

# Reimagining Strategic Land Assembly in a Shifted Spatial Reality

Exploring the possibilities and obstacles that Dutch municipalities experience during strategic land assembly processes

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# Preface

It is with utmost pleasure and a healthy amount of relief that I hereby present my master thesis, the final product of the Spatial Planning master program at Utrecht University. In moments of these, in which a part of life is in some way closed, I like to think back about what has been the starting point of the journey that has led me to the moment of writing these words. Ever since the moment of commuting to my high school by bike, I have been fascinated by spatial developments. During these commutes, I would passionately tell my friends about the things I had heard (most often from my grandfather) about the spatial developments we biked across. While the interest in these developments of my friends declined every time I started talking about it, mine only raised. Little did I know during these commutes that I could actually study the subject I was so passionate about. That there were other people that did not get bored out by my wonderful stories about spatial planning. Bewildered was I during the open day of the bachelor of Human Geography and Spatial Planning, when I first experienced that a talk about spatial planning could be more than a monologue: a two-way conversation with someone who shared my passion. From that moment on, I knew that I would sign up for this bachelor and only follow courses in spatial planning, to later sign up for the master of Spatial Planning, which has at last brought me to the moment of writing this preface.

Edwin, I would like to use this opportunity to thank you for a number of reasons. Firstly, for your interesting and valuable lectures that planted the seeds for writing my thesis on this topic. Secondly, for enabling the opportunity of doing an internship at BZK. And most importantly, for all of your valuable advice and feedback, your flexibility and approachability and especially for helping me get back on track during moments of losing direction.

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## **Abstract**

This research explores the possibilities and obstacles that Dutch municipalities experience during strategic land assembly processes, addressing a significant gap in existing planning literature. This research employs a case study approach, focusing on the municipalities of Haarlemmermeer, Eindhoven, 's-Hertogenbosch and Enschede. Using qualitative methods such as document analysis and stakeholder interviews, the study provides an in-depth examination of these municipalities' approaches of strategic land assembly. The findings show a diverse range of definitions and operational practices of strategic land assembly among the examined municipalities. Municipalities currently pursue more focused and selective approaches to strategic land assembly, reflecting a shift from past practices of broader, less targeted practices to more deliberate and context-sensitive strategies.

## **Key concepts**

Strategic land assembly, active land policy, public land banking, land management

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# Introduction

The Dutch national government is currently grappling with unprecedented challenges in managing its living environment, which is under high pressure (Planbureau voor de Leefomgeving [PBL], 2021; Sociaal-Economische Raad [SER], 2024; Staatscommissie Demografische Ontwikkelingen 2050 [SDO], 2024). This pressure is the result of various spatial challenges such as scaling up green energy production, addressing climate change impacts, conserving biodiversity and nature, enhancing the sustainability of its agricultural sector and addressing the housing shortage (PBL, 2021). Although all these spatial challenges are of different nature, they have one thing in common: they take up a claim on the already scarce amount of land in the Netherlands (PBL, 2021; SER, 2024; SDO, 2024).

In light of these challenges, there is a growing call in Dutch society for the national government to take more responsibility than it is currently doing (Sociaal en Cultureel Planbureau [SCP], 2023). Dutch citizens reckon that society should not have to fully rely on themselves or the private sector for matters such as housing, healthcare and energy. Inherently linked to this call for more responsibility is the increasing call in Dutch society and politics for the national government to take on a more directive role in the planning of the country (PBL, 2021; SER, 2024; SDO, 2024). As a result of the decentralization of the Dutch planning system in the past few decennia, the national government has increasingly taken on a more regulatory responsibility over this system (Roodbol-Mekkes et al., 2012; Claassens et al., 2020; PBL, 2021). Current spatial challenges do however necessitate that the national government does not limit itself to its systematic responsibility but also adopts a more results-oriented approach by taking on a more directive role in the country's planning (PBL, 2021). The return to some degree of national direction is argued to align with the long-standing, robust culture of spatial planning as developed in the Netherlands (SDO, 2024).

The Dutch national government has responded to these calls by underscoring its aim to fulfil a more active and directive role in the spatial development and planning of the country (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties [BZK], 2022a, 2022b, 2022c, 2023c, 2024). By taking on this role, it aims to ensure a fair distribution of land and maintain or improve the quality of the living environment. To better understand how it can effectively fulfil these ambitions, the Dutch national government has issued two studies into how this role could be shaped (Deloitte 2021a; 2021b). On basis of these studies, the national government has stated to be looking into how it can better support municipalities in pursuing more active land policy in terms of capacity, financial resources and expertise (BZK, 2021). Next to this, in the past few years the national government has been looking into the possibilities on how it can strategically utilize its land stock to improve the availability of land and to support and fasten desired spatial developments (BZK, 2021, 2024). In a letter to the Dutch parliament in 2024, the Dutch Minister of the Interior and Kingdom Relations De Jonge announced that the Central Government Real Estate Agency (*Rijksvastgoedbedrijf (RVB)*) would be granted more leeway in managing and utilizing the land stock of its ministry. Through this, the RVB is expected to be able to more effectively realize the spatial objectives of the national government (BZK, 2024). Through this letter, the minister has announced the ambition of the national government to increasingly utilize its land stock to realize its spatial objectives.

The current amount of land in hands of the national government is, however, not inexhaustible (BZK, 2024). The strategic use of public lands for the prevailing spatial challenges will in the long-run lead to a depletion of public lands owned by the national government (BZK, 2024). In addition, it is crucial to acknowledge that the current land holdings of the national government may not be situated in optimal locations to address the aforementioned spatial challenges effectively. As such, a strategic utilization of public lands will also require for a timely and strategic acquisition of lands. By proactively and strategically assembling land to secure its availability, affordable prices can be assured (Evans, 2004).

This has also been emphasized by the Dutch national government, which argues that it will need to maintain its land stock levels to secure the effective and flexible use of public lands in the future (BZK, 2023b, 2024). This does however come with two hardships. Due to budget cuts in the (national) government, including the abolishment of the Ministry of Housing, Spatial Planning and the Environment (*Ministerie VROM*) in 2010 and the Rural Area Service (*Dienst Landelijk Gebied*) in 2015, there is a lack of knowledge, expertise and capacity on (strategic) land assembly and land policy in the Dutch government (Raad voor de Leefomgeving en Infrastructuur [RLI], 2021, 2023; SER, 2023). Moreover, there is a lack of (empirical) knowledge on strategic land assembly planning literature (Van Dijk & Kopeva, 2006; Louw, 2008; Meijer & Jonkman, 2020; Sasu et al., 2022).

In an extensive literature review, Louw (2008) has noted that land assembly processes and their wider effects have hardly been conceptualized in planning literature. For this reason, Louw has aimed to conceptualize land assembly processes and their wider effects in the Dutch institutional context, through a case study of 's-Hertogenbosch. This study was however limited to the local level and focussed on the effectiveness towards facilitating urban development. Van Dijk and Kopeva (2006) have furthermore noted that the concept of land assembly has been much ignored in planning literature. For this reason, they have attempted to fill this gap by providing a comparative description of the Dutch and Bavarian practices of land assembly. Even though this research is relevant for better understanding past experiences of land assembly in The Netherlands, it does not provide information on contemporary practices. Spit (2018) has identified controversies of land assembly on a regional level in the institutional context of The Netherlands, putting forward a number of tensions that arise from this practice in terms of efficiency, effectiveness and legitimacy. Meijer and Jonkman (2020) have studied the factors influencing the behaviour of two Dutch municipalities in their application of land policy instruments. This study did however not specifically focus on strategic land assembly. Moreover, the focus of this study was limited to the application of land policy instruments for densification.

As of such, it can be concluded that there is a lack of knowledge and expertise in the national government to formulate a framework for strategic land assembly. Next to this, there is a lack of knowledge on strategic land assembly in planning literature. Therewith, the aim of this study is to get to a better understanding of strategic land assembly, both to inform national strategies and to close the gap of knowledge in planning literature. To gather this knowledge, this study will focus on strategic land assembly practices by Dutch municipalities. Several factors justify this focus. Firstly, strategic land assembly is mostly practiced on the local level (Spit, 2018; Krigsholm et al., 2022). Secondly, the scope and nature of land assembly activities vary across countries due to differing institutional contexts, which makes studying the Dutch context preferable for gaining comprehensive insights (Newman & Thornley, 2002; Louw, 2008). Lastly, in the Dutch institutional context municipalities play the most central role in spatial policy (Van der Krabben & Jacobs, 2013). As such, valuable lessons can be drawn from Dutch municipalities regarding their experiences with strategic land assembly (Meijer & Jonkman, 2020).

In light of these observations, it becomes apparent that both the national government and planning literature lack sufficient understanding of strategic land assembly. Consequently, this study aims to investigate the opportunities and obstacles faced by municipalities during strategic land assembly processes, with the aim of informing national strategies and bridging the gap in planning literature. This brings us to the following research question:

**Which possibilities and obstacles do Dutch municipalities experience during strategic land assembly processes?**

## 1.1 Reading guide

The following chapter (1) will provide for the theoretical foundation for this further research through a critical examination of relevant literature on land, land markets, land policy and (strategic) land assembly. Chapter 2 will detail the methodological foundation for this research. It will outline the research design, methodology, and data collection methods employed to investigate strategic land assembly. Chapter 3 presents the results of the analysis conducted based on the theoretical and methodological foundations. It will first separately delve into the findings of the four cases, after which this chapter ends with a comparison between the cases. Chapter 4 will answer the main research question based on the findings of the previous chapter and will critically discuss the process and implications of this research.



# 1. Theoretical framework

As previously stated, the aim of this chapter is to establish the theoretical foundation for this research. The examination of relevant literature will be structured systematically through a funnel approach. As such, this chapter will start off with an exploration of literature on 'land' (1.1), aiming to construct a conceptual understanding thereof, which in turn underpins the interpretation of literature discussed in subsequent sections. Preceding sections will discuss the markets on which land is traded (1.2) and the instruments that governments can utilize to intervene in these markets (1.3). Followingly, this chapter will dive into literature that more closely relates to the locus of this study: land assembly and land banking (1.4). As of the lack of scientific literature on strategic land assembly, which also constitutes the rationale for conducting this research, this chapter will end with a concise review of non-scientific literature on strategic land assembly (1.5).

**Figure 1:** Structure of the theoretical framework



*Source: author*

## 1.1 Land, a pseudo-commodity

This first section will investigate the good that forms the fundament of almost all the literature that will be considered in this further chapter: 'land'. According to Li (2014), land is characterized by two fundamental material qualities. Firstly, it is characterized by its immobility and potential for exclusion through various means such as physical barriers, legal regulations or market mechanisms. Legitimacy plays a crucial role in the enforcement of exclusion. This legitimacy can fluctuate over time due to factors like scarcity, changing societal needs or ethical considerations – leading to potential conflicts and upheavals. Secondly, for humans land's usefulness depends on exclusion, as two individuals cannot occupy the same space simultaneously. However, complete exclusion is impossible due to its vital role in sustaining both human and non-human life. Attempts to fully commodify land are therefore often met with resistance. Treating land as a commodity would mean treating it as if it were merely an object that can be bought, sold and traded in markets, ignoring its intrinsic value and its significance for communities, cultures and ecosystems (Polanyi, 2001). Swyngedouw and Ward (2022, p. 5) for this reason refrain from referring to land as a full commodity. Instead, they refer to it as a 'pseudo-commodity' by arguing that land is treated as a market commodity but is not produced for the market:

A good can be consumed for its use value (but then cannot realize its embodied exchange value) or can be exchanged on a market (and then its use value cannot be enjoyed any longer by the seller). Use value and exchange value are thus mutually exclusive characteristics, yet a commodity must embody them both in order to have value and so function as a commodity. Land clearly possesses both use value and exchange value, and both cannot be realized at the same time. They are mutually exclusive. The great riddle to resolve is why and how it is possible for the very diverse social, cultural, and material lives of land to have a singular exchange value.

Swyngedouw & Ward, 2022, p.6

As of such, Swyngedouw and Ward (2022) conclude that land is not a commodity like any other and for this reason requires theoretical attention and political consideration. This theoretical attention is also necessary in regard of the markets on which land is traded (Needham et al., 2010).

## 1.2. The Dutch land market

In their critical examination of neo-classical theories on land markets, Needham et al. (2010) argue that a generalized theory of land markets is unachievable due to the complex and varied nature of institutional impacts across different contexts. For this reason, this section will limit itself to the land market within the Dutch institutional context.

Every piece of land is unique, given their exclusive locational qualities, place-specific attributes and locational advantages or disadvantages in relation to amenities (Meijer & Jonkman, 2020). As such, the Dutch land market can be perceived as a heterogenous market (Buitelaar, 2021; Van Der Krabben, 2021). Moreover, the uniqueness of land plots limits their substitutability and possibilities for comparison (Meijer & Jonkman, 2020). These factor, along with the low number of transactions on the market, cause for a low number of reference transactions for land prices to be based on. Furthermore, while the supply of land is limited, its demand can change considerably both over time and space. At last, in line with the argument of Swyngedouw and Ward (2022), Meijer and Jonkman indicate that land is a resource (and thus has a use value) as well as an investment good (and thus has an exchange value), which further complicates the price setting of land plots. All of these factors contribute to information asymmetries between actors on the market (Meijer & Jonkman, 2020), enabling for opportunistic market behaviour and disinvestment (Buitelaar, 2021). As a result the Dutch land market is prone to market failures (Meijer & Jonkman, 2020) and can be defined as an imperfect market (Van Der Krabben, 2021). Generally, land market failures refer to cases in which the costs are higher than the profits (and would thus not be realized by the market) but are nonetheless socially desirable (Buitelaar, 2021). Such cases of market failure can justify government intervention (Meijer & Jonkman, 2020).

## 1.3 Land policy strategies

Krigsholm et al. (2022, p. 3) speak of land policy as ‘the sum of government interventions on the land market that define where and how land is distributed to future development and how this development is incentivised or obliged’. For these interventions, local governments make use of land policy instruments, which are the tools that can be utilized to implement spatial policies and objectives (Meijer and Jonkman, 2020). These instruments directly impact property rights and thus affect the working, use and distribution of land, aiming to prevent or correct market failures. The inherent tension between treating land as a mere commodity and recognizing its essential role in societal and environmental well-being underscores ongoing debates surrounding the appropriate management of land (Li, 2014). The extent and methods of government intervention to effectively manage land remain a matter of political contestation (Krigsholm et al., 2022). Practicing land policy, for this reason, requires carefully considered strategies which combine different policy instruments.

This perspective has gained more attention in the past few years and can be referred to as land policy *strategies* (Shahab et al. 2020; Meijer & Jonkman, 2020; Krigsholm et al., 2022). These strategies can be defined as how land policy instruments are used or activated to achieve a certain policy goal or objective. According to Krigsholm et al., local governments formulate their land policy strategy on basis of the existing legal framework together with the institutional and operational context in which they are situated. Krigsholm et al. do however not provide for an explanation of how the legal framework and

the institutional and operational context can be defined. As such, the following section will examine literature on how the Dutch national legal framework and local institutional and operational contexts shape land policy strategies of Dutch municipalities.

### **1.3.1 The legal framework and institutional and operational context**

#### *Legal framework: the Dutch planning system*

From the beginning of the 21<sup>st</sup> century, the Dutch planning system has changed significantly (Roodbol-Mekkes et al., 2012; Claassens et al., 2020). Central to this change is the decentralisation of spatial planning, where municipalities have been granted increased responsibilities by the national government. Roodbol-Mekkes et al. (2012) state that the Dutch national government has left its development-oriented role, increasingly limiting itself to its role of setting the legal rules for the Dutch planning system. Through this practice of rule-setting, the national government aims to change local planning practice (Buitelaar et al., 2011). As such, Dutch municipalities have to operate within the legal framework set by the national government (Newman & Thronley, 2002; Buitelaar et al.; 2011). Within the set parameters, Dutch municipalities have independent legislative and administrative power to formulate their own planning regulations and policies and to implement and execute their set planning and development objectives.

#### *Institutional context: formal and informal institutions*

According to Buitelaar et al. (2011), the way of which Dutch municipalities shape their planning practice depends both on the formal and informal institutions present. In this, Buitelaar et al. (2011, p. 930) define formal institutions as ‘the government rules which are enforced by the legal system, such as laws, constitutions, ordinances, and local land-use plans’ or in short, the regulatory regime. Informal institutions on the contrary ‘are less explicit rules which emerge as a result of repetition and solidification of behaviour’. The authors argue that informal institutions can be referred to as the ‘planning culture’ and include conventions, codes of behaviour, taboos, traditions, religious beliefs, and moral values.

