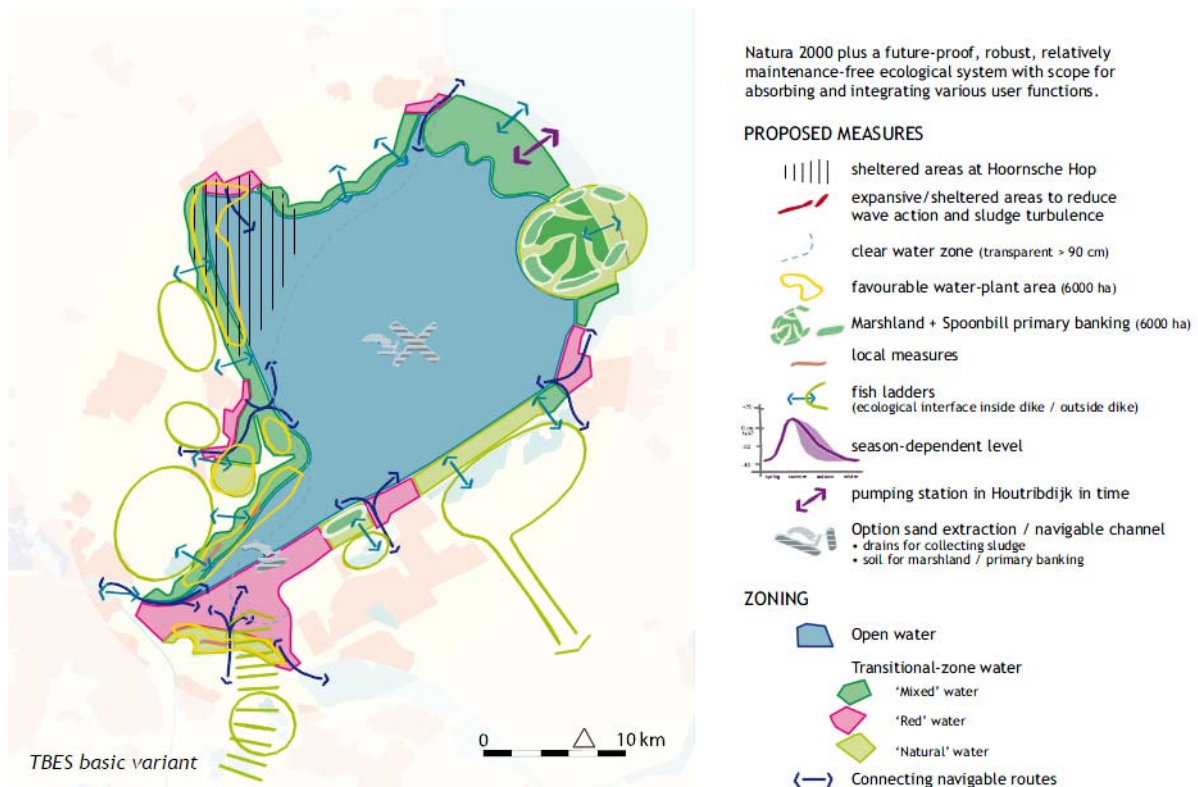


Fig. 4. TBES concept and its components (Baseline Alternative, July 2012). Source: Samenwerkingsverband Markermeer-IJmeer, 2009: 27

Research question

The central research question of the Context project is:

How can central regulation be matched with interactive local policies in such a way that it enables legitimate and effective strategies of collective action with regards to sustainable development in areas of urban transformation?

When applying this question to the Markermeer-IJmeer case it can be noted that indeed this question is relevant. Central regulation in this case predominantly refers to the EU Bird and Habitat directives and the Water Framework Directive. Interactive local policies can be understood as the process started around the year 2000 of the developing the IJmeer perspective to the *Toekomstbeeld Markermeer-IJmeer* (2009) and the current cooperation in the context of the RRAAM programme resulting in the RRAAM structure vision in 2013.

How does central regulation impact upon the regional solution finding in the case of the Markermeer-IJmeer? This first of all directs us to the substantive dimension of proposed solution and collective action. To what extent is the contents of policy proposals steered by central regulation and how is this experienced by local stakeholders? Second, there is a need to look in more detail to the central regulation and its specific characteristics. Obviously, EU regulation should first be transposed, implemented and enforced at the national level, before taking effect at the local level.

So, how is this process managed, to what extent are the national regulation and Dutch nature policy concepts comparable to EU concepts and regulation and what are consequences in terms of the applicability in Dutch ecological conditions? A final question is what mechanisms have been used and developed to actually synchronise the demands of the central regulation with those of the region?

In this sense the report is inspired quite closely by the end-users that are involved in this case (three key stakeholders: province of Flevoland, province of North Holland and ministry of Infrastructure and Environment). The end-users' statement indicates clearly the main issues as perceived by the stakeholders. Also it points to some directions in which it is aimed to deal with central regulation by means of contextualising through local and regional governance solutions.

End users statement

The end users of the case study Markermeer-IJmeer are:

- Province Flevoland (represented by Dennis Menting
- Province North-Holland (represented by Anja Ooms)
- Ministry of Infrastructure & Environment (represented by Adriaan van Doorn)

The statement has been developed by the end users.

The vast area of the Markermeer-IJmeer (approx. 700 km²) is characterised by a number of complex and interrelated problems in which a large number of cooperating actors is involved as well as a very large number of potential stakeholders. Hence the Markermeer-IJmeer meets a number of criteria to qualify as an area development project. The Committee for Environmental Impact Assessment describes area development as follows (CMER, 2010):

“Area development concerns challenges of a complex territorial, financial, multi-level and cross-sectoral nature. The challenges relate to a large but generally clearly demarcated area and have a long-term character. Several public, private and civic actors are involved as well as many owners, users and otherwise affected stakeholders. There are several alternative solutions possible.” [translation by the authors]

Key issues in the area concern:

- Bad and worsening ecological conditions. Even without (possibly) disturbing developments (such as off-shore housing and marina development) this trend continues. Murky water is a key reason and to a high extent a result of (unforeseen effects of) measures taken in the past such as the compartmentalisation of the IJsselmeer as a result of the Houtribdijk (limiting the supply of nutrients by the river IJssel), hard shores (preventing purifying vegetation to grow) and whirling effects in the water (current and billow). Because of the murky water specific water plants and the zebra mussel cannot grow sufficiently and in due turn specific (threatened) birds cannot forage and reduce in numbers.

- The Markermeer-IJmeer has been designated as Natura 2000 area. Therefore it is subject to the Birds- and Habitat directives and the Dutch legislation in which these directives have been transposed, in particular the nature protection act (*Natuurbeschermingswet* – Nbwt).
- The legislative framework together with jurisprudence imposes important preconditions to the further development of the area. This includes amongst others: off shore development (Almere, IJburg); recreation in combination with capacity increase of marinas; the (possible) development of new infrastructure between Almere and the North Wing; the (eventual) development of new wind turbine farms in order to comply with centrally agreed national⁶ (but EU inspired) wind energy objectives. Depending on the final decision on its route a 380 kV electric cable between Ens and Diemen can be added to this. The decision on its necessity is taken at the national level, to which local and regional have to comply.
- The controversy of a variety of land claims, whereas ‘doing nothing’ will be counterproductive for reaching a solution for the ecological situation in the area (see point 1).

The issues above are closely related to location of the Markermeer-IJmeer in an urban structure that will house some 1,5 million inhabitants. By means of the Werkmaatschappij Markermeer-IJmeer and the RRAAM (Rijk-Regioprogramma Amsterdam-Almere-Markermeer) it is aimed to integrate the spatial developments that result from this location with measures to improve the ecological conditions in the area by means of project envelopes or financial equalization. Apart from political and societal controversy as regards particular dossiers (such as off shore development, wind turbines in the Markermeer and infrastructure through or under the IJmeer) this development is compromised by issues relating to (an inflexible use of) juridical regimes and government hierarchy.

Nature protection regulation imposes important preconditions on future developments (which to some extent also counts for the Water Framework Directive). No significant disturbing development may occur and, if so, they should in the first place be mitigated and, if this is not sufficient, be compensated. With regard to the latter the hard condition is that there is no alternative possible and that there are compelling reasons of national importance. The Natura 2000 status of the area has led to quite some debate between local/regional authorities and nature protection organisations. At the same time examples from practice (IJburg, Maasvlakte 2, Waterfront Harderwijk) show that it is possible to arrive, in cases after consultation of the European Commission, at acceptable solutions for all. This can be characterised as a new multi-level governance model that we would like to explore further. Some related questions: what are fail and success factors, juridical, content wise and process/organisational? What can TBES learn from this?

- With regard to the latter: as an alternative the region has developed within the Toekomstagenda Markermeer-IJmeer (TMIJ) cooperation a different legal strategy (the so-called programming approach). This concerns creating space for development by developing a ‘future proof’ ecological system, or TBES (toekomstbestendig ecologisch systeem), which robustness is able to absorb the effects of urban development. The operating company Markermeer-IJmeer (WMIJ – Werkmaatschappij Markermeer-IJmeer) has checked this strategy by A. Freriks, professor in legal studies, and an advisory group. This led to the formulation of a programme of requirements. The EU in principal has given its consent, but in the Netherlands the ministry of Economy, Agriculture and Innovation casts serious doubts. This implicates that in the search to

⁶ The decisions on implementation are made at the national level. But agreements at the EU level, in particular Directive 2009/28/EC on renewable energy, are the main source.

contextualisation it might be found that there are differences in interpretations and opinions between different levels of government and legal frameworks. Put in different words: a systems approach (with Markermeer-IJmeer in totality being the system) is new with the key challenge becoming its legal legitimacy. Experiences with similar programming approaches in the Netherlands with regard to air quality and nitrogen may be interesting in terms of comparison. A key question in this regard is the extent to which such programming approaches are flexible in their implementation.

- A second governance model concerns the area-oriented approach which aims for improving ecological conditions, nature compensation and mitigation at a higher level of scale, combined with financial equalisation between projects. Within this context it is considered to use the revenues of sand extraction in the area itself for nature restoring. Horizontally, at the level of the regions, there is some tension as regards the way several stakeholders frame the situation. Combined with the previous point: what are the legal requirements for optimising the approach – including the phasing and securing of investments in nature – and the search for larger opportunities for urban development.
- The central government will re-evaluate the ecological main structure policies including its budgets. In general the regional and local levels are confronted with centrally decided budget cuts as well as negotiated (in the context of the MIRT programme) financial conditions for area development. What strategies can be developed at the level of the area itself to deal with these changing financial conditions?

Reading guide

The remaining of this report consists of 5 Chapters and an Annex. Chapter 2 introduces the main regulatory frameworks, with a focus on EU-directives and Dutch flood control regulations which apply to the Markermeer-IJmeer.

In chapter 3 the history of the case area is analysed until 2005 and mainly deals with the plans, discussions and development of IJburg, the residential neighbourhood build on an artificial island in the IJmeer. During this period and especially after the referendum in 1997 about the development of IJburg, the first signs of contextualisation began to appear.

Chapter 4 deals with the complex governance processes in which the contextualisation of Natura 2000 regulation by means of the TBES concept did develop. It analyses the increasing number of stakeholders under different governance programmes. It shows how provincial and national governments got involved.

Chapter 5 focuses on TBES within the RRAAM-programme, which seems the programme in which the development of TBES will start. In chapter 6 the key dimensions of contextualisation in the Markermeer-IJmeer area are discussed.

2 Main regulatory frameworks

A main characteristic of the Markermeer-IJmeer case is the deep influence of EU environmental legislation. Apart from the EU treaties the European Union knows three types of legally binding tools: regulations, decisions and directives. Regulations and decisions are binding in their entirety, the difference is that the former have a general application while the latter specify those to whom they are addressed and shall be binding only on them. Directives bring with them the obligation to produce results but how to achieve this in a legal sense is up to member states. Article 288 of the (consolidated version of the) Treaty on the Functioning of the European Union describes this as follows:

‘A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.’⁷

EU (environmental) directives contain many procedural requirements, like the obligation to report and submit plans to the Commission or to involve the Commission in certain decisions which might be taken by member states but this does not relate to the legal transposition of the directive in question into national law.

The deadline for transposition is always explicitly mentioned in any EU directive. Member states often – for a variety of reasons – do not comply with such a deadline. This can result in an official notice of default by the Commission eventually followed by a condemnation by the European Court of Justice. This happened to the Netherlands in relation to the Bird as well as the Habitat directive. If deadlines are not met (or in the case of an improper transposition) EU directives directly apply to a national territory. All competent authorities on all administrative levels within a member state are obliged to apply the directive in question to their territory. This weighs heavily on the (judicial) expertise and adaptability of especially the lower levels of member state administration as in the early stages of application of a EU directive there will be no or hardly any experience and jurisprudence. At the same time – this counts for the Netherlands especially – there is a culture of bringing objections to courts of justice, for a great deal stimulated by the fact that Dutch courts tend to decide on cases rather speedily compared with many other EU member states (VROM-raad, 2008).

⁷ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, Official Journal of the European Union, C 83, Volume 53, 30 March 2010, p. 82, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:EN:PDF> (accessed 19 March 2013).

Bird Directive

The 1979 Bird Directive⁸ is the oldest form of EU nature legislation. The legitimisation of the directive is explained as follows:

‘The species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species. Such species constitute a common heritage and effective bird protection is typically a trans-frontier environment problem entailing common responsibilities. [...] The conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary in order to attain the Community’s objectives regarding the improvement of living conditions and sustainable development.’

The core of the directive is formed by article 3, which in essence follows an entirely territorial approach:

‘Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats [...]. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- a creation of protected areas;
- b upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- c re-establishment of destroyed biotopes;
- d creation of biotopes.’

Interestingly in the Dutch version of the Bird Directive ‘management’ (see b) is translated as ‘ruimtelijke ordening’ or spatial planning. Although the European Union does not have a spatial planning competence nevertheless by demanding that member states should carry out (proper) spatial planning in order to protect species and their habitats one can conclude that indirectly the European Union acquired such a competence.

Also in another sense the Bird Directive implies a kind of spatial planning: due to the fact that many birds tend to migrate and/or rest and feed at different locations the required ‘special conservation measures’ need to be coordinated ‘with a view to setting up a coherent whole’.⁹ This coherent whole is currently known as an ecological network or – since the Habitat Directive – simply Natura 2000.

The Bird and Habitat directives are often discussed together but the effects and implications are different up to a certain level. On the whole the Bird Directive is considered as more stringent because the Habitat directive opens the possibility for certain exceptions towards the protection of species and their habitats in cases of ‘imperative reasons of overriding public interest, including those of a social or economic nature’. So, under certain but very strict conditions, the generic goal of nature conservation in relation to specific species and habitats could be adapted in relation to the local and regional context (see below). The Bird Directive is much more restricted in this

⁸ Here we refer to the 2009 codified version: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) Official Journal of the European Union L 20, pp. 7–25.

⁹ Ibid. p. 7.

sense. First member states do not have much discretionary power to identify protected areas. They are obliged to select the most appropriate areas. According to jurisprudence only ornithological criteria count (Beijen, 2010: 174). The possibility to reduce the size of protected areas once they have been designated are very small. This is only possible in those cases where the interests are more important than ecological interests. Reducing flood risks may count but certainly not economic or recreational reasons. According to Backes (2000: 11, in Beijen, 2010: 176) such a limitation towards competences to balance interests – which forms the heart of spatial planning, at least in the Netherlands – is rather exceptional. On top of that the European Commission does not need to show that a certain areas should have been designated. If the Commission can show that a member state has designated far too few protected areas this will suffice to be sentenced by the European Court of Justice. This happened to several member states, including the Netherlands (Beijen, 2010: 176).

The transposition and actual implementation of the Bird Directive has been rather problematic in many Member States (Van den Brink, 2004: 66). National legislators but also policy makers often grossly overestimated the level of flexibility and regulatory freedom the directive offered. The Dutch national state has been condemned by the European Court of Justice for (seriously) breaching the deadline for transposition of the directive, which was set for 1983. Eventually the directive was translated into the Flora and Fauna Act and the 1998 version of the Nature Conservation Act. Every three years, starting from 7 April 1981, member states shall forward to the Commission a report on the implementation of the national provisions taken under the Directive.

Habitat Directive

The 1992 Habitat Directive¹⁰ speeded up nature conservation policies of the European Union. Key objective is the realisation of an ecological network of protected zones known as Natura 2000. Member states have the obligation to designate so called special areas of conservation. The areas designated under the Bird Directive will be part of Natura 2000 as well.

The most important article of the Habitat Directive is article 6 which can be summarized as follows:

Member states have a general protection obligation meaning that for the special areas of conservation, Member States shall establish 'the necessary conservation measures' which correspond to the 'ecological requirements' of the natural habitat types and species, both explicitly and exhaustively listed in two annexes:

'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.'

¹⁰ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, Official Journal of the European Union, [Consolidated Version], 1992L0043— EN— 01.01.2007 — 005.001— 1; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992L0043:20070101:EN:PDF> (accessed 17 March 2013).

The obligation to avoid any deterioration is not limited. Any deterioration, whatever the cause, should be either avoided or restored. This also counts for changes resulting from for instance climate change or natural fluctuations in the population size of a particular population (Beijen, 2010: 187). At least in the Netherlands this has caused quite a lot of discussion. According to some there is a underlying conception of nature and ecological qualities which is rather static while nature, even in good condition, never is.

In terms of effects on spatial plans and spatial development paragraph 3 of article 6 is of utmost importance. We have underlined the most important parts.

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site [...], the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’

The requirement that the absence of potential significant effects have to be demonstrated through an ‘appropriate assessment’ is known as the precautionary principle. It brings with it the obligation to carry out research. In the Netherlands in many cases the chosen form is through a statutory environmental assessment. The official wording is that ‘[...] no reasonable scientific doubt remains as to the absence of [significant] effects’. Also, when carrying out an appropriate assessment ‘the best scientific knowledge in the field’ should be applied.¹¹ So the requirements which have to be met are rather strict: the European Court of Justice as well as the (Dutch) administrative court of the Council of State (jurisprudence) take the quality of the research seriously. If either the methods, the findings and/or the exact wording of research reports leave open some uncertainty (‘negative effects up to a certain magnitude cannot be fully excluded’) this does not leave open the possibility of a positive decision in relation to a plan or project.

It is known from other cases¹² that initiators of plans or projects invest heavily in trying to find the right sort of research approach and methodologies. Sometimes advisory committees are installed made up of top academic experts. The prime goal is to apply the latest and most up to date research methods, as the Council of State, in case of objections brought forward to its administrative court, attaches the highest level of importance to this. Such a contextual approach – i.e., trying to find the right research approach in relation to a specific case and specific and unique circumstances – does not end all uncertainty.

Paragraph 4 of article 6 is about the possibility to make exemptions in relation to the conservation objectives of the directive:

‘If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Mem-

¹¹ Case C-127/02, Cocker Fishing, 61.

¹² See for instance Zonneveld et al., 2008.

ber State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.'

The emphasis on the 'overall coherence of Nature 2000' is important. This seems to open up the possibility for a programmatic approach or a territorial upscaling of the conservation approach. The (potentially) negative impact of a development is then combined with a programme or plan, which aims for the recovery of ecological conditions in a wider area. If the Natura 2000 programme or plan still aims to reach the conservation objectives at the end of the period in question is not violating the Habitat directive according to a report (Adviesgroep Huys, 2009: 7). This is very important in relation to the Markermeer-IJmeer case. Nevertheless there are strict limitations to apply the first section of paragraph 4, because a second section states the following:

'Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.'

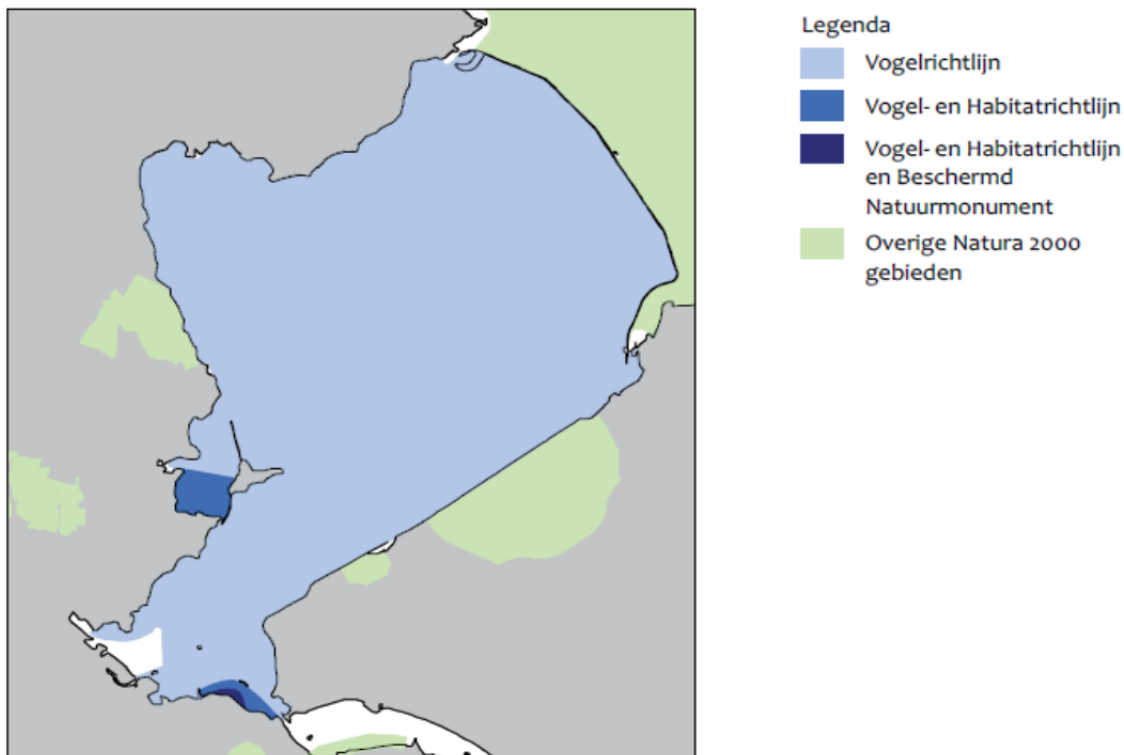


Fig. 5. Protected areas in the Markermeer-IJmeer; light blue: Bird Directive; dark blue: Bird and Habitat Directives; darkest blue: idem as well as Protected Nature Monument according to Dutch law; light green: Natura 2000 areas surrounding Markermeer-IJmeer. Source: PBL, 2009: 11

Under this clause flood control measures ('public safety') for instance are permitted. An example of 'imperative reasons of overriding public interest' in the Netherlands is the objective to maintain and improve the mainport status of the port of Rotterdam through a major extension of the port

area into the North Sea: the Maasvlakte 2. Interesting and important is the role of the Commission. To inform the Commission (first section of paragraph 4, article 6) gives a rather passive role to the Commission, the second section though a much more active role. There are examples (not only the Maasvlakte 2 case, which is a national case) of regional and local cases where plan initiators went to Brussels to gain advice an important reason being that the national 'gatekeeper' of the Bird and Habitat Directives (presently the Ministry of Economy, Agriculture and Innovation, and before that the Ministry of Agriculture) thinks of itself as being unable to give advice on for instance how to make a plan ecologically or judicially robust. Seeking advice from the Commission in itself can be seen as a contextualisation tool within the regulatory frameworks.

Water Framework Directive

In October 2000 the European Water Framework Directive (WFD) came into force.¹³ The WFD offers an integrated approach, with the aim of avoiding pollution on the one hand and promoting a sustainable and equitable use of water resources on the other hand (Van Rijswick & Havekes, 2012: 23). The objectives of the directives are very broad and cover the whole of the water system management, at least how it is understood in the Netherlands: the protection of both quality and quantity of surface water, groundwater and marine waters. On top of that the WFD also covers protection against flooding, water nuisance and water scarcity.

One consequence of the very broad nature of the objectives is that the relationships with other policy areas becomes particularly apparent; such policy areas include, for instance, environmental policy, spatial planning, nature management, product policy, transport, recreation, agriculture and fisheries (Van Rijswick & Havekes, 2012: 103).

We will see that there is indeed, combined with the Bird and Habitat directives a deep influence on development in the Markermeer-IJmeer as well as on planning and policy and decision making. The quality objectives are the most important ones. Summarized the main objective is that the quality of surface water and groundwater throughout the European Union will be of good quality by the year 2015 or, in the words of the directive, will achieve 'good status'. This deadline is not entirely stringent. After 2015 there are still possibilities for less than full compliance with the obligations (Van Rijswick & Havekes, 2012: 106). With a sound motivation an extension to 2021 or 2027 is possible. In case it can be shown that the objectives are not feasible or non-affordable they can be lowered in 2021 or in 2027 although in general phasing – reaching objectives in a later stage – is preferred above lowering objectives on a permanent base (HAGV, 2009). Protected areas are specifically mentioned although they are not subject to a separate regime (Van Rijswick & Havekes, 2012: 106).

The WFD is a framework directive meaning that member states have quite a large choice with regard to the instruments they can employ to reach the objectives (Van Rijswick & Havekes, 2012: 106). Van Rijswick & Havekes (2012: 107) emphasize that the WFD is an example of a new approach in European environmental law, in which aims, standards and measures are not established unilaterally by the EU.

¹³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, Official Journal of the European Union, L 327, pp. 1-72; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0060:EN:NOT> (accessed 17 March 2013).

This approach is [...] called a *governance* approach, and is characterized by the establishment of standards at various levels, a greater flexibility for Member States and local authorities, more account being taken of regional differences, greater participation by individuals, non-governmental organizations and business, and more participation on procedural obligations than on substantive obligations (Van Rijswick & Havekes, 2012: 107; italics in original).

From this perspective the WFD is based on a different conception of law making when compared with the Habitat Directive, which is nearly a decade older and especially with the Bird Directive which is over twenty years older. In the language of our research project: the WFD seems to offer a greater potential for contextualisation when compared with the two nature directives. The WFD is implemented in the 2005 Water Act and the 2009 Water Decree, together with a number of other EU directives like the 2007 Flood Directive, meaning that water law in the Netherlands is currently more highly integrated than in EU water law (Van Rijswick & Havekes, 2012: 121).

The framework for measures to improve the ecological status of the Markermeer-IJmeer (the chemical status is not an issue) is indicated in Annex V of the WFD. Amongst others the so-called quality elements for the classification of the ecological status are described in this annex as well as how to determine the actual status of each quality element. Also how to monitor the ecological status (as well as the chemical status) for surface waters is described. The annex also asks member states to set up an 'ecological quality ratio scale' for their monitoring system for each surface water category which should contain five classes ranging from high to bad ecological status. The WFD does not contain quantitative norms to do this. It is up to member states to assign a numerical value to each of the boundaries between the classes. In Fig. 6 we can see such a scale.

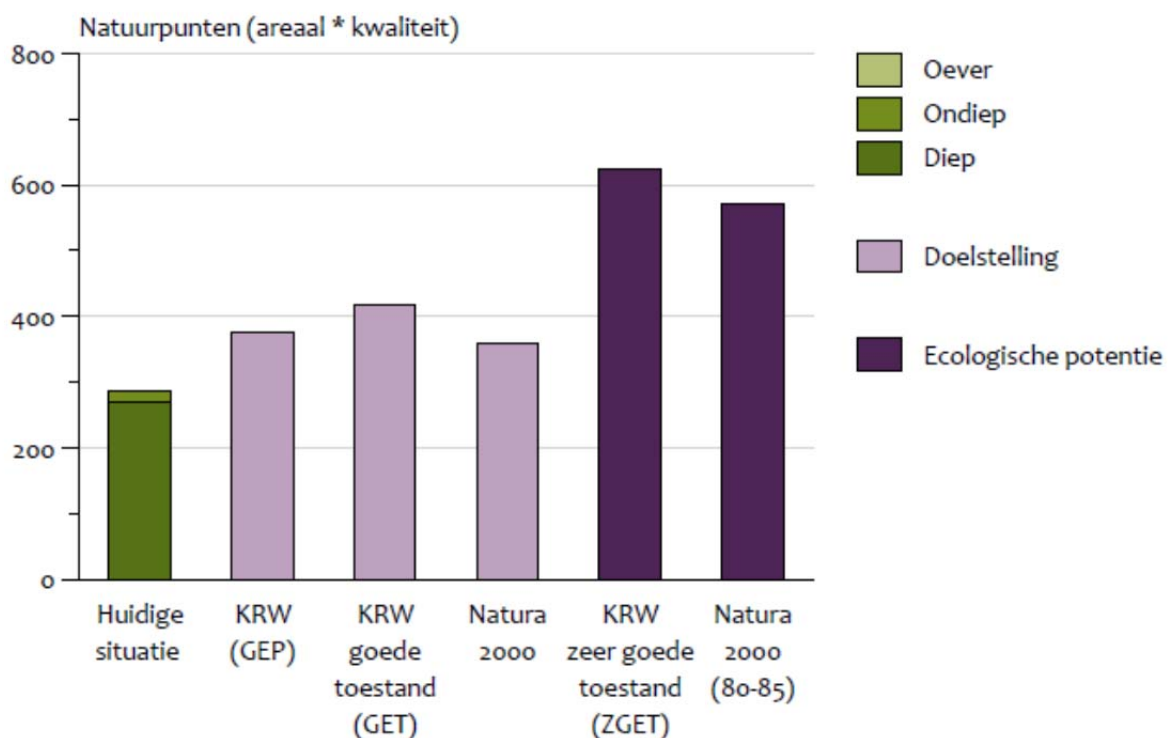


Fig. 6. 'Nature points'; dark green the present situation; second left column: the GEP based upon the WFD. Source: PBL, 2009: 17

As will be described elsewhere in the report the main challenge with regard to the Markermeer-IJmeer is the rather poor ecological quality. The original polder plan for the IJsselmeer was to create four large polders, starting with a polder in the northeast, clockwise continuing with three other polders. The fourth one to be created in the western part of the IJsselmeer was never finalised though. The plan was abandoned due to heavy political and societal resistance. Polder works had to be stopped but not before the creation of a dike between the main land of the province of North-Holland and the Noordoost Polder: the dike Enkhuizen–Lelystad, officially known as the Houtrib dike. This dike with currently a road on top, built between 1963 and 1976, resulted in a large, enclosed water body without a natural current. There is a lot of floating silt and a shortage of food especially for shellfish. The latter created a food shortage for water birds. So the WFD as well as the Bird and Habitat Directives call for action being taken.

The Markermeer-IJmeer belongs to the WFD category of 'large deep lakes'. As the lake is entirely surrounded by dikes it also count as a 'heavily modified water body' (HMWB): this is water body resulting from physical alterations by human activity, which substantially change their hydrogeomorphological character. Instead of 'good ecological status' (GES) the requirement becomes then 'good ecological potential' (GEP) which, although derived from the GES, is lower than the GES. A main reason for this is that a HMWB cannot be restored to its original, natural condition. Figure 6 shows that the present status (green column left) is quite below the GEP (second left column). The orientation values for a good ecological status for natural waters are laid down in a governmental decree (*Algemene Maatregel van Bestuur*). The methods to derive objectives from these values are nationally determined. Provinces and water boards can use this to motivate their decisions. Ecological objectives and their motivation for each water body have to be laid down in a provincial water plan (HAGV, 2009: 28).

Flood control

Under one of their presidencies the Dutch took the initiative to start a procedure for the making of a directive on flood management. The immediate cause was a series of (near) floods in a number of European rivers basins. As the Netherlands as one large delta area is highly dependent on measures taken upstream, a directive on a shared management of river basins was something to strive for. Such a directive came into force in 2007.¹⁴ The purpose of this Floods Directive as it is called in English is to establish a framework for the assessment and management of flood risks to human health, the environment, cultural heritage, and economic activity at river basin/sub-basin level. So the directives (as well as the WFD) is based upon a territorial approach (Van Rijswijk & Havekes, 2012: 255). River basins are chosen because these form natural boundaries of water flows and are relatively easy to determine and to map. In case of river basin districts covering areas in more than one member states international cooperation is necessary and risks cannot be shifted across country borders. The Markermeer-IJmeer is part of Delta Rhine, which contains a small neighbouring part of the German state North Rhine-Westphalia. Within Delta Rhine the Markermeer-IJmeer is part of an area called Rhine-Central. Competent authorities – a concept from the WFD and the Flood Directive – are the provinces of North Holland and Flevoland.

¹⁴ Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, European Journal of Official Publications 2997, L 288/27.

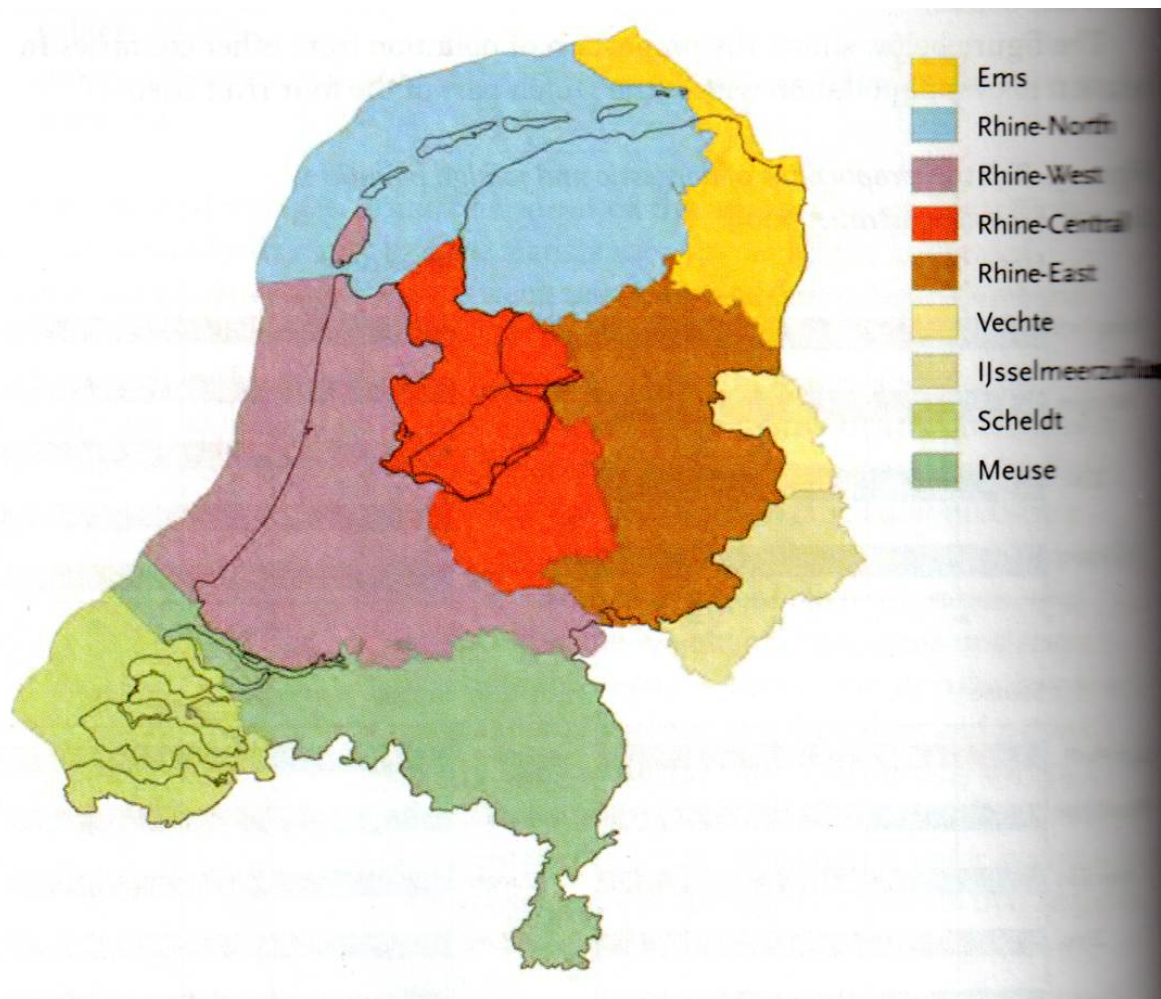


Fig. 7. Sub-basins in the Netherlands. Source: RWS/Waterdienst, in: Van Rijswick & Havekes, 2012

The Floods Directive takes a phased approach to flood risk management. The first phase – deadline 22 December 2010 – consists of designating areas at risk of flooding. The basis is formed by a preliminary risk assessment (Van Rijswick & Havekes, 2012: 255–256). In the second phase flood hazards maps and flood risk maps are to be prepared for these areas. The deadline for this is 22 December 2019. In the Netherlands this was already finalized during the first phase. In the third phase coordinated flood risk management plans are to be established by 22 December 2015 for each river basin district (Van Rijswick & Havekes, 2012: 257). The Floods Directive does not contain binding legal standards for safety (or water nuisance). The Directive only lists general objectives which the member states have to work out in more detail (Van Rijswick & Havekes, 2012: 263).

The Dutch flood safety policy is laid down in the 2009 Water Act.

The standards for water safety are based on the average annual probability that the highest high-water level that the primary flood defence structure [...] must be designed to withstand is exceeded. (Van Rijswick & Havekes, 2012: 259)

Figure 8 presents the flood defence structures relevant for the Markermeer-IJmeer. These are called dike rings. Who is responsible for which part of a dike ring is determined as follows: the state is responsible for coastal defence and management of the dikes and sea walls closing off the main marine inlets such as the Afsluitdijk, the regional water authorities manage the other dikes and dunes while the provinces are responsible for the supervision of all so called primary flood defence structures, including those of the states (Van Rijswick & Havekes, 2012: 154).¹⁵

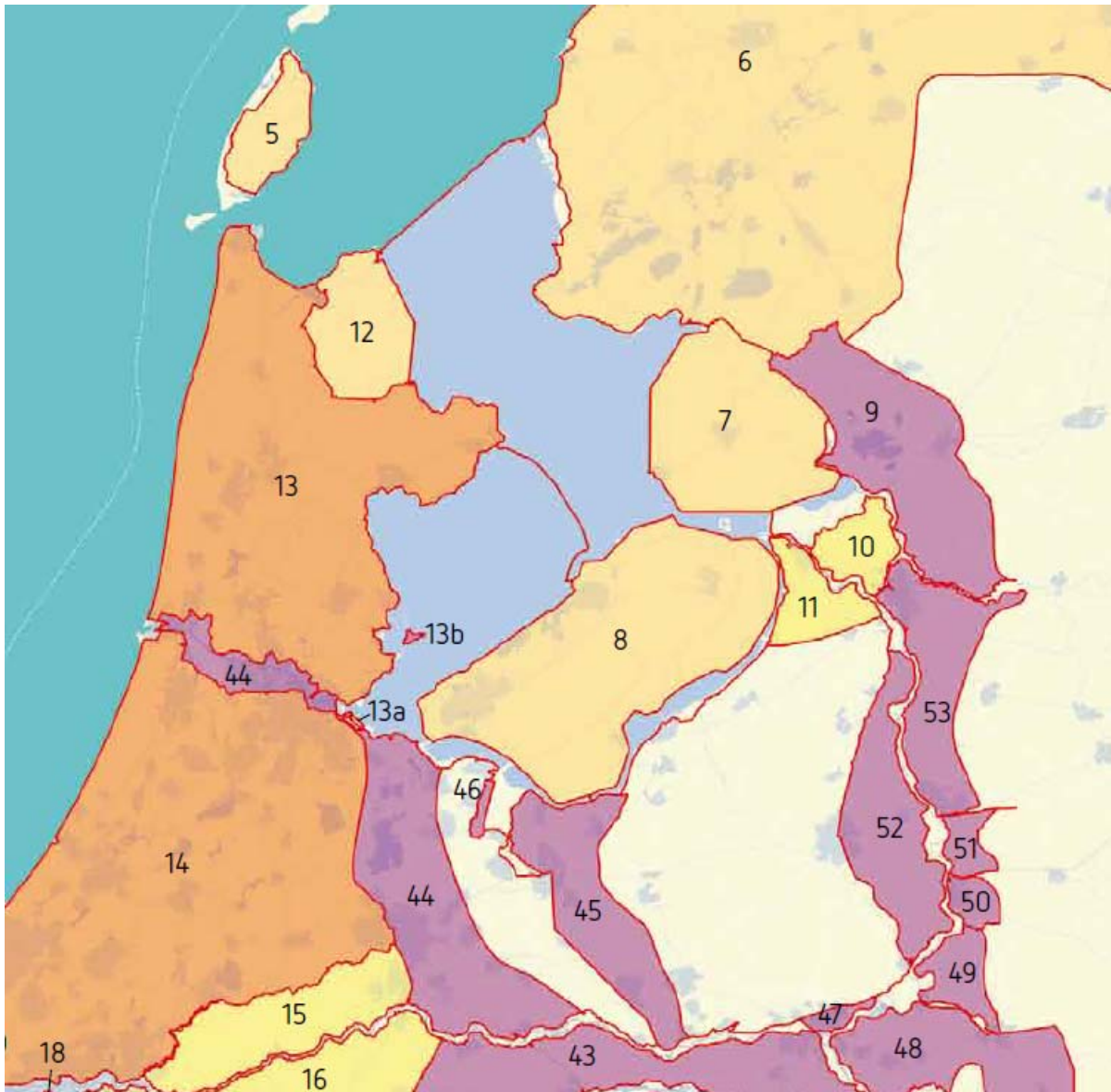


Fig. 8. Water safety map indicating dike rings. Source: Ministerie V&W et al., 2009: 9

¹⁵ As well as the canal dikes of the regional water authorities (Van Rijswick & Havekes, 2012: 154). A primary flood defence structures is a flood defence that provides protection against flooding, either as part of a dike ring or because it is situated in front of such a dike-ring. A dike ring is a connected system of primary flood defence structures that either alone or in combination with high ground provides protection against flooding for a particular area (Van Rijswick & Havekes, 2012: 266).

The exact standards for each dike ring are incorporated in the Water Act as the annual probability a flood could occur. Relevant for the case study area are:

- 1/10.000 ('once in 10.000 years') for dike ring 13, which protects almost the entire northern part of the province of North-Holland;
- 1/4.000 for dike ring 13a (IJburg, the eastern extension of Amsterdam; see following chapter)
- 1/1.250 for dike ring 13b (the island Marken);
- 1/4.000 for dike ring 8 (Flevoland);
- 1/1.250 for dike ring 44 (the area east of the Amsterdam-Rhine Canal).

Both the Markermeer-IJmeer and the IJsselmeer surrounded as they are by dikes are heavily modified water bodies, as has been discussed. Although the IJsselmeer has a natural fall into the Wadden Sea through two large sluice complexes the water table can be manipulated. The same counts for the Markermeer-IJmeer: there are two sluice complexes in the Houtrib dike, one at either end. According to the Water Regulation (Waterregeling) national government (Department of Waterways and Public Works or *Rijkswaterstaat*) is responsible for water quantity management and maintaining water levels in the IJsselmeer and Markermeer-IJmeer. With the perspective of climate change and rising sea levels the national government has laid down a policy strategy in relation to the water level in both lakes. This policy is laid down in the statutory 2009 National Water Plan. Following an advice of a special Delta Committee (Deltacommissie, 2008) this strategy opens up the possibility of a (substantial) increase of the IJsselmeer water level in the long run, maybe up to 1,5 above the present level in the year 2100. Heightening and strengthening the dikes along the IJsselmeer is the implication, with could have a large impact on cities – like Kampen at the mouth of the river IJssel – having an open waterfront.

Very important for our case study area national government also took the decision to uncouple the water levels of the Markermeer-IJmeer and the *Veluwerandmeren* from the IJsselmeer level. This results in three separate hydrological compartments of the entire IJsselmeer area (see Fig. 9).¹⁶ In terms of water safety this means that the dikes along the Markermeer-IJmeer (and the Veluwerandmeren) do not have to be heightened. The Houtribdike in the north has to be transformed up to a certain extent. The most important implication is that large pumping stations need to be installed to pump away water into the IJsselmeer because the latter could have a (much) higher water level in the future so there is no longer a natural fall into the IJsselmeer.

The major reasons for the decision to uncouple the Markermeer-IJmeer from the IJsselmeer are as follows:

- It becomes possible to adjust the water level to ecological objectives, which possibly implies that the water level could fluctuate on a more natural, seasonal base instead of keeping it a fixed level.
- Favourable conditions for development outside the primary flood defences can be created: urban development as well as ecological development could become possible. The government sets limits for the sized of the urban areas which could be built though: 350, 700 and 150 hectares for Amsterdam, Almere and Lelystad respectively, adding up to a maximum of 2 per cent of the entire surface of the Markermeer-IJmeer.

¹⁶ De Veluwerandmeren are the two smaller lakes separating the southern coast of Zuidelijk Flevoland and the mainland. Through open connections they are connected to the Markermeer-IJmeer.



Fig. 9. Three hydrological compartments of the IJsselmeer area. Source: Ministerie V&W et al., 2009: 8

3 Preliminary struggles paving the road towards contextualisation (1960–2005)

In this chapter we describe and analyse the planning of urban developments in the IJmeer until 2005. The aim is to show the chronology of the various plans and decisions by various stakeholders made in a changing political and legal context, which paved the way to contextualisation which became evident around 2005.

This chapter is based on a literature and document review. Because the urban development in the IJmeer is a well-known case in Dutch spatial planning there are several case studies about this area in PhD-studies and academic journals, which are often based on interviews with key stakeholders. Also, there are various articles in the professional literature. Besides these sources there is a large number of public and private memorandums and other policy documents¹⁷ about the IJmeer and IJburg.

From initial plans to highly debated housing location

The first idea about house building in the IJmeer dates from 1964, when the Dutch architects Van den Broek and Bakema published their 'Pampus Plan', a plan to build 105,000 houses (Fig. 10). This plan with three islands, high-rise buildings and a road connection to the new polder of Flevoland was created independently from the municipality of Amsterdam (Steenbergen & Van Bemmelen, 2011). Because the plan was seen as unrealistic by the municipality of Amsterdam (it required huge technological and financial efforts) it rather quickly disappeared out of the discussion (Lupi, 2008; De Lange & Milanovic, 2009). Also the national government decided on implementing a new spatial policy, which entailed that people in search of housing had to move to growth municipalities surrounding Amsterdam (Steenbergen & Van Bemmelen, 2011).

¹⁷ Including minutes of meetings of the regional government of Noord-Holland and the municipalities of Amsterdam and Almere.

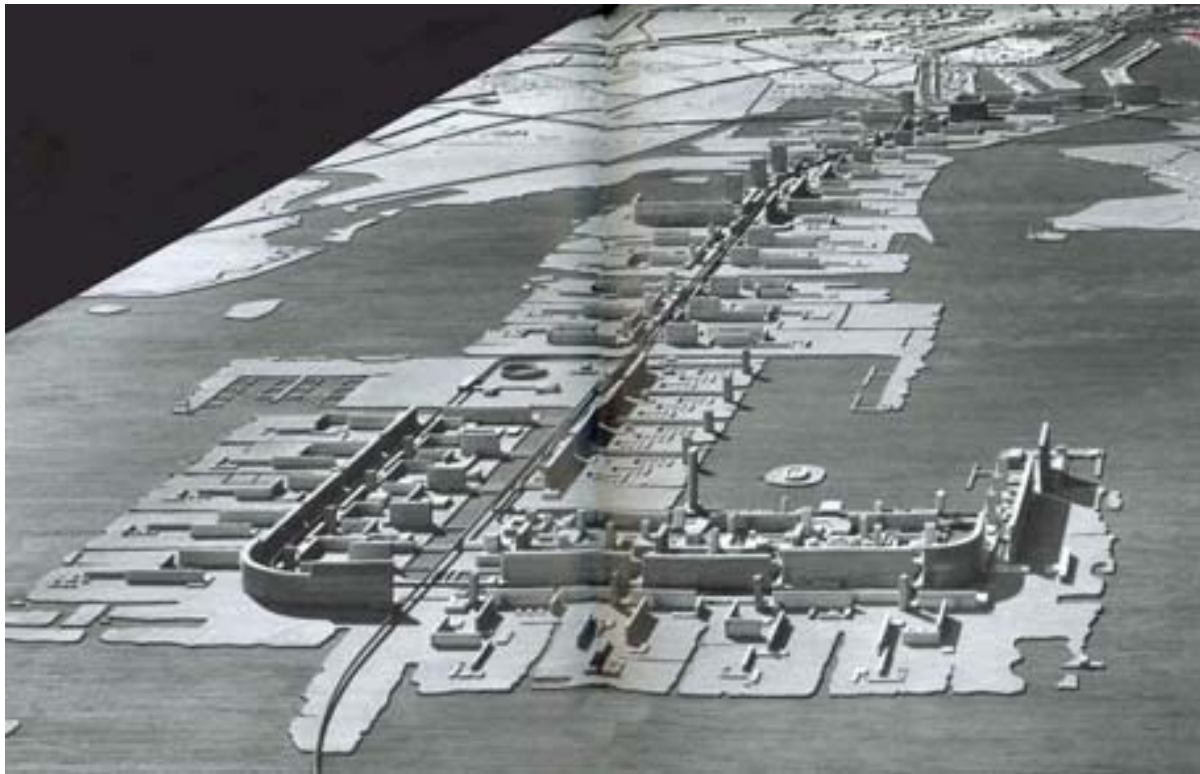


Fig. 10. Scale model of the Pampus Plan by Van den Broek and Bakema. Source: <http://www.designcity.3dontwerpen.nl/lands-pampus4.html> (accessed 18 March 2013)

The origins of planning for urban development in the IJmeer are related to the compact city policy of the municipality of Amsterdam, which was formerly introduced in the 1980s. However, already in 1978 the Spatial Planning Department of Amsterdam executed a feasibility study on housing development in the IJmeer. In the same year the municipality of Almere produced a structure plan in which housing developments and a connection to Amsterdam across the IJmeer could be seen on the map. Whereas the plans in Almere remained abstract, the plans in Amsterdam materialized step by step. In 1981 housing development in the IJmeer appeared in the Amsterdam Structure Plan under the name of 'Nieuw Oost' (New East). In the 1990s several studies were conducted, but in general the development of 'Nieuw Oost' was perceived as having more disadvantages than advantages (see Tab. 1).

Tab. 1. Advantages and disadvantages of 'Nieuw Oost' in the beginning of the 1980s. Source: Lupi, 2008: 84–85

Advantages	Disadvantages
Attractive housing near water	High construction costs
Location in the region	Effect on nature
	A planned rubbish dump nearby
	Bad access from the city
	Isolated location due to a canal

To make the general attitude to 'Nieuw Oost' more favourable the municipality of Amsterdam commissioned Ashok Bhalotra to make an urban design plan in 1987 (Gemeente Amsterdam, 2009). The tempting nature of this plan stimulated further planning of 'Nieuw Oost'. It created

much enthusiasm among politicians and real estate developers (Lupi, 2008). In 1988 'Nieuw Oost' appeared in the national Fourth Memorandum on Spatial Planning (Vino) in 1988. In 1990 a study was published with plans to build 40,000 houses. This plan was withdrawn by the town council of Amsterdam due to protest from society (Zwanikken, 2001: 95). Within the municipality of Amsterdam there was some disagreement about the vision on 'Nieuw Oost'. The planning department (*Dienst Ruimtelijke Ordening*) was in favour, but some other senior municipal servants were against it because of the huge costs and the fact that they thought it was a prestige project (Spaans et al., 1993; Lupi, 2008).

In the 1991 Amsterdam Structure Plan the dimensions of 'Nieuw Oost' were adjusted to the new ideas and in the following years various more detailed designs were made. One of these plans was made in relation to the negotiations with the national government about the funding of new residential estates as part of the national Fourth Memorandum on Spatial Planning Extra (Vinex). In 1994 a covenant was signed between the municipality of Amsterdam and the national government about the building of 100,000 houses in the Amsterdam region. 18,000 of these houses had to be built in 'Nieuw Oost', which from that time was called IJburg.¹⁸ In 1996 the municipality published the main principals for the design of IJburg. This plan can be seen as a master plan and shows the outline of what IJburg should look like (see Fig. 11).



Fig. 11. Main principals map for IJburg 1996. Source: Gemeente Amsterdam, 2009: 29

¹⁸ See for more extensive information about the role of housing in relation to national spatial policy Alexander (2002).

The plans of Amsterdam to build houses in the IJmeer were influenced by Dutch national spatial planning in two ways. First, there were targets for the number of houses to be built which Amsterdam only could realise by building in the IJmeer (Van der Valk, 1996; Lupi, 2008). Obtaining these targets was also important for the funding for the new housing developments by the national government. Secondly, environmental aspects started to become more important in planning new urban developments. Environmental action groups became more active (also groups against developments in the IJmeer). Also in 1995 the IJmeer became part of the Main Ecological Structure (*Ecologische Hoofdstructuur* – EHS) in the Netherlands. In the Fourth Memorandum on Spatial Planning the ROM-policy was introduced, which intended to integrate spatial and environmental developments at the project level.

In 1989 the IJmeer was selected as a ROM-project in which all layers of government (national, regional and local) should work together to develop the housing development and compensate environmental losses in IJmeer's fragile ecology. In 1996 plans were revealed to build IJburg and to realise several nature compensation developments. This package deal, including an extensive environmental monitoring, was implemented between 1996 and 2005 (see also Steenbergen & Van Bemmelen, 2011). The final report of ROM-IJmeer in 2005 stated that the ecological significance of the IJmeer is decreasing, especially the number of mussels and water birds was lower than 10–15 years earlier (Jans et al., 2005).

The ROM-policy did not prevent the protests against IJburg to increase. In 1994 the action group 'Red het IJmeer' (Save the IJ-lake) started to campaign. This protest cumulated in the 1997 referendum in Amsterdam. For this referendum 18 environmental, nature and recreation groups and organisations joined forces in their effort to convince the population of Amsterdam to vote against the development of IJburg.¹⁹ Especially when some national environmental organisations joined the protests, the strength of the movement increased. In spite of a large campaign however, they did not succeed (Neijens & Van Praag, 2006).²⁰

It is around this time that the first signs of contextualisation began to appear: to find a balance or compromise between environmental policy frameworks – in particular nature conservation – and urban development goals. In particular the role of Natuurmonumenten (Nature Monuments) is of interest.²¹ The fact that this large and well-known organisation did join the protest movement came as a surprise for the municipality of Amsterdam. However, Natuurmonumenten did follow a two-track policy in which they participated in the campaign for the referendum, but at the same time started negotiations with the municipality of Amsterdam and the province of North Holland to alter the housing building programme (Van den Heiligenberg & Lulofs, 1999).²² Particular the national leaders of Natuurmonumenten initially were hesitant in fully joining the protest movement campaign.²³ The local branch and its members fully supported the protest movement though. In the second half of 1996 various negotiations took place. One of the proposals Natuurmonumenten brought on the negotiation table was that Amsterdam should produce a 'super plan' which had to satisfy on four conditions (Van den Heiligenberg & Lulofs, 1999: 52–53):

¹⁹ Most of these are local organisations of local branches of national organisations.

²⁰ Although a majority of the voters voted against IJburg, the total number of voters was below the level requested by the municipality of Amsterdam.

²¹ Natuurmonumenten is a nature preservation organisation. In 1997 it had 874,000 members. The organisation owns several hundreds of nature reserves, under which one on the shore of the IJmeer.

²² The province of Noord-Holland was the chair of ROM-IJmeer.

²³ At that time the Chairman of Natuurmonumenten was the former minister of Spatial Planning, Mr Winsemius.

- Amsterdam has to prove that there is a ‘considerable public necessity’ (*zwaarwegende maatschappelijke noodzaak*) to develop in the IJmeer. If this happens, IJburg can be built under the following conditions:
- The remaining IJmeer has to be legally protected.
- IJburg has to be built in such a way that it cannot grow further.
- The damage to nature due to the development of IJburg has to be compensated.

The other organisations in the protest movement were very critical about these negotiations. They doubt if Amsterdam can find alternative sites to build sufficient houses and do not trust the municipality. Also, some of them accuse Natuurmonumenten only to argue about nature preservation and not about recreation (Koppe, 1999; Dalm, 1999; Van den Heiligenberg & Lulofs, 1999).

At the end of January 1997, just one and a half month before the referendum, the board of Natuurmonumenten decided not to agree with the plan Amsterdam came up with. From this moment onwards Natuurmonumenten fully supported the protest movement and claimed that at least the result of the negotiation was that the maximum number of houses in IJburg is now 18,000 against 40,000 in earlier plans (Van den Heiligenberg & Lulofs, 1999). This claim does not seem right though because in the Vinex covenant from 1994 the number of houses was already 18,000.

During the debates before the referendum the legal status of the IJmeer was unclear. According to the legal advisors of Natuurmonumenten the EHS is not a law, but policy. Developments within the EHS are only allowed when there is a ‘considerable public necessity’ (Van den Heiligenberg & Lulofs).²⁴ This implied that there were no legal instruments related to nature conservation which could be used. Instead the protest movement contested several permits and decisions related to the development of IJburg on other grounds, such as the land use plan for IJburg which was approved by the municipal council in 1996 and a permit to extract sand for the development of the islands of IJburg. However, according to Zonneveld et al. (2008) the political standing of the EHS in the second half of the 1990s was much higher than the EU-directives about nature preservation, which were only known to a small number of people. The authors found indications that there was still insufficient knowledge about the potential impact EU-directives could have. In 2000 the land use plan for the first phase of IJburg became legally irrevocable. In the same year the IJmeer was designated as a special protection zone according to the EU Bird Directive. From that moment on it became clear to everybody that this directive could no longer be overlooked.

Planning the second phase of IJburg: contextualisation takes root

After the referendum the opponents split into two groups (Zwanikken, 2001: 99). One group focussed on the protection of the existing natural habitat. It continued to oppose to IJburg and turned to legal actions wherever possible. In 2004 they succeeded to stop the planning process of the second phase of IJburg (about 9,000 houses) because the land-use plan was not in accordance with the European Bird Directive: there were different official borders of the special protec-

²⁴ Note that this phrase is the same one of the conditions of Natuurmonumenten during their negotiations with the municipality of Amsterdam.

tion zone and the level of detail of the land use plan was not sufficient to calculate the effects on the environment.²⁵ In 2009 the municipality of Amsterdam accepted a new land-use plan. In 2010 this plan became legally irrevocable. Part of the development of the second phase of IJburg is the development of a 130 hectares mussel bed as compensation for the mussel beds that will disappear due to the development of IJburg 2. At the moment the development of the second phase of IJburg has almost stopped because of the economic recession, the housing crisis and problems related to the Amsterdam municipal budget.



Fig. 12. Perimeters of the land use plan IJburg second phase (2009). Source: Gemeente Amsterdam, 2009: 7

A second group concentrated on the development of new ecological values in the IJmeer in combination with urban development. Particularly Natuurmonumenten broke with the other environmental preservationists in support of nature development to improve the IJmeer's ecological quality and resiliency (see Kinder, 2011). In 1998, very shortly after the referendum, Natuurmonumenten together with the municipality of Amsterdam and the province of North Holland decided to establish an IJmeer Nature Development Fund in which each of the partners contributed €2,27m (5 million Dutch guilders, the currency at that time).²⁶ This is additional to the ROM-policy investments of €19m (42 million guilders), which was aimed at the mandatory compensation investment because the IJmeer is part of the EHS (Zonneveld et al., 2008). So, by supporting the development of IJburg Natuurmonumenten was able to free up more budget than just the budget

²⁵ See for more details Zonneveld et al. (2008: 54–58).

²⁶ Nota voor PS-commissie Natuur, Landschap en Openlucht recreatie Provincie Noord-Holland nr. 98.015 (vergadering op 5 maart 1998). According to this document the first initiatives to come to this fund were taken in February 1997, so shortly after Natuurmonumenten stopped with the negotiations and before the date of the referendum.

for compensation (Kinder, 2011: 2443). For making the ecology of the IJmeer resilient this additional money is vital because even without the development of IJburg the ecological quality of the IJmeer is decreasing.

According to Kinder (2011) the outcome of the referendum also changed the attitude about nature development in local government in general and Amsterdam in particular. Based on interviews she concluded:

“[...] without the vote, eco conscious planners had little political cover to devote time and money to nature-related undertakings beyond those with immediate utility for the real estate industry. But the referendum’s outcome changed the playing field, leading to an official commitment of funds and manpower to make ecology a primary issue of concern alongside the housing objective in the IJburg expansion project.” (Kinder, 2011: 2440)

Planning urban and nature development in the IJmeer: contextualisation begins to grow

Until the turn of the century urban development in the municipality Almere had hardly effected discussions about the IJmeer, although urban development on the shores of the IJmeer was already part of Almere municipal structure plans since 1978. In 2000 the municipality of Almere started preparing plans for the development of Almere Poort, its next urban and most western situated district which borders the IJmeer. There were also discussions about the long term growth of Almere: should it grow to 250,000 or 400,000 inhabitants? The choice between these growth perspectives would have a large impact on the design and accompanying infrastructure of Almere Poort. A high-density development of this Almere Poort requires a direct fixed link with Amsterdam across the IJmeer, whereas low density development does not require such a link.

To prepare the planning for this new district, in 2003 the municipality started ‘Atelier IJmeer’ in which ideas about a ‘water city’ in the IJmeer and a connection to Amsterdam were developed. In 2004 the municipality of Amsterdam joined this initiative. In 2006 a final report was presented (Koolhaas & Marcusse, 2006). Although Atelier IJmeer was intended to produce an artist impression of the ‘water city’ and the connection to Amsterdam, it gradually became a tool to show possibilities for urbanisation in the IJmeer to national and region stakeholders (Gemeente Almere, 2005: 2). Some of the results of Atelier IJmeer were used to produce the “Toekomstvisie IJmeer” a report which can be seen as a key document in the process of contextualisation.

In the same year as Almere started the Atelier IJmeer, Natuurmonumenten took the initiative to bring 5 governmental and non-governmental organisations together to find creative solutions for their conflicting interests of nature preservation, recreation and urban development in the IJmeer.²⁷ This initiative by Natuurmonumenten was partly inspired by experiences during the negotiations with the municipality of Amsterdam during the IJburg debates (Soeterbeek & Rijckenberg, 2007: 8).

²⁷ According to several municipal documents from Almere also Staatbosbeheer was active in bringing together various organisations at around 2003.

These five organisations were:

- Natuurmonumenten itself.
- Royal Dutch Touring Club ANWB: a national organisation for travel (particular car and bicycle) and recreation, with 3.9 million members.
- Staatsbosbeheer: a national public agency which owns and manages many nature reserves.
- The municipalities of Amsterdam and Almere.

These five organisations object the rigidity of the EU Bird and Habitat directives and consider the conservation objective (based on measurements from 1999) as a misunderstanding of the ecological potential and actual (water) dynamic of the IJmeer (Soeterbeek & Rijckenberg, 2007: 9). In 2004 they presented a report called 'Verkenning IJmeer' (Exploration IJmeer) in which various concepts to combine nature development with the development of housing and infrastructure were presented (Vereniging Deltametropool, 2004). In order to produce this report 220 different planning, ecological, legal and other documents about the IJmeer area were analysed. After this document was published the regional governments of North Holland and Flevoland joined the collaboration to increase the governmental embeddedness (ANWB et al., 2005: 5) and to take the direction in their own hands (Soeterbeek & Rijckenberg, 2007).



Fig. 13. Main development axes according to 'Verkenning IJmeer'. Source: Vereniging Deltametropool, 2004: 9

Tab. 2. Main interests of organisations involved in 'Toekomstvisie IJmeer' (2005).²⁸
Source: Hagens, 2010: 144

Natuurmonumenten	Staatsbosbeheer	ANWB	
Dutch Society for the Preservation of Nature	Dutch Forestry Commission	Royal Dutch Touring Club	
<ul style="list-style-type: none">– Owner of three nature areas in IJmeer region– Promoting ‘more space for nature’ in the Netherlands– Concerned with the future of the IJmeer (in continuation of the protest against IJburg’s housing development)	<ul style="list-style-type: none">– (Intended) organisation responsible for nature management in several (new) nature areas– Offering nature-orientated recreation	<ul style="list-style-type: none">– Representing mobility and recreation related interests of its members.– Target: ‘recreation nearby’– Target: ‘chain mobility’ (combination of traffic modes)	
Municipality of Almere	Municipality of Amsterdam	Province of Flevoland	Province of Noord-Holland
<ul style="list-style-type: none">– Concept is used for cooperation– Housing task (150.000 houses)– Line Schiphol (airport)–Amsterdam–Almere, i.e. North-Wing of the ‘Delta-Metropolis’– Connection Almere and mainland	<ul style="list-style-type: none">– Housing does not restrict but financially supports nature development– High land prices in Amsterdam; urbanisation on regional scale is efficient	<ul style="list-style-type: none">– Including the area from Schiphol airport to Almere, but should also include the role of Lelystad– Possibilities for the city of Lelystad, for example, relieving Schiphol airport and providing high segment housing	<ul style="list-style-type: none">– Inter-provincial and metropolitan strategy for housing– IJmeer as centre of the North-Wing– IJmeer as ‘blue wedge’ of the North-Wing, creating an attractive living environment– Opportunities to improve the quality of water and recreation facilities– Concept as starting point for the Vision

Based on the 'Verkenning IJmeer' and various discussions, in 2005 the 'Toekomstvisie IJmeer' (Vision IJmeer) was presented by a group of 7 actors.²⁹ In this report it is stated that in 2004 the governors of the participating actors did not want to see 'insipid compromises' but a common vision for the IJmeer (ANWB et al., 2005: 5). The vision of the 'Verkenning IJmeer' is to combine the ambitions or interests of the participating organisations (see Tab. 2). The result was the 'Waterpark IJmeer' Vision, in which huge ecological *and* urban investments were combined at a large scale in an equal and simultaneous way (see Fig. 14). This vision goes well beyond the more tra-

²⁸ See the Appendix for a complete overview of stakeholders for the Markermeer-IJmeer case.

²⁹ Interestingly Rijkswaterstaat, a national government agency for infrastructure and coastal defences, was on the cover of the 'Verkenning IJmeer' as an author, but had only an 'advisory role' during the preparations of the 'Toekomstvisie IJmeer' document. The different reports about the 'Verkenning IJmeer' and the 'Toekomstvisie IJmeer' are not consistent about the role of Rijkswaterstaat. Some researchers include this agency among the initiators of the 'Verkenning IJmeer' (Soeterbeek & Rijckenberg, 2007) others do not (Hagens, 2010). In Soeterbeek & Rijckenberg (2007) it is explained that the national government wanted to make its own integral assessment about the possible developments in the IJmeer (the role of the national government is describes as a 'observer' (p. 23) and did not want to make decisions at that time, although regional governments various times tried to increase the involvement of the national government several times.

ditional compensation measures because it integrates environmental development with the emerging urban development plans in the IJmeer and to the west of Almere combined with a new infrastructure link through the IJmeer with Amsterdam. Also, the geographical scale of the nature development is larger than the ROM-compensation measures. The idea that ecological losses should be compensated in the same area where they occur was abandoned. It includes nature development in the Markermeer and the total area is seen as a wetland.

This means that, following Kinder (2011), not only local governments changed their view after the referendum but also Natuurmonumenten. In the second half of 1996 this organisation was still trying to stop every urban development in the IJmeer after the development of IJburg. In 2003 it began cooperating with governments in making plans to do just the opposite in exchange for large-scale nature developments in a large area.



Fig. 14. Preferred spatial development model of 'Toekomstverkenning IJmeer'. Source: ANWB et al., 2005: 47

Although the 'Toekomstvisie IJmeer' is generally seen as a success, various sources make different remarks about this perceived success. Hagens (2010: 104) concludes that after the publication of the 'Toekomstvisie IJmeer' "[...] the participants have returned to their old positions and the traditional power of national plans has overruled". Based on the research of Soeterbeek & Rijckenberg (2007) it can be concluded that already before the publication of the 'Toekomstvisie IJmeer' tensions between the participants began to appear, such as:

- Tensions in the relationship between regional and national governments (see also footnote 27).

- Anticipation on implementation issues such as costs and regional administrative arrangements. In particular the municipal elections and the negotiations about the future growth of Almere with the national government.
- The increasing complexity of the ecology (the number of reports has increased to 250).
- Uncertainty about legal issues concerning European nature preservation laws and the implementation of these by the former Ministry of Agriculture, Nature & Food Quality.
- Lack of external communication, in particular for Natuurmonumenten, Staatsbosbeheer and ANWB, with supporters which are very sensitive to damaging the natural environment.
- Lack in involvement of other governmental (for instance smaller municipalities in the region) and non-governmental organisations.

Conclusion

What started as plans for just another new urban neighbourhood for Amsterdam, eventually became the root of the contextualisation process in the IJmeer. The public debate about the development of IJburg set in motion alternative ways of dealing with loss of ecological values compared with the policy (EHS) and regulatory (Bird Directive) frameworks. However, this debate alone was not enough to start the process toward contextualisation. Also, the increasing amount of legislation to protect natural habitats played its part. Gradually, more nature protection laws became effective, although their legal range was not always clear from the beginning. When this range eventually became clear, both governments and non-governmental organisations realized that these ranges were very tight and could even block measures to increase the ecological value of the IJmeer.

During the last 15 years the focus of nature development in the IJmeer shifted from the legal minimum of nature compensation within a small area to nature development on a large scale (the IJmeer *and* the Markermeer). This shift can be characterized as contextualisation as well as this is a departure from very localised compensation as policy and regulatory frameworks seem to demand. The political basis for this shift is however small as it is limited to only some local and regional governments and some of the larger societal organisations. By 2005 national government including the main actor in relation to legal frameworks (at that stage the ministry of Agriculture, Nature and Food Quality) is not really involved, nor are various smaller environmental groups who were are still trying to stop urban developments in the IJmeer by legal means.

4 Getting attention of the National Government (2005–2010)

While the previous chapter outlined the emerging, after a long period characterised by opposing positions, of a regional consensus laid down in the Toekomstvisie IJmeer 2005, this chapter addresses the process of getting support for this consensus in order to turn towards operationalization. In terms of contextualisation the period towards the 2005 vision is important in a sense that a regional governance dynamic has formed among a limited set of regional key stakeholders that, sensing the influence of the EU Bird and Habitat directives, has reframed the initial urban developed objective into a multiple challenge of combining leisure, ecology, water, infrastructure and urban development. Crucial in the consensus is the realisation, spurred by nature protection laws, that good ecological conditions form a prerequisite for further development and that doing nothing is no option given the negative autonomous trend.

Central in the consensus around the Markermeer-IJmeer is the development of a robust ecological system, which by regional stakeholders involved in the project, and hence in this report, is referred to by its acronym: TBES [*toekomst bestendig ecologisch systeem*].³⁰ A TBES is deemed the best option to cater for 1) the demands of the Natura 2000 network and (to a lesser extent) the Water Framework Directive, as outlined in chapter 2, and 2) room, literally and figuratively, for developing the city of Almere, a transport connection linking Almere and Amsterdam as well as for a variety of lower scale demands related to leisure and recreation, including enlarging marinas, in particular along the North Holland coast.

Whereas the TBES concept as such emerged around 2004, the process of giving more emphasis to ecological and environmental considerations started somewhere during the 1990s as is shown in chapter 3. As described in chapter 3 after the experience of strong but in the end fruitless opposition from society and environmental organisations against the development of IJburg 1, a number of organisations, civic as well as public, decided the time had come to sit around the table and develop a joint vision for the lake. The report Verkenning IJmeer [literally: *Exploration IJmeer*] of 2004 was the proud result of this. In hindsight, this report signified the moment in time where the consensus and sense of 'togetherness' was perhaps felt most among the participating stakeholders. They managed to get a clear picture and common understanding of the situation and challenges for the IJmeer area forming a sound basis for further development oriented perspectives.

³⁰ TBES literally translates as 'future-proof ecological system', but in this report we refer to it as a robust ecological system in a sense that the system is resilient and adaptive to changing conditions in the future, such as climate change.

From this moment on, however, from several directions pressure was put on the small coalition to vent their ideas to a broader circle of stakeholders and develop a more operational approach with regard to implementing the broad perspectives sketched in the Verkenning IJmeer document. The main reasons for getting out of the relative comfort zone were: 1) generating a broader support from local and regional stakeholders around the Markermeer-IJmeer who until then were relative unaware of the ideas generated, and 2) convincing national stakeholders to come on board in particular with a view to footing the bill for the implementing the plans. This chapter looks into this process which turned out to be rather complex and is still on-going at the moment of writing, March 2013.

After almost a decade the process went through a variety of stages which can be characterised by the names of national policy programmes, acting as meta-governance environments. Subsequently these are the Programmatic Approach North Wing, from 2006 to 2007, the Programme Randstad Urgent (PRU) from June 2007 to May 2010 and the Programme RRAAM from 2009 until now, 2013. The Markermeer-IJmeer challenges have been made part of these national programmes, which aim to form an environment where national, regional and if necessary local stakeholders co-operate. In this sense the programmes can be regarded meta-governance episodes, with the programme environment including its overall political agenda, the linkages between projects and timetable influencing the operationalization and implementation of individual projects, such as the development of a robust ecological system for the Markemeer-IJmeer. Becoming part of these national meta-governance programmes was regarded the single option for further elaborating and implementing the TBES concept, and hence this chapter goes into this.

Another contextual aspect that should not be overlooked is the financial crisis that started in 2008 and developed into an economic crisis from there onwards. In the Netherlands this translates in tough austerity measures affecting all governmental layers as well as a housing market that, after a continuous lowering of housing prices and political stalemate regarding the taxation of mortgage interest rates, at the moment has come to an almost complete standstill. The latter is relevant because urban development is a major driver behind the projects that would benefit most from an ecological robust Markermeer-IJmeer. Ironically, as will be found below, the effect of all this on the TBES implementation is rather positive.

Widening the circle (2004–2006)³¹

After tabling the Verkenning IJmeer in 2004 which positions the IJmeer as a waterpark in the northern part of the Randstad, referred to as the North-Wing, it soon became clear that the next step towards elaboration and operationalisation would not be an easy affair. Being developed by a small network of regional and local stakeholders the concept was not clearly recognised by other stakeholders. In particular the (re)framing of the IJmeer situation at both a larger scale, i.e. as part of a larger water system including the Markermeer and Gooi and Eemmeer, and as an ecological (rather than just an urban development) challenge, required a change of mind for most stakeholders. A main challenge therefore for the small team was to communicate the storyline and raise support for this approach.

³¹ An important source for this section is Soeterbroek & Rijckenberg (2007), which concerns a process evaluation commissioned by the Habiforum programme and draws on some 40 interviews with key stakeholders including a number of feedback sessions and workshops.

In October 2004 the directors of Natuurmonumenten, ANWB, Staatsbosbeheer, the alderman from Amsterdam and Almere and the highest official of RWS IJsselmeergebied sign an intention statement. It went much further than the Verkenning IJmeer and launched the concept of the 'double scale jump', referring to the development of green and blue (nature and ecology) as well as red (urban and infrastructure). The underlying philosophy was that large investments in urbanisation go hand in hand with investments in nature and ecology. The statement also includes the intention to elaborate the Verkenning towards a vision document.

By the end of 2004 the step towards developing a vision for the IJmeer has been made and a core team is installed chaired by the vice spatial planning director of Amsterdam. Also a steering group is formed consisting of executives of the participating organisations. It is recognised by the core team that important government stakeholders should be brought on board too in order to avoid later controversies. The provinces of North Holland and Flevoland participate as full members. The national government, however, only assumes a role as observer in the form of a representation of the ministry of V&W (Transport and Water) which is responsible for the National programme North-Wing (see below). The observer status is a compromise between the region wishing the national government to commit itself to the process of developing a vision and the national government striving for discrete decision making as far as this project is concerned (Soeterbroek & Rijckenberg, 2007).

Cracks in the coalition

Whereas the core team is proud on its achievement to pull off the Verkenning it is at the same time uncertain about the next steps. In particular concern goes to the process and who to involve and how to relate to other parallel policy trajectories impacting on the area, as well as with regard to the impact of the Birds and Habitat directives. The initial responses vary widely among the stakeholders, with some pleading for wide stakeholder participation and broad communication and others cynically responding that whatever process will be followed it will always end up at the Council of State, referring to the increasing juridification of the planning process. As regards the EU directives the opinions similarly differ from those who think the soup will not be eaten as hot as some assume, to those who consider the unclear picture and lack of relevant jurisprudence to hinder them in taking the right direction. The sensitive situation around regulation and the upcoming evaluation of the Birds and Habitat directive lead to a more reluctant and formal positioning of the national government (Soeterbroek & Rijckenberg, 2006). In terms of contextualisation the shape of the process and the uncertainty around regulation can hardly be underestimated in the further process of operationalising the TBES concept.

Faced with the first steps towards elaboration, the small coalition of seven parties already started to show some cracks. Whereas it was possible to develop a joint perspective of the situation within the IJmeer area, committing itself to actual problem solving was different matter. Much had to do with the difference in backgrounds and mandates of the stakeholders as well as with the distribution of responsibilities and competencies. In particular the NGO's, Natuurmonumenten, Staatsbosbeheer and the ANWB were afraid that its members would pull them back for agreeing with urban development in a fragile and still rather untouched landscape. This already had happened with the small municipality of Muiden, whose active alderman was rebuffed by the council that was completely against the developments, in particular the new infrastructure connection, in the IJmeer area. Another thing was that whilst the common interest of the participating parties was

the ecological quality of the IJmeer, because this would enable them to pursue their urban development objectives in spite of the birds and habitat directives, none of the involved stakeholders acted as the central problem owner, nor did any of them have the funds or to pull off a trajectory leading to implementation.

The positions rapidly crystallised with the participants of the Verkenning IJmeer 2004 being proud of their achievement and aiming for further elaborating the document by adding more data and making it scientifically more robust, with the central concept 'test phase'. This relates to a third highly influential uncertainty characterising the operationalisation of the TBES concept: technical uncertainty. They preferred to keep the process simple and in order not to drown in the governance complexity by taking into account all kinds of stakeholders and drawing relations with other policy programmes. The new parties, the new representatives of the provinces and the national government, however, pleaded for a radically different approach focusing on developing a sharper (political) vision, in particular with regard to environmental issues. Moreover, they aim for an offensive communication strategy with more direct involvement of smaller municipalities and openness with regard to financial possibilities and constraints. The national government furthermore contents that it should become visible that an integral plan could also count on financial commitment of regional partners. Most crucial for the remainder of the process is the emphasis placed by the government as well as the provinces on a clear and deliberate relation with the governance developments on the level of the North-Wing: the regional platform North-Wing, Platform accessibility North-Wing and the Programming Approach North-Wing of the government.

In hindsight it is in this stage already that all the determining elements for the further process become clearly apparent and visible. These elements concern the four uncertainties demanding continuous attention and which strongly structuring the agenda of the participating parties. These concern uncertainty about the process to be followed, uncertainty around legal issues and the interpretation of the Birds and Habitat directives, uncertainty about technical solutions and their effects on the ecology of the Markermeer-IJmeer and finally uncertainties regarding the financial aspects of the project and who will foot the bill.

Another structuring element in the Markermeer-IJmeer case is the relationship between the national government and the regional stakeholders, which comes to the surface many times and in many different contexts. Obviously, with the national government being responsible for the Natura 2000 network and with the highly centralised taxing system in the Netherlands the competencies and governmental power far outreach those of the regional stakeholders therewith creating a precarious balance between them. As from 2004 this precarious relationship is further amplified by the principle adopted by the national government principle of decentralising tasks and responsibilities whenever this is possible³², but without, generally, also decentralising budgets and competencies.

Focus on committing the national government

As from mid-2005 the focus gets stronger oriented on the national government, which will decide about its Programme Approach North-Wing by mid-2006. The many processes and ambitions relating to the IJmeer should converge in this programme, which forms the basis for budget deci-

³² The official motto of the national government is: 'Decentraal wat kan, centraal wat moet', which literally translates as 'decentralise if possible, central if necessary'.

sions. Minister Peijs, who at that time was responsible for the North-Wing, indicated that she aimed to come with clear indications for the North Wing programme by December 2005. The urgency to produce a vision increased dramatically.

With only a few months to go the attention of the core team as well as the steering group got directed at developing a sharp and clear vision. To this end all involved parties had no other option than being completely open as regards their intentions and ambitions with the area in order to develop a clear and convincing storyline. As indicated this storyline positions the IJmeer as a waterpark within the North-wing and centres around the formula of the 'double scale jump'.

Whereas the story part develops quite well, the underpinning of the vision remains weak. Because of unclear distribution of responsibilities and finance it is almost impossible to make sound cost-benefit analysis. Major concerns rise in relation to the possibilities to build houses outside the dykes in deep water. Ecology and urban development seem hard to bring together. Urban designers mention that no less than 250 reports on ecology and water in the IJmeer have been produced. The issue is complex however and ecologists and environmental and nature policy makers ask for even more time to further analyse the issue of the ecological system of the Markermeer-IJmeer.

It remains unclear as well whether the plans are 'EU proof'. According to some this should be analysed further, whereas others contend that this problem has already solved itself and that the core of the problem is not located in Brussels but in The Hague at the offices of the ministry of LNV and the way in which it transposes the directive into national legislation. A dialogue with the ministry is therefore considered important (see also below).

In the meantime the communication strategy to the external stakeholders is snowed under. In particular the three NGO's whose members may have issues with the direction that the vision takes, start to consider this as an important issue. But with the crystallising vision and the further elaboration of decisions the possibilities to involve external parties in the process shrink further and further. Sadly it is concluded that there is no other option than to 'sell' the definitive vision to the outside world. Eventually the team succeeds in tabling the Toekomstvisie IJmeer on time by December 2005. It is endorsed by seven civic and public organisations.³³

Mission accomplished

At this stage of the process the energy has run out of the network. Again a division can be observed between the provinces and national government on the one hand and the other stakeholders on the other. Having only been part of the process for about a small year the provinces and national government just begin to get a grip on the case and feel an urgent need to further elaborate on the vision. In particular they see much scope to improve the coherence, the robustness of the vision and the application of the plans in the period to come. Also they feel that the 'double scale jump', the combining of green-blue and red-grey aspects, is still too vague a concept that requires further elaboration and operationalisation. Other stakeholders, in particular the NGO's, observe a lack of 'togetherness' in the project due to the focus on becoming part of the Programme North-wing. The attempts of regional stakeholders to involve the national government

³³ This concerns NGO's Natuurmonumenten, Staatsbosbeheer and the ANWB, the municipalities of Amsterdam and Almere and the provinces North Holland and Flevoland (with RWS as advisor, see also chapter 3).

have increasingly led to a situation in which the region has positioned itself as the party beckoning favours from the national government as a supplying and receiving party. There is little evidence that a joint responsibility to make something out of the IJmeer area still exists. Those who participated from the start are disappointed by the behaviour of the province of North-Holland and the national government which act reluctant, ask critical questions and are passive in terms of contributing to finding solutions. Also from the province it was expected that it would contact smaller municipalities along the Markermeer-IJmeer coast.

Be that as it may, the vision is integrated in the regional package of ambitions for the North-wing programme and presented to the minister. It takes until Summer 2006 before the final decision is made.

In the meantime the double scale jump is further elaborated and contends nature development before, or at least in parallel, to urban and infrastructure development. The starting point is to develop an 'ecological surplus' before starting urban development. In order to create this ecological surplus the focus is not only on the IJmeer but the whole Markermeer-IJmeer area.

External advisory boards such as the VROM-council, the council for transport and the college of national advisors, receive the vision critically but support it at the same time. The ministries of VROM and Finance are in particular critical as regards the robustness of the vision.

There is open protest to the vision by smaller municipalities around the IJmeer, several environmental organisations, the water recreation sector and the Ijsselmeer association. Environmental pressure groups also criticize Natuurmonumenten for allowing a bridge over the IJmeer and outer-dyke housing development in the lake.

New aldermen for both Amsterdam and Almere do not change the position of these stakeholders who focus in particular on their joint urbanisation agenda. They do not recognise however the common process that has led to the vision and its underlying ambitions. This contributes to a further deterioration of the network. The steering group has not met since Autumn 2005 and a meeting scheduled in April 2006 is cancelled due to other commitments. At the level of the steering group it is no longer clear what benefits the mutual relations can have now and in the future. Almere and Amsterdam however start teaming up together.

On 30 June 2006 the government will negotiate about the investments in the North-Wing. Unfortunately the government resigns at 29 June. In the corridors there are nevertheless rumours going on that the now demissioned government is willing to grant the Markermeer-IJmeer ambitions with a €25m budget to start a nature pilot project.

The stakeholders that signed the vision are still behind their decision, but clear differences in interpretation become visible. In general there is great support for the double ambition of the scale jump ecology and the scale jump urban development (60,000 new houses and 100,000 new jobs in Almere until 2030). However, there is a lot of ambiguity concerning their mutual relation. Amsterdam and Almere have little interest in the ecological element and do not see why this should precede urban development whereas this is regarded an absolute precondition by Natuurmonumenten and Staatsbosbeheer. Moreover some regard the double scale jump as a mere compromise whereas others regard it as an innovative nature inclusive approach. A third group regards it as a

way to circumvent the Bird and Habitat directives. The doubts regarding the vision's underpinning have now made place for a down to earth observation that the real work will yet have to start, but that at least the vision has succeeded in getting attention from the national government.

North-Wing and Programme Randstad Urgent

It takes until August 2006 when the so-called North-Wing letter is published. It indeed includes the expected amount of €25m for a nature pilot. It also indicates that crucial decisions regarding building in the IJmeer and constructing infrastructure will be postponed until 2010.

Concerning the future co-operation the North Wing letter states:

The national government sees in relation to further to be elaborated tasks relating to ecology, watermanagement and water quality [...] a regional development objective for the IJmeer/Markermeer. The national government wants to participate in a broad cooperation network consisting of amongst others the national government, the municipalities Amsterdam and Almere, the provinces North-Holland and Flevoland, Natuurmonumenten en Staatsbosbeheer to develop a long-term vision for the IJmeer/Markermeer. The mentioned provinces have the lead in this process. There is an inextricable coherence between the masterplan Almere Pampus and this long-term vision on the IJmeer/Markermeer, amongst others in the fields of effects on nature (Birds- and Habitat directive), water management/strategic water reserve, the safety, the implementation of the Water framework Directive and cumulative effects of other projects. This concerns an issue of separate (legal) consideration. At the same time a concrete pilot will be carried out to establish which investments in nature development sort the largest effects. For this the national government reserves a budget of €25m.³⁴

The Programme approach North-Wing is one out of four region specific implementation programmes of the National Spatial Strategy first presented in 2004 and officially adopted in 2006. Its objective is an effective and efficient approach to a coherent implementation of projects of national interest. To this end a minister is made responsible for each of the regional programmes, with minister Peijs of transport and water being responsible for the North-Wing.³⁵ Other involved ministries are: Ministry of Transport and Water (V&W), Ministry of Economic Affairs (EZ), Ministry of Agriculture, Nature and Food quality (LNV), Ministry of Housing, Spatial Planning and the Environment (VROM), Ministry of Finance and the Ministry of Home Affairs and Kingdom Relations (BSK) (see also Annex A for more information about ministries and stakeholders).

The North-Wing programme is a result of negotiations between the ministries and the regional public stakeholders, united in the North-Wing Conference³⁶. Also academics, civic organisations and local and regional executives have been participating in the negotiations. The results have

³⁴ Source: Noordvleugel brief 2006 p 28-29 (translation by the authors).

³⁵ Nr 164, Brief van de minister van Verkeer en Waterstaat aan de voorzitter van de Tweede Kamer der Staten-Generaal, Den Haag, 26 april 2006.

³⁶ Participants of the North-Wing Conferences are the provinces of Flevoland, Noord-Holland, the Regional Cooperation Platform Amsterdam (ROA), the municipalities Almere, Muiden, Weesp, Hilversum, Diemen, Ouder-Amstel, Amstelveen, Uithoorn, Aalsmeer, Haarlemmermeer, Haarlemmerliede-Spaarnwoude, Amsterdam, the city district councils Amsterdam-Noord, Osdorp and Zuidoost, Waterland, Purmerend, Edam-Volendam, Zeevang, Beemster, Wormerland, Landsmeer, Oostzaan, Zaanstad, Beverwijk, Velsen and Haarlem.

been discussed with the civic societal platform consisting of employers' organisations (VNO-NCW), Chamber of Commerce Amsterdam, Staatsbosbeheer, Nature and Environment Association 'Natuurmonumenten', Utrechtse Milieufederatie, ANWB, NV Airport Schiphol and Agriculture and horticulture organisation (LTO). All the civic organisations emphasised the importance of green-blue projects for the area and vented their concern as regards the likelihood of their realisation.

The North-Wing programme consists of eight projects, combined in three sub areas one of them being the area Schiphol-Amsterdam-Almere. All eight projects are infrastructure or urban development oriented. It was decided to include the green-blue dimension not as a separate (ninth) project, but to formulate it as an integral element of all eight projects. In the case of the Markermeer-IJmeer for which both a long-term vision and a pilot project is foreseen it seems a bit strange that it has not received the status of a project.

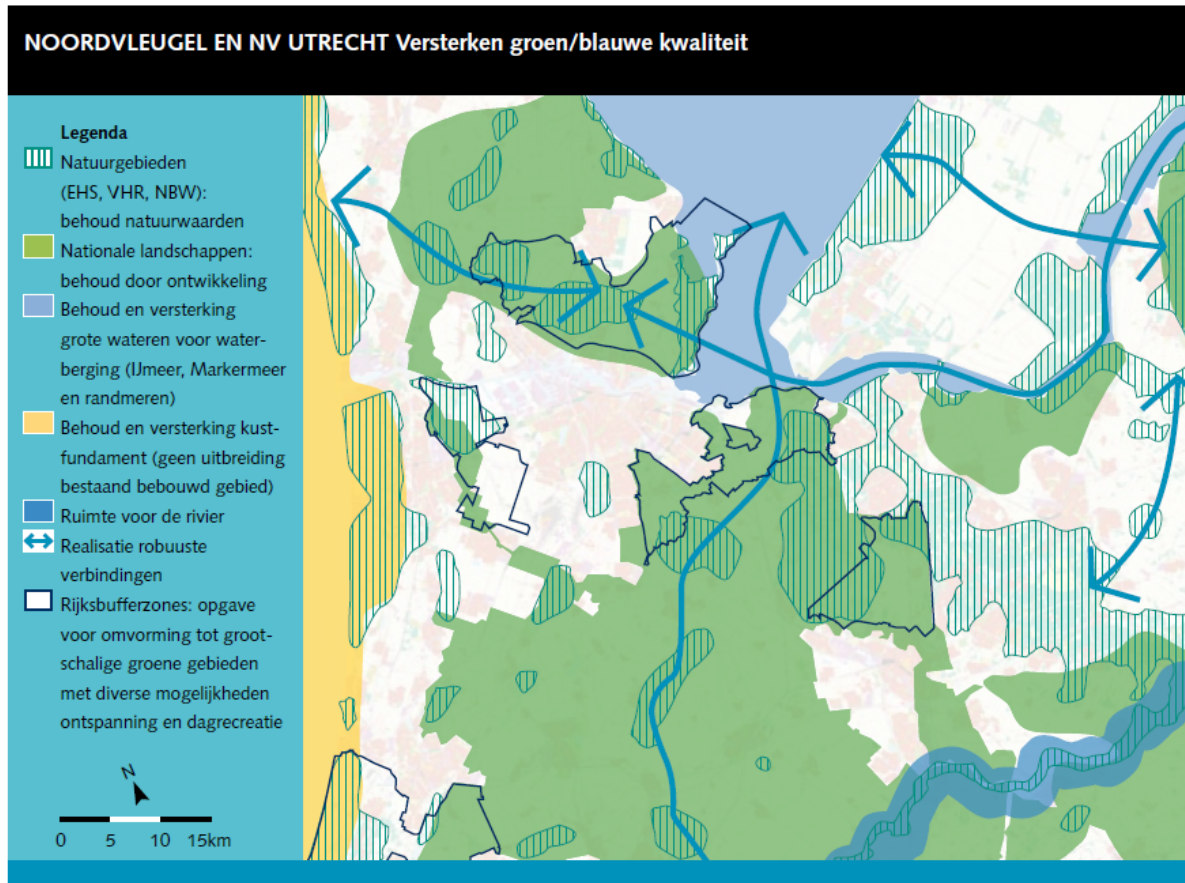


Fig. 15. Green/blue challenges in the North-Wing, with blue arrows indicating wet axis. Source: Ministerie V&W, 2006: 21

Conceptually the Markermeer-IJmeer is included in the North-Wing programme as part of the so-called 'wet axis' (see Fig. 15), indicating an interrelated pattern of water bodies. Maintaining and improving its ecological quality is indicated as a national priority. It is recognised that the IJmeer suffers from an autonomous negative trend due to compartmentalisation of the IJsselmeer into two lakes separated by the Houtribdijk between Lelystad and Enkhuizen as a first step towards

the never reclaimed Markerwaard polder.³⁷ It was until 2006 that it was officially abolished in the National Spatial Strategy, therewith opening the opportunity for all sorts of initiatives, including developing wind farms, swamps or islands (to be discussed below), in the lake. Also the North-Wing letter recognised that the Markermeer-IJmeer has its own objectives due to its status as special protection zone under the Bird and Habitat directives.

Being published under the responsibility of minister Peijs the North-Wing programme frames the Markermeer-IJmeer case partly as a matter of regular measures to comply with objectives of the Bird and Habitat directives and Water framework directive as well as partly a matter of (the largest share of the) measures to be taken in relation with the outer-dyke urbanisation plans of Almere. Investing in the TBES prior to the urban and infrastructure development, such as suggested by Almere and the province of Flevoland, is down played by referring to the obligations and timetable of the Natura 2000 regime. In terms of decision making it is important to note that green-blue measures are subject to on the one hand 1) the regulatory track relating to BHD, WFD and other regulations whose obligations should be taken on board and are part of the budget of the eight development projects and on the other hand 2) a development track which is in the hand of the national government.

When it comes to operationalization and implementation the commitment from the national government is nevertheless getting stronger. Although it does not commit itself to the TBES concept as such, as is clearly stated in a preliminary document of April 2006³⁸ where it refers to the regional consensus laid down in the Vision IJmeer of 2005, it sees relevance for further elaboration. The responsibility for this is handed over to the provinces of Flevoland and North Holland.

The Province of Flevoland taking the lead³⁹

A new government of a Christian Democrats, Labour Party and Christian Party is installed in February 2007 and around the spring of 2007 the process is continued again. In the Netherlands a change of government often does not affect earlier decisions of former governments, and in this particular case the North-Wing agreements remain valid. The pilot project nature development, for which €25m is budgeted (see Tab. 3), is carried out in a separate track: Natuurlijk(er) Markermeer-IJmeer (NMIJ). The vision process for the green-blue Markermeer-IJmeer and the plan development for urbanisation of Amsterdam and Almere are organised as separate projects. It is agreed that by spring 2008 two visions will be tabled to confront with each other. In the Markermeer-IJmeer process the national government is broadly represented and also the NGO's participate on steering group level. A new round of raising support, dealing with governance complexity and making the visions more robust has started.

What is helpful in this process is that the new government has started the new Programme Randstad Urgent (PRU). The previous set up with regional based programmes such as the North-Wing, NV Utrecht and South-Wing was deemed less appropriate and the focus is put on the Randstad as

³⁷ The idea remained alive nevertheless as is shown for example by a number of alternatives put forward by a group of stakeholders and professionals calling itself 'Friends of the Markerwaard' (Frieling, 2006).

³⁸ Ministerie V&W (2006), Samenhang in ontwikkeling, Structuurdokument Noordvleugel, april 2006, Den Haag: Rijksprogramma Noordvleugel.

³⁹ A very useful reference for this section has been the report Procesevaluatie Toekomstagenda Markermeer-IJmeer by B&A group (2010). It is based on some 30 interviews and feedback sessions and working groups.

a whole. The same ministries take part and again the responsibility of the programme lies by the minister of transport and water, Camiel Eurlings. Both projects, the visioning for the Markermeer-IJmeer and the Scale Jump Almere, are made part of the Randstad Urgent programme, as project 26 and 27 respectively (see Fig. 16).⁴⁰ Also it is recognised that there are clear relations between the projects, but that they can be developed separately. Project 26 Toekomstagenda Markermeer-IJmeer (TMIJ) is framed in relation to the scale jump Almere, as well as to the IJsselmeer Policy Memorandum.⁴¹ Generally, however, the North-Wing letter was followed.

Tab. 3. Budget overview Randstad Urgent project Toekomstbeeld Markermeer-IJmeer. Source: V&W, 2009: 34–35

Sub-projects	Estimated costs (in million €)	National government share (in million €)	Regional governments' share (in million €)
NMIJ – Natuurlijk(er) Markermeer-IJmeer: Pilot nature development	25	25	0
1 st stage TBES: shelter zones Hoorn and fish passage ways	30	20	10
TBES implementation	1.000	0	0

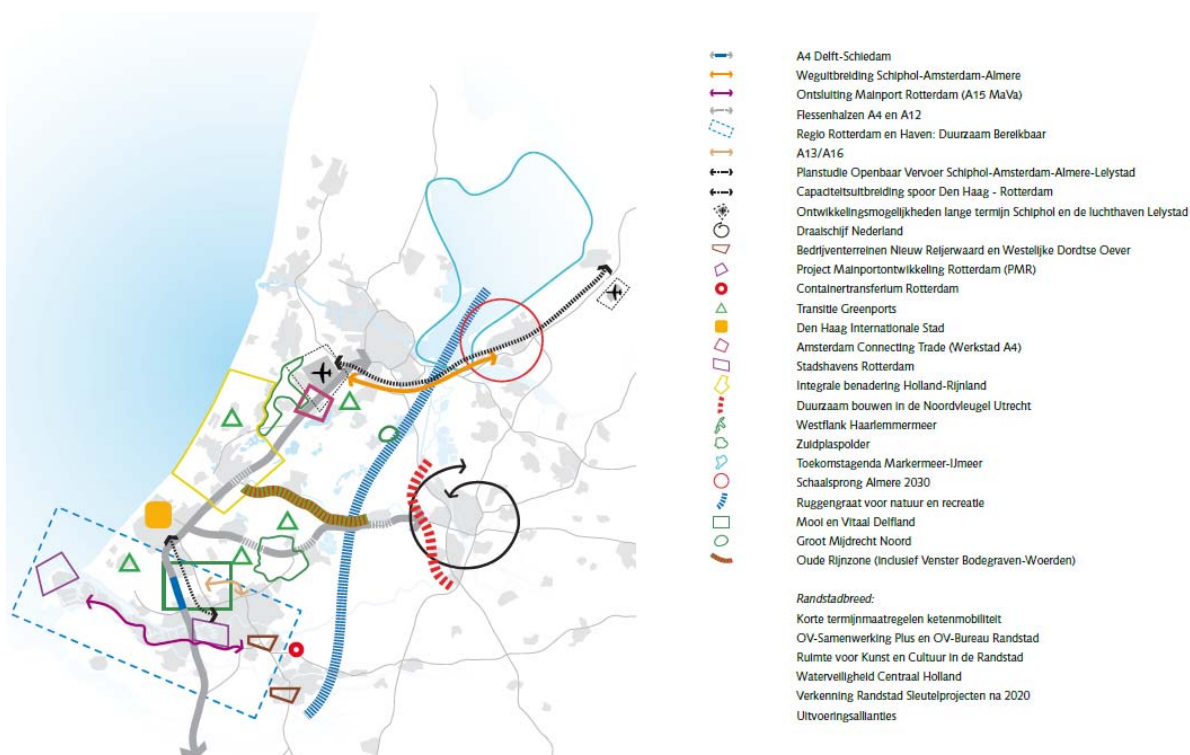


Fig. 16. Randstad Urgent projects 2008–2009. Source: Ministerie V&W, 2009: 2

⁴⁰ Initially both projects had the status of 'candidate projects' subject to decision making by the end of 2007 and depending on the availability additional budget.

⁴¹ A draft was ready by end 2007 (Ministerie V&W, 2007). A later policy document is published end 2009 (Ministerie V&W et al., 2009).

One of the main objectives of the Programme Randstad Urgent was to break through the governance congestion that characterises many projects and ambitions in the Randstad. To this end the responsibility for each project was shared by a minister and a provincial executive, in this particular case the state secretary of Transport and Water, Ms Tineke Huizinga, and the executive of the province of Flevoland, Mr Andries Greiner. Also each project got an ambassador from a civic organisation or private company, for TMIJ this was: ANWB director Mr Guido van Workum. In 2008 this results in the *Ontwikkelingsperspectief*, a development perspective on the area. On instigation of Huizinga this perspective document is further elaborated in 2009 in the *Toekomstbeeld Markermeer-IJmeer*: the Future Vision Markermeer-IJmeer. It is this vision that coins the concept TBES.

To develop the current fragile ecological system into a TBES four ecological conditions need to be achieved:

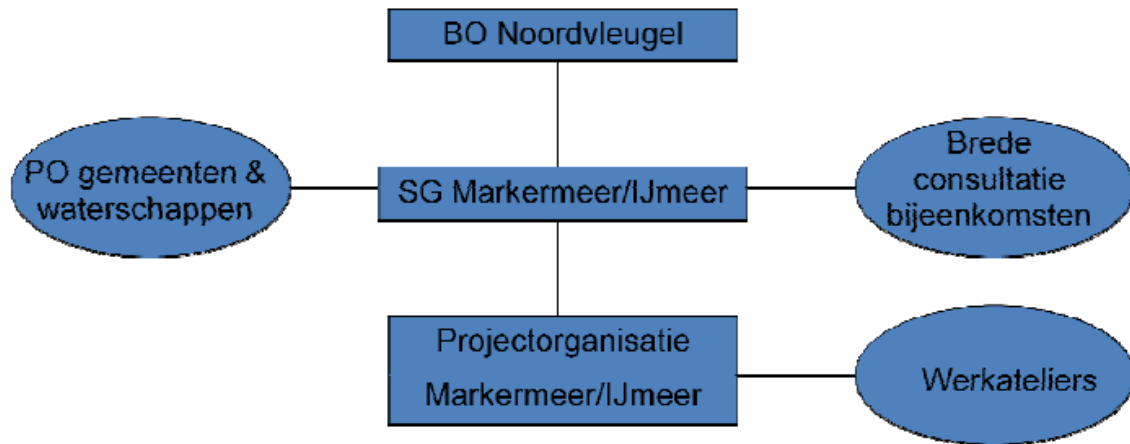
1. Clear water along the coasts
2. A gradient in silt from limpid to murky waters
3. Land-water transition zones of significant size
4. Reinforced ecological connecting zones

Whereas the national government has stated its intentions of cooperating, it is clear that it still takes a lukewarm position to the project. It frames the ecological challenges in the context of the expansion of Almere, but not as a wider and more independent objective. Hence, the lead should come from the region. In particular Flevoland, which has much to win by removing the 'blocking power' of Natura 2000 and by expanding its water recreation and waterfront development along the Markermeer coast around Almere but in particular also up north around Lelystad, feels a high sense of urgency for the project and has been a driving force to enter the project in the North-Wing Brief. The province of North-Holland at that moment is less convinced, which also has to do with the struggles it has with many stakeholders in the recreation and leisure industry who fear that the sheltering zones will prevent their business.

Initially Flevoland turns its attention primarily to regional stakeholders including NGO's regional public stakeholders and the co-operation with the province of North Holland. In a sense they regard the situation as a chance to after all start the consultation process that did not come about in 2005. Later on, Flevoland also starts addressing more firmly the national government in order to make sure that the vision (the *Ontwikkelingsvisie Markermeer-IJmeer* of 2008 and the *Toekomstbeeld Markermeer-IJmeer* of 2009) would be internalised by the several departments.

Despite the North-Wing letter and the Randstad Urgent programme there is little clarity as regards the role, commitment, involvement and responsibilities of the various national departments. The ministry of Finance has a role in the Scale Jump Almere project, but is not taking part in the TMIJ project. In practice the department of water, of the ministry of Transport and Water, takes the lead as a representative of the national government. The participation of the ministry of LNV (Agriculture, Nature and Food quality) is ambivalent in a sense that it is committed from a substantive perspective, but has no budget for investments. The ministry of VROM (spatial planning) focuses on the Almere project. According to some participants the national government has kept a distance from the project resulting in a weaker securing in its policies. In particular during the last stages of the project the national government wants to keep its hands off. This is illustrated by

the decision not to be mentioned as author of the two reports. Yet the fact the TMIJ is a Randstad Urgent project has been beneficial for the process. Because of the dual responsibility of the state secretary and provincial executive it was easier for the province to get commitment of other regional bodies and the national departments (B&A 2010). In particular the provincial executive Andries Greiner is positive about this construction, which allows several administrations to work next to each other without reorganising bureaucracy (Ministerie V&W, 2009: 7).



*Fig. 17. Organisation chart of Toekomstagenda Markermeer-IJmeer project.
Source: B&A, 2010: 16*

A relatively simple project organisation is set up with a Steering group (SG) in the centre (Fig. 17). This steering group is composed of:

- Provinces Flevoland and North Holland
- Municipalities Almere and Amsterdam
- Ministerie V&W (DGW and RDIJ), ministry VROM, ministry LNV
- Natuurmonumenten, Staatsbosbeheer, ANWB

During a later stage the group is joined also by the municipality Lelystad (2007) and Waterland (2009), representing the small municipalities along the IJmeer and Markermeer, and the Water Board Zuiderzeeland (2008). According to some participants it has been difficult to cooperate in the steering group because it involves stakeholders with different roles and responsibilities and that it may have been more prudent to distinguish between public stakeholder who have decision power and civic organisations whose main interest is lobbying. Others on the other hand contend that the combination functioned well and has had added value. Some participants are of the opinion that small municipalities have only got a voice in 2009 – with the participation of burgomaster Jongejans of the municipality Waterland. Representatives of the recreation sector feel under represented. In general however the steering group was operating smoothly with individuals being able to find and contact each other quite well. Also it was positive that the national government started to speak with one voice. The first meeting of the steering group was on 5 April 2007 after which it met another five times until the finalization of the Toekomstbeeld Markermeer-IJmeer report (B&A, 2010).

The province of Flevoland has organised a project organisation consisting of two programme managers (one of Flevoland, who also acts as secretary of the steering group, and one of North Holland) plus a number of employees. It acts passionately, has the right expertise on board and works relentlessly on the vision and process. Much is invested in communication to the outside world, amongst others by regular newsletters and by issuing high quality reports, something which is highly appreciated by the outside world. The project organisation co-operates closely with the core team, consisting of officials representing the Steering group stakeholders. The core team coordinates a number of working groups: Legal issues, Ecology and water quality, Spatial uses, Spatial quality, Finance and finally, the 'Nature factory'. Together with the programme manager and secretary the leaders of the working groups form a so-called Productgroup. This organisation-set up has functioned until the publication of the Ontwikkelingsperspectief (2008). During the period towards the Toekomstbeeld (2009) only the core team has functioned.

Ecology as opportunity

From the above it transpires that with Flevoland in the lead the focus of the process is becoming more firmly directed towards ecology. Flevoland and the steering group with it, wants to get rid of the idea that ecology is seen generally perceived as problem that needs to be solved in order to free the way for other uses. The abolishing of the planning reservation for the Markerwaard polder by the National Spatial Strategy 2006 opens the way for seriously developing a robust ecosystem.

In the Starting Document (2006), presenting the ambitions of the steering group, ecology is presented as an opportunity with chances for improving ecological quality, recreational use and coastal zone development. Ecologists see opportunities to develop nature with huge added value in the Markermeer-IJmeer. Because of the plan reservation of the Markerwaard polder, the multiple uses, both in terms of nature, urban and leisure development, of the waterfronts along the Markermeer has never been seriously considered. Liberated from the planning reservation the steering group aims to grasp the opportunity.

This is quite in line with a vision document 'A different IJsselmeer area' from the ministry of V&W (2007). Young guns from the ministries of VROM, LNV and V&W were asked to think out of the box and their opinion strokes with that of the steering group in a sense that an integral overhaul is advised with a perspective on improving and dealing with the ecological condition, climate change, increasing claims for land and accessibility. The vision is presented by the State secretary Huizinga and forms a starting point for a more fundamental revision of the policies for the IJsselmeer area (which consists of three hydrological zones, the Markermeer-IJmeer being one of them, see chapter 2). The regions are expected to work on their own vision in parallel to the national policy framework for the IJsselmeer area. The Toekomstbeeld Markermeer-IJmeer of 2009 has been developed in parallel to this policy framework as well as the concept-National Water Plan in which the IJsselmeer policy framework is included (Ministerie V&W 2009b). Also the advice of the Delta Committee (commonly referred to as the Committee Veerman after its chair) of the Summer 2008 is in line with the TMIJ project as it advises to keep the same water level for the Markermeer-IJmeer, instead of the +1,5 metres rise that has been proposed in an earlier stage.

Letter to Brussels

A curious episode in the TMIJ project is the letter that Flevoland send to the European Commission in Brussels which explains the proposed TBES strategy for the Markermeer, which basically comes down to an programmatic approach, and asks for an EU opinion whether this fits with the Natura 2000 approach. Curious because why was it necessary in the first place to send this letter? Could the Ministry of LNV, responsible for Natura 2000 in the Netherlands and participating in the steering group, not answer the questions? By a letter of April 2009 the Commission reacts positively to the approach, but makes clear that their answer in no way bears any legal status and that the regulations of the Birds and Habitat directives have to be taken into account (CEC, 2009). As regards the seemingly passive position of LNV it can be indicated that this changed over time (see also Box 2 below).

Box 2. The ministry of LNV

The former ministry of LNV (Landbouw, Natuurbeheer en Voedselveiligheid – Agriculture, Nature and Food quality) has had a pivotal role in the development of Natura 2000 regulation, which is to quite some extent inspired by Dutch policies regarding the development of a so-called ecological main structure (see also chapter 3). Similar to the later Natura 2000 network approach the ecological main structure [*Ecologische hoofdstructuur* – EHS] would be consist of several nature areas being connected through corridors and stepping stones, together forming a structure of interconnected nature areas covering the whole Netherlands and which enables animal migration across the country. Next to a national ecological main structure, there would also be provincial ecological main structures, filling in the gaps of the national EHS. A difference between the EHS and Natura 2000 is that its binding power is far less, or at least differently operationalised, than Natura 2000, which not only works with strictly defined borders (in practice EHS also translates in strict borders, but they are of a more flexible character and remain adaptable), but also prescribes binding minimum requirements as regards the natural quality.

The transposition of Natura 2000 and the underlying Birds and Habitat directives in Dutch law has been a responsibility of LNV (see also chapter 2). The strict way into which Natura 2000 has been transposed and implemented in policy making is somewhat surprising given the ecological main structure policy, but understandable from the perspective of the ministry. Also 'Brussels' has indicated that the Dutch way of implementing the Natura 2000 policies and indicating Natura 2000 sites seems to go a bit beyond the general philosophy of the directives, in particular in terms of the very meticulously way of counting birds and species in areas in order to make sure that minimum requirements are being met. Add to this the strict interpretation of the Council of State when applying the regulation and it is clear that Natura 2000 is a bit of a *Fremdkörper* in the Dutch system of spatial ordering. As a result the policy as well as the responsible ministry receives quite some critique, in particular from society and major project development agencies and investors, but also from some of the other ministries, not in the least the ministry of Economic Affairs (EZ) with which it is now merged, as well as the ministry of Transport (V&W).

Yet, to understand LNV's position in the case it is important to realise that nature did not 'exist' until the 1970s, at least not in policy thinking. It entered the political agenda somewhere during the 1960s and 1970s. LNV was predominantly focusing on agriculture and fisheries and on food production in order to prevent food shortages such as occurred during the First World War and to which the IJsselmeer polders partly were a response in terms of creating more agricultural land. Nature policy in the early stages was about conservation only. This approach is perhaps best de-

scribed by putting a fence around an area. Gradually the approach evolved towards developing nature as well, with agricultural budgets being allocated for this task. On 18 December 2006 these budgets,⁴² however, have been decentralised to the provinces who have been made responsible for the implementation of the ecological main structure and Natura 2000, which has diminished the role of the ministry in terms of nature development.

Since then it is mostly concerned with regulation and changed from a ministry with a prime objective to invest in nature development into a ministry acting as a mere caretaker and regulator. This also translates in reorganisations and shifts in personnel. One clear outcome, in particular after merging the ministry into the larger ministry of Economic affairs, Agriculture and Innovation (EL&I) in 2010 headed by a state secretary with little interest in nature, is an identity crisis as regards its position to nature development and conservation.

This may explain the somewhat passive style that has been ascribed to the ministry with regard to the Markermeer-IJmeer area. At least in terms of budget LNV had little to no options to assist in developing a TBES. In terms of assisting in interpreting Natura 2000 regulation and searching its limits the ministry has proved to be more active as time progressed. In the period 2010–2012 when the WMIJ (see chapter 5) operated the experiences have been positive as regards the contribution of (former) LNV representatives.

This may reflect the somewhat abstract project description in the original North-Wing letter. It is clear that the provinces should take the lead, but the briefing does not come with clear objectives, conditions and requirements from the national government. The missing framework conditions cast their shadow over the TMIJ project for almost the whole period. Questions such as: who is actually commissioning this project, what is the purpose, what will happen with the outcomes and who is going to pay are left unanswered. Representatives from the government indicate that Flevoland first should have negotiated with the central government, whereas, as indicated above, it first focused on the regional stakeholders. Moreover, when it turned towards the government, it was (in the opinion of Flevoland) not willing or unable to deliver any framework and asked the provinces to come with a vision. As such, the province had a more or less free hand in organising the contents and process of the TMIJ project which is characterised by stakeholders as open, bottom-up but at the same time complex (B&A, 2010).

Conclusion

Complexity had much to do with the subject as such, which in this report is referred to as uncertainty regarding the technical aspects of the TBES, but also with the large number of stakeholders and their different agendas. Whereas the Starting Document of 2007 has been considered a strong guidance and the process as such is highly regarded for its outcomes and organisation, involved actors also recall the continuous searching for how to proceed, something which refers to the process uncertainty indicated earlier.

⁴² These are the ILG budgets: Investeringsbudget Landelijk Gebied – translating in: Investment budget for rural areas. The ILG budget in itself signifies a shift from purely agricultural funds, which were common until the 1970s but nowadays are largely covered by the EU, to an approach focusing on providing general services of interest and maintaining liveability of rural areas, including taking care for nature.

The process as well as intermediate results have also been scrutinised by the RMNO, an advisory body for spatial, environmental and nature research. In its report (RMNO 2008) it concludes that the ecological aspects have been elaborated quite clearly and form a sound basis for further elaboration and developing an ecological system. It emphasises that the whole area of the Markermeer-IJmeer should be taken into account and that all parts of the system as well as of the area are crucial and reinforce each other in developing a robust system. An issue of concern however is the absence of linkages to other policy programmes and activities in the area. The council advises to seek these relations and to broaden the ecological dimension with economic and social dimensions, as this would better match the interests of politicians and society. This means that there should be more explicit attention for the effectiveness of ecological measures for the system as such. As regards the further process it is advised to either chose for further elaborating the substantive elements of the ecological knowledge or to invest in developing political and societal consensus. In particular the latter is emphasised by the advisory council as the road to take. It further advises to outline and invest in a clear process and quality as well as for determining an end date as this will put pressure on and speed up the process. Although this advice was issued by 2008 it clearly resounds in the later stage of the process, under the RRAAM programme where the consensus seeking was part of the WMIJ working association and the further elaboration of ecological system becoming the task of the NMIJ. This will be discussed in the following chapter.

5 Focusing on TBES within the RRAAM programme (2010–now)

The Toekomstbeeld Markermeer-IJmeer document needs further elaboration and the vehicle for this is found in the (R)RAAM programme.⁴³ Much more than in previous programmes is the urgency of a TBES is now recognised by the national government by means of the RAAM-brief from 2009. This RAAM-brief has the status of government policy. TBES is one of the three core ambitions alongside housing/work (60,000 houses in Almere) and accessibility (connection between Almere and Amsterdam).⁴⁴ A complete TBES requires an estimated investment of around €1bn. Hence, an objective of RRAAM is to develop more cost-efficient alternatives for TBES. The Werkmaatschappij Markermeer-IJmeer (WMIJ), consisting of representatives of the ministries of I&M and EL&I and the provinces of Flevoland and North Holland, is commissioned with this task.

The national government steps in

The TMIJ stakeholders, having produced the Toekomstbeeld Markermeer-IJmeer, respond happily about the inclusion of the TBES concept in the RAAM-brief, but are disappointed by the little budget that has been earmarked (B&A, 2010). In terms of budgetary commitment the RAAM-Brief (p. 16) continues the line of the previous Randstad Urgent decisions and adds an additional post:

- Study programme Autonomous Negative Trend (ANT): €3m.
- National water maintenance plan and possibilities of fish migration: €1,1m.

It is clear though that the national government (and with it the parliament) does believe in the TBES concept, but that it is not yet convinced by its alternatives for implementation. A new working association, the Werkmaatschappij Markermeer-IJmeer (WMIJ), is added to RAAM to solve this. Initially, RAAM only foresaw in three working associations, two for Almere and one for the infrastructure connection between Almere and Amsterdam. Only at last, the WMIJ was added. It indicates the somewhat ambiguous position of the government towards the TBES concept, which is expensive and which benefits are of a rather indirect nature, i.e. making the development of Almere and infrastructure possible. TBES itself does not result in additional income and therewith pales by the promise of Almere expected to lead to significant revenues by selling the land.

⁴³ RAAM en RRAAM is actually the same programme. Initially it was called Rijksprojecten Amsterdam-Almere-Markeermeer. Soon it was changed in Rijks-Regioprogramma Amsterdam-Almere-Markermeer. Rijks means national government. The term 'Regio' was added to stress the joint effort of both national and regional governments.

⁴⁴ In essence the still the same problem as in Chapter 3.

A key issue relating to the ambiguity of the WMIJ and its position in RAAM concerns the existence of nature objectives forced upon the project by regulation. At the national level there is high awareness of Natura 2000 and to a lesser extent Water Framework Directive. The appreciation of the regulation, in particular Natura 2000, varies however. Some ministries (in particular the former economic affairs (EZ) and transport (V&W) ministries as well as to some extent the former planning and housing ministry (VROM) because the strict regulation does not fit the balancing approach characterising Dutch spatial planning) complain about it whilst others (LNV) are happy, proud even as founders of the regulation, with the possibility to finally protect vulnerable nature, something that was difficult under Dutch law. In such a context it is difficult to convince the ministry of Finance and claim large budget reservations for nature development like the TBES. Hence it is no surprise that the main task of the WMIJ working association is to fork out cost efficient TBES alternatives.

At the regional level there is ambiguity with regard to nature objectives too. Here, however, it has much more to do with the binding and hard character of the regulations. This is something that stakeholders, in particular from the small and medium enterprises and recreation sector, cannot get their minds around. Being used to the spatial planning approach and more in general the Dutch 'polder' tradition, referring to the negotiation and consensus tradition characterising Dutch politics, the existence of hard non-negotiable policy objectives relating to nature comes as a hard and difficult to accept blow to them. Within the WMIJ, even long after its start, a surprising amount of time was spent on clarifying the inescapable or unavoidable status of Natura 2000 objectives. The binding status of nature objectives marks a significant departure from the Dutch spatial planning approach characterised by balancing various demands, but in which nature objectives now have become more dominant.

The WMIJ itself is different from the previous TMIJ organization and only consists of representatives of Flevoland and North-Holland, the ministries of I&M and EZ and RWS. It can be described as a network organization headed by a director and some staff and with a budget to hire external expertise. Officials from various sectors from the stakeholder organization could be called for just depending on what kind of expertise was necessary at a certain moment.

The legal perspective endorsed by the national government is explained in the RAAM-letter of 6 November 2009 addressed to the Parliament:

"Within each RAAM project all policy options with spatial consequences in and around the Marker/IJmeer should appropriately be assessed for their potential adverse effects on nature in the context of Natura 2000 [...] In the RAAM-brief, the government explains the intent necessary to achieve the TBES and commits itself to a meaningful first step. The TBES (as 'surplus' that intensification of land use within the nature laws should be made possible) must be of such a size, quality and robustness that it can mitigate the effects of urbanization and the cumulative effects of other policy options and other developments. The European Commission has sent a letter to the province of Flevoland on 8 April 2009 in which general support in principle is given to an approach based on nature inclusive planning and further noted that: "If the appropriate assessment leads to the conclusion that the plan, with all individual components, will not affect the natural characteristics of the area, or even that the plan will contribute to achieving the goals within the area, the competent national

authorities can agree to the plan.” (Optimalisatierapport WMIJ 2011; translation by authors)

From this moment on the key objective is to develop more cost-efficient alternatives for a TBES. In 2011 the Optimalisatierapport is published by the WMIJ which foresees in a package of €630m. The national Parliament is not yet convinced and asks the WMIJ to organise input from private parties. On 7 March 2012, market parties are invited by means of a so-called ‘Marktuitlevraag ecology’: a request to the market and private parties to contribute with ideas. The private parties are compensated financially for their contribution and in so doing the approach has more freedom and is better suited for exploring alternatives than a formal procurement procedure. Because of the open character of the *marktuitlevraag* a potential downside of the approach is that market parties will not show the back of their teeth and put their expert knowledge for grabs as they would have done in a procurement procedure.

Ten consortia of in total 35 companies are interested of which three consortia consisting of in total ten companies are selected in April 2012. Each consortium explores a specific element of the TBES.⁴⁵ The consortium Witteveen + Bos analyses alternatives for a marshland along the Houtribdijk; Grontmij, De Vries & Van der Wiel consortium focuses on sheltered zones along the North Holland coast; and consortium Tauw addresses the silt problem. On 13 July 2012 the consortia deliver their results. At the same time, in relation to the Marktuitlevraag but formally separated, Natuurmonumenten presents its own report concerning the Marker Wadden plan (Natuurmonumenten, 2012). This plan consists of the development of a wetland with island in the north-eastern part of the Markermeer.

On the basis of these outcomes and by combining several elements of the reports, WMIJ constructs three TBES alternatives (see Fig. 18):

- 1 Innovative TBES
- 2 Shelter measures North-Holland
- 3 Careful Marker Wadden

In so doing results in three further alternatives, presented in September 2012, against cost reductions of some €200m. Between them the alternatives vary from cautious to quite radically innovative, with varying degrees of uncertainty as regards their ecological effectiveness. Based on these three alternatives and a fourth alternative developed by Natuurmonumenten (the Marker Wadden), which is partly sponsored by a substantial fund from the Postcode Lottery, and negotiations between the national and provincial governments, the national government develops a so-called RRAAM-Structure vision. This structure vision, a formal planning instrument, will further guide developments in the area.

⁴⁵ WMIJ Nieuwsbrief juli 2012.





Overzicht PRA en varianten			
Plan voor TBES	kosten (mln €)	voordelen	nadelen
Basis / PRA 	fase 2: 200-280 fase 3: 430-600 <i>totaal: 630- 880</i>	<ul style="list-style-type: none"> • ecologisch compleet, • beperkt juridisch risico • acceptabel regionaal draagvlak • bewezen technieken: 'safe' 	<ul style="list-style-type: none"> •relatief duur
1. Innovatief TBES 	fase 2: 180-280 fase 3: 242-600 <i>totaal : 422- 880</i>	<ul style="list-style-type: none"> • ecologisch compleet • beperkt juridisch risico • acceptabel regionaal draagvlak • kans op kostenverlaging door innovatie (± 30% goedkoper) • benutten privaat geld NPL 	<ul style="list-style-type: none"> •kan duur uitvallen
2. Luwtmaatregelen NH 	fase 2: 266 - 364 fase 3: 89 - 343 <i>totaal: 355 – 706</i>	<ul style="list-style-type: none"> • prioriteit bij huidige N2000 knelpunten • bewezen technieken • mogelijk synergie met dijkversterking NH • goedkoper dan PRA (± 40%) 	<ul style="list-style-type: none"> • eenzijdig NH-kust • missen recreatiekans wetland • hinder recreatievaart • geen regionaal draagvlak • ecologisch minder compleet • juridisch risico
3. Behoedzaam Marker Wadden 	fase 2: 110-170 fase 3: 240-348 <i>totaal: 350- 518</i>	<ul style="list-style-type: none"> • ecologische systeemsprong • beperkt juridisch risico • groot regionaal draagvlak • benutten recreatiepotentieel • goedkoper dan PRA (± 40%) • benutten privaat geld NPL • mogelijk synergie met dijkversterking Houtribdijk 	<ul style="list-style-type: none"> •onzekere techniek •aanpak slibprobleem moet zich bewijzen •nader onderzoek naar effectiviteit N2000

Fig. 18. Three TBES alternatives. Source: WMIJ, 2012: 38

Risks of integration – RRAAM

Linking the TBES explicitly to the other projects (building houses and Infrastructure) under the RRAAM cooperation presents both a chance as well as a risk. The chance is that TBES is being taken more seriously. It remained a 'third wheel' on the RRAAM wagon, the general opinion was that this would be the last element of RRAAM to be developed, but at least an opportunity had been created to further develop the concept.

With the emergence of the RRAAM programme the NMIJ continuous on a parallel track. Within the RAAM-brief however, its relation to the RRAAM and the working association, in particular WMIJ, are made clear. In reality this translates in regular contact and exchange of information. Also the relation is more formally sealed by having Rijkswaterstaat, being responsible for NMIJ, as one of the stakeholders on board on WMIJ. The commissioning authorities are the ministry of I&M and EL&I. Whilst RRAAM is a project set-up by the cabinet, which means that the ministers council can end it abruptly if they feel the need to do so, the NMIJ is sealed by longer term contracts (up until 2015) making it a more robust programme. This has been done because testing and experimenting requires more time, something that is in particular relevant when for example weather conditions over the year appear abnormal, resulting in non-representative outcomes.

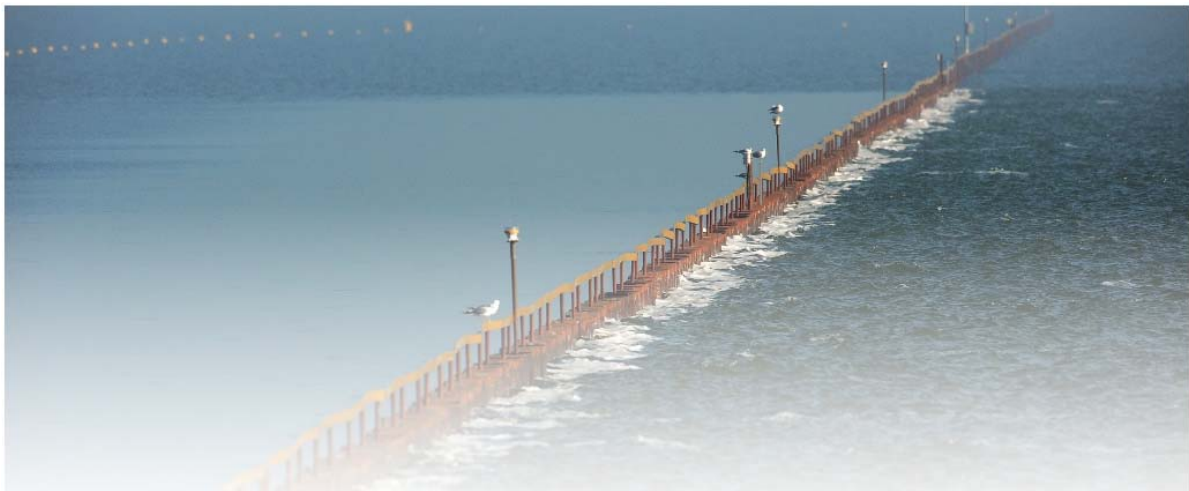
Box 3. Analysing the ecosystem

The ecosystem of the Markermeer-IJmeer as well as the IJsselmeerarea as such is analyzed through two separate but inter related programmes: the NMIJ and the ANT study. Both are briefly introduced below.

NMIJ – analysing, testing and experimenting with the ecosystem

As earlier indicated the national government reserved €25m for what has been called the Natuurlijk(er) Markermeer-IJmeer pilot project (NMIJ). The NMIJ project is officially started by State secretary Huizinga on 17 April 2008 during the presentation of the Ontwikkelingsperspectief TMIJ. Initially the name of the project was 'Nature factory' referring to the objective to let nature reproduce itself adding to an ever more robust ecosystem, but the minister of V&W did not like the name and hence it is now referred to as NMIJ. NMIJ operates separately but in close co-operation to the TMIJ cooperation and is managed by Rijkswaterstaat (RWS) under the responsibility of the national government. Its aim is to build more knowledge about the effectiveness of measures for a TBES and to contribute to the quality of nature in the Markermeer-IJmeer area (Ministerie V&W, 2009).

With a budget of €25m for a 6-year period (2009–2015) the NMIJ is expected not only to study the ecological system but also to conduct a number of experiments, tests and pilots in real life situations. Some part of the work is contracted out to third parties, often engineering companies. As regards the experiments this mainly concerns pilots relating to testing the effectiveness on the ecological system of sheltered zones and swamps. An example of such an experiment concerns a temporary dam structure near to the North-Holland coast by Warder, which, after successful testing, has been removed early 2012.



Temporary dams structure for the North Holland coastline at Warder as part of a pilot project within the TMIJ research programme in order to experiment with shelter zones. After successful testing the dam has been removed in 2012 (source: WMIJ Nieuwsbrief juli 2012).

Autonomous Negative Trend Study

In addition the government has reserved a budget of €3m for the period 2009–2015 for studying the autonomous negative trend.⁴⁶ The study aims to provide better knowledge about the reasons

⁴⁶ The Dutch name for the programme is: Autonome Neerwaartse Trend in het IJsselmeergebied.

for this negative trend and the effectiveness of various solution alternatives. It takes into account the whole IJsselmeergebied. In 2013 a report will be tabled to the ministry of EZ which will advise on feasible Natura 2000 objectives for the area. This will be done in relation to the NMIJ project which aims to produce advice by 2015 on the feasibility of nature objectives in relation to the TBES whose elaboration is subject to the work of WMIJ.⁴⁷

The ANT and NMIJ produce annual advice regarding the progress of knowledge development. A limited number of future visions form the basis for advice regarding designing and maintaining the IJsselmeer waters. The annual intermediary advices are based on the views and knowledge of leading scientists of the research consortium. In 2013 the final and definitive advice report will be issued by the Directors General staff of RWS to the ministry of EZ. This advice will first be tabled to the steering group OEIJ.⁴⁸

The ANT study is carried out in cooperation with the programme Building with Nature (EcoShape) by a research consortium consisting of Deltares, the University of Wageningen – WUR Aquatic ecology and water quality maintenance, the NIOO-KNAW, WUR-IMARES and IVM of the Free University of Amsterdam. Also there is active involvement of a variety of area experts of the RWS Centre of water management and RWS Measurement services.

Towards formal spatial plans and nature development

In preparation for the RRAAM-Structure vision various stakeholders, actors and the public were asked about to give their opinion about the RRAAM-plans and ideas. This included advice from the London School of Economics and various Dutch advice bodies.

In April 2013 the draft RRAAM-Structure vision was presented by minister Schultz (ministry I&M) politicians of the municipality of Almere and province Flevoland, and Guide van Woerkom (director of ANWB, acts as chairman of the RRAAM public acceptance process). Eventually the Dutch national parliament has to agree or disagree with this plan, which incorporates Almere's scale jump, infrastructure development and the TBES (see Fig. 19).

The draft RRAAM-Structure vision proposes an adaptive way a planning without fixed dates in which the development should be ready. Instead plans should be developed on the basis of tangible demand from the market. Especially it is stated that it is not requisite to make final decisions for the long run, although one of the ambitions of the plan is to "... save and recover substantial characteristics and values of Natura 2000 area Markermeer-IJmeer" (Ministerie I&M, 2013: 53). The adaptive planning concept includes the TBES, so there is no final decision about the proposed TBES-alternatives. However, initial stages of both the shelter measures near the coast of North-Holland and the plan to develop the Marker Wadden are included in the RRAAM-Structure vision. These are seen as initial states of TBES for which about €60m is available.

⁴⁷ Based on a project description by Deltares: <http://www.deltares.nl/nl/project/1210640/ant-autonome-neerwaartse-trend>.

⁴⁸ OEIJ refers to: Opdrachtgeversoverleg Ecologie IJsselmeergebied, which translates as something like Commissioning authorities consult ecology IJsselmeergebied.

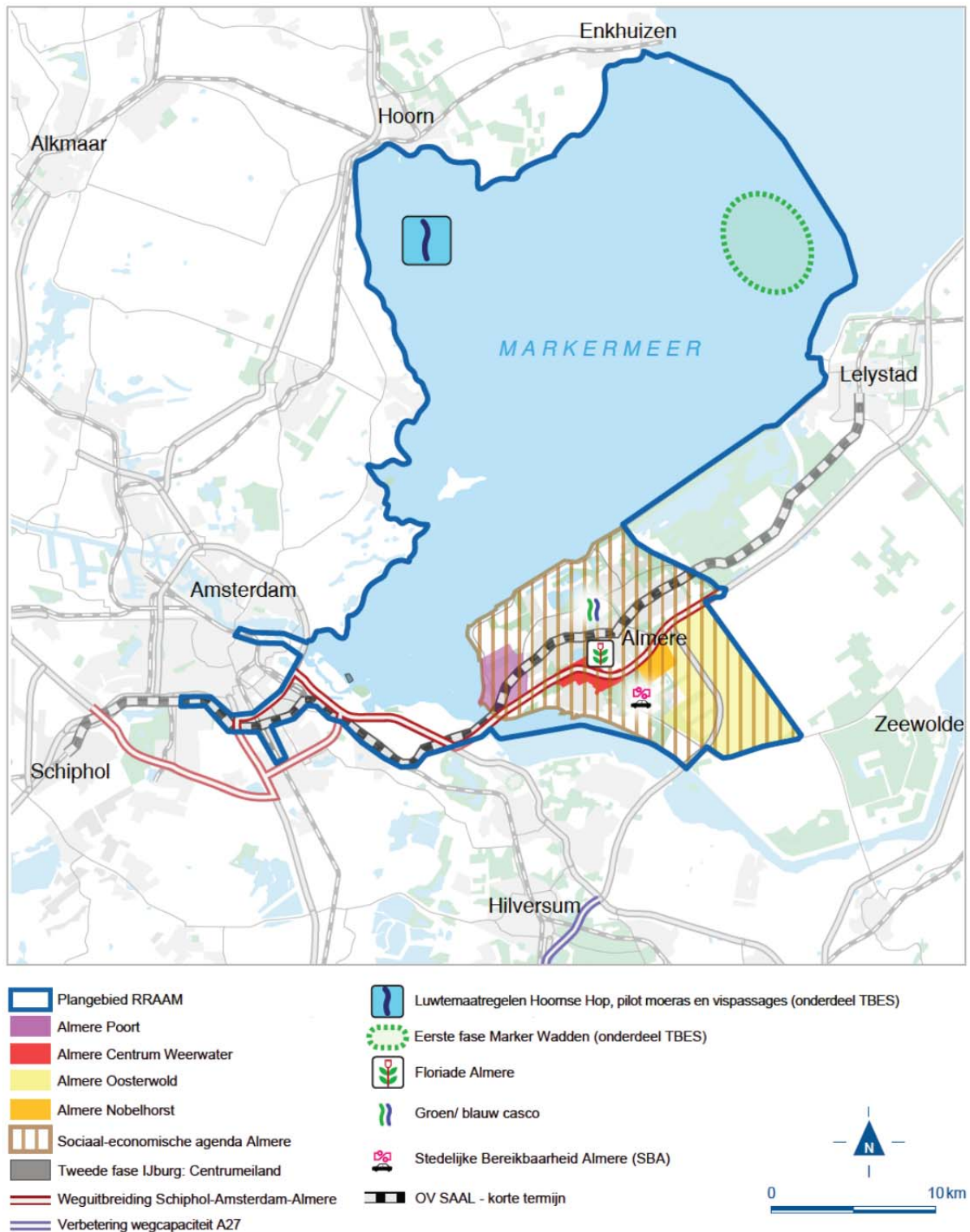


Fig. 19. Short and medium term plans in draft Rijkstructuurvisie Amsterdam–Almere–Markermeer. Source: Ministerie I&M, 2013: 38

Although, initially the general opinion was that TBES would be the last element of RRAAM to be developed, recent developments indicate that the initial stages of TBES can be the first elements of RRAAM to be developed. Due to the economic downturn in demand for housing is low, so within the concept of adaptive planning there is no need to make initial investments. By contrast for

there are funds available to invest in TBES. Particular the €15m Natuurmonumenten got from the Postcode Lottery seems to have triggered the planning of the Marker Wadden. In January 2013 the cabinet decided to grant another €30m to this project (€15m from the ministry of Economic Affairs and €15m from the ministry of I&M). There are several conditions for this funding one of which is that the Marker Wadden should be relevant for the realisation of the EHS and another is that the Marker Wadden should contribute to the Nature 2000 maintenance objective (Natuurmonumenten has to provide the evidence for this).⁴⁹

On 5 August 2013 a draft land use plan for the Marker Wadden was published by the municipality of Lelystad. This municipality even asked permission to speed up the legal procedures to finalize this plan.

Whether TBES in the RRAAM-Structure vision is 'Natura 2000-proof' is still to be seen. However in preparation of the structure plan, legal advice implies that, under condition of a clear, well-founded picture of the future aimed at active improvements of the ecological values and supported by appropriate monitoring and commitment to adjustment in case insufficient ecological results, the plans will probably satisfy the Nature 2000 requirements (WMIJ, 2012: 33).

TBES concerns nature development, whereas the Natura 2000 maintenance plan merely focuses on nature conservation. It is important to prevent that the two, TBES and Natura 2000 maintenance, will not diverge too much in contents and time. In particular as regards phasing TBES senses a high urgency for investment, which seems to lack in the maintenance plan. Moreover the research underlying the TBES shows that individual measures do not make much sense in the case of the Markermeer. Nature as well as the ecosystem is clearly better off by an integral approach aiming at improving the system as such, rather than conserving nature by means of fragmented improvements.

With regards to the compulsory Nature 2000 maintenance plan there are several unsolved issues. This plan can only be finalised when there is certainty about the total funding of the measures in the plan. At the moment this certainty does not exist. Also, there are some disputes about the responsibilities of the major stakeholders.

Conclusion

After a long and complicated process there are clear signs that the first stages of TBES will be developed in the coming years. This indicates that the contextualisation of Natura 2000 regulation by means of the TBES concept (despite the uncertainties surrounding it) seems quite promising. However, there are still various critical financial and governmental issues to be solved and uncertainties to be dealt with. Also the issue whether whole plan is Nature 2000 proof, is not clear. It seems that the proof of the pudding is in the eating.

⁴⁹ Source: Achtergrondinformatie Marker Wadden begroting, In: WOB-verzoek inzage documentatie Marker Wadden (bijlage1).

6 Conclusion: mechanisms for contextualisation

Governance situation

The Markermeer-IJmeer case is characterised by a complex governance situation in which over 80 different stakeholder organisations are involved. This includes public stakeholders from local, to regional and national authorities as well as private and semi-public stakeholders, NGO's and interest and lobby groups. Whereas the process is embedded in the North-Wing cooperation, currently indicated as Amsterdam Metropolitan Area, an informal meso-governance organisation, the provinces of North Holland and Flevoland had a coordinating role. Between them, Flevoland has been the most active, which can be explained from their interest in the development of Almere. Within time, however, North Holland became more interested as it identified new possibilities for recreational use of the Markermeer area, an agenda that the North Holland coastal municipalities are eagerly pushing. They do so in close collaboration with all kinds of leisure related private parties. At the same time several pressure groups are acting which generally push against development in the IJmeer area and in front of the North Holland Markermeer coast.

Several visions and policy reports have been developed as from 2004 onwards. The picture that emerges is one of concentric circles, with each policy document attracting and involving a wider set of stakeholders. In general, it can be argued that in about a decade time wide support has been generated for a TBES in the Markermeer-IJmeer area. The exact form of the TBES is yet subject to debate. A symposium in September 2012 where three TBES alternatives were presented clearly indicated the different views amongst various stakeholders, who together easily filled a modestly sized theatre.

Alongside the RRAAM several other national and regional policy programmes are developed which also influence the Markermeer-IJmeer development. An overview of the North Holland Chamber of Commerce indicates that no less than 13 different policies currently operate alongside each other and influence the area. Amongst them some quite important can be found such as the structure vision 'wind energy on land', which indicates a preference for large scale wind farms in the IJsselmeer-Markermeer area, the National Water Plan, the Delta Programme and region specific programmes seeking for reducing risk of flooding, the Natura2000 management plan as well as several local and regional initiatives.

All these developments position the two provinces of North Holland and Flevoland in a pivotal role. They are responsible for generating support wide local stakeholders as well as for coordinating all parallel policy programmes. The picture emerging is one of multiple policy networks operating in parallel in and around the Markermeer-IJmeer area, each of which mutually influencing each other.

er. Developing TBES involves several networks itself, which operate in a context of other policy networks impacting upon the Markermeer-IJmeer area. In sum, the governance situation can be characterised as pluri-centric with several governance networks operating alongside, in parallel and in (indirect or direct) interdependency of each other. The interdependency between networks is generally indirect in a sense that their outputs impact on the general level of support for and the feasibility, development and characteristics of the final TBES and its implementation and therewith conditions decision making in other networks.

At the same time the national government, represented by two ministries of I&M and ELI as well as RWS, a decentralised executive arm of the ministry of I&M, are centrally involved. Since the North-Wing letter the development of the TBES has always been organised in a multi-level-governance setting between the national and regional governments. In order to guide the work cooperation frameworks such as Randstad Urgent and RRAAM have been issued which indicate the roles of stakeholders and the objectives of co-operation. In other words, the operationalisation of TBES has always been discussed in a meta-governance context. The exact characteristics of the meta-governance context and how it impacts on decision making and preparation is subject to further analysis. In particular regional stakeholders suggest that the (quality of the) meta-governance frameworks and the role of the national government is not always clear and occasionally undermine the process.

Uncertainties

Technically the uncertainties relate to the effectiveness of individual measures and components of the TBES concepts as well as the combined result. This has to do with the scale of the project and the relative young ecosystem that the Markermeer-IJmeer, which was originally intended to be reclaimed from the sea, actually is. Some of the technical measures and components are truly innovative, such as those related to developing a wetland and reefs, and have never been applied at a large scale. Also the sum of the individual parts can only be modelled and simulated by computer models based on today's knowledge and assumptions.

Financially there is uncertainty over the feasibility of the project as such, which was initially estimated at an investment of €1bn. At the time when the TBES concept was coined first, around 2005, this amount of money was considered substantial but not impossible. In the current financial climate, however, with national and regional governments being subject to tough austerity measures in combination with a stronger emphasis on decentralised competences and policy implementation, raising sufficient public as well as private funds has become more complex. In particular also because of the high number of involved stakeholders but lack of clear project owner there is generally support for the project but some reluctance to express full and formal commitment.

From a legal perspective uncertainties rise in relation to the planning and stages along which the TBES will be implemented and to what extent this approach will be considered legally sound by, in this case, the administrative court of the Council of State. Also, the question is whether the TBES approach will be considered sufficient compensation for urban development related to Almere and major infrastructure as well as further recreational exploitation of the area. To this end and in-

spired by the air quality (NSL) and nitrogen programmes (PAS),⁵⁰ both of which also form a reaction on EU directives, a programming approach is adopted. In developing this approach it can be noted that the ministry of I&M is being informed by experts and that the ministry of EL&I, part of which is directly involved in the project, takes a passive position even though it has been responsible for formulating the legislation itself.

Also there is some uncertainty related to the governance process and its legitimacy. Being a vast area, a soft space with reasonably fuzzy boundaries, some over 80 different public, civic and private organisations are directly involved, most of which often represents an even wider set of stakeholders. In relation to the former point, about legal uncertainty, in the Dutch legal framework the quality of governance process matters as the administrative court puts much emphasis on procedures in their judgement. As such it is important who, i.e. which stakeholder, submits a case to the court and what its role has been in the process.

Contextualisation mechanisms

(Re)framing – perspective change: a nature inclusive approach

In terms of contextualisation it can be observed that a number of mechanisms are used. The TBES concept itself can be regarded a first step in the contextualising of regulation as it addresses multiple regulations, although in particular Natura 2000. Regardless whether it is regarded an expensive and perhaps overdone solution or as a smart efficient catch all solution, it is clear that the development of a robust ecological system solves a number of regulatory issues and benefits a wide range of stakeholders. As such the perspective change by taking a 'nature inclusive approach', a concept borrowed from a discussion in the Netherlands on local and regional development starting from the perspective of nature and environment rather than treating this as a rest category, has been important for contextualising regulation.

Governance and process

A second mechanism that is important for contextualisation concerns the governance dimension. Because of the scale, the soft space characteristics of the area and the lack of a single problem owner, governance is a key element to contextualise and interpret the several policy alternatives. In this sense the TBES concept or nature inclusive approach proves to be beneficial, too, as it helps to open the floor to a wide range of stakeholders. In particular the scale of the TBES, spanning the whole Markermeer-IJmeer area, and the promise of the concept in terms of solving the administrative and practical burden that Natura 2000 regulation (as well as other regulation) casts on initiative takers for more economically oriented projects by creating more flexibility through creating an ecological surplus results in an agenda that can attract support, be it implicit or explicitly. Turning the support into full commitment has proven to be a difficult step, but the importance of having an agenda that seems to hold something in it for everybody can hardly be underestimated.

⁵⁰ NSL refers to *Nationaal Samenwerkingsprogramma Luchtkwaliteit* (national cooperation programme air quality); PAS to *Programmatiese Aanpak Stikstof* (national programme nitrogen).

The support for the concept (but not necessarily for its implementation) has enabled the principle TBES agents, i.e. the provinces of Flevoland and North Holland, to pull off a governance process that included many relevant stakeholders, or at least did not, in a post political sense, exclude stakeholders beforehand. Moreover, and importantly, the quality of the process of developing and implementing the TBES concept has been carefully monitored throughout the process by commissioning several process assessments to external parties.⁵¹ Also, in the context of the RRAAM programme in total, including the housing and infrastructure projects, large emphasis has been put on the process and its legitimacy. Being one out of twelve show case projects RRAAM closely follows the recommendations 'Quicker and better' of the Committee Elverding.⁵² This committee studied the slow and difficult implementation of large infrastructure projects in the Netherlands and in essence puts much emphasis on 'better' stakeholder involvement and consultation in the development stages of a project in order to make its implementation 'quicker'. To this end a dedicated organisation⁵³ has been hired to organise the consultation process and advices on related issues. Part of this is a large number of symposia, meetings, workshops, presentations and so on.

There is another reason as well that explains the focus on the quality of the process and this has to do with the Council of State and how it assesses legal disputes. Importantly, in the context of EU Birds and Habitat directives the Council of State in particular focuses on the quality of the research underpinning a policy decision. The research on ecological, as well as on other environmental, processes can be very complex and research reports often count hundreds of pages.⁵⁴ The notorious case of Maasvlakte 2 resulted in a combined output of no less than 6,000 pages of research reports (and approval of the Council of State).

Programming approach

A third and more direct way of contextualising Natura 2000 regulation concerns the earlier mentioned programming approach. A programming approach differs from usual mitigation or compensation measures in a sense that it comprises of a number of measures that are interrelated in time and effectiveness. Judging several advisory reports commissioned by the Markermeer-IJmeer working association,⁵⁵ there are a number of problems in terms of its legal assessment and whether a programming approach can mitigate or compensate for economic development. First, with a plan horizon located somewhere between 2035 and 2040, the promise of the programming approach, or of the TBES as such, lies in a quite distant future. This means that no certainty can be given as regards its effectiveness and indeed implementation.

Second, the initiative taker for economic or urban development projects is not the same as the bodies that implement the TBES. A third problem is related to the timing and phasing and whether it is allowed to embark on urban development projects envisaged in the RRAAM context before

⁵¹ B&A Consulting (2010) *Procesevaluatie Toekomst Markermeer-IJmeer*, 25 mei, Deventer: B&A Consulting; Provincie Flevoland and B&A Consulting (2010) *Natuurlijke ontwikkeling in de samenwerking*, De lessen van TMIJ voor procesvernieuwing, Deventer: B&A Consulting.

⁵² Sneller en beter, Advies Commissie Versnelling Besluitvorming Infrastructurele Projecten, april 2008 (generally referred to as the Commissie Elverding, after its chairperson)

⁵³ This concerns the Centrum voor publieksparticipatie [centre for public consultation], which is a spin-off of the Committee Elverding (<http://www.centrumpp.nl/>).

⁵⁴ The working document for the appropriate assessment of the RRAAM project, as part of a larger environmental impact assessment, for example counts 249 pages: Ministerie I&M (2012) *Werkdocument Passende beoordeling RRAAM*, Verkenning gevolgen voor Natura 2000-instandhoudingsdoelstellingen tbv PlanMER RRAAM, November 2012, DHV/Ministerie I&M.

⁵⁵ A. Freriks, *Nader Advies juridische strategie RRAAM*, 27 augustus 2012; AKD, *Juridische strategie structuurvisie Amsterdam-Almere-Markermeer*, 21 augustus 2011;

or at the same time of implementing mitigating or compensatory measures. Following a general information report on Natura 2000 by the Council of State mitigation has to occur beforehand. However, the committee on environmental impact assessment⁵⁶ states in relation to the nitrogen programme that some worsening effects may be allowed if precautionary measures in combination with proper monitoring, loop-back mechanisms and alternative measures are taken that guarantee improvement on the longer term.

Bound for contextualisation

In an intermediate advisory report specifically dealing with the RRAAM programme it however follows the conclusions of the appropriate assessment and indicates that the first stage of TBES measures should be realised, and in some cases even some second stage measures, before the development of infrastructure and houses.⁵⁷ Also there is the provision, in article 6.1 of the Habitat Directive, that the condition of the overall network at the national level should be of good quality, rather than each individual Natura 2000 site on its own. Whereas this may grant some leeway it should however be made clear how also a less performing site contributes to the national network. Moreover, article 6.2 of the same directive requires that, even if desired conditions are not met, a further decline in each Natura 2000 site should be avoided or addressed. This is relevant for the Markermeer area in particular because of the ANT. It is not clear, however, from the jurisprudence (national as well as from the European Court) how strong this obligation is. There is discussion on the issue whether article 6.2 allows a temporary decline under certain conditions or not. An extensive report on Natura 2000 in the Netherlands (Backes et al., 2011) is of the opinion that article 6.2 does not contain an absolute inhibition on decline. Given all these issues in relation to the TBES the general impression is that, in particular in relation to types experiencing an autonomous negative trend, it is questionable whether the Habitat directive and the Dutch Nature protection act allows the development of infrastructure and houses before taking any nature conservation/restoration measures.

Whereas the contextualisation of Natura 2000 regulation by means of the TBES concept (despite the uncertainties surrounding it) seems quite promising, it is perhaps the road towards contextualising that deserves most attention. Rather than the contextualising itself, which in fact does not depart from central regulation but aims to find solutions within the existing regulatory framework, the road travelled to get at the current point is perhaps of more importance as it involves a number of strategies and governance 'tricks', such as:

- Getting national government interested
- Meta-governance
- National policy programmes, conditions and working association

Whether these are all the 'tricks' there are or whether they are successful has still to be seen. In a way these paved road to contextualisation, though without reaching the final destination.

⁵⁶ This is the Commissie m.e.r. which has a very central position in Dutch environmental policy implementation as it scrutinises all environmental impact assessments as well as appropriate assessments in the context of Natura 2000. See: Commissie m.e.r. (voor de milieueffectrapportage), Programmatie aanpak stikstof (PAS), Advies van de Commissie m.e.r. 12 juli 2012, rapportnummer 2540-168.

⁵⁷ Commissie m.e.r. (voor de milieueffectrapportage), Rijk-regioprogramma Almere, Amsterdam Markermeer (RRAAM), Tussentijds toetsingsadvies over het milieueffectrapport, 3 september 2012 / rapportnummer 2518-213.

Annex: overview of organised major stakeholders Markermeer-IJmeer

Regional key stakeholders

Staatsbosbeheer

Staatsbosbeheer is commissioned by the Dutch government and manages a sizeable amount of the nature reserves in the Netherlands. Central to its mission is working towards a sustainable living environment for man, plant and animal. Staatsbosbeheer maintains, restores and develops natural and cultural landscapes. It aims to share the enthusiasm and care for national heritage by opening sites to the public as much as possible, and by promoting outdoor recreation. As a public organization, Staatsbosbeheer works for and on behalf of society. It cooperates actively with Dutch citizens and the organizations and institutions which represent them. It aims to contribute to the production of environmentally friendly, renewable resources such as timber.⁵⁸

- Maintains several nature reserves surrounding the Markermeer and IJmeer amongst which: Diemervijhoek (Gooise coast), Waterland Oost, Hoekelingse Dam, Lepelaarplassen, Oostvaardersplassen. The latter is one of the largest nature reserves in the Netherlands and directly borders the Markermeer. Staatsbosbeheer also is a provider of nature oriented recreation and leisure.
- Staatsbosbeheer is the foreseen maintainer of to be developed nature areas in the IJmeer/Markermeer.

Natuurmonumenten

Natuurmonumenten (Society for preservation of nature monuments in the Netherlands) is a Dutch organisation founded in 1905 by Jac. P. Thijsse, that buys, protects and manages nature reserves in the Netherlands. The first area that the organisation purchased in 1905 was to protect the Naardermeer in the province of Noord-Holland. The organisation had 355 sites under management in the year 2010, with a total area of 1029.51 km². The largest is De Wieden (58.47 km²) and the smallest is Fort Ellewoutsdijk (0.01 km²). The organisation also owns 1700 buildings, of which 250 were provincial or national monuments. In 2010 the organization had 768,000 members and it is Headquartered in 's-Graveland.⁵⁹

⁵⁸ See: <http://www.staatsbosbeheer.nl/English.aspx>.

⁵⁹ See: <http://www.natuurmonumenten.nl/> and <http://en.wikipedia.org/wiki/Natuurmonumenten>.

- Owns several nature reserves around the Markermeer and IJmeer: IJdoorn, Naardermeer, Vechtplassen.
- Natuurmonumenten has positioned itself in the 'IJburg battle' and in so doing committed itself to the IJmeer–Markermeer.
- The IJmeer and Markermeer, together with the IJsselmeer, Naardermeer and Vechtplassen are part of the Dutch ecological main structure (EHS) and the so-called Water Axis (*Natte As*). Both are deemed essential elements to Natuurmonumenten for preserving space for developing nature in the Netherlands.
- Natuurmonumenten has a structural alliance with the Postcode Lottery since 1990 and received €15m in 2013 in order to develop the Marker Wadden, as part of the TBES.

ANWB (Royal Dutch Touring Club)

Established in 1883 and with 3.9 million members the Royal Dutch Touring Club ANWB is the largest club in the Netherlands. It offers a wide range of services related to roadside assistance and medical and repatriation assistance abroad, legal assistance, travel, information products, insurances, selling travel related products and many other products and services in the areas of recreation, tourism and mobility. Furthermore, the ANWB is active in lobbying in the fields of driving, mobility, travel and recreation.⁶⁰

- The ANWB lobbies for interests of its members in relation to locomotion and tourism and recreation.
- Important key interests are recreation near home and smart (inter modal) mobility.
- Recreation near home aims to solve and to put on the agenda the mismatch between demand and supply of recreational facilities in and around urban regions.
- Smart mobility aims to combine several transport modalities into one functional network. This is in particular necessary in metropolitan areas where accessibility and variety of many destination is under pressure.
- Guido van Woerkom, director of ANWB, acts as chairman of the RRAAM public acceptance process.

Provincie Noord-Holland

Important issues for the province of Noord-Holland are: preservation and improvement of spatial quality of IJmeer and surroundings. In particular the quality and quantity of the water (drinking water and storage), quality of recreation (nature vs recreation), quality of the urban development and safety in relation to the water level of the IJmeer.

Provincie Flevoland

Is the twelfth and youngest Dutch province established in 1986 and covering three reclaimed polders from the former Zuiderzee/IJsselmeer. With 395.000 inhabitants (1 January 2012) it is a small province with the objective to grow, in particular around new town Almere. Its main interests are:

⁶⁰ See also: <http://www.anwb.nl/over-anwb/vereniging-en-bedrijf/organisatie/english-page>

- Development of water front of cities of Lelystad and Almere
- Improve accessibility within the North wing by means of amongst others and additional connection via the IJmeer.
- Sees opportunities to improve nature on the level of the wetland IJsselmeer area as whole (including the lakes between the new polders and old land, called Randmeren, as well as inland marshlands).

Municipality of Almere

From the moment of its establishment in 1976, Almere has been one of the fastest growing cities in Europe. Since its initial development as a suburban area east of Amsterdam, it has grown into the status of Holland's most exemplary new town. In just 36 years it has attracted over 195,000 residents and 14,500 businesses. Almere is the largest city in the province of Flevoland and the seventh largest city in the Netherlands and has the ambition to become the fifth largest city within twenty years.⁶¹

- Almere has a desire for a concrete vision on the future development of the IJmeer because of its intention of developing the city towards the IJmeer.
- The college of burgomaster and alderman made a decision for the development of a city on the IJmeer.

Municipality of Amsterdam

- Amsterdam has after the completion of IJburg no further possibilities for urban extension on its own territory and will be fully dependent on inner urban development. In the period 2010-2030 some 50.000 dwellings can be realised. This accounts for 1/3 of the regional task, which is estimated at 150.000 dwellings for the North Wing.
- Inner urban development contributes to controlling transport and environmental effects. Densities will increase and add to Amsterdam's urban character. Providing recreational facilities in the direct surroundings of the city become more important. Water recreation typically fits well within the region.
- In order to function as one functional urban system (Amsterdam/Almere) a network of connections and urban centres is necessary.

National key stakeholders

Ministry of VROM

Former ministry of Housing, Spatial Planning and the Environment. Merged in 2010 with the ministry of Transport, Public Works and Water Management into the new ministry of Infrastructure and Environment. This ministry played a significant role in Dutch national spatial planning.

⁶¹ See: <http://english.almere.nl/the-city-of-almere/>

Ministry of V&W

Former ministry of Transport, Public Works and Water Management. Ministry of Economic Affairs ministry of Housing, Spatial Planning and the Environment into the new ministry of Infrastructure and Environment.

Ministry of LNV

Former ministry of Agriculture, Nature and Food Quality. Merged in 2010 with ministry of Economic Affairs into the new ministry of Economy, Agriculture and Innovation .

Ministry of Economic Affairs

Ministry of Economic Affairs. Merged in 2010 with the ministry of Agriculture, Nature and Food Quality into the new ministry of Economy, Agriculture and Innovation. In 2012 this ministry was renamed into Ministry of Economic Affairs.

Ministry of I&M (Infrastructure and Environment)

Name of the merger in 2010 between the ministries of Transport, Public Works and Water Management and Housing, Spatial Planning and the Environment. Although spatial planning belongs to this ministry its role is rather limited. Most of the spatial planning issues are dealt with at provincial and municipal levels.

Ministry of EL&I (Economy, Agriculture and Innovation)

Name of the merger between the ministries of Economic Affairs and of Agriculture, Nature and Food Quality in 2012. Name of this ministry was changed to ministry of Economic Affairs in 2012.

Rijkswaterstaat (RWS) IJsselmeergebied

Rijkswaterstaat is the executive arm of the Dutch Ministry of Infrastructure and the Environment. On behalf of the Minister and State Secretary, Rijkswaterstaat is responsible for the design, construction, management and maintenance of the main infrastructure facilities in the Netherlands. In order to carry out these tasks effectively and efficiently there is a national organisation as well as 10 regional departments, RWS IJsselmeergebied being one of them. Amongst them the ten regional departments have the responsibility over 19 road districts and 16 water districts. The water district IJsselmeergebied that includes the IJsselmeer, Markermeer and Randmeren is one of these water districts and is managed and maintained by RWS IJsselmeergebied.⁶²

⁶² <http://www.rijkswaterstaat.nl/en/>

References

Adviesgroep Huys (2009) *Meer dynamiek bij de uitvoering van nationale en Europese natuurwetgeving; Perspectief voor een programmatische aanpak*.

Alexander, E.R. (2002) Metropolitan regional planning in Amsterdam: a case study. *Town Planning Review* 73(1), pp. 17–40.

ANWB, Natuurmonumenten, Staatsbosbeheer, Gemeente Almere, Gemeente Amsterdam, Provincie Flevoland & Provincie Noord-Holland (2005) *Toekomstvisie IJmeer. Naar een waterpark IJmeer binnen het wetland IJsselmeer*.

B&A groep (2010) *Procesevaluatie Toekomst Markermeer-IJmeer*. Deventer.

Backes, C.W. (2000) Veel habitat, weinig richtlijnen? Enkele opmerkingen over interpretatie en rechtsgevolgen van de Habitatrichtlijn. In: C.W. Backes, J.A.W.M. Ponten & F. Neumann, *Gemeenten en de Vogel- en Habitatrichtlijnen*, VMR 2000-4, Boom Juridische Uitgevers, Den Haag

Backes, C.W., M.P. van Veen, B.A. Beijen, A.A. Freriks, D.C.J. van der Hoek & A.L. Gerritsen (2011) *Natura 2000 in Nederland: juridische ruimte, natuurdoelen en beheerprocessen*. PBL, Den Haag.

Beijen, B. (2010) *De kwaliteit van milieuriichtlijnen; Europese wetgeving als oorzaak van implementatieproblemen*. Boom Juridische Uitgevers, Utrecht.

CEC – Commission of the European Communities, Directorate General Environment (2009) Beoordeling van een strategisch natuurinclusief projectplan voor Markermeer en IJmeer. In: Flevoland, Noord-Holland, Almere, Amsterdam, Lelystad, Waterland, Zuiderzeeland, ANWB, Staatsbosbeheer, Natuurmonumenten, Randstad Urgent, *Onderzoeksbundel – Achtergronddocument bij het Toekomstbeeld Markermeer-IJmeer*, Provincie Flevoland, Lelystad, pp. 6–8.

CMER (Commissie voor de milieueffectrapportage) (2010) *De praktijk van gebiedsontwikkeling. Ruimtelijke ontwikkeling gezien vanuit de m.e.r.-praktijk*. CMER, Utrecht.

Dalm, V. (1999) Moreel hebben we gewonnen. De campagne van het Referendumcomité. In: P. Neijens & P. van Praag (eds), *De slag om IJburg*. Het Spinhuis, Amsterdam, pp. 27–44.

De Lange, L. & M. Milanovic (2009) *Plan Amsterdam: De afronding van IJburg*. Dienst Ruimtelijk Ordening Gemeente Amsterdam, Amsterdam.

Deltacommissie (2008) *Samen werken met water; Een land dat leeft, bouwt aan zijn toekomst*. Den Haag, 3 september 2008.

DHV (2009) De fasering van het Toekomstbestendig Ecologisch Systeem. In: *Flevoland, Toekomstbeeld Markermeer-IJmeer*, Onderzoeksbundel, Provincie Flevoland, Lelystad, pp. 12–41.

Frieling, D.H. (2006) *Het Markermeer als kans*. Vereniging vrienden van de Markerwaard, Lelystad.

Gemeente Almere (2005) *Reader Mini-symposium IJmeer in Almere op 5 maart 2005*. Almere.

Gemeente Amsterdam (2009) *Toelichting bestemmingsplan IJburg tweede fase*. Amsterdam.

Hagens, J.E. (2010) *The performance of landscape concepts in spatial planning. Branding, bonding and bringing about*. Proefschrift Universiteit Wageningen.

HAGV (Hoogheemraadschap Amstel, Gooi en Vecht) (2009) *Waterbeheerplan Amstel, Gooi en Vecht (AGV) 2010–2015 Europese Kaderrichtlijn Water (KRW)*. Amsterdam: HAGV.

Jans, L., S. Stuijzand, E. Lammens & M. Platteeuw (2005) *Eindrapport Monitoring ROM IJmeer. Analyse van de ontwikkeling in de periode 1995–2003*. Rijkswaterstaat RIZA, Lelystad.

Kinder, K. (2011) Planning by intermediaries: making cities make nature in Amsterdam. *Environment and Planning A* 43(10), pp. 2435–2451.

Koolhaas, T & E. Marcusse (2006) *Atelier IJmeer 2030+*. Uitgeverij 010, Rotterdam.

Koppe, I. (1999) Campagna-activiteiten. In: P. Neijens & P van Praag (eds), *De slag om IJburg*. Het Spinhuis, Amsterdam, pp. 11–23.

Lupi, T. (2008) *Buiten wonen in de stad: de place making van IJburg*. Aksant, Amsterdam.

Ministerie I&M (2009) *Randstad Urgent, Randstad-Besluiten: Amsterdam-Almere-Markermeer: RAAM-brief, november 2009*. Den Haag.

Ministerie I&M (2013) *Ontwerp Rijksstructuurvisie Amsterdam-Almere-Markermeer*. Den Haag.

Ministerie V&W (2007) *Een ander IJsselmeergebied*, Den Haag.

Ministerie V&W, Ministerie VROM & Ministerie LNV (2009) *Beleidsnota IJsselmeer 2009–2015*. Den Haag.

Ministerie V&W, Ministerie VROM & Ministerie LNV (2009) *Nationaal Waterplan 2009–2015*. Den Haag.

Natuurmonumenten (2012) *'Marker Wadden, sleutel voor een toekomstbestendig Markermeer' aangeboden aan de WMIJ op 13 juli 2012, opgesteld door Natuurmonumenten in samenwerking met advies- en ingenieursbureau DHV.*

Neijens, P. & P. van Praag (2006) The dynamics of opinion. Formation in local popular referendums: Why the Dutch always say no. *International Journal of Public Opinion Research* 18(4), pp. 445–462.

PBL (Planbureau voor de Leefomgeving) (2009) *Berekening natuureffecten Markermeer; Maatschappelijke kosten en baten van verstedelijkingsvarianten en openbaarvervoerprojecten voor Almere.* PBL, Den Haag/Bilthoven.

RWS (Rijkswaterstaat) (2009) *Programma Natuurlijk(er) Markermeer-IJmeer 2009–2015.* Rijkswaterstaat Dienst IJsselmeergebied, Lelystad

Samenwerkingsverband Markermeer-IJmeer (provincie Flevoland, Noord Holland, gemeente Almere, Amsterdam, Lelystad, Waterland, waterschap Zuiderzeeland, Ministerie LNV, Ministerie V&W DG Water, Ministerie V&W RWS, Ministerie VROM, ANWB, Staatsbosbeheer, Vereniging Natuurmonumenten) (2009) *Toekomstbeeld Markermeer-IJmeer, Natuurlijker ontwikkelen.* Provincie Flevoland, Lelystad.

Soeterbeek, F. & A. Rijckenberg (2007) *Een dubbele schaalsprong zonder vangnet. Visieproces IJmeer 2005–2006.* Habiforum, Gouda.

Spaans, M., H. de Wolff & H. Priemus (1993) *Aanpak van grootschalige bouwprojecten. Bouwstenen voor de organisatie van Amsterdam Nieuw-Oost.* Delftse Universitaire Pers, Delft.

Steenbergen, J.J.M. & T.J. van Bemmelen (2011) Land. If you don't have it, create it: The case of IJburg, Amsterdam. *Irrigation and Drainage* 60(S1), pp. 4–10.

RMNO (Raad voor Ruimtelijk, Milieu- en Natuuronderzoek) (2008) *Second Opinion over de beleidsdocumenten Markermeer-IJmeer.* RMNO, Den Haag.

Van den Heiligenberg, T. & F. Lulofs (1999) Schatten van het IJmeer. De campagne van de Vereniging Natuurmonumenten. In: P. Neijens & P van Praag (eds), *De slag om IJburg.* Het Spinhuis, Amsterdam, pp. 45–60.

Van der Valk, A. (1996) De productie van woningbouw in Amsterdam: de compacte stad in de knel. *Rooilijn* 29(1), pp. 73–79.

Van Rijswick, H.F.M.W. & J.J.M. Havekes (2012) *European and Dutch Water Law.* European Law Publishing, Groningen.

Vereniging Deltametropool (2004) *Samenvatting Verkenning IJmeer.* Vereniging Deltametropool, Delft.

VROM-raad (2008) *Brussels lof; Handreikingen voor ontwikkeling en implementatie van Europees recht en beleid*. Advies 066. VROM-raad, Den Haag.

WMIJ (Werkmaatschappij Markermeer-IJmeer) (2012) *Een toekomstbestendig Markermeer-IJmeer: Eindrapport Werkmaatschappij Markermeer-IJmeer*. 27 September 2012.

Zonneveld, W, J.J. Trip & B. Waterhout (2008) *Impact van EU-regelgeving op de Nederlandse ruimtelijke-ordeningspraktijk; vijf voorbeelden van gebiedsontwikkeling*. OTB, Delft.

Zwanikken, T.H.C. (2001) *Ruimte als voorraad? Ruimte als variëteit! De consequenties van discourses rondom 'ruimte als voorraad' voor het rijks ruimtelijk beleid*. Proefschrift Katholieke Universiteit Nijmegen.

Zwart, IJ. (2009) Hoe zit het nou ... In: *Flevoland, Toekomstbeeld Markermeer-IJmeer, Onderzoeksbundel*, Provincie Flevoland, Lelystad, pp. 42–55.

Urban Regions in the Delta

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