

# Negotiating Densification

Navigating Landowner Strategies for Housing  
Provision in Project-Based Planning

**INAUGURAL DISSERTATION**

Faculty of Science  
University of Bern

Presented by

Josje Bouwmeester  
from the Netherlands



**SUPERVISORS OF THE DOCTORAL THESIS**

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Institute of Geography & CRED  
University of Bern

Prof. Dr. Thomas Hartmann  
School of Spatial Planning  
TU Dortmund

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## Summary

Densification aims at curbing urban sprawl and preserving natural landscapes. Implementing densification is difficult because it means dealing with landowners' established property rights, making them *de facto* veto players. Project-based planning offers a solution to this problem by allowing planners to align local policy with private property owners' economic objectives. The question remains how effective this approach is in realizing affordable housing. This dissertation examines the influence of landowner strategies on housing outcomes within densification initiatives, the response of planning authorities to such strategies, and the broader effects of negotiations on the interplay between property rights and public policies. Methodologically, the study employs a comparative analysis of the Netherlands and Switzerland, using case studies to explore the dynamics of negotiations between local authorities and private landowners.

The results highlight how landowner strategies in project-based planning lead to policy formulation and implementation gaps, particularly in providing affordable housing. Even when public authorities have instruments available to secure affordability by taking it out of the negotiation, this does not always happen. This tendency to prioritize development agendas that benefit powerful actors can sideline local community interests, perpetuating inequalities in urban development processes. The findings underscore a shifting dynamic between property rights and public policies. Project-based planning concentrates power in the hands of large-scale developers and public authorities while limiting the rights of smaller veto players who pose threats to densification projects. This thesis highlights the relationship between institutional regimes and informal local arrangements, stressing the need to uphold democratic checks and balances, often eroded in project-based planning. Preserving these safeguards is essential for achieving sustainable outcomes in urban densification efforts.

**Keywords:** *Urban densification, land policy, landowner strategies, housing, Netherlands, Switzerland.*

## Samenvatting

Verdichting heeft als doel stedelijke uitbreiding te beperken en natuurlijke landschappen te beschermen. De moeilijkheid bij het implementeren van verdichting ligt bij de gevestigde eigendomsrechten van grondeigenaren, wat hen in feite vetospeler maakt. Projectplanologie biedt een oplossing voor dit probleem omdat het planners in staat stelt om in onderhandeling met grondeigenaren een balans te creëren tussen lokaal beleid en economische doelstellingen van particuliere grondeigenaren. Echter, de vraag is tot in hoeverre deze aanpak in staat is om ook betaalbare huisvesting te realiseren. Dit promotieonderzoek bestudeert de invloed van strategieën van grondeigenaren op woningvoorziening in verdichtingsprojecten, de mogelijkheden van planners om op zulke strategieën te reageren, en de bredere effecten van planologische onderhandelingen op de wisselwerking tussen eigendomsrechten en beleid. Methodologisch maakt de studie gebruik van een vergelijkende analyse tussen Nederland en Zwitserland, waarbij verschillende casestudies worden gebruikt om een diepgaand inzicht te krijgen in de onderhandelingen tussen lokale overheden en particuliere grondeigenaren.

De resultaten benadrukken dat hoewel projectplanologie de implementatie van verdichtingsdoelstellingen vergemakkelijkt, er ook het risico is dat economische doelstellingen prioriteit krijgen boven sociale aspecten. Strategieën van grondeigenaren leiden tot een discrepantie tussen beleidsvorming en -implementatie, met name wat betreft betaalbare huisvesting. Zelfs wanneer planners beschikken over instrumenten om betaalbaarheid buiten de onderhandelingen te waarborgen, gebeurt dit niet altijd. Deze neiging om doelstellingen te prioriteren die machtige actoren ten goede komen, houdt ongelijkheden in stedelijke ontwikkelingsprocessen in stand. Verrassend genoeg laten de bevindingen zien dat economische actoren pleiten voor het beperken van de eigendomsrechten van kleinere vetospelers. Dit onderzoek belicht de relatie tussen institutionele regimes en informele lokale regels, waarbij wordt benadrukt dat het noodzakelijk is om democratische controle en evenwicht, wat vaak wordt uitgehold in projectplanologie, te handhaven. Het behouden van deze waarborgen is essentieel om duurzame resultaten te bereiken in stedelijke verdichting.