#### *Operational context: technical, administrative and financial resources*

As can be concluded from the previous paragraphs, Dutch municipalities shape their land policy strategies on basis of the present formal and informal institutions within the parameters set by the national legal framework. Yet, this conclusion does not provide for a full explanation of how Dutch municipalities shape their land policy strategies. For a municipality to successfully formulate a land policy strategy, it needs to have adequate technical resources (organizational experience and expertise) to weigh and assess the implications of policy alternatives and to make appropriate use of knowledge in policy-making (Wu et al., 2015). Moreover, it also needs to have adequate capacity in terms of administrative (workforce) and financial resources (budget) to execute and implement the set strategies (Wu et al., 2015). As such, in this research, the operational context is defined as the capacity of a municipality to formulate, implement and execute land policy strategies. In this, the capacity is defined as the present technical, administrative and financial resources that a municipality is able to and willing to utilize for this effort. In light of this, the prior conclusion can be reformulated to the following:

*Within the parameters set by the national legal framework, Dutch municipalities shape their land policy strategies based on the present formal and informal institutions, as well as the technical, administrative, and financial resources they are able and willing to utilize for this purpose.*

### **1.3.2 The active-passive divide in land policy strategies**

In general, there are two types of land policy strategies: active land policy and passive land policy (Hartmann & Spit, 2015; Shahab et al., 2020; Krigsholm et al., 2022). For a long period of time, Dutch municipalities have relied on active land policy (Van Der Krabben & Lenferink, 2018; Woestenburg et al., 2018; Meijer & Jonkman, 2020). As a result of the financial risks inherent to active land policy, a

number of Dutch municipalities have moved to facilitating or passive land policy (Van Oosten et al., 2018). In The Netherlands, there is no clear difference between facilitating land policy and passive land policy (Hartmann & Spit, 2015). As of such, this further study will refer to it as facilitating land policy.

#### *Facilitating land policy strategy*

The role of governments that follow a facilitating land policy strategy is to facilitate a smooth planning process that supports third parties in developing land (Woestenburg et al., 2018). It involves a passive land management role of governments, they grant building rights but leave the acquisition, land development and realization to private entities (Hartmann & Spit, 2015; Van Oosten et al., 2018). Governments limit themselves to their regulatory duties such as zoning and establishing frameworks for activities of the private sector (Buitelaar, 2010; Oosten et al., 2018). A facilitating land policy causes for strong planning procedures but is often weak in implementing plans (Hartmann & Spit, 2015).

#### *Active land policy strategy*

An active land policy strategy, on the other hand, is implementation-driven and involves governments acquiring land on the land market (land assembly) and developing it (land development) (Louw, 2008; Buitelaar, 2010; Hartmann & Spit, 2015). It involves governmental intervention in the land market through private law instruments (Woestenburg et al., 2018). This approach serves several purposes (Buitelaar, 2010; Van Oosten et al., 2018; Krigsholm, 2022). Firstly, it allows for steering spatial development. Secondly, selling acquired land enables governments to impose conditions on parties seeking to develop or utilize it. This ensures that development aligns with broader policy goals with a higher level of detail than regulatory measures alone would allow. Additionally, an active land policy strategy can also be pursued due to financial reasons. Governments can recover public costs associated with development, such as infrastructure and utilities, by selling land at market rates. Moreover, changes in zoning regulations allow governments to capture the increased land value resulting from development activities, generating revenue to support public initiatives. Lastly, land acquired through active land policy can be allocated for the provision of public goods and services, such as social housing, schools, and infrastructure projects. What must be noted, is that this actively entrepreneurial approach of land management does come with financial risks, as has become painfully visible during the financial crisis of 2008, when Dutch municipalities accounted enormous losses on their land positions (Van Oosten et al., 2018; Woestenburg et al., 2018).

### **1.4 Land assembly (and banking)**

As stated in the previous paragraph, a strategy of active land policy can be split up into two separate activities: land assembly and land development (Louw, 2008; Buitelaar, 2010; Hartman & Spit, 2015). There is, however, academic debate on what exactly defines land assembly (Karki, 2004; Louw 2008). According to Louw (2008) and Norton (2018), land assembly is a broad term that is hard to define and conceptualize as the exact span of the term alters per country and discipline. Several case studies have been conducted on land assembly but the changing institutional contexts in which these were conducted makes them difficult to compare.

Norton (2018) and Sasu et al. (2022) argue that land banking is used as a synonymous term for the concept of land assembly. To support this argument, Norton (2018) refers to the survey of Spit (2018) of land banking in the Netherlands. According to Norton (2018, p. 289), Spit suggests that the concept of land banking within the Netherlands encompasses:

[A]ctions where the government assembles, holds, and then sometimes conveys back to private parties title interests to land for a fairly broad array of purposes. Even so, it primarily involves

public assembly of land in order to coordinate and speed up private development projects that in turn advance regional or provincial urban planning and land development goals.

#### **1.4.1 Land assembly in the Netherlands**

Important to note in this regard is that this definition of land banking in the Netherlands explicitly refers to the activity as a governmental practice. According to Evans (2004), such definition should be referred to as ‘public’ land banking practice (*in this further study referred to as ‘land assembly’*), which is different from ‘private’ land banking, which he defines as a phenomenon that is the result of an imperfect land market. As such, land assembly refers to the public or publicly authorised acquisition of land, which is held in the aim of implementing public policies in the future (Van Dijk & Kopeva, 2006) or ‘*the process or policy by which local governments acquire surplus properties and convert them to productive use or hold them for long term strategic public purposes*’ (Alexander, 2008, p.3).

In the Netherlands, land assembly is mostly practiced at the local level (Spit, 2018). According to Spit (2018, p. 274) this has a number of advantages in terms of effectiveness. First, it links policymaking directly to its implementation. Second, its implementation does not need to involve many actors. Third, the importance of policymaking in itself increases as its effectiveness has increased. Fourth, the adaptiveness between policymaking and policy implementation improves, which also improves a sense of community. Lastly, profits of local land assembly processes stay local. Meijer and Jonkman (2020) moreover note that Dutch municipalities can pursue land assembly from a tactical perspective to influence specific urban developments or from a strategic perspective for the purpose of long-term development. This last perspective, in this study referred to as ‘strategic land assembly’, will be further elaborated on in section 1.5.

Spit (2018) has provided some rationales on how ‘effectiveness’, ‘efficiency’, and ‘legitimacy’ can be conceptualized in relation to land assembly processes. Building upon the rationales provided by Spit, this section aims to provide for some theoretical reflections on these three normative concepts.

#### **1.4.2 The effectiveness of land assembly**

Spit (2018) states that the effectiveness of land assembly depends on its capability of linking spatial policymaking to its implementation. According to Hartmann and Spit (2015, p.731), ‘*effective land management should be able to provide land for the designated uses in a reasonable period of time, at the right moment, while avoiding conflicts*’ This perspective on the effective land management is deemed fitting with what by Meijer and Jonkman (2020) refer to tactically assembling land for a specific urban development (for which the designated use has thus already been set). When considering land assembly in purpose of implementing *future* policies (Van Dijk & Kopeva, 2006) or, *long term* strategic purposes (Alexander, 2008, Meijer & Jonkman, 2020), two conflicts arise when considering the criteria of Hartmann and Spit. First, strategic land assembly serves the purpose of implementing future policies, which thus means that a designated use has not yet been set. Second, long term purposes may conflict with the criteria of providing land in ‘a reasonable amount of time’, depending on the set definition of ‘reasonable’. In order to change the definition of Hartmann and Spit to fit strategic land assembly, the ‘set designated use’ will be changed to ‘future designated uses’ and ‘in a reasonable period of time’ will be changed to ‘on basis of a long-term perspective’. This results in the following conceptualization of effective strategic land assembly: *effective strategic land assembly should be able to provide land for future designated uses on basis of a long-term perspective, at the right moment, while avoiding conflicts.*

#### **1.4.3 The efficiency of land assembly**

According to Spit (2018), the efficiency of land assembly is mostly referring to the financial aspect of the process. To refer back to the quote in the introduction of this research: ‘A ‘just in time’ policy might increase efficiency in many parts of industry, but it is not likely to do so with respect to land.’ (Evans, 2004, p.177).’ As Evans notes, ‘just in time’ policies are not efficient with respect to land. That said,

the strategic selling of public lands, will also require timely, and strategic, assembly of lands. By proactively and strategically assembling land to secure its availability, affordable prices can be assured (Evans, 2004). Yet, when only considering efficiency on the short term, Spit (2018) argues that the acquisition and management of land, particularly for projects not directly generating revenue (e.g., nature conservation areas), often require substantial subsidies, limiting the efficiency of land assembly in terms of financial sustainability. Next to this, as mentioned in the previous section, land assembly can increase competition on local land markets, potentially driving land prices upward. This can undermine the efficiency of spatial policies due to increasing costs.

#### **1.4.4 The legitimacy of land assembly**

Regarding legitimacy, Spit (2018) delves into the controversies and tensions arising from the dual role of authorities in land assembly, navigating between their public policy responsibilities and private market activities. The questions on legitimacy are important as governmental interventions such as land assembly require democratic legitimacy to exercise public administration (Hartmann & Spit, 2015). When one refers to democratic legitimacy, it often involves the consideration of the public interest (Hartmann & Spit, 2015). In this instance, it is often unclear whether the process or outcome needs to be in the public interest. A number of authors have for this reason followed the distinguishment of Scharpf (1997), who distinguishes between *input* and *output* legitimacy and the by Schmidt (2020) later added *throughput* legitimacy (Hartmann & Spit, 2015; Lukas, 2019; Dral et al., 2023):

The consideration of these different types of legitimacy has a range of implications for analysing the democratic legitimacy of land assembly practices. First, the input legitimacy can come under pressure when land banks are established (Spit, 2018). When land banks are set up, a distance is created between democratically elected governments and the implementation of spatial plans. This has a negative effect on the representation of citizens in the decision-making processes of these land banks (Hartmann & Spit, 2015; Lukas, 2019; Dral et al., 2023). Second, as land banks are aimed at overcoming land speculation, these processes cannot be transparent or include participation of citizens. If these processes were to be transparent and include contributions of citizens, this information would also be available to land speculators, causing for increased land speculation. These approaches thus have a low level of throughput legitimacy (Lukas, 2019; Dral et al., 2023). Lastly, a particular instance of the acquisition of a plot of land might not directly serve the public interest, as it is acquired without a direct development objective. The output of land acquirement does thus not directly solve collective problems or goals, negatively affecting the output legitimacy (Hartmann & Spit, 2015; Lukas, 2019; Dral et al., 2023). What must be considered however, is that the evaluation of this output legitimacy is depended on its timespan. That is, the output of a land acquirement might not serve collective goals instantly – but might do so in the future.

## 1.5 Strategic land assembly

The foregoing passages have touched upon a range of literature that relates to strategic land assembly. Yet, none of this literature explicitly touches upon the core of the concept itself. Due to the lack of scientific literature on strategic land assembly, the scope of the literature review will be expanded in this section to also include non-scientific research.

Strategic land assembly is defined as acquiring land positions before any form of development plan has been formulated (Deloitte, 2019; 2021a). There are a number of reasons for a municipality to commit itself to strategic land assembly (Segeren, 2007, Deloitte, 2019, BZK & TU Delft, 2023), namely to:

- Strengthen its negotiation position in future planning processes.
- More effectively initiate future developments.
- Decrease the timespan of future development processes.
- Prevent land speculation.
- Build up a stock of lands for land consolidation.
- Decrease dependence on other actors on the land market.

Whether a municipality can effectively acquire strategic land positions, is influenced by the timing (Segeren, 2007; BZK & TU Delft, 2023) and the speed of the acquisition process (Mentink, 2021). First, the effective timing of acquiring of a plot of land is defined as strategically acquiring it ahead of other parties, preventing an increase of prices and the thereout following increase of financial risks (Segeren, 2007). The timing of acquiring land also needs to take into account the speed of the acquisition process. In contrast to private actors, municipalities require public agreement before they can commit to a land acquisition (Mentink, 2021). As a result of this, active land policy can slow down the development process in cases in which both public and private developers are competing for the same land positions, as private actors can acquire the positions more effectively.

In regard of the speed of the acquisition process, a municipality needs to act fast and decisively when there is an opportunity to acquire a plot of land (Deloitte, 2019). In the ‘Handbook for Land Policy’ (Deloitte, 2019), it is suggested for municipalities to accommodate a yearly budget or revolving fund for a number of years for strategic land assembly. In this way, the municipal board can act swiftly, without having to put the possible land acquisition up for consultation by the municipal council, as long as the acquisition fits within the given budget. Not only does this increase the speed of the decision-process of acquiring land, it also ensures that strategic information on land acquisition negotiations remains out of the public eye. It is advantageous for this information not to be public, as this decreases the chances of private actors joining the competition for the plot of land, which would drive up the prices and weaken the negotiation position of the municipality (Segeren, 2007; Deloitte 2019). However, the lack of openness on the actions of the municipality does come with a cost: it decreases the amount of democratic control over the actions of the municipality, decreasing its democratic legitimacy, as discussed in paragraph 1.4.4. As of such, it is important that the municipal board accounts for the land it acquires, right after the acquisition is finalized. On top of this, the handbook (Deloitte, 2019) suggests a periodic evaluation of municipal land stock and changes thereof through land acquisitions and sales in the previous period.

## 1.6 Conceptual framework

In the table below, the most important theories and frameworks that have been put forward in the theoretical framework have been conceptualized within the Dutch institutional context. Moreover, this section contains the conceptual model for this further study that aims to provide a concise overview of the interrelationships between key concepts.

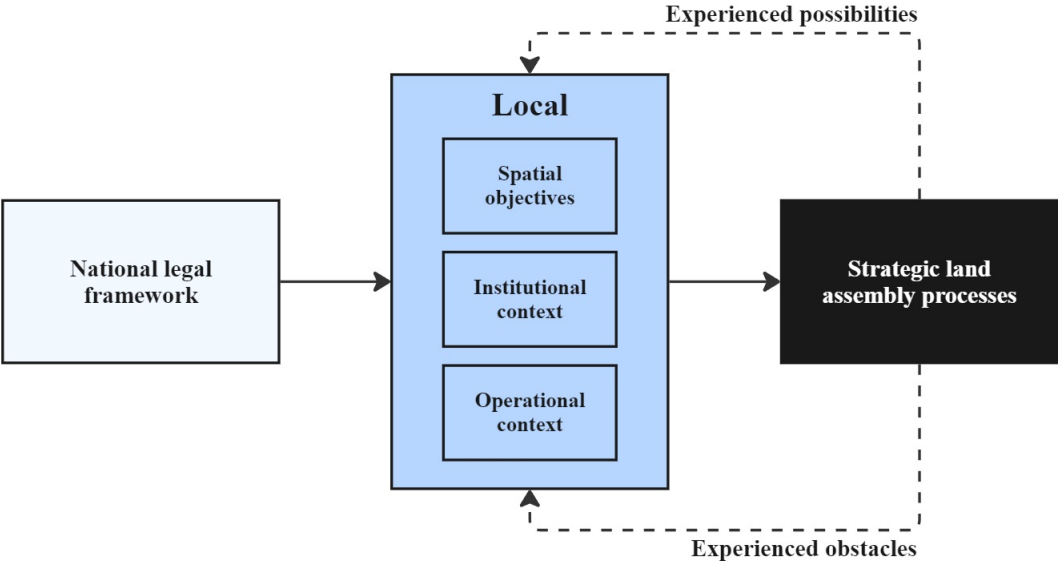
**Table 1:** Key concepts of this research

Concept	Definition
<b>National legal framework</b>	The legal framework of the planning system set by the national government within which lower governments have to operate.
<b>Local institutional context</b>	The locally present formal institutions (the regulatory regime of a municipality) and informal institutions (the planning culture of a municipality).
<b>Local operational context</b>	The capacity of a municipality to formulate, implement and execute land policy strategies. In this, the capacity is defined as the present technical, administrative and financial resources that a municipality is able to and willing to utilize for this effort.
<b>Land policy</b>	The sum of government interventions on the land market that define where and how land is distributed to future development and how this development is incentivised or obliged.
<b>Land policy strategy</b>	The land policy strategy refers to how land policy instruments are used or activated to achieve a certain policy goal or objective. In this research, possible land policy strategy are defined as 'active', 'facilitative' and 'public-private partnership' land policy
<b>Active land policy</b>	Active land policy involves governments assembling land and developing land into buildable plots.
<b>Land assembly</b>	Land assembly involves governmental intervention in the land market through the process of acquiring land. This primarily involves the private law instrument of voluntary purchase ( <i>minnelijke verwerving</i> ) but can also involve the use of public law instruments such as the pre-emption right ( <i>voorkeursrecht</i> ) or expropriation ( <i>onteigening</i> ).
<b>Land assembly strategy</b>	The land assembly strategy refers to how land assembly instruments are used or activated to achieve a certain policy goal or objective. In this research, possible land assembly strategy are defined as 'reactive', 'anticipatory' and 'strategic' land assembly.
<b>Reactive land assembly</b>	Acquiring land positions in areas for which the development plans have already been established. The aim of reactive land assembly is to acquire land on basis of a set plan to realize that particular development.
<b>Anticipatory land assembly</b>	Acquiring land positions in areas for which a development plan is currently being formulated but has not yet been finalized. The aim of anticipatory land assembly is to strategically acquire land positions within an area in anticipation of expected development.
<b>Strategic land assembly</b>	Acquiring land positions before any form of area-specific development plan has been formulated for the area in which the land position is located. The aim of strategic land assembly is to build up a strategic land stock from a long-term perspective that can make future spatial developments possible.



The national legal framework of the Dutch planning system sets the parameters within which Dutch municipality can operate. On basis of these parameters, together with their set spatial objectives and the institutional and operational context in which they are situated, municipalities shape and execute their processes of strategic land assembly. The possibilities and obstacles that municipalities experience in practicing strategic land assembly is a result of their spatial objectives and institutional and operational context. Yet, it simultaneously shapes and informs these objectives and contexts. These experiences influence whether, how and to what extent municipalities conduct strategic land assembly, but are simultaneously a product of the executing thereof. In this sense, the experienced possibilities and obstacles of strategic land assembly are in this conceptual model defined as a feedback loop.

**Figure 3: Conceptual model**



*Source: author*

## 2. Methods

The aim of this study is to get a better understanding of strategic land assembly, both to inform governmental practice and to close the gap of knowledge in planning literature. The fundamental research question underpinning this study is exploratory in nature, as there is limited to no existing knowledge regarding strategic land assembly within the Dutch institutional context. Moreover, land assembly is hard to conceptualize, as it is heavily influenced by the various and evolving institutional contexts in which it is studied (Louw, 2008). Whether, and how, Dutch municipalities utilize strategic land assembly, depends on the institutional and operational context and existing legal framework in which they are situated (Krigsholm et al., 2022). As such, it becomes crucial to consider the contextual influences shaping strategic land assembly as a strategy but also the decision process on its utilization. This will require an in-depth analysis of a vast amount of variables that shape strategic land assembly strategies and the thereto related decision-making processes, including the perceived possibilities and obstacles of such strategies.

Reflecting on a fitting approach for this research endeavour, the dichotomy between quantitative approaches, characterized by a broad scope but limited depth, and qualitative methods, offering depth amidst a smaller sample size, becomes apparent. Given the complexity inherent in strategic land assembly processes and the lack of existing knowledge, a qualitative approach is for this reason deemed most appropriate, enabling for an in-depth exploration. Accordingly, this study will concentrate on a limited amount of municipalities as case studies, allowing for an in-depth analysis of a diverse array of variables. This methodological choice is anticipated to yield comprehensive insights into the dynamics of strategic land assembly within the Dutch institutional context (MacCallum et al., 2019).

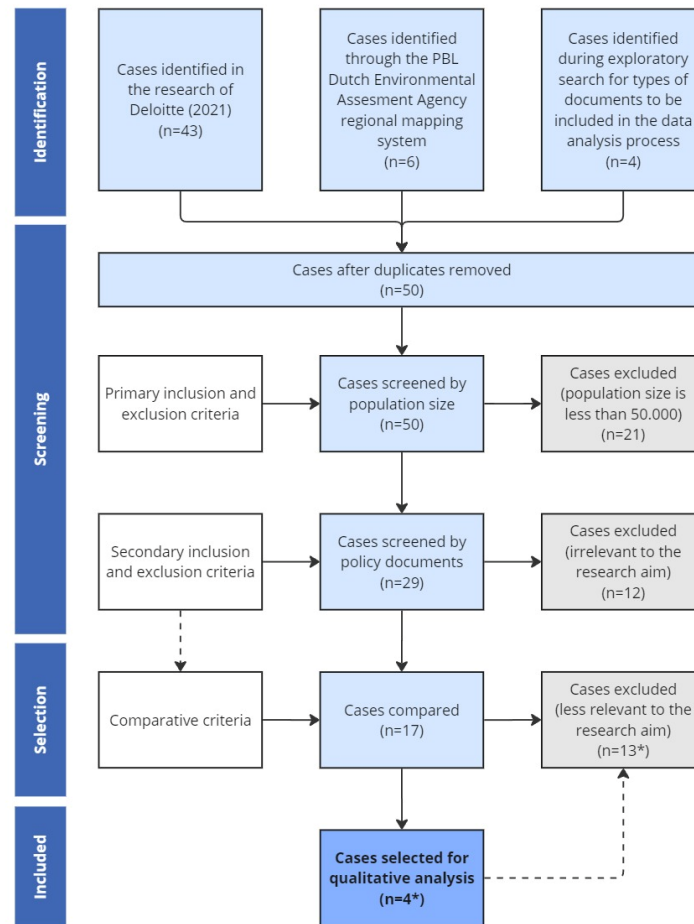
### 2.1 Case selection

In this study, Dutch municipalities are the units of analysis due to their pivotal role in strategic land assembly and spatial policy. Spit (2018) and Krigsholm et al. (2022) note that strategic land assembly is predominantly practiced at the local level in the Netherlands, highlighting the municipalities' significant involvement in these activities. Furthermore, Louw (2008) argues that the scope and nature of land assembly activities vary across countries due to differing institutional contexts, which makes studying the Dutch context preferable for gaining comprehensive insights (Louw, 2008). Specifically within the Dutch institutional context, Van Der Krabben and Jacobs (2013) emphasize the central role municipalities play in shaping spatial policies. Therefore, focusing on Dutch municipalities allows for a comprehensive examination of the dynamics and implications of strategic land assembly practices. In this, a municipality is defined as an administrative unit.

#### 2.1.1 Case selection protocol

In The Netherlands, there are 342 municipalities (BZK, 2023a). To select the best practices that will serve as the cases for this research, a systematic case selection process has been conducted based on the literature review procedure of Yigitcanlar et al. (2019). This process consists of an identification phase, which identifies the initial cases for further selection. This is then followed by a screening phase, which offers for a preliminary selection of cases based on a set of inclusion and exclusion criteria. The last phase checks the eligibility of the cases, through comparative criteria and by presenting them to the Dutch Association of Land Companies (*Vereniging van Grondbedrijven*). A schematic overview of the selection process can be found in Figure 4. The following paragraphs will elaborate on the different phases of the selection process.

**Figure 4: Case selection protocol**



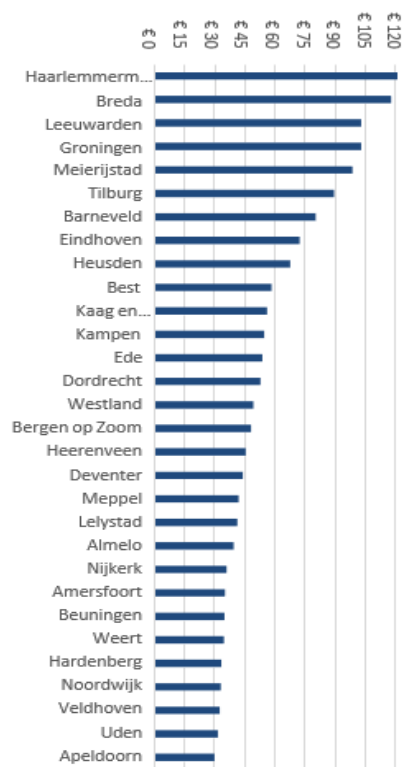
Source: Author, based on of Yigitcanlar et al., 2019

### 2.1.2 Identification phase

As a result of the financial crisis of 2008, most Dutch municipalities have left active land policy and strategic land assembly. In the past few years, there has been an increasing amount of municipalities that are (again) pursuing active land policy and strategic land assembly (IBO, 2024). The aim of this selection process is to identify and select these municipalities that are (again) committing themselves to active land policy and strategic land assembly. A first identification round on basis of Deloitte (2021), PBL (n.d.) and an exploratory search for policy documents in the process of shaping the further document analysis process has led to a first identification of 50 municipalities. The following paragraphs will more specifically delineate how the stated sources have been consulted in light of the identification phase of this case selection process.

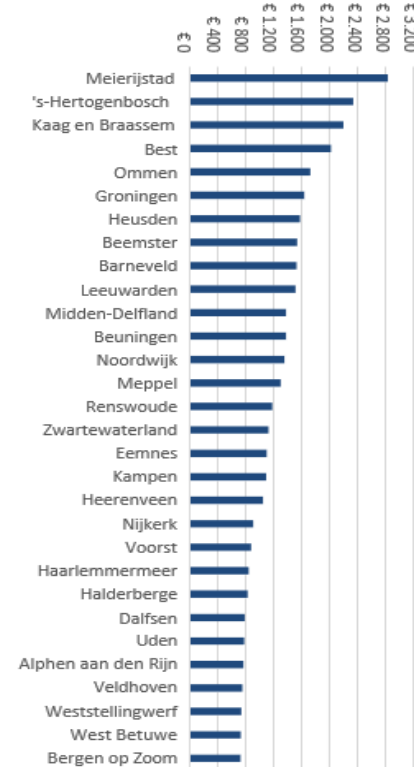
First, the research of Deloitte (2021) was consulted, which conducted a study on active land policy by Dutch municipalities. The research has made a quantitative analysis of the amount of ‘strategic lands’ that Dutch municipalities owned in 2010. In this, strategic lands refer to lands that have been acquired by municipalities, but do not (yet) have an established plan for its development (Deloitte, 2021). The research has generated a top 30 municipalities in both absolute numbers and relative numbers. The rankings are shown in Figures 5 and 6. Figure 5 shows the absolute amount of strategic, or ‘NIEGG’ lands in possession of municipalities, expressed in total value. Figure 6 shows the relative amount of strategic lands in possession, in euro per citizen. This has resulted in the identification of a total of 43 cases, as 17 municipalities appear in both of the rankings.

**Figure 5:** Absolute value of strategic / NIEGG lands (in mil. euro) in 2010



Source: Deloitte, 2021

**Figure 6:** Relative value of strategic / NIEGG lands (in euro per citizen) in 2010



Source: Deloitte, 2021

Another source that supports the selection process of the best practices is the regional mapping system of the Dutch Environmental Assessment Agency (PBL, n.d.). This tool enables for stacking different maps of The Netherlands on top of each other. The data on which the maps are based is however not publicly available. For the case selection process, two maps have been utilized: the land use map of 2015 and the land ownership map of 2016. Within the land use map, the agricultural lands were of interest, as strategic lands are most often agricultural lands in the Dutch institutional context (Spit, 2018). Out of the land ownership map could be derived which lands are owned by municipalities. When these two maps were stacked on top of each other, a specific colour arose when a piece of land both had an agricultural function and was owned by a municipality. Through photo editing software, the specific colour code of these areas has been altered, resulting in a map that shows which areas fulfil to these two conditions. The red areas in the map below this showcase agricultural lands that are in possession of the respective municipalities. Out of this map (Appendix A), the following municipalities have been found to have the most red areas within their borders, and thus the most publicly owned agricultural lands: Groningen, Dordrecht, Haarlemmermeer, Bergen (L.), Zwolle and Echt-Susteren.

Groningen, Dordrecht and Haarlemmermeer have already been included in previously selected 43 municipalities. As such, Bergen (L.), Zwolle and Echt-Susteren will be added to this list, counting up to 46 municipalities. At last, Enschede, Almere, Nijmegen and Utrecht have been selected throughout the selection process, as a result of exploratory searches into strategic land assembly. These exploratory searches included reading news articles on the subject and establishing for a general overview of types of policy documents that are put online by Dutch municipalities, to better anticipate on the data analysis phase of the research process. The various sources have led to the identification of 50 cases to be put forward for the screening phase.

### 2.1.3 Screening phase

The 50 cases that have been identified are screened in two steps, based on the primary and secondary inclusion and exclusion criteria. These criteria will be now be elaborated upon.

#### *Primary inclusion and exclusion criteria*

According to the Dutch Association of Municipalities (VNG, 2020), smaller municipalities are coping with capacity problems in the execution of their spatial policies. It is stated that these smaller municipalities do not possess the necessary critical mass to ensure a high quality in the execution of their spatial policies. Next to this, bigger municipalities are pulling staff and expertise away from smaller municipalities as they can offer better terms of employment (RLI, 2023). As the aim of this case selection process is to find ‘best practices’, smaller municipalities are deemed less likely to be a best practice due to their lack of critical mass and expertise. Furthermore, there needs to be enough financial capacity to conduct strategic land assembly. Dutch municipalities with a population higher than 50.000 are performing financially better than municipalities with a population that is less than 50.000 in the past four years (BDO, 2023). For this reason and for the reasons of critical mass and expertise, all municipalities with a population higher than 50.000 will be included (n=29), and municipalities with less than 50.000 inhabitants will be excluded (n=21). An overview of all the excluded cases can be found in Appendix B.

#### *Secondary inclusion and exclusion criteria*

The remaining 29 municipalities have been further screened on basis of the secondary inclusion and exclusion criteria, which can be found in Table 2. These qualitative criteria have been set in line with the aim of this research. The land policy documents of the 29 municipalities have been screened on basis of a scanning reading strategy. By limiting the scanning of these documents to the set secondary inclusion and exclusion criteria, this enables for a quick yet effective screening process. The secondary inclusion and exclusion criteria have led to the exclusion of 12 cases and the inclusion of 17 cases.

**Table 2:** Secondary inclusion and exclusion criteria

Criteria	Inclusion	Exclusion
Land policy described as:	Active / directive / entrepreneurial / strategic	Passive / facilitative / situational / invitation / restrictive / risk-averse
Aim to increase / decrease land stock:	Increase	Decrease
Strategic land assembly included in land policy document:	Yes	No / only limited
Financial possibilities for strategic land assembly:	Budget per year / revolving fund / municipal board empowered to perform acquisitions	No or very limited budget / acquisitions require permission municipal council beforehand
Available data	Recent and extensive land policy document	Old and / or limited land policy document

*Source: Author*

#### **2.1.4 Selection phase**

The 17 cases that got through the screening have been compared to one another based on the aforementioned secondary criteria. This comparison process involved a more in-depth reading of the land policy documents of the municipalities. Out of this comparison, the following six municipalities have been selected: Eindhoven, Enschede, 's-Hertogenbosch, Almere, Groningen and Haarlemmermeer. During the interviewing process, which will be elaborated on in the next paragraph, two municipalities have later been excluded. The reason for this was the amount of data that was retrieved after the first interview, which amounted for a lower amount of cases to be included in this research. As such, Almere and Groningen have later been excluded. This has led to the final selection of the following municipalities to serve as the cases for this research:

**Haarlemmermeer, Eindhoven, 's-Hertogenbosch, Enschede**

## **2.2 Data collection**

In order to get insights into the contextual influences shaping the strategic land assembly processes in the four selected cases, this paragraph will put forward the methods that have been used to collect data on the respective cases.

### **2.2.1 Document analysis**

A document analysis has been employed to furnish comprehensive contextual data on the selected cases, affording insights into their contexts (Bowen, 2009). Additionally, the document analysis has had a cyclical and iterative role in regard to the interviewing process. The document analysis has been instrumental in guiding the formulation of research inquiries during the interview process. Moreover, it has been utilized to enhance the depth of understanding derived from conducted interviews. At last, it has also contributed for supplementary research data, which has provided for more extensive results.

### **2.2.2 Stakeholder interviews**

In addition to the document analysis, interviews have been conducted with municipal officials, which aimed to uncover in-depth, tacit knowledge and specialized insights into the complex phenomena of strategic land assembly (Shackleton et al. 2021). These insights have provided context on and explanation of the data retrieved from the analysed documents and have provided for supplementary research output (Hay, 2015; Shackleton et al. 2021).

The interviews were conducted through a semi-structured interview approach, given its usefulness for studies that 'conduct a formative program evaluation and want one-on-one interviews with key program managers, staff and front-line service providers ... [or when] examining uncharted territory with unknown but potential momentous issues and your interviewers need maximum latitude to spot useful leads and pursue them' (Adams, 2015, p. 494). This aligns directly with the aim and approach of this study, which aims to explore strategic land assembly processes of Dutch municipalities, on which limited prior research has been conducted. This approach moreover provides a balance between structure and flexibility, allowing for a guided yet open-ended exploration of topics. This enables for the adaptation of the direction of the interview based on the respondent's insights, ensuring a thorough investigation of the subject matter (Kallio et al., 2016). The semi-structured interview that has been used for the interviews can be found in Appendix D.

For the interviews to cover a wide range of perspectives, municipal officials with expertise on the strategic, tactic and operational levels of strategic land assembly have been approached. For each of the four municipalities, two municipal officials have been interviewed. This has led to a total of eight interview respondents. An overview of the respondents can be found in Appendix C.

## 2.3 Data analysis

The data collected during the interviews has been transcribed for the further analysis. The transcribed interviews and the documents selected for the document analysis have then been coded through a process of open, axial and selective coding, offering an organized approach of constructing the meaning of the data (Williams & Moser, 2019). On basis of the theoretical framework, open codes have been identified for subsequent categorization. This has involved the separation of data into discrete concepts, each serving as a meaningful unit for classifying expressions and labeling various elements of the interview and document data. Following the process of open coding, axial coding has further refined, aligned, and categorized the concepts that emerged during open coding. Finally, selective coding has further selected and integrated the developed categories into themes that corresponded to the conceptual framework. This systematic approach has allowed for the alignment of the primary themes on basis of the conceptual framework with their corresponding categories, facilitating systematic analysis.

# 3. Results

This chapter contains the results of the four case studies that have been conducted, which includes the municipalities of Haarlemmermeer, Eindhoven, 's-Hertogenbosch, and Enschede. The qualitative analysis of these four cases has been conducted through the execution of a document analysis and semi-structured interviews with officials of the corresponding municipalities.

For each of these case studies, the results will be structured in a similar way. As the scope and nature of land assembly activities are highly influenced by the context in which they take place (Louw, 2008), the results of each municipality will start by positioning its land policy in its spatial context. This is then followed by an analysis of the municipality's approach to land market intervention. The results will then more specifically dive into the core locus of this study: strategic land assembly, in which the perspective of the municipality on the possibilities and obstacles of strategic land assembly are analysed. At last, the results section of each municipality will end with the product of (strategic) land assembly, namely the municipal (strategic) land stock. This will elaborate on the possibilities and obstacles that the municipality experiences of having and utilizing a (strategic) land stock. The final section of this chapter will compare the results of the four municipalities.

## 3.1 The municipality of Haarlemmermeer

This section contains the results of the analysis of Haarlemmermeer's land policy document '*Kader Strategisch Grondbeleid 2024-2029*' (Gemeente Haarlemmermeer [HM], 2023) and the interviews that have been conducted with two officials of the municipality. The municipal officials that were interviewed are respondent 1, a strategic advisor of spatial economics (in section 3.1 referred to as 'strategic advisor') and respondent 2, a financial policy advisor (*planeconoom*). More information on the interviewed municipal officials can be found in Appendix C.

### 3.1.1 Positioning Haarlemmermeer's land policy in its spatial context

According to the land policy of Haarlemmermeer (HM, 2023), the municipality finds itself in a dynamic region. The financial policy advisor notes that the municipality has grown from a small village into a considerable medium-sized municipality. According to the strategic advisor, past efforts of active land assembly by the municipality have partially contributed to this growth. Currently, most of the available large-scale expansion locations have already been acquired by market parties, or have in the past been acquired by the municipality but have already been utilized.

The financial policy advisor points out that the current spatial objectives of the municipality are increasingly moving to inner-city locations. Housing, amenities, office and business parks, recreational areas and Schiphol are currently taking up big spatial claims within the municipal borders (HM, 2023). There is a high demand for housing, offices and business premises. As of such, the land policy points out that a lot of (re)development is expected in the coming years. The central areas of Hoofddorp and Nieuw-Vennep are expected to increasingly acquire the characteristics of urban areas and also smaller villages are expected to be targeted development, albeit on a smaller scale to preserve their rural character.

#### *The role of land policy in realizing the spatial objectives of Haarlemmermeer*

Haarlemmermeer expects that land policy will play an important role in realizing its spatial objectives. It does however explicitly state that it does not regard its land policy as an end in itself, but as a means to an end: the spatial objectives of the municipality (HM, 2023). As such, the land policy does not



provide direction, but is aligned with the spatial objectives outlined in the *Omgevingsvisie Haarlemmermeer 2040* (environmental vision) (HM, 2021). In addition, the municipality has several policy memos in which the environmental vision is worked out in more detail for specific themes or sectors. The stated spatial policies are codified in the *Omgevingsplan* (environmental plan), which dictates what can and cannot be developed and under which conditions. The environmental plan can however only restrict landowners in starting a spatial development, it cannot obligate them to start a particular spatial development. In such situations, the land policy document states that the municipality needs to take a more directive role to realize a development (HM, 2023).

#### *Choosing between an active, facilitating or public-private partnership approach*

According to the land policy of Haarlemmermeer (HM, 2023), the form of land policy (active, facilitating or public-private partnership) that is utilized in a spatial development mainly depends on how strongly the municipality wants to control the quality and speed of a particular development. This in turn depends on the spatial objectives that the development serves, the degree of interest of market parties, the financial resources of the municipality, the financial risks of the development and the land positions owned by the municipality within the scope of the development. Subsequently, the municipality refers to its approach as ‘situational land policy’, enabling itself to choose a fitting form of land policy depending on the situation.

### **3.1.2 Haarlemmermeer’s approach to land market intervention**

#### *The experienced possibilities of land assembly*

According to the land policy document of Haarlemmermeer (HM, 2023), acquiring and developing land creates for a number of possibilities: increasing control over the development, stimulating development, realizing the spatial objectives (especially in situations where private parties cannot or are not willing to play a role) and the possibility of generating profits in addition to achieving spatial objectives, which can be used to realize municipal ambitions. The strategic advisor moreover argues that a smaller amount of landowners and a higher amount of land owned by the municipality may fasten the process of starting a development. The strategic advisor and the land policy of Haarlemmermeer do however note that an active approach comes with financial risks.

#### *The assessment process of pursuing land assembly*

As for the strategic advisor, there are two important considerations for the municipality to assess whether it wants to pursue active intervention in the land market. Firstly, the municipality assesses whether it can initiate and execute a land development process themselves or whether another party is also able to do so (and possibly even better). Secondly, it considers the height of the public benefits of active intervention in proportion to the costs and the (financial) risks the municipality has to take. The land policy document of Haarlemmermeer provides for a congruent, more pointwise framework of factors to be considered in assessing whether the municipality wants to actively intervene in the market:

<b>Table 3: Assessment factors for pursuing land assembly</b>	
The on-site urgency of the development	The on-site conditions of landownership
Landowner’s willingness and possibility of self-realization	The price setting
The market situation	The possible alternatives

*Source: adapted from HM, 2023*

#### *Active and non-active land assembly*

The municipality of Haarlemmermeer differentiates between active and non-active (or, passive) land assembly (HM, 2023). Active land assembly refers to actively acquiring land positions on basis of a spatial vision. For active land assembly, the municipality requires the establishment of an assembly

strategy based on the pursued objectives of the particular development. Such a strategy requires a prudent analysis of the following factors:

Table 4: Factors included in the land assembly strategy
The spatial vision on the area, based on the environmental vision and/or programs.
The contribution the municipality wants to make to the desired result.
The role of the municipality in the development.
Land positions of other actors.
The necessity to acquire land, also considering exchangeable land positions (ruilgronden)

*Source: adapted from HM, 2023*

Non-active land assembly refers to situations in which land is offered to the municipality (HM, 2023) that is located outside of existing development areas (*gebiedsontwikkelingen*) (strategic advisor). In these situations, the municipality assesses whether the land position fits within a particular spatial perspective that follows from the environmental vision and/or programs. If this is the case, the municipality will have an appraisal drawn up to determine the market value of the land. According to the strategic advisor, these land acquisitions are mostly appraised by its current use value as there are no or only limited concrete plans for development, which in turn limits the expected future use value. These acquisitions for this reason are considered to have a low risk profile.

#### *Instruments used for land assembly*

In the land policy of Haarlemmermeer it is stated that in general the municipality limits itself to the use of voluntary land acquisitions (*minnelijke verwerving*) (HM, 2023). In case a negotiation does not result in the desired result, it possesses over a number of instruments that enables the municipality to take control over the future development. These instruments include the pre-emption right (*voorkeursrecht*) and expropriation (*onteigening*). According to the strategic advisor, the pre-emption right creates the opportunity to acquire land positions in specific areas for which the right has been vested. Moreover, he notes that the pre-emption right creates additional time for the municipality to arrange plans, frameworks and visions, which in turn enables for a better valuation of the land position. It also provides for clarity to the respective landowners, as this pre-emption right is set with a specific deadline. To be able to continue this right, the municipality must provide for a rationale to do so, which thus provides clarity.

### **3.1.3 Haarlemmermeer's perspective on strategic land assembly**

According to the land policy of Haarlemmermeer (HM, 2023), strategic land assembly is possible in case an opportunity presents itself, there is a spatial need for it and a consideration of the aforementioned factors for land assembly provides a rationale to do so. Strategic land positions are acquired for the municipality to better direct spatial developments.

#### *Strategic land assembly budget*

The municipal board of the mayor and aldermen are authorized to execute strategic land acquisitions within a yearly budget of 10 million euros that has been made available by the municipal council (HM, 2023). For a strategic acquisition to be funded from this budget, the following preconditions have to be met:

- The land acquisition must enable a current or future spatial development.
- The land acquisition must be value-stable in its current designated use or be profitable in a possible new designated use.
- The preceding must be made plausible in a memorandum of the municipal board before the acquisition is executed.

The strategic advisor clarifies that the 10 million euros that has been made available does not imply that the municipality aims to spend 10 million euros on strategic land positions on a yearly basis. The budget

has been made available to move more swiftly on the land market. According to the financial policy advisor, the ability to act more swiftly is because the decision-making process of the municipal board is faster than that of the municipal council. In addition, he underscores that the municipality is not limited to this budget for its strategic land assembly efforts. In some situations the municipality can still decide to submit a strategic land proposal to the municipal council, outside of the available budget and the thereto attached preconditions.

#### *The changed spatial context of strategic land assembly*

As a result of the increasing concentration of the spatial objectives to inner-city locations, the issue of strategic land assembly has taken on a completely different form in comparison to the past (financial policy advisor). In the past strategic land assembly often involved ‘buying a piece of agricultural land from a farmer’. The strategic advisor indicates that nowadays there is only little chance for the municipality to acquire agricultural land positions for a development. He argues that these positions are often already in hands of developers or are impossible to acquire due to land price speculation which has caused a price setting that is higher than the value appraised by the municipality on basis of the highest and best use systematic (which will be elaborated on later in this section).

The financial policy advisor points out that nowadays strategic land assembly mostly takes place in areas in which all land positions have already been divided between business owners with commercial buildings or offices, social amenities (partly owned by the municipality) and public space. The financial policy advisor observes that this has caused a completely different mix and structure in which strategic acquisitions are to take place. The financial policy advisor notes that previous acquisitions that have been carried out within the available budget have been looked upon critically: ‘We critically look at where we can do a good acquisition to get grip on an area, spur it into development, as a kind of flywheel effect.’

#### *The financial hurdles of (strategic) land assembly*

According to the strategic advisor, land positions in urban areas with buildings on top come with a high risk profile. This risk includes costs for maintenance up until the moment of (re)development, realizing the expected income flow from renting out or leasing and retention of the value of the buildings. To be able to deal with these risks, he states that the municipality needs to have a healthy financial position, which he deems to be more difficult for smaller municipalities.

‘The set precondition of value retention is more questionable in urban areas ... you see that generally when you’re acquiring old offices or business locations in urban areas, they do not retain their value in the future, which requires for a massive write-off on the value of these acquisitions. Also due to the BBV-legislation and our own asset rules. So, what you are running into, when you purchase real estate you are also confronted by how a municipality views the buildings on it. For instance, when the buildings are older than 40 years, we have to write off the entire value of the building, in one go. This thus provides for a significant challenge. For example, when you buy something for 10 million, with a land value of 3 million, you will have to absorb a depreciation of 7 million. As of such, strategic land assembly gets an entire new dimension along with it: the buildings on top that you buy along with it. It is no longer the piece of agricultural land, as has been mentioned before.’

The financial policy advisor clarifies that the land positions that the municipality can acquire for some part are the ‘leftovers’, as the best land positions are bought by market parties. This furthers the difficulties in value retention, as these land positions have less possibilities for (re)development. The strategic advisor adds to this that if the municipality wants to overcome this, it needs to pursue a very active role on the land market, which requires a certain policy positioning. Next to this, the municipality

can never pay more than the market value, due to state aid regulations. As of such, even though a land plot is deemed to be interesting and lucrative, the municipality can still only offer what it is worth.

Another obstacle in this regard, is the certainty of the expected future value. When land is strategically acquired, this means that there is not yet an established plan or vision for the development of the area in which it is situated. As such, it is difficult to realistically determine an expected future value, as there is a lack of concrete input for this value to be based on. According to the strategic advisor, it is a speculative way of thinking when an expected future value is not based on existing visions or plans. He explains that when a potential land acquisition is appraised, the appraiser looks at the 'highest and best use'. That is, the current value deriving from the current use and the expected future value deriving from a change in use. If there is a lack of plans or visions about a potential change in use, this also means that there is no or limited certainty about the future value of the land. For this reason, the expected future value in these cases is often rather low, as the value is marked down by the degree of risk.

For this reason, the financial policy advisor reckons that the environmental vision (*omgevingsvisie*) is not in all cases concrete enough for a large strategic acquisition to be based on. The strategic advisor notes that in most cases it at least needs to be based on a more concrete spatial program, depending on the public objectives of the municipality for which the acquisition is conducted. According to the financial policy advisor, there is especially rationale for strategic acquisitions that enable for the realization of public objectives that are not taken up by the market. However, he notes that the market is often not taking it up because the expected value deriving from the

public objective is lower than the current value. Which he reckons to 'further complicate the story'.

#### *The difference between anticipatory and strategic land assembly in Haarlemmermeer*

The financial policy advisor points out that the municipality does not make a hard distinction between anticipatory land assembly and strategic land assembly. However, when relating the content of the interview to the definitions that have been set in this research for anticipatory and strategic land assembly, the following two ideal-typical definitions can be formulated. These are based on the scope and scale of the acquisition, the valuation of the land (current use vs. future use) and the presence and concreteness of spatial plans or visions that apply to the land and the assembly strategy.

#### **Ideal-typical case of strategic land assembly**

In most cases, this involves a passive assembly strategy of strategically assessing opportunities that present themselves on the market. Strategic acquisitions are based on the current value, deriving from its current use. In these cases it is possible to acquire land without the presence of concrete plans or visions for the area in which it is situated, as the acquisition is not based on an expected future value. As in these cases there is no concrete development perspective as of yet, the competition for these land positions is low. This often enables the municipality to acquire the land for its current use value, causing a low-risk profile. The environmental vision can in these cases provide for enough rationale to conduct a strategic acquisition.

#### **Ideal-typical case of anticipatory land assembly**

For large-scale acquisitions, the environmental vision does not provide for enough rationale. Large-scale acquisitions are only partaken when there is a realistic perspective for future development. These acquisitions involve an active and project-based assembly strategy. The municipality actively searches and uses its instruments to acquire land positions on basis of the established land assembly strategy. More concrete plans or visions thus need to be present, which in turn enables for a more realistic determination of the future expected value. Such acquisitions thus anticipate on a particular perspective for future development.

**Table 5: Differences between strategic and anticipatory land assembly in Haarlemmermeer**

	Strategic	Anticipatory
Scope	City-wide	Project-based
Input for valuation	Current use value	Expected future use value
Scale of acquisition	Small	Large
Rationale	Environmental vision, social objectives	Area-specific spatial program or vision
Assembly strategy	Passive: assessing market opportunities	Active land assembly strategy

*Source: author*

### 3.1.4 The administration and management of Haarlemmermeer’s land stock

The current land stock that is owned by the municipality does not include a lot of land with perspectives for (re)development (strategic advisor). Maintaining the stock does on the contrary cost a lot of administrative capacity for renting out and leasing the land. The financial policy advisor adds to this that the diversity of the land stock requires a lot of different actions and expertise. The municipality has however done this for years and has thus set up the organization to be able to deal with this. He does in this regard expect that for a municipality that has not done this in the past, it is a difficult task to start with strategic land assembly, as this will require a lot of change in their organization. As an example he names that it would be difficult for a municipality to strategically acquire office buildings, without having the experience and expertise on how to manage these buildings up until the moment of (re)development.

## 3.2 The municipality of Eindhoven

This section contains the results of the analysis of Eindhoven’s land policy document ‘*Nota Grondbeleid 2023*’ (Gemeente Eindhoven [EH], 2023) and the interviews that have been conducted with two officials of the municipality. The municipal officials that were interviewed are respondent 3, the land policy program manager (in section 3.2 referred to as ‘program manager’) and respondent 4, a senior advisor in spatial development (in section 3.2 referred to as ‘senior advisor’).

### 3.2.1 Positioning Eindhoven’s land policy in its spatial context

The program manager, who was responsible for writing the land policy document, indicates that the land policy document ‘*Nota Grondbeleid 2023*’ is a strategic document that offers a long-term perspective. The core aim at the time of writing was to formulate a strategic perspective that fits within the identity of the city of Eindhoven. The needs of the city, the position of the city both regionally and nationally, the city’s structure and whether the city can and wants to expand were all factors that were taken into consideration during the writing process of the land policy. A tactical document, in the land policy document referred to as the ‘soldier handbook’ (*handbook-soldaat*) or ‘game rules of land policy’ (*Spelregels grondbeleid*) is still in development. This tactical document will answer the ‘how question’ for every theme that is included in the strategic land policy document. Together these two documents form the land policy of the municipality of Eindhoven.

#### *A changed role for the municipality in a changed spatial context*

According to the land policy of Eindhoven (EH, 2023), the municipality is currently undergoing strong economic growth. Next to this, the municipality is currently facing a number of spatial challenges, including climate adaptation, housing construction, preserving the innovative and competitive strength

of Brainport Eindhoven and keeping up adequate levels of amenities, greenery and infrastructure to facilitate this growth. All of these challenges cause an enormous pressure on the already scarce amount of land within the municipality. According to the senior advisor, the municipality has seen a tremendous shift in its perspective towards market-led development. He states that the market developed ‘too commercially’ while more social construction is deemed necessary. As of this shift in perspective, he concludes that the municipality did not have enough influence over the development of the city. In light of the present spatial challenges and the lack of influence over the development of the city, the municipality has therefore considered it an obligation to take more responsibility (EH, 2023).

### **3.2.2 Eindhoven’s approach to land market intervention**

To effectuate this responsibility, the municipality has started to consider itself as a more proactive agent in directing and controlling the spatial development of city (EH, 2023). The program manager has underscored this aim: ‘Hanging around and waiting is no more, we are actively moving in the market to achieve our ambitions’. The narrative of the land policy document also centers around this renewed role (EH, 2023). The phrase ‘grip through control’ (*grip door regie*) is not only the title of its land policy but also a recurrent phrase throughout the document. This phrase constructs the narrative that the municipality must actively engage in land acquisition and management to preclude undesirable market-driven developments and to promote public interests.

#### *Land: a scarce resource*

The municipality of Eindhoven has noted that its land stock has become a scarce resource (EH, 2023, p.5). The senior advisor notes that the municipality has hardly acquired any land in the past ten years. Yet, at the same time, the municipality did utilize its land stock for new developments. He points out that this has resulted in a decrease of the municipal land stock, while simultaneously the ambitions of the municipality have increased. As such, he pinpoints that the municipality will have to realize a tremendous catch-up in (re)building its land stock. To realize this catch-up, the municipality aims to retain the strategic land positions still in possession and more actively acquire new strategic positions (EH, 2023). According to the strategic advisor, this renewed ambition of acquiring land positions has started four to five years ago. In this, the municipality prioritizes inner-city land positions as further expansion of the city is deemed undesirable (EH, 2023). That municipality does note that building up a strategic land stock is not a objective in itself, but instrumental to realizing societal objectives (EH, 2023). Next to this, the municipality asserts that it can get maximum control over spatial development when it obtains landownership (EH, 2023). Moreover, the program manager signifies that it is also useful for preventing land price speculation and thereby lowering the costs for development projects.

#### *Land assembly in Eindhoven*

According to the strategic advisor, at the beginning the municipality experienced hardships in acquiring land without the use of ‘active instruments’. For this reason, the municipality has created a strategic land assembly plan around 2020-2021, which included the aim of more actively utilizing the municipal pre-emption right (*voorkeursrecht gemeenten*). According to the strategic advisor, this has had a positive impact on its efforts of acquiring land. The strategic land assembly plan has later been integrated in the land policy of the municipality (program manager). In their land policy, the municipality distinguishes between three types of land assembly, which it refers to as ‘regular’, ‘anticipatory’ and ‘strategic’ land assembly. The distinguishment is based on the set timeframe of the spatial objective for which the land assembly is executed. The municipality refers to a regular land assembly when the acquisition serves a short-term objective for which the financial and spatial plans have already been formulated. An anticipatory land assembly corresponds to land assembly that serves a medium-term objective for which plans are currently being formulated but have not yet been finalized. The final type, strategic land assembly, is elaborated on in the next paragraph.

### 3.2.3 Eindhoven’s perspective on strategic land assembly

#### *The experienced possibilities of strategic land assembly*

The municipality defines strategic land assembly as acquiring land ahead of expected plan development to strengthen its land and negotiation position within a specific plan area in order to initiate or speed up a specific spatial development. Building up and maintaining a strategic land stock enables the municipality to realize (future) spatial development objectives of the city. Additionally, the current price of a land position can be a reason for the municipality to strategically acquire it, as land prices are often lower before the start of the plan-making phase of spatial developments. According to the strategic advisor, this is because the earlier you acquire land, the less likely it is that you will have to include the ‘expected value’ (*verwachtingswaarde*). Moreover, when land is acquired a long time before the start of the (re)development, and the land (and in some cases the properties on top of the land) has the possibility for a profitable income stream of rental or lease up until the (re)development starts, this can further decrease the costs. On the contrary, when land is acquired in a later stage through expropriation, this will cause for a lot of additional costs that can mount up tremendously. This is not only the price that the municipality will have to pay to the landowner, but also additional compensation costs and internal operational costs, as expropriation is a very intensive process

#### *Eindhoven’s assessment framework for potential strategic land acquisitions*

Eindhoven’s land policy points out that it is not always possible to acquire a strategic land position. This is because the municipality has to act in accordance with market conditions and may for this reason not pay a higher price than the market rate, even though this might in some cases be more cost-effective in the long run, when rent or lease profits of the land are taken into consideration (strategic advisor). Furthermore, the land policy (EH, 2023) indicates that not every land position is eligible for strategic acquisition. An acquisition only commences after a thorough assessment, which is done in accordance with the municipality’s strategic assessment framework based on ‘potential’, ‘urgency’ and ‘influence’, supplemented by a consideration of the environmental vision (*Omgevingsvisie*) and previously set ‘focus areas’, which are areas in which important development is expected to take place. The assessment framework for strategic land assembly puts forward the following questions by which a potential strategic land acquisition is assessed:

**Table 5: Eindhoven’s assessment framework for strategic land acquisitions**

<b>Criteria</b>	<b>Definition</b>
<b>Potential</b>	‘Potential concerns municipal policy goals and market potential as well as the characteristics of an area. The way in which these aspects relate to each other largely determines the potential. Is this location most suitable for this development in relation to other locations?’
<b>Urgency</b>	‘How high is the need to develop and/or increase the (environmental) quality at this location?’
<b>Influence</b>	‘Do we need as a municipality need the landownership to realized the described potential or is the market prepared to take up this development in correspondence with the terms set by the municipality?’

*Source: adapted from EH, 2023, p. 8*

The program manager moreover points out that the utilization of this assessment framework is not limited to strategic land assembly, but is also more generally used for choosing the land policy strategy.

#### *The selection process of focus areas: Eindhoven's 'Kanskaart sessies'*

According to the program manager, the previously mentioned focus areas are identified and selected through an integral process, in which specialists of different departments of the municipality are consulted. The program manager refers to this process as the so called 'opportunity mapping sessions' (*kanskaart sessies*). He explains that every year, such a session takes place. In this process, a range of specialists of the municipality 'fly over' the city to identify areas with development opportunities. The suggested areas are then weighed to one another through the assessment framework of potential, urgency and influence, resulting into a ranked list of possible focus areas. This ranking is then again presented to the participating specialists, after which their feedback is then included in a final evaluation, after which the final selection and ranking of focus areas is determined.

The program manager explains that on basis of this list, further actions are discussed. This may include further explorative studies or locational analyses into the identified areas. The land policy team then decides on the strategies and instruments to be utilized to realize the set objectives. In the end, a top ten focus areas is selected every year. In some cases this may result in the aim to strategically acquire land in these areas. According to the program manager, these sessions are a fundamental part of strategic land assembly, as they provide for an integral assessment process.

#### *Revolving fund for strategic land assembly*

In order to be able to execute strategic land acquisitions, the municipality has reserved a budget for strategic land assembly. This budget is a revolving fund, which, according to the program manager, provides for funds to 'flow back' as soon as a land position enters the development process. This is because the corresponding budget-reservation of the land position is then moved to the project-allocated budget, by which the previously reserved funding is freed up in the strategic land assembly budget. The program manager indicates that before the current land policy came into effect this budget was not revolving, which meant that every strategic acquisition resulted in a decrease of the available budget, with no funds flowing back. As such, the revolving mechanism is deemed to better fit the current ambitions for strategic land assembly, which according to the land policy, are expected to become more dominant in the coming years.

#### *The changed spatial context of strategic land assembly*

Eindhoven's land policy notes that strategic land acquisitions will increasingly contain landed property (EH, 2023). According to the strategic advisor, this brings forward a number of obstacles for strategic land assembly. Firstly, he notes that in the past the municipality could buy agricultural land for about five euros per square meter, which could then be left into possession for many years as it did not hurt the financial position of the municipality. In the current context, land positions need to be acquired that are located in the inner-city, which are way more expensive than the agricultural lands that were acquired in the past. The program manager argues that this puts enormous pressure on the organization in terms of money and capacity.

### **3.2.4 The administration and management of Eindhoven's land stock**

According to the program manager, the municipality employs a classification system wherein the intended (re)development timeline is categorized into short, medium, and long terms. These land stock undergoes annual assessment to facilitate portfolio management, which includes the assessment of the future vision and development potential of each land position (EN, 2023). This assessment aids in determining whether retention is necessary or if selling or internal transfer to another department is more appropriate (program manager). This process aims to cultivate a concise and resilient land portfolio, supplemented by a strategic land inventory, consisting of both land with and without property (EN, 2023).



### *Management of land positions without property*

As of the senior advisor, the municipal land stock is managed by its land management division. Internal agreements are established with this division, specifying the duration of land management, allowing for adjustment of management practices based on the required timeframe. For instance, the placement of solar panels are avoided if the land is needed on a short term, but permissible if the land is expected to only be needed in 20 years.

### *Management of land positions with property*

Land with property is internally managed by the real estate division (senior advisor). This division adapts its management strategy in alignment with the land policy team's perspective. The senior advisor furthermore points out that significantly different capacity is required for land with property. This involves accounting for management expenses, rental income, as well as various costs and revenues, thus presenting a heightened risk profile, particularly if rental yields fall short or if the real estate depreciates, necessitating provision for losses.

The senior thus underscores that managing land with buildings places a substantial burden on organizational resources. The complexity of managing a building with 20 tenants significantly surpasses that of a single plot of land. Currently, the real estate division of the municipality is still considerably unprepared and ill-equipped to handle these challenges. As such, the municipality presently utilizes external management services to oversee its real estate portfolio. However, this arrangement still demands considerable effort from its real estate division, as they continually coordinate with the external management entity.

The land policy of the municipality (EN, 2023) does on the contrary note that it is not always desirable for lands or buildings to be temporarily leased or rented out, due to the legal protections afforded to tenants or lessees. As a result of these legal protections, the municipality may not be able to regain control of these lands or buildings at its desired times.

## **3.3 the municipality of 's-Hertogenbosch**

This section contains the results of the analysis 's-Hertogenbosch's land policy document '*Nota Grondbeleid 2018*' (Gemeente 's-Hertogenbosch [DB], 2018) and interviews that have been conducted with two officials of the municipality of 's-Hertogenbosch. The municipal officials that were interviewed are respondent 5, team coordinator of land assembly and management (in section 3.3 referred to as 'land coordinator') and respondent 6, team coordinator of spatial financial policy advisors (in section 3.3 referred to as 'financial policy advisor').

### **3.3.1 Positioning 's-Hertogenbosch's land policy in its spatial context**

The current land policy of 's-Hertogenbosch came into effect in 2018, replacing the land policy of 2010 (DB, 2018). The land policy points out that the previous land policy document was heavily influenced by the economic crisis of 2008 and its impact on the municipal land company. The current land policy that was published in 2018 states that the focus of the land policy has changed to the enormous spatial objectives that the municipality faces, as the economic crisis has ended. The municipality defines its land policy as follows:

'Land policy is seen as the policy that, for the purpose of the municipal objectives in terms of spatial planning, aims to create space for housing, working, shopping and recreation in both expansion areas as well as existing urban areas, through taking up or supporting concrete development initiatives.'

### *'s-Hertogenbosch's 'active, unless' approach to land policy*

The land policy of 's-Hertogenbosch (DB, 2018) puts forward the belief that proactive municipal involvement is crucial for achieving its spatial objectives by arguing that private parties are less inclined to make long-term investments, as they are more focused on the short-term and maximizing their profits. As of such, private parties operate mostly on the housing market but hardly in areas of business parks, education and recreation. In light of this, the municipality reckons it can better realize its objectives when it takes the initiative by itself.

By referring to their land policy as 'active, unless', 's-Hertogenbosch establishes a baseline of active involvement. This means that the municipality generally prefers active land policy but will opt for a facilitating role in specific circumstances where active involvement is deemed unfeasible or less effective. Landownership plays an important role in this regard, as active land policy is not possible when landowners are open to and able to realize the intended development themselves. This conditional aspect of the 'active, unless' policy introduces a narrative of strategic flexibility, being able to respond effectively to varying market conditions and development challenges. Moreover, the land policy clearly states that risk management and financial prudence are central aspects of the 'active, unless' approach. The document frequently emphasizes the need for careful financial planning, risk assessment, and maintaining reserves to mitigate potential losses. As such, the municipality indicates active land policy is not just about control but also about responsible and sustainable management of public resources. In the land policy it is stated that the municipality meets the conditions deemed necessary to be able to pursue active land policy. The following conditions are stated on this account:

- Formulating clear objectives that the municipality wants to realize.
- Having a strong enough financial position to actively act on the land market and to maintain a risk reserve.
- Having enough expertise to safeguard the balance between a commercial spirit (*'koopmansgeest'*) and adequate risk management.

### *Assessment framework*

The choice that the municipality makes between active or facilitating land policy mainly depends on the municipality's desired control over spatial development (DB, 2018). For this, it makes an assessment based on the following factors:

- The possibility, given the market situation, of acquiring land.
- The municipal level of ambition regarding the site and/or its surroundings.
- The need for strong municipal direction to achieve municipal goals.
- The risk profile.
- The possibility of value creation for the municipality.
- Specific expertise needed.
- The development timeline.

### **3.3.2 's-Hertogenbosch's approach to land market intervention**

#### *The land company as a vehicle for 's-Hertogenbosch's land policy*

The municipal land policy is executed by its land company, which it sees as a helping structure and a vehicle through which its land policy is implemented (DB, 2018). The land company is integrated into the organization but is stated to operate like a company, with market conformity being paramount.

'We [the land company] represent the private-law side of the municipality and in that sense are a company ... because you adopt a more company-like attitude and you operate more business-like on the market. On the other hand, you also represent the public-law side of the municipality

and in that sense you are in a glass house. It is that combination that makes you operate more cautiously.’ – land coordinator

The municipality indicates that with an active land policy it covers costs through land sales (DB, 2018). In this, it acknowledges the associated risks balanced against potential financial gains. However, it asserts that the guiding principle remains the realization of broader policy ambitions, with the land company striving to optimize financial outcomes within these parameters. Through this market-oriented approach, the municipality regards any generated value from active land policy as flowing, at least partially, to the municipality. Any positive results on projects are added to the general reserve of the land company. This reserve is positioned as a safeguard against potential losses, ensuring that setbacks in projects do not necessitate drawing from general municipal reserves. The municipality indicates that surpluses within the reserve of the land company, if substantial enough, can be redirected to the structural fund, facilitating the realization of diverse municipal objectives, particularly spatial objectives.

#### *The cautious financial policy of s’-Hertogenbosch*

The land policy points out that in the past few years the municipality has become more limited in setting the financial principles of its land policy. This has been the result of new budgetary and accountability legislation set by the BBV (*Besluit Begroting en Verantwoording*). The municipality indicates that this legislation has been established because the land companies of numerous municipalities have had considerable financial losses due to the economic crisis in 2008. While it states that the BBV-legislation sets an important framework for the financial side of its land policy, it also notes that its land company has always adopted a cautious financial policy. Subsequently, it has gotten through the crisis relatively well. The financial policy advisor argues that this is because the land company has always utilized its profits to write-off on its land stock. As such, the land company has never had to appeal to the general reserves of the municipality.

Subsequently, the municipality will maintain this cautious financial policy in the coming years (DB, 2018). As stated in the land policy, this entails using cautious financial principles, conservatively estimating future costs and revenues in land development, making well-assessed decisions when opportunities to acquire land arise. As well as conducting adequate risk management and thereby maintaining the general reserve of the land company, only transferring funds to the structural fund when this reserve is high enough. However, the land policy notes that excessive hedging of risks may lead to unnecessary limitations to its ability to act. The municipality therefore defines risk management as maintaining a healthy balance between a strong financial reserve and the preserving ability to act (DB, 2018).

#### *The role of housing associations*

Both the financial policy advisor and the land coordinator underscore that good relations with the local housing associations has also provided possibilities in terms of realizing the municipal objectives of social housing development. They note that the housing associations also have a considerable land stock, which plays an important role in realizing the set objectives of the municipality. As such, the municipality actively communicates and discusses their active involvement in the land market with the housing associations, to assure that they do not get in each other’s way.

### 3.3.3 's-Hertogenbosch's perspective on strategic land assembly

#### *Different types of land assembly in 's-Hertogenbosch*

The land policy of 's-Hertogenbosch differentiates between three types of land assembly:

- Land assembly within an established land use plan (*bestemmingsplan*).
- Land assembly to acquire compensating land positions (*compensatiegronden*)
- Land assembly ahead of definitive plans, which are mostly strategic in nature.

According to the land coordinator, the municipality does not strictly differentiate between anticipatory and strategic land assembly. He argues that when the municipality assembles land ahead of, but in purpose of, a project, it would have a more anticipatory character. However, he points out that this at the same time is strategic land assembly, as it is not yet clear whether a project will actually be executed. He reckons that the only distinguishment in this regard would be the difference between a project-based, more delimited assembly strategy and a more generic search for compensating land positions, in which the municipality is a little more opportunistic. The past merges with smaller surrounding municipalities has provided 's-Hertogenbosch with opportunities of acquiring compensation lands, as the city itself was running up against its limits (financial policy advisor).

#### *The possibilities and obstacles of strategic land assembly*

The land policy states that strategic land assembly enables the municipality to respond quickly to unexpected opportunities. In this, a strategic land acquisition needs to enable a future development (DB, 2018). Land can also be strategically acquired for the purpose of compensation, to realize other developments (land coordinator). Next to this, it can decrease difficulties deriving from land fragmentation (financial policy advisor) and prevent land market speculation and the following increase of land prices (DB, 2018). The land coordinator adds to this that it can also help prevent unwanted developments. In general, the financial policy advisor signifies that the land company needs land positions to realize its objectives. Without land positions, the land company would be too dependent on other parties. A strategic land stock enables the land company to take more control over developments. This is not only because the land company can then take increased control over its own positions, but also because potential buyers will start seeing the municipality as an actively involved, serious and willing party.

Strategic land acquisitions have to fit within the municipal ambitions as stated in the environmental vision and other sectoral policies (DB, 2018). Moreover, every strategic acquisition needs to be critically assessed, have a market-conform price and be voluntary (*minnelijk*) acquired (DB, 2018) or through the use of the pre-emption right (*voorkeursrecht*) (land coordinator). As such, the financial policy advisor notes that strategic land assembly is more difficult in inner-city areas, as these areas have increasingly fragmented landownership and higher land values. Next to this, the land company needs to find funding for the write-off of the buildings that are often present in these areas (land coordinator). This makes it more difficult for the municipality to acquire substantive position in these areas, due to a lack of financial power. The land coordinator explains that this is because in inner-city areas, the expected future value is usually not much higher than the current use value. Outside of the city this is different, as in these areas the current use value is usually much lower than the expected future use value. This is especially deemed problematic when considering that there is a lot of cultural heritage in the inner-city, towards which developers are more hesitant than the municipality (land coordinator). The municipality can, however, still decide to go through with an unprofitable acquisition, when it deems this crucial. It will, in that case, have to find funding, for example from the general reserve of the land company, the structural fund (*structuurfonds*) or from subsidies of other governmental bodies.

### *The active stance of 's-Hertogenbosch's land company*

The land company has always taken an active stance on the market by acting on opportunities. The financial policy advisor points out that even during the economic crisis, the land company did not stop with acquiring strategic land positions.

‘There are municipalities that are very hesitant of acquiring for example compensating and anticipatory land positions. They are then seeing that they end up limiting themselves in their possibilities for growth. The municipality of Den Bosch has always maintained a substantive strategic land stock, which has made it possible for us to grow.’ – land coordinator

According to the land coordinator, anti-cyclical thinking is an important aspect of strategic land assembly. He notes that this was possible because the land company has always been financially healthy, which the municipality deems as a baseline for pursuing strategic land assembly.

‘We are a middle-sized municipality and therefore have considerable financial muscle. I can imagine that smaller municipalities will have much more difficulty to make such strategic land acquisitions, because they just do not have the resources, also given the risk. Moreover, we are an attractive residential area, so housing construction is very much wanted here. The demand is high. If you are more of a rural municipality, I can imagine you are not going to take this risk and you will be very cautious about it.’ – financial policy advisor

### *Forces currently impacting the land company's financial performance*

The financial health of the land company is, however, currently under pressure (land coordinator). Numerous factors are causing this, including high interest rates on the market, overall market circumstances and the required differentiation in housing construction (*woningbouwdifferentiatie*) that pressures the profitability of development projects. The land company strategically assembles land for numerous objectives. These need not always be concrete, but generally include nature, sports facilities, recreation and infrastructure. For these objectives, the land company does not experience a lot of competition from developers. In contrast, the land company also strategically acquires land for housing, for which there is a lot of competition with developers, which drives up the prices. This causes difficulties in light of the required housing differentiation task, which requires for a high amount of social and affordable housing, thus pressuring the profitability of these developments. As for the financial policy advisor, this is because when the land company acquires a land position for a high price, it immediately needs to write-off a considerable amount of its value, due to their cautious financial policy. This thus requires a high financial reserve, impacting the performance of the land company. The land coordinator argues that all of this causes for tensions in the consideration of pursuing strategic land assembly.

### *The tension between capability and accountability*

This pressure on strategic land assembly especially comes to light in the balance between the municipal board and municipal council. This is because the council has given the board mandate to execute strategic acquisitions within a set budget, and therefore the board does not require the council's approval for every single strategic acquisition. Yet, due to the pressure on the financial health of the land company, the municipal board is increasingly considering consulting the council for strategic land acquisitions, in the fear of having to account for it afterwards. According to the financial policy advisor, this is especially considered for large strategic acquisitions. Consulting the council, however, causes a lot of discussion, which makes strategic land assembly increasingly difficult. As such, there is a tension field between consultation before - which slows down the process and ability to act - or no consultation, with the possible risk of having to account for it afterwards.

### **3.3.4 The administration and management of 's-Hertogenbosch's land stock**

#### *Quantitative objectives for the land stock*

The land coordinator points out that the municipality does not have quantitative objectives for its (strategic) land stock, but does aim to maintain its current stock. That is, when part of its stock is taken into development, it aims to more actively get the amount of land in possession back to its earlier level. This is, however, not a hard quantitative objective. The municipality will in such as case more actively look for opportunities, without rushing itself to the market.

#### *The role of 's-Hertogenbosch's land stock in plan-making processes*

The financial policy advisor points out that the land stock of the municipality does not have a strong influence on the spatial objectives in the city. Even though this might be desirable when strictly looked upon from a financial perspective, this is not desirable in terms of spatial planning. As such, the land coordinator says that the spatial objectives are directing the spatial development of the city, and if some of this development ends up on municipal land positions and provides for profit, this is regarded as a 'pleasant bycatch'.

#### *Management of land stock*

In managing its land stock, the municipality prioritizes the issuance of lands under liberalized leases wherever feasible. Additionally, it acquires lands subject to conventional leases, mostly stemming from historical practices of municipalities merged with 's-Hertogenbosch during the municipal reorganization, and occasionally from developers. Furthermore, efforts are made to minimize lands not immediately deployable for liberalized leases in order to safeguard the profitability of its land stock. The land coordinator points out that this strategy has so far been rather effective. Moreover, the municipality is currently integrating sustainability measures into its land management practices.

The municipality also has land positions with buildings on top in its land stock, which are mostly situated in urban areas. It only has a handful of former agricultural properties in rural areas. As for future acquirements of agricultural properties, the municipality aims for expedited demolition to mitigate long-term liabilities. As for urban properties, these are often part of ongoing development projects and are thus transferred to the project. For urban properties that are not part of a development project and therefore need to be managed as part of the (strategic) land stock, these are preferably leased for short terms rather than resorting to anti-squatting rental. The impending legislative changes as part of the new rental law might however in part necessitate a return to anti-squatting rental. The land coordinator does underscore that lease of land as well as property management has been impacted by the *Didam*-ruling. He states that the municipality is, however, on schedule in aligning its land and property management methodologies with the *Didam*-ruling.

## **3.4 The municipality of Enschede**

This section contains the results of the analysis Enschede's land policy document '*Nota Grondbeleid 2020*' (Gemeente Enschede [ES], 2022) and interviews that have been conducted with two officials of the municipality of Enschede. The municipal officials that were interviewed are respondent 7, strategic advisor of land policy and the investment agenda (in section 3.4 referred to as 'strategic advisor') and respondent 8, senior land acquisition appraiser (in section 3.4 referred to as 'land appraiser').

### **3.4.1 Positioning Enschede's land policy in its spatial context**

The current land policy document of the municipality of Enschede was established in 2020, replacing the land policy document of 2010 (ES, 2020). The new document is an actualisation of the old document, but does not put forward a new course of action. The document is thus mostly a continuation of the situational land policy of 2010, with a few additions and changes.

According to the land policy, Enschede has experienced a tremendous impact from the economic crisis, which has caused for an evaluation of its land policy by a commission of the municipal council (*Raadsenquête 'Grip op Grond'*) in 2012 (ES, 2012). The municipality has since set a course in which development was increasingly left to the market, while at the same time providing for flexibility in its land policy to adapt to changing market circumstances, which Enschede refers as 'situational' land policy. In practice, this has, however, mostly led to a facilitating approach in the past ten to fifteen years. The municipality was not able to and did not want to carry the risks that came with active land policy (ES, 2020).

#### *Enschede's perspective on land policy*

Subsequently, it can be observed that there is a disparity between Enschede's policy course and its taken course of action. While its land policy points to an unchanged policy course, in practice its course of action has increasingly changed to that of facilitating land policy. Even though a situational land policy does not contradict this taken course of action, it does say something about the limited substantive and directive value of the term situational. This does, however, fit Enschede's perspective on land policy, which it sees as an instrument to realize the municipal objectives (ES, 2020). These objectives are set in the environmental visions (*structuurvisies, omgevingsvisies*) and policy memoranda. Land policy offers the instruments, or, the 'toolbox', to realize these objectives.

#### *A reopened discussion on active land policy*

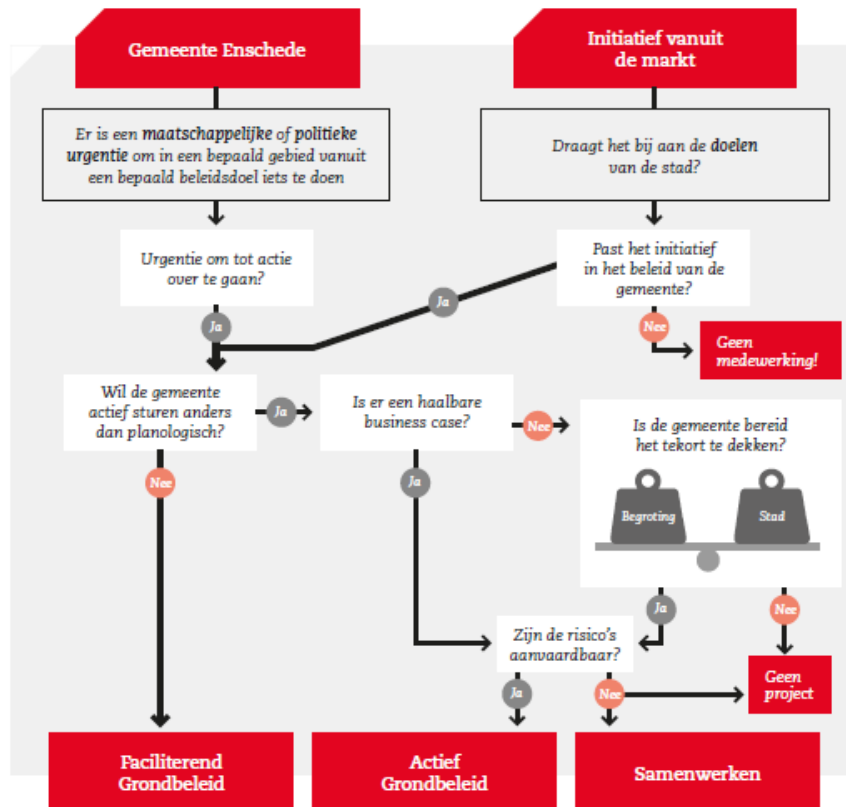
According to the current land policy document, the changed market circumstances have caused for a reopened discussion on the possibilities of active land policy. It points out that facilitating land policy also has negative aspects, most notably that market parties do not take up the difficult, complex and financially unprofitable locations (ES, 2020). According to the strategic advisor, the municipality will not be able to realize its objectives if it fully relies on the market. In this, the municipality sees a (renewed) role for itself, especially in light of 'good' spatial planning. Next to this, the municipality argues it only has limited possibilities to direct on quality and its spatial and programmatic objectives when choosing facilitating land policy.

#### *Assessment framework for choosing the form of land policy*

As of the different possibilities and obstacles associated with the different forms of land policy, the municipality has integrated an assessment framework to systematically decide upon the to be taken approach. This assessment framework and thereto related flowchart (**Figure X**) systematically considers the urgency of the development, the preferred amount of municipal intervention and the potential of the development. In this, the municipality takes into consideration the following steps or questions:

1. There is an **urgency** to act or a market initiative presents itself.
2. Does the municipality want to direct (**influence**) more than only in terms of spatial planning (*planologische sturing*) to realize its objectives?
3. Is there a feasible business case (**potential**)?
4. Does the municipality want to carry the risks (alone)?

Figure 7: flowchart spatial development



Source: ES, 2020

### 3.4.2 Enschede’s approach to land market intervention

According to the land policy (ES, 2020), the municipality aims to ‘do things differently’ in terms of active land assembly in comparison to the past. The strategic advisor underscores that the biggest change in this regard is the amount of risk that the municipality takes. In the past, the municipality pursued active land assembly without having a strong financial buffer. As such, the municipality is now open again for active land assembly, but only when its financial position is strong enough to be able to cope with financial setbacks. The land appraiser adds to this that, in the past, strategically acquired land would be put in the municipal budget for the value it was acquired for or the expected future value. As part of their new approach, the municipality writes off a new strategic acquisition to its market value: *‘We are taking the pain now, instead of in the future, so that if things go sideways, we have already taken the pain’*.

The municipality of Enschede differentiates between three types of land assembly:

- **Regular land assembly:** assembling land positions within a clearly defined project area that are included in a by the municipal council established development plan and are essential in realizing the set plan design.
- **Strategic land assembly:** acquiring land positions in areas for which the municipal council has not yet or only globally set frameworks or visions, but where the municipality wants to and can acquire land positions in view of expected opportunities for (re)development of these areas. Moreover, land and the possible buildings on top can be acquired for the compensations purposes or to remove obstacles for other developments.
- **Land assembly as part of mobility projects:** in some situations it is necessary to acquire land positions to realize infrastructure. Examples of this include roads and cycle paths.



The land appraiser indicates that the municipality does not differentiate between strategic and anticipatory land assembly.

### **3.4.3 Enschede's perspective on strategic land assembly**

#### *The experienced possibilities of strategic land assembly*

According to the land appraiser, strategic land assembly enables the municipality to be less reliant on the market and less sensitive to economic conditions. When the municipality has strategic land positions within an area, it has more control and can better direct market parties in their development processes. The strategic advisor adds to this that fragmented landownership slows down development. Strategically acquiring land and thereby ensuring less fragmentation in landownership is deemed to speed up the development process.

The strategic advisor denotes that strategic land assembly can be utilized for all types of spatial objectives, but is in practice currently mainly used to realize housing. Next to this, the type of locations in which land is strategically acquired has increasingly shifted from agricultural lands outside the city to inner-city areas, which also have properties on top. In the past the municipality could make profit with these acquisitions to facilitate expansion, while nowadays these inner-city locations are not profitable as they cost a lot of money, but this is an intentional choice of the municipality, as it also takes into account the social value (*maatschappelijke waarde*) (ES, 2020).

#### *Enschede's strategic investment agenda and thereto allocated revolving fund*

The spatial objectives set in the environmental vision have been translated into a selection of focus areas in the strategic investment agenda (strategic advisor). Strategic land assembly is only executed within these selected (ES, 2020). For these strategic acquisitions, the municipal council has reserved a budget of 40 million euros, in the form of a revolving fund. According to the strategic advisor, the revolving mechanism causes for a stimulus for development of its land stock:

‘We have not formally established this [timeframe to develop strategic land positions] because experience shows that everyone is always very optimistic about when something will actually get off the ground, but all the projects added together you just know: that is simply not going to fit into the schedule. ... What we have done is that we have capped the amount [revolving fund for strategic land assembly] at 40 million, which we can make in strategic purchases. As a result, we can only do more of these when parts of that strategic land stock are actually put into development again at some point. So we tried to stimulate that; not in time, but in money.’  
(strategic advisor)

When the municipal board wants to strategically acquire lands outside of these selected areas, it needs to put it up for discussion at the council. This is different than in the past (before the economic crisis), when the municipality also had a budget for strategic land assembly (strategic advisor), which was at that time not limited to specific areas. The selected areas in the strategic investment agenda have been selected on basis of the assessment framework of urgency, influence and potential (land appraiser). The strategic advisor underscores that the aim of strategic land assembly in the selected areas is not to make a profit. The aim is the opposite; these areas have been selected because market parties are not taking up developments in these areas and therefore require active intervention by the municipality.

Since the implementation of the strategic land assembly budget, the municipality has been better able to acquire land positions on the market (land appraiser). The municipality has intentionally bought positions on the market instead of directly approaching landowners. In their experience, this often causes landowners to negotiate for expropriation tariffs. By buying land on the market, they have been able to acquire land for lower, market-based prices. According to the land appraiser, this has moreover caused for a ‘snowball effect’, as landowners started approaching the municipality themselves as a result of this.

### *The hurdles of being a public entity operating on a private market*

The land appraiser underscores that there is no entity on the land market that shares as much information to the public as a municipality. This is sometimes experienced as an obstacle, as a private party may in this way gain strategic information about the plans of the municipality. He notes that before the municipality had the strategic land assembly budget, market parties could sometimes acquire land positions strategically on basis of the information shared by the municipality. As a result of this, the market parties could get a better negotiation position in development processes, appeal to the right to self-realization or ask a high price for selling their land to the municipality. The land appraiser does however point out that the budget for strategic land assembly has decreased this difficulty, as it enables the municipality to act more swiftly.

Additionally, the land appraiser connotes that private developers sometimes make ambiguous offers to landowners in the aim of persuading them to sell their land. As an example of this, he illustrates that developers sometimes put a clause in the sales contract that states that the landowner will get an additional payment when the developer realizes a certain amount of houses on the plot of land. These amounts are however, according to the land appraiser, unrealistic and as such the condition for this additional payment will most of the time not be met. In that event, the developer is able to get a land position for a low price. Such practices make it harder for the municipality to compete for land.

### *The influence of Enschede's operational context on strategic land assembly*

The strategic advisor indicates that the land management department has their own financial reserves and their own team, but is internally embedded in the municipal organization, as it is a costly practice that requires for a lot of administrative coordination and collaboration. The land appraiser adds to this:

‘Independent municipal land companies (*gemeentelijke grondbedrijven*) is more something of the past, especially in the 90s. In this time period, these companies could make enormous profits with housing construction sites. This was however partly because these independent municipal land companies had to financially stand on their own feet, which required for competition with market parties, which meant making profit to stay competitive. Such a structure is impossible for what we have currently defined as strategic lands. For this you will need to make the assessment within the organization, as it will cost a lot of money and it will hurt. But we want to do something for our city and will therefore have to do it.’

Both the strategic advisor and land appraiser argue that the bigger size of their municipality enables them to more effectively execute their land policy. Due to their size, they have a lot of expertise present in their organization. Especially since the strategic investment agenda has come into effect, the municipality is able to act way more swiftly on market opportunities. Before, this was way more difficult because they had to ask permission from the council for every acquisition, missing out on opportunities. They both consider the bigger size of the municipality as a factor that slows down their ability to act in this regard. If they want to ask permission from the council to do something, it can take almost three months for the council to make a decision. Next to this, there are a lot of different people internally that must agree on a certain issue, which takes a lot of time. This is especially deemed difficult regarding the pre-emption right, as the legal term for ratifying this right is experienced as rather short. The land appraiser points out that smaller municipalities can coordinate faster:

‘I think we have much more capacity, that we can get way more [due to our size] and that smaller municipalities might have more difficulty in getting these processes well-organized. But if they manage to do so, they can do it way faster than us.’

### *Obstacles regarding the required expertise and labour*

The land appraiser does on the contrary note that because municipalities have massively left active land policy for a long time, a lot of expertise and experience has drained away in this field of work. As

municipalities are now starting again with active land policy, this causes for a high labour shortage. He reckons that Enschede has been relatively lucky in this regards because they still had some colleagues that had been occupied with active land policy in the 90s. They both expect that the changed context does however not require for different expertise for spatial development in comparison to the past. The land appraiser on the contrary reckons that the municipality does require more expertise from the social domain for setting its spatial objectives, ensuring that all target groups are represented and serviced in decision-making process of setting the (spatial) objectives of the municipality.

#### *The scalability of land assembly and management*

Both the strategic advisor and land appraiser argue that every municipality has its own land policy strategy and makes its own budgetary choices. They reckon that it would thus be unviable to scale the execution of land policy in a way that would surpass municipal borders (regional or national). They deem this politically unviable as every municipality requires and also wants its own strategy. The land appraiser does add to this that nearby smaller municipalities do regularly contact Enschede to ask for advice.

#### **3.4.4 The administration and management of Enschede's land stock**

Managing the land stock has become increasingly more difficult and more expensive in comparison to the past (land appraiser). In the past, the municipality could just lease its agricultural strategic land positions to farmers while nowadays it has apartments and offices, which require more capacity to manage.

*The land policy of Enschede differentiates between the following types of lands in their land stock:*

- **Lands in development** (*Bouwgronden In Exploitatie (BIE)*): land positions and possible buildings on top that are currently in a transformation process to be developed into construction-ready land.
- **Strategic lands**: lands with a fixed designated use that are not (yet) in a transformation process. This also includes lands that have been acquired anticipatory and strategically, for which there has not (yet) been made a decision on a plan for development. These lands are valued in accordance with their historic acquisition price and with a maximum of the value of their current designated use.
- **Warm lands**: lands that have been acquired with a concrete perspective for development by the municipality, but for which the development plan has not yet been set. If these land meet the conditions set within the BBV-legislation, these lands may be valued to their prospected future designated use.
- **Leased out lands** (*Erfpachtgronden*): lands issued under lease.
- **Stock of tradable goods** (*Voorraad handelsgoederen*): these lands have not been acquired strategically or with the intention of future development. These are the so called 'rest' or 'exchangeable' land positions. The intention for these land positions is to sell them or exchange them for land on which future construction is planned (in due time).

#### *The impact of the economic crisis on Enschede's land stock*

The strategic advisor explains that the municipality has executed tremendous write-offs on their land positions after the economic crisis. This has cost them a lot of money, but has enabled them to keep a large amount of land positions in possession. These land positions are currently being deployed for realization of the municipality's spatial objectives. The strategic advisor furthermore indicates that some municipalities have chosen different paths in dealing with the impact of the economic crisis, including the taking off 'loss provisions' (*verliesvoorzieningen*) on their land positions. According to the strategic advisor, this provides for a better outlook to the outside world as you do not permanently take a financial loss, but is a risky thing to do.

### 3.5 Comparing the results of the different municipalities

This section will provide for a comparative analysis of the results of the four municipalities.

#### 3.5.1 Positioning the land policies in their spatial contexts

Although all municipalities see their land policy document as instrumental to achieving their (spatial) objectives, there is a distinctive difference between their perceptions on whether the land policy document should also provide for direction. Whereas the perspective on land policy of Haarlemmermeer and Enschede is more strictly limited to the instrumental value of the document, Eindhoven conceives its land policy document to offer a strategic long-term perspective that fits within the identity of the city and 's-Hertogenbosch's land policy clearly communicates its aim for proactive municipal involvement.

##### *Land policy strategy*

When considering the land policy strategies of the municipalities, these strategies align with the previously identified perceptions of the value of land policy among the different municipalities. All municipalities emphasize that their land policy should allow for a wide range of possible strategies. Haarlemmermeer and Enschede describe their land policy as 'situational,' indicating flexibility based on specific circumstances. In contrast, Eindhoven and 's-Hertogenbosch adopt a baseline of municipal involvement as the point of departure of selecting a strategy. Eindhoven refers to its land policy as 'directive' and 's-Hertogenbosch characterizes it as 'active, unless.'

##### *The land policy strategy assessment frameworks*

All municipalities have included an assessment framework for the consideration of the type of land policy strategy in their land policy documents. In assessment, the municipalities have all included a number of criteria on which decide to pursue active, facilitative or a public-private partnership strategy. The land policies of Eindhoven and Enschede utilize a similar framework based on the criteria of urgency, potential and influence. 's-Hertogenbosch and Haarlemmermeer on the other utilize a more extensive set of criteria in their assessment framework. All the assessment frameworks depart from a similar main criterion, upon which the subsequent criteria are based. This main criterion is based on the consideration whether the municipality wants to control the quality and speed of a particular spatial development. In this, the speed of a development can be related to the urgency criteria and the quality to the influence criteria, as presented by Eindhoven and Enschede. Moreover, there are a number of other criteria that are in some way included in the assessment frameworks of all the municipalities. These can be aggregated into the following five criteria:

1. The municipal (spatial) objectives the development serves.
2. Willingness of the market to realize the development in line with the municipal (spatial) objectives.
3. The financial risks of the development depending on the feasibility of the business case or market potential.
4. Amount and type of buildings present within the scope of the development.
5. The financial resources of the municipality and the thereout deriving willingness or possibility to pay.

Next to these criteria used by all four municipalities, there are a number of criteria that are used by a select number of municipalities. Eindhoven and Enschede both annually select a number of focus areas in which strategic land assembly is to take place. In Eindhoven this is done through 'opportunity mapping sessions' (*kanskaartsessies*) and Enschede has established a strategic investment agenda in which areas of focus are selected. 's-Hertogenbosch has more generally included the criteria of the degree of municipal ambition for the corresponding area, indicating a spatial categorization of areas similar to that of Eindhoven and Enschede. Haarlemmermeer and Eindhoven both include a

consideration of alternative locations that may better serve the spatial objective(s) in their assessment framework. Haarlemmermeer and 's-Hertogenbosch also include an assessment of the possibilities of acquiring land positions given the market conditions and the current division and condition of landownership within the scope of the development. At last, 's-Hertogenbosch also takes into consideration the required expertise for the land assembly and the possibility of value-creation for the municipality.

### 3.5.2 Experienced possibilities and obstacles of land assembly

There are a number of possibilities and obstacles that municipalities experience when choosing for active land policy and thereout deriving land assembly. These partially overlap with the stated criteria, as they also provide for a rationale for a municipality whether or not to pursue land assembly. In general, all municipalities argue that they can take better control over the development when choosing for a land assembly strategy. Moreover, they all reckon that land assembly makes the municipality less dependent on other parties for realizing its (spatial) objectives. In general it is conceived that this is especially the case for difficult, complex and unprofitable locations or developments that serve social objectives. A general experienced obstacle of land assembly is the financial risk that derives from this active involvement on the land market. The table below shows all the possibilities and obstacles that the municipalities experience in the practice of land assembly.

**Table 6:** experienced possibilities and obstacles of land assembly

Experienced possibilities land assembly	HM	EN	DB	ES
To take more control over developments.	X	X	X	X
To be less dependent on other parties for realizing its (spatial) objectives. Especially the difficult, complex and financially unprofitable locations that the market does not take up.	X	X	X	X
To decrease difficulties deriving from land fragmentation.	X		X	X
To let the generated value flow back to the municipality.	X		X	
Less reliant on market conditions				X
To improve its negotiation position within a specific plan area.		X		
To show potential buyers that the municipality is an actively involved, serious and willing party.			X	
Experienced obstacles land assembly	HM	EN	DB	ES
Financial risks.	X	X	X	X
Self-realization right.			X	X
Competition with developers, which drives up the prices, especially within land for housing market.			X	X
Labour shortage		X	X	X
High interest rates on the market and overall market circumstances.			X	
The required differentiation in housing construction, which pressures the profitability of development processes.			X	

### 3.5.3 Different conceptions of strategic land assembly

Before diving into the possibilities and obstacles that the municipalities experience in specifically strategic land assembly, it is important to note that the four municipalities have different conceptions of what strategic land assembly is. This paragraph will provide for an extensive analysis of their different conceptions of strategic land assembly, which is deemed fundamental for the interpretation of the possibilities and obstacles they experience in strategic land assembly.

There is a notable difference in whether and how the different municipalities define strategic land assembly and how this definition differentiates from the other types of land assembly that the municipalities have defined. Enschede and Eindhoven are the only two municipalities that have included a clear definition of strategic land assembly in their land policy documents. The most delimited definition of strategic land assembly can be found in the land policy of Eindhoven, which puts forward a clear distinction between anticipatory and strategic land assembly. Eindhoven primarily differentiates between the two on basis of the set timeframe of the spatial objectives for which the land assembly is executed. In this, an anticipatory land assembly serves medium-term objectives for which plans are 'currently being formulated but have not yet been finalized'. Strategic land assembly on the other hand involves acquiring land ahead of expected plan development. Additionally, Eindhoven notes that the current (lower) price of a land position can be a reason to strategically acquire it.

Enschede does not differentiate between anticipatory and strategic land assembly, but has included a distinct definition for strategic land assembly in their land policy. Enschede defines strategic land assembly as acquiring land positions in areas for which the municipality has not yet or only globally set frameworks or vision but where the municipality wants to and can acquire land positions in view of expected opportunities for (re)development of these areas. Moreover, land and the possible buildings on top can be acquired for the compensations purposes or to remove obstacles for other developments.

Whereas Enschede includes the assembly of compensating land positions within their definition of strategic land assembly, 's-Hertogenbosch defines this as a separate type of land assembly. Although 's-Hertogenbosch on the contrary does not explicitly state a definition of strategic land assembly in their land policy, it does define one of the types of land assembly it utilizes as 'land assembly ahead of definitive plans, which are mostly strategic in nature.'. 's-Hertogenbosch does not strictly differentiate between anticipatory and strategic land assembly. The land coordinator of 's-Hertogenbosch does however note that in practice a distinguishment can be made between a project-based, more delimited assembly strategy in which the municipality assembles land ahead of, but in purpose of a project and a more generic search for compensating land positions, in which the municipality is a little more opportunistic. In this sense, the project-based approach could be conceived as a more anticipatory type of assembly strategy and the latter as a more strategic assembly strategy.

This last distinguishment would also fit within the two previously ascertained ideal-typical types of anticipatory and strategic land assembly present in Haarlemmermeer. These have been formulated on basis of the interviews as the land policy of Haarlemmermeer does not specifically put forward a definition for strategic land assembly. It only states that strategic land assembly is possible in case an opportunity presents itself, there is a spatial need for it and the assessment framework provides for a rationale it. The formulated ideal-typical types of anticipatory and strategic land assembly for the biggest part accord to the previously made distinguishment of 's-Hertogenbosch. The only additional criteria present in Haarlemmermeer is that strategic land assembly is most often based on the current use value whereas anticipatory land assembly are primarily based on the expected future use value.

The analysis reveals significant variations in how different municipalities define strategic land assembly, as well as how they distinguish it from other types of land assembly. Eindhoven and Enschede provide for more strictly defined definitions within their land policy documents. Eindhoven offers the most

precise differentiation, distinguishing between anticipatory and strategic land assembly based on the timeframe of spatial and concreteness of present plans and frameworks. Enschede, while not distinguishing between anticipatory and strategic land assembly, includes a comprehensive definition that incorporates compensation and obstacle removal within its scope. In contrast, 's-Hertogenbosch and Haarlemmermeer provide less explicit definitions but still recognize the need for strategic land assembly under specific conditions. 's-Hertogenbosch's and Haarlemmermeer's approach includes practical distinctions between project-based and more generic land assemblies, aligning with the identified anticipatory and strategic categories. Haarlemmermeer's moreover distinguishes between the current use value in strategic land assembly compared to the future use value in anticipatory land assembly.

### 3.5.4 Requirements for strategic land assembly

All of the municipalities have reserved a budget that can be utilized to execute strategic land acquisitions. The municipalities note that since the implementation of a strategic land assembly budget, they are able to act more swiftly on the market. This is because they do not have to ask the council for approval for every single strategic acquisition. Enschede adds to this that this also better assures that market parties or developers do not get information on the strategic plans of the municipalities that would hurt the municipality's assembly process. Moreover, Eindhoven and Enschede have established a revolving budget, which enables funds to flow back when the land position is activated (taken into development). Eindhoven argues that this better fits current ambitions, as otherwise the budget would be depleted.

Another important requirement that 's-Hertogenbosch, Haarlemmermeer and Enschede point out is the necessary size of the municipality to conduct strategic land assembly. Haarlemmermeer and Enschede argue that smaller municipalities often lack the organizational capacity and expertise to conduct strategic land assembly. Next to this, Haarlemmermeer and 's-Hertogenbosch indicate that strategic land assembly requires for substantive financial muscle, which smaller municipalities often lack.

A full overview of the requirements to conduct strategic land assembly that have been named by the municipalities can be found in the table below.

**Table 7:** Requirements for strategic land assembly

Requirements for strategic land assembly	HM	EN	DB	ES
Strategic land assembly budget.	X	X	X	X
Revolving mechanism in strategic land assembly budget.		X		X
Organizational capacity and expertise (which smaller municipalities often lack) .	X			X
Substantive financial muscle (which smaller municipalities often lack).	X		X	
Setting up a strategic land assembly strategy ( <i>verwervingsstrategie</i> ).	X	X		X
Requires anti-cyclical thinking.			X	
Having a high demand for development to decrease risk.			X	
Active use of public-law instruments (especially the pre-emption right).		X		
An integral assessment process of selecting areas in which strategic land assembly is to be conducted.		X		X
Immediate write off on the value of buildings situated on acquired strategic land positions, thus 'taking the pain now'.			X	X
The land company (or other implementing body of strategic land assembly) needs to be situated inside the municipal organization, as hard financial choices need to be made.				X

### **3.5.5 Experienced possibilities and obstacles of strategic land assembly**

Even though the municipalities have different conceptions of strategic land assembly, they do have a general conception on its goal: to enable for the realization of future developments. Moreover, they all underscore an important hardship experienced in strategic land assembly. They argue that the 'arena' of strategic land assembly has moved from the agricultural hinterlands to urban or even inner-city locations. This has caused for hardships in the execution of strategic land assembly as these land positions are way more expensive than the agricultural land positions that were acquired in the past. They argue that this is because in inner-city or urban areas the expected future use value is often not much higher than the current use value. Moreover, these locations often contain buildings that due to legislation and risk management require for an extensive or even full write-off of the value of the building immediately after acquiring. This in turn requires for a substantive financial reserve to cope with this write-off. Next to this, these buildings require for maintenance and management in terms of rental, which puts a pressure on the capacity of the organization and asks for specific expertise. At last, these buildings involve a high-risk profile in terms of value retention and realizing the expected income stream of rent. Next to these general experiences of strategic land assembly, the table on the next page provides an overview of all the experienced possibilities and obstacles of strategic land assembly.



**Table 8: Experienced possibilities and obstacles of strategic land assembly**

Experienced possibilities of strategic land assembly	HM	EN	DB	ES
To enable for the realization of future developments.	X	X	X	X
To build up a compensational land stock ( <i>ruilgronden</i> ) to enable (other) developments.			X	X
To prevent land market speculation.		X	X	
To help prevent unwanted development.		X	X	
To respond quickly to unexpected opportunities.	X		X	
To acquire land for lower prices as there is less chance of having to acquire the land for the expected future use value (EN & HM) and it has less chance of having to negotiate with the landowner on basis of expropriation tariffs (ES).	X	X		X
To decrease the chance of having to expropriate, which is a costly practice due to the high land prices, additional fees and high apparatus costs.		X		
To realize an income stream (rent or lease) up until moment of development.		X		
To maintain a strategic land stock that enables the municipality to grow.			X	
To spur development in an urban area (flywheel effect).	X			
Experienced obstacles of strategic land assembly	HM	EN	DB	ES
The high costs of strategically acquiring land positions in urban areas. In urban areas the future expected use value is often not much higher than the current use value. Moreover, these land positions often include buildings. Writing off on the value of buildings requires substantive financial reserve, limiting the possibilities to acquire strategic positions.	X	X	X	X
Land positions with buildings put a burden on organizational resources. More expertise and capacity needed. Financial risks due to value retention, realizing rent income stream and maintenance.	X	X		
Maximum price municipalities can pay is the market rate, even though it is sometimes more profitable to buy earlier and realize an income stream through rent instead of in a later stage of a development process, or even expropriation.		X		
The risk of excessive hedging which provides for unnecessary limitations to act.			X	
The land fragmentation and higher land values in inner-city areas. Expected value not much higher than current value.			X	
Ambiguous offerings of private developers to landowners makes competition more difficult.				X
Tension between capability and accountability. That is, even though the board has the mandate to conduct strategic land assembly, it needs to account for its actions when it makes a misstep, which in turn restrains its capability.			X	
A municipality shares a lot of its (strategic) information, this makes competition on the land market more difficult.				X
The big size of the municipal organization delays the decision-making processes.				X
Municipality can only get 'leftovers' from the market: difficulties in value retention, less possibilities for (re)development	X			
Not a lot of certainty on expected future value.	X			

# 4. Conclusion

In this conclusion, the experiences of the Dutch municipalities of Enschede, Eindhoven, Haarlemmermeer and 's-Hertogenbosch are synthesized, highlighting the possibilities and obstacles they encounter in strategic land assembly processes. By synthesizing the key findings from these municipalities and linking the findings back to theoretical frameworks, this analysis aims to answer the research question: 'Which possibilities and obstacles do Dutch municipalities experience during strategic land assembly processes?'

The municipalities experience a range of possibilities in strategic land assembly that is in line with the possibilities that have been identified by Segeren (2007), Deloitte (2019) and BZK and TU Delft (2023). Firstly, the municipalities argue that (strategic) land assembly allows them to gain enhanced control over urban development. More specifically, the municipalities argue strategic land assembly enables for future development in light of achieving long-term spatial objectives. By proactively acquiring land, municipalities can ensure that development aligns with their spatial and social objectives, instead of being driven by market forces and being dependent on private parties. Furthermore, strategic land assembly helps prevent speculative land price inflation. By acquiring land at current use values before detailed development plans are publicized, municipalities argue they can secure land at lower costs.

There is, however, a paradoxicality in this, in line with what Swyngedouw and Ward (2022) refer to as the great riddle of land value. On one hand, strategic land assembly is seen as cost-effective because land can be acquired for lower prices when development plans are not yet concrete. As plans become more defined, the expected future use value becomes apparent, embodying the exchange value and driving up land prices. This increase complicates the acquisition process and makes it financially burdensome for municipalities. Conversely, municipalities need concrete development plans to justify and validate strategic land acquisitions, as the current use value is often insufficient to minimize financial risks. Thus, municipalities argue that acquiring land based on its current use value ensures lower prices, yet they also require the expected future value—or exchange value—to minimize risks and ensure accountability. This paradox creates a significant challenge for municipalities. They must acquire land before its exchange value escalates due to concrete plans, while simultaneously needing these plans to justify the acquisitions. Haarlemmermeer refers to this delicate balance as aiming for the 'highest and best use.'

Whereas Mentink (2021) argued that the need for public agreement hampers municipalities' ability to act swiftly on the market to compete with private parties, all of the municipalities refute this view. In line with the argument of Deloitte (2019), they point out that their dedicated budgets for strategic land assembly enables them to act swiftly, as they do not have to rely on funding requests to the municipal councils. The revolving fund construction of Eindhoven and Enschede is especially effective in this regard. Due to this revolving mechanism, the budget does not deplete as funds flow back as soon as a strategic land position is taken into development. This also stimulates for a recurrent flow of acquisitions and development.

For all of the municipalities, the department responsible for (strategic) land assembly is imbedded within the organization and under direct control of the municipal board and with budget mandated by the council. In this way, the municipalities secure the 'input' legitimacy as coined by Hartmann and Spit (2015), Lukas (2019) and Dral et al. (2023). Segeren (2007) and Deloitte (2019) have argued that dedicated budget for land assembly efforts, which are present in all the municipalities studied, ensure that strategic information is not openly available to market developers, thus securing competitiveness on the land market. They do on the contrary also note that this may form an obstacle in guaranteeing

democratic legitimacy, or by Lukas (2019) and Dral et al. (2023) referred to as ‘throughput’ legitimacy. ‘s-Hertogenbosch has pointed out that this forms a significant obstacle in pursuing strategic land assembly. To prevent having to account for their actions afterwards the board for this reason sometimes still chooses to consult the council, especially in cases of big acquisitions. Such practices highlight the tension between capability and legitimacy. All municipalities do however account for their acquisitions to the council after acquisitions have been executed, to better ensure democratic legitimacy. In terms of output legitimacy, all municipalities base their land policies and practices of (strategic) land assembly on their spatial and social objectives and recurrently assess whether the land positions they own are still fitting within these endeavours. Moreover, there is a clear shift towards more adaptive and responsive land policies. Municipalities now emphasize situational land policies, which allow them to tailor their approaches based on specific project needs and market conditions. Municipalities have developed more sophisticated frameworks for assessing and executing strategic land acquisitions. These include evaluating factors such as desired control over the development, potential public benefits, urgency of development, and existing land ownership structures. Public-law instruments like the pre-emption right are increasingly utilized to manage timing and negotiations effectively. This contrasts with the broader, less structured approaches observed in the past .

The context in which strategic land assembly is conducted has however changed significantly, particularly in comparison to the context portrayed by Spit (2018). Historically, strategic land assembly often involved acquiring agricultural land positions (greenfield sites) which could be developed over time with relatively low initial costs and risks. However, the current context has shifted increasingly towards urban locations. This transition presents a complex landscape of pre-existing developments, higher land costs, and a high density of landowners. The municipalities of Haarlemmermeer, Eindhoven, 's-Hertogenbosch, and Enschede now primarily target areas with existing buildings, commercial properties, and public spaces, necessitating a more nuanced and risk-intensive approach.

Especially the presence of buildings in this new arena in which strategic land assembly is conducted involves significantly higher financial risks compared to past strategic land assembly of agricultural lands. The municipalities need to write off depreciated values of old buildings, which requires for a substantive financial reserve. The need for maintenance of these buildings and managing rental further complicates this. All the municipalities note that this puts a significant burden on the capacity and finances of the municipal organization. In light of this, ‘s-Hertogenbosch, Haarlemmermeer and Enschede argue that smaller municipalities would have more difficulty with strategic land assembly. In light of the argument of Spit (2018), this thus raises questions on the efficiency of strategic land assembly in terms of financial sustainability.

The complex landscape in which strategic land assembly is currently being conducted has furthermore caused for a wide range of definitions and operational approaches. This fits within the perspective of Louw (2008), who has argued that land assembly is hard to define and conceptualize. Eindhoven and Enschede offer more precise and detailed definitions within their land policies. Eindhoven makes a clear distinction between anticipatory and strategic land assembly based on the timeframe and development stage of spatial objectives. Enschede’s broader definition of strategic land assembly also includes acquisitions for the purpose of building up a compensational land stock or removing obstacles for other developments. ‘s-Hertogenbosch and Haarlemmermeer do on the other hand not provide explicit definitions in their policy documents. They do nonetheless still engage in strategic land assembly. In practice, they both distinguish between project-based and more generic land assembly, aligning with anticipatory and strategic categories.

The municipalities are increasingly focusing their strategic land assembly efforts on designated areas of importance to ensure targeted and effective development. For instance, Eindhoven employs annual

opportunity mapping sessions in which specialists from different municipal departments collaboratively identify and rank areas with high development potential. This process results in a prioritized list of focus areas where strategic land assembly is concentrated. Similarly, Enschede has established a strategic investment agenda in which areas of focus have been selected. The municipality has reserved a budget specifically for strategic acquisitions in these focus areas, ensuring that resources are allocated where they are most needed to achieve municipal objectives. Haarlemmermeer also adopts a focused approach to strategic land assembly, though not as explicitly defined as in Eindhoven and Enschede. The municipality critically assesses opportunities for strategic land assembly, ensuring a more strategic and selective use of its strategic land assembly budget. In this, it prioritizes inner-city areas with higher spatial needs and potential to spur development. Overall, these focused and selective approaches to strategic land assembly reflect a shift from past practices of broader, less targeted and diffuse practices to more deliberate and context-sensitive strategies.

## 4.1 Discussion

Considering the validity of this research, it is important to note that an exploratory case study approach has been adopted, which inherently limits its generalizability. However, the selected municipalities—Enschede, Eindhoven, Haarlemmermeer, and 's-Hertogenbosch—cover a range of contextual, operational, and institutional differences, providing a comprehensive overview of the varied experiences and practices in strategic land assembly.

The research methodology, combining document analysis and interviews with municipal officials, aimed to provide a comprehensive overview of strategic land assembly practices. Whereas the document analysis offered insights into the formal policies and strategies of the municipalities, the interviews allowed for in-depth exploration of practical experiences. The flexibility of semi-structured interview approach allowed for adaptation based on the insights of the respondents, effectively uncovering unexplored experiences, which is deemed crucial given the exploratory nature of this study.

The limited scientific literature on strategic land assembly presented significant challenges. The scarcity of existing literature extended the time required to formulate the research question, impacting the overall timeline. Additionally, striving for well-established interview protocols caused for a delayed outreach to municipalities, which in turn led to time management issues. Another limitation to this research is the bias of the author. Given the author's affiliation with the Dutch Ministry of Interior Affairs, potential bias could have influenced the interpretation and analysis of data. Moreover, strategic land assembly is a rather political subject, given the different perceptions that exist on government intervention and whether a government should act as a private entity on the land market. Political beliefs and opinions of respondents (and the author) could in this sense be regarded as a limitation, as it causes for a certain extent of subjectivity of the findings. The interview protocol has however aimed to limit this by shaping the questions towards the experiences of the municipalities and not the opinions of individual respondents.

The findings of this research highlight the diverse range of definitions and operational practices of strategic land assembly among municipalities. This reality could be a subject of discussion for the Dutch national government. In this, it should consider whether the current, highly contextually influenced and diverse definitions and operational practices are desirable. Or whether, in line with system responsibility of the national government, standardization, clearer definitions and set guidelines would be more desirable. Moreover, the identified paradox in strategic land assembly—where concrete development plans increase land prices, complicating strategic land acquisitions, while municipalities need detailed plans to justify these same acquisitions and mitigate risks—presents a critical challenge. This may also provide for an important subject of discussion for the national government.

As stated in the previous paragraph, the paradoxicality of strategic land assembly presents a critical challenge. The first recommendation for further research would for this reason be to further investigate the strategic land assembly paradox. Another recommendation for further research would be to utilize quantitative research methods to examine how different municipalities define and execute strategic land assembly. This analysis could reveal patterns that may inform the previously presented subject of discussion on this topic. At last, this research could be expanded to include more municipalities, by which more contextual differences are explored. By addressing these research areas, future studies can contribute to a more coherent and effective framework for strategic land assembly adapted to and informed by the current spatial context and present spatial challenges.

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