**Trefwoorden:** *Stedelijke verdichting, grondbeleid, strategieën van grondeigenaren, huisvesting, Nederland, Zwitserland.*



## Zusammenfassung

Verdichtung zielt darauf ab, die städtische Ausbreitung einzudämmen und natürliche Landschaften zu schützen. Die Herausforderung bei der Umsetzung von Verdichtung liegt darin, dass sie einen Eingriff in private Eigentumsrechte erfordert. Die projektorientierte Planung bietet eine Lösung für dieses Problem, da sie es den Planern ermöglicht, mit den Grundstückseigentümern zu verhandeln, und so ein Gleichgewicht zwischen öffentlichen Entwicklungszielen und den wirtschaftlichen Zielen der Grundstückseigentümer herzustellen. Es stellt sich jedoch die Frage, inwieweit mit diesem Ansatz auch bezahlbarer Wohnraum geschaffen werden kann. Diese Dissertation untersucht den Einfluss der Strategien von Grundeigentümern auf die Bereitstellung von Wohnraum im Rahmen von Verdichtungsprojekten, die Fähigkeit von Planern, auf solche Strategien zu reagieren, und die weitergehenden Auswirkungen von Planungsverhandlungen auf die Wechselwirkung zwischen Eigentumsrechten und öffentlicher Politik. Methodisch stützt sich die Studie auf eine vergleichende Analyse zwischen den Niederlanden und der Schweiz und verwendet Fallstudien, um ein tieferes Verständnis der Verhandlungen zwischen Gemeinden und Grundeigentümern zu gewinnen.

Die Ergebnisse zeigen, dass projektorientierte Planung zwar die Umsetzung von Verdichtungszielen erleichtert, aber auch das Risiko birgt, wirtschaftliche Vorteile über soziale Aspekte zu stellen. Strategien von Grundbesitzern führen zu Abweichungen zwischen Politikformulierung und -umsetzung, insbesondere bei der Bereitstellung von bezahlbarem Wohnraum. Selbst wenn öffentlichen Behörden Instrumente zur Schaffung bezahlbaren Wohnraums zur Verfügung stehen, werden diese nicht immer angewandt. Diese Tendenz, Entwicklungsagenden zu priorisieren, die mächtigen Akteuren zugutekommen, kann Ungleichheiten in städtischen Entwicklungsprozessen verstärken. Überraschenderweise betonen die Erkenntnisse eine sich verändernde Dynamik zwischen Eigentumsrechten und öffentlichen Politiken, wobei wirtschaftliche Akteure dafür plädieren, die Rechte kleinerer Vetospieler, die Verdichtungsprojekten im Weg stehen, zu beschränken. Diese Forschungsarbeit unterstreicht die Beziehung zwischen institutionellen Strukturen und informellen lokalen Vereinbarungen und verdeutlicht die Notwendigkeit, demokratische Kontrollmechanismen aufrechtzuerhalten, die bei der projektorientierten Planung häufig ausgehöhlt werden. Die Gewährleistung dieser

Kontrollen ist eine wesentliche Voraussetzung für eine nachhaltige Stadtentwicklung.

**Stichworte:** *Städtische Verdichtung, Bodenpolitik, Grundeigentümerstrategien, Wohnen, Niederlande, Schweiz.*

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## **PART A: INTRODUCTION**

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# CHAPTER 1: URBAN DENSIFICATION, PROPERTY RIGHTS, AND PROJECT-BASED PLANNING

In 1946, Hans Bernoulli published *Die Stadt und ihr Boden*, illustrating the significance of private property rights in planning, emphasizing the challenge cities face when reconciling their development goals with the rights of private landowners. He states:

*“There is a particular difficulty that makes things impossible [...]: The earth, the land on which the city is to develop, is distributed to individual owners. The city has no right or even the opportunity to dispose of the land; to divide it up according to its ideas, [...] and to assign building projects to each district as would be sensible and desired.”* (Bernoulli, 1946, p. 15, own translation)

Bernoulli’s work underscores the enduring tension between planning objectives and property rights. Despite planning being inherently linked to private property, contemporary discussions often distance themselves from property-related questions, instead focusing on land use or, simply put, where things belong (Blomley, 2017). Krueckeberg (1995) points out that land use discussions tend to assume neutrality, whereas planning is inherently political, involving the allocation, (re)distribution, and alteration of property rights (Jacobs and Paulsen, 2009, p. 135). Recognizing the connection between planning and property rights is essential for understanding the complexities inherent in urban development and governance. It acknowledges the political nature of planning decisions and their profound impact on the distribution of property rights within the built environment.

This tension between planning and property rights is especially pronounced in densification projects. Densification refers to the process of increasing the use, population, or building density within the existing built environment (Broitman and Koomen, 2020). Operating within a landscape of established and often fragmented



property rights, densification initiatives face complexities not encountered in greenfield developments. Most countries strongly protect property rights, making landowners powerful actors in redevelopment projects (Davy, 2012). While local authorities may have plans to redevelop a plot of land, landowners can mobilize their property rights to resist or block such plans, hindering access to building land through strategic behavior. Research has shown how this veto power of landowners contributes to the increasing challenge of unaffordable housing that cities face worldwide (Wetzstein, 2017; Debrunner, 2024). Planning authorities can respond to such landowners' strategies by moving beyond traditional planning approaches, such as statutory land use plans, towards the strategic combination of a broad diversity of land policy instruments (Dembski *et al.*, 2020).

As shown in the dissertation, the selection and implementation of land policy instruments for densification objectives increasingly occur at the project level, where negotiations between planning authorities and private owners are central. Negotiations enable actors to align interests and create the shared capacity to realize densification objectives (Lambelet, 2019). Because of the central role of negotiations in urban land governance, densification outcomes are shaped by informal project-level arrangements arising from ever-changing actor constellations (Özogul, 2021). Focusing on these negotiations, this thesis aims to unravel how different actors' strategies influence the outcomes of densification projects. Specifically, this thesis will focus on a contested resource, namely housing, to illustrate how actor strategies are used to put forward different interests. Housing is contested as it has different conflictual meanings to actors: for some, it primarily serves as residential space, while for others, it is an investment opportunity. As decisions regarding land use, the type of housing constructed, and other terms and conditions hinge on mutual agreements (Debrunner and Kaufmann, 2023), studying densification at the project level thus allows for a nuanced examination of how legal frameworks are negotiated, interpreted, and implemented. It sheds light on the relationship between public policy objectives and private property rights in urban planning.

The following chapter serves as an introduction to the governance of densification, setting the stage for the subsequent chapters. It begins by highlighting key concepts and identifying research gaps that inform the dissertation's focus. The chapter outlines the research objectives, articulates the research questions, delineates the research approach, and provides a brief overview of the thesis structure.

## **1.1 DENSIFICATION: AN INTRODUCTION**

In many cities worldwide, urban land is a scarce and contested resource (Debrunner and Kaufmann, 2023). In this context of scarcity, actors are in constant negotiation on the use, value, and distribution of urban land (Logan and Molotch, 2007; Harvey, 2008). This contestation has become even more pronounced since densification has become a dominant planning paradigm. Densifying the built environment produces advantages, such as ecological benefits or increased housing or business opportunities. It can also create disadvantages, such as increased noise pollution, higher rents, or a loss of green spaces or views for different individuals, households, and property owners (Westerink *et al.*, 2013). Densification thus emerges as a deeply politicized process, entailing both burdens and benefits for different actor groups.

Still, densification has become an important policy objective in many legislations globally (Salet, 2014; Debrunner, Hengstermann and Gerber, 2020; Næss, Saglie and Richardson, 2020). In the face of a growing urban population, it serves as a crucial strategy to counter the conversion of the earth's green surface area into urban land, preventing a further loss of farmland and biodiversity (Mills, 2003; Bart, 2010; Bhatta, 2010; Seto *et al.*, 2011). Additionally, densification is advocated for its potential to reduce car dependency, fuel consumption, and air pollution (Ewing, 1997; Bart, 2010) while promoting slow mobility options (Mills, 2003), enhancing access to services (Frey, 2003), and fostering inner-city regeneration (Kahn, 2000). Densification is thus said to bring together economic, environmental, and social benefits (Jabareen, 2006; Holman *et al.*, 2015; Dembski *et al.*, 2020). Despite the popularity of the compact city concept in recent decades, urban land coverage has outpaced urban population growth, underscoring the urgency of limiting urban expansion through densification amidst projections of significant urban population growth by 2050.

## **1.2 PLANNING IN THE FACE OF PROPERTY RIGHTS**

As stated in the introduction to this chapter, densification operates within a complex framework of established property rights and interests involving numerous stakeholders. While densification may present an attractive option to private owners and developers with economic interests seeking higher returns on their land investments (Touati-Morel, 2015), it often faces resistance from other types of property owners wary of potential property depreciation or a shift in neighborhood

composition (Wicki, Hofer and Kaufmann, 2022). Density changes, even incremental ones, can strain existing infrastructure such as utilities, education, green spaces, and transport, leading to opposition from nearby residents (Dunning, Hickman and While, 2020).

Property law protects the rights of such parties from state interventions. This means that a local planning authority aspiring to increase the density in a certain neighborhood can decide to increase the permitted density on a plot but usually does not have any *instruments* to force a landowner to use this possibility<sup>1</sup>. In other words, spatial planning frameworks create provisions and allowances for the landowner, but a landowner has the freedom to decide to build (or not). Because planning authorities often do not have the capacity to force landowners to redevelop, planning scholars argue that owners hold a *de facto* veto right, through which such property owners can significantly delay or halt the implementation of planning objectives (Willey, 2006; Taylor, Cook and Hurley, 2016; Rubin and Felsenstein, 2019), complicating the implementation of densification objectives (Cernea, 1993; Jenks, Burten and Williams, 1996; Westerink *et al.*, 2013).

To deal with this increased complexity in a situation of land scarcity, planning administrations shift from land use planning to land policy (Gerber, 2016; Debrunner and Hartmann, 2020; Dembski, 2020; Shahab, Hartmann and Jonkman, 2020). Land policy is defined as “*the strategic combination of instruments carefully thought through by public authorities to impose themselves in front of other private (or public) interests and reach public planning objectives*” (Gerber, Hartmann and Hengstermann, 2018, p. 9). Land policy extends beyond traditional command-and-control mechanisms and is thus mindful of power relations in spatial developments. This changing character of land use planning comes at a time when a more general shift towards New Public Management (NPM) can be observed in planning administrations (Sager, 2011; Gerber, 2016). NPM encompasses a broader reform that has changed traditional political-administrative systems of Western democracies,

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<sup>1</sup> With the exception of countries where building obligations were implemented. Building obligations can be used to create an obligation for landowners to use the land within a certain period of time, tied to legal consequences such as fines, downzoning, or expropriation, therefore reducing the planning authority’s dependence on a landowner’s decision (Hengstermann, 2018).

emphasizing devolution and decentralization while promoting adopting a managerial approach to public problems with economic efficiency concerns (Homburg, Pollitt and van Thiel, 2007). A key characteristic of NPM in planning is the use of more discretionary policy instruments, enabling negotiations between public and private actors to define planning terms and ensure the efficient implementation of densification objectives.

Using such discretionary policy instruments allows planners to align the interests of the planning department with the interests of property rights holders by renegotiating land use plans or making additional agreements in private law contracts at the project level (Tennekes, 2018; Taşan-Kok, Atkinson and Martins, 2021). Consequently, the public interest is increasingly defined through a negotiation process between public and private actors, allowing local authorities and landowners to align interests at the local level and ensure the efficient implementation of densification objectives. This expands the room to maneuver among actors, increasing the scope for the strategic behavior of actors to pursue their interests within the densification process.

### **1.3 HOUSING TRADE-OFFS IN PLANNING NEGOTIATIONS**

Despite arguments that such planning negotiations are necessary to implement densification objectives, some scholars question how much they benefit the public good. For instance, Lehrer and Pantalone (2018) found that negotiated decision-making processes are often not guided by consideration of ‘good planning’ but by cost-benefit considerations that mainly benefit individual interests. This is especially true as residents are frequently excluded from opaque negotiation processes. Particularly contested has been the impact of density negotiations on housing provision, with scholars arguing that such negotiations tend to emphasize the speculative function of housing over its function as a living space (Shih and Shieh, 2020; Shih and Chiang, 2022).

Many scholars have highlighted the potential housing price-increasing effect of densification (Cavicchia, 2021; Debrunner, Jonkman and Gerber, 2022). Critical perspectives on densification suggest that the relationship between urban density and sustainability is too simplistic, particularly questioning its contribution towards sustainable urban development from a social sustainability perspective (Gordon and Richardson, 1997; Neuman, 2005; Hall, 2012). Herburger (2023, p. 45) states: “*In a*

*paradoxical twist of faith, the compact city does not lead to a more sustainable future but amplifies problems of unjust socio-spatial development.*” Other scholars also question the planning model of sustainability-as-density (Quastel, Moos and Lynch, 2012). These studies have examined the extent to which densification can lead to social sustainability, specifically in terms of housing affordability and the deliberate exclusion of low-income households in densification projects (Rérat, 2012; Teller, 2021; Debrunner, Jonkman and Gerber, 2022). Because densification occurs in the already-built environment, it is linked to a risk of gentrification and exclusion. Studies have shown a pattern of redeveloping working-class housing into upscale neighborhoods, exacerbating income segregation (Moos *et al.*, 2018; Cavicchia, 2021). Such effects have been found regarding income, education level, migration background, and age (Moos, 2016; Cavicchia and Cucca, 2020; Nachmany and Hananel, 2023). The thesis aims to understand how planning negotiations between planning authorities and landowners can mitigate or exacerbate the affordability challenge of housing, shedding light on how housing is produced in the complex context of governing densification.

#### **1.4 RESEARCH GAP: THE *BLACK BOX* OF PLANNING NEGOTIATIONS**

This dissertation thus aims to understand how planning negotiations between landowners and planning authorities shape housing outcomes in densification projects. So far, land policy literature has addressed the strategies that public actors pursue to achieve certain policy objectives in the face of private interests. Studies have looked at the role of land policy in implementing a variety of policy objectives, including densification and affordable housing provision (Korthals Altes and Tambach, 2008; Debrunner and Hartmann, 2020; Dembski *et al.*, 2020; Meijer and Jonkman, 2020; Puustinen, Krigsholm and Falkenbach, 2022). These studies show how different land policy strategies shape planning outcomes concerning different spatial resources, such as housing (Debrunner and Hartmann, 2020; Götze, Bouwmeester and Jehling, 2023) or green space (Verheij *et al.*, 2023). Other studies classify different land policy strategies based on the extent to which planning authorities are actively involved in the land market (Hartmann and Spit, 2015; Shahab, Hartmann and Jonkman, 2020). However, these studies are limited in their

focus on the strategic selection of policy instruments available to municipal authorities and how this impacts a variety of land uses.

This thesis aims to contribute to this field of research by identifying how the strategies of another important actor type, namely landowners, interact with land policy strategies to shape the governance of housing in densification projects. This focus is relevant because, as a result of the shift towards project-based planning, the governance of densification is highly fragmented: each property redevelopment project is, for a large part, governed by the interactions between different actors (Taşan-Kok *et al.*, 2019; Özogul, 2021). Project-based planning is thus characterized by ad-hoc modes of governance, which take place beyond formal structures (Swyngedouw, 2005). As a result, power games between actors become a key factor in determining housing outcomes in densification projects. Power is understood to be the ability of actors to influence decisions and outcomes in a manner that aligns with their interests (Knoepfel *et al.*, 2007). By focusing on the strategies of both public authorities and property owners, this dissertation contributes to a growing body of neo-institutionalist research that seeks to understand how power games among different actors influence the implementation of planning objectives such as densification (Lambelet, 2019; Gerber and Debrunner, 2022; Verheij *et al.*, 2023; Debrunner, 2024).

## **1.5 RESEARCH OBJECTIVES, QUESTIONS, AND CONTRIBUTIONS**

To address this gap, this thesis aims to study **how planning negotiations shape the local governance of housing in densification projects**. It focuses on housing due to its dual nature: for some actors, it represents living space; for others, it is an investment vehicle. Analyzing this resource sheds light on the complicated relationship between planning and property rights, especially in how project-based planning impacts the allocation and distribution of these rights. This thesis particularly seeks to understand the gap between densification objectives and what is eventually implemented at the project level. It does this by examining the negotiations between different types of landowners and public authorities during different phases in the planning process, specifically by looking at the various strategies these actors may use to pursue and realize their interests. Three sub-questions will be answered.

Sub-question 1 explores the strategies landowners have available to pursue their interests. It examines the implications of these strategies on the outcomes of housing policy implementation at the project level. This research question aims to understand better how planning negotiations lead to compromises between local policy objectives and property rights. It asks the question:

*SQL: How do landowners' strategies in planning negotiations affect the implementation of housing objectives?*

Building on SQL, the second sub-question focuses on local planning authorities' ability to respond to landowner strategies. It addresses the influence of the institutional context in which densification occurs on housing outcomes in project-based planning. It builds on the assumption that the ability of public authorities to respond to landowner strategies is highly dependent on the formal rules, regulations, and governance structures in a given institutional context. Thus, these institutions impact the negotiation dynamics between public authorities and private landowners involved in the planning process and shape densification outcomes:

*SQ2: How does the ability of public authorities to counteract landowner strategies to enforce housing objectives vary across different institutional contexts?*

Planning negotiations in project-based planning are pivotal in creating coherence between public policies and property rights in densification projects. The success of project-based planning is highly dependent on the give and take between planning authorities and landowners. Sub-questions 1 and 2 discussed how actor strategies in varying institutional contexts shape this eventual balance. However, how interests are negotiated on a project basis also affects the relationship between public policies and property rights. The third sub-question examines the interplay between public policies promoting densification and landowners' property rights in planning negotiations. It investigates how the negotiation process shapes the balance of power between public policies and property rights and how this relationship influences decision-making and outcomes in densification projects. Specifically, it explores how planning negotiations may lead to a redefinition of property rights, referring to a formal alteration of the legal framework governing the scope and content of property rights (Gerber, Hengstermann and Viallon, 2018). Alternatively, it may result in a reinterpretation of the relationship between public policies and property rights by the state, which does not necessarily involve legal changes but may change the

way the state employs certain policy instruments to interfere in the property rights of landowners to achieve public policy objectives. Thus, this thesis aims to understand:

*SQ3: How does project-based planning affect the relationship between public policies and property rights?*

—

By answering these questions, this thesis makes important empirical and theoretical contributions. The main empirical contribution of this thesis lies in examining how negotiation processes at the project level shape local housing governance, particularly in the context of densification projects. The investigation fills a gap in the existing research by delving into how different institutional contexts shape the room for maneuvering in negotiations. Besides this empirical contribution, the research also helps build further theoretical knowledge on the *black box* of planning negotiations. Importantly, it conceptualizes how power games between different actors affect the relationship between public policies and property rights. As such, this dissertation's empirical investigation and theoretical insights advance the understanding of the complexities surrounding local governance and planning processes in densification projects, contributing to academic scholarship at the intersection of urban development, land policy, and property rights.

## **1.6 APPROACH AND STRUCTURE**

The different research questions are empirically studied in Articles 1 to 5. Figure 1 provides a schematic overview of how the questions relate to the different hypotheses and presents the different sections of this thesis. In this dissertation, densification is defined as the process that leads to an intensification of land use. As discussed in Chapter 1.1, the redistributive effects of densification can lead to conflicts between actors over a manifold of urban goods and services. Considering these conflicts of densification, its implementation becomes a socio-political challenge that needs to be explored from an actor perspective. This thesis uses the Institutional Regime Framework (IRR) and the concept of Localized Regulatory Arrangements (LRA) as the conceptual basis for analyzing densification from an actor perspective. In this framework, actors are defined explicitly as the users, owners, and regulators of the resource housing. The densification process is embedded into diverse



institutions, determining how housing is used, valued, or distributed among different actors. The IRR framework will be further introduced in Chapter 2, which will present the theoretical framework for analyzing densification processes.

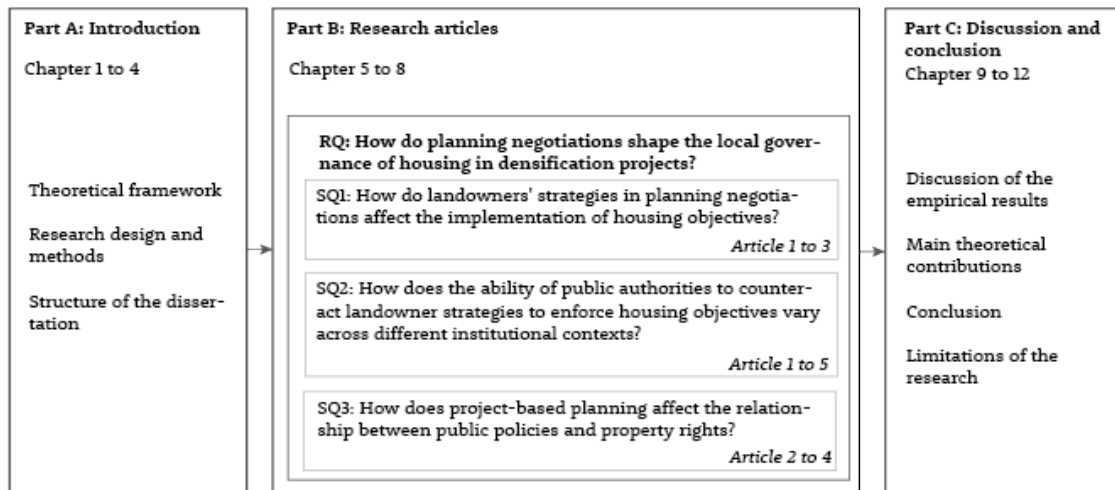


Figure 1 Schematic overview of the structure of the thesis (author's creation)

This study aims to unravel the origins of socio-political structures and behaviors, focusing on the complexities of built environment outcomes within their institutional context. Given these complexities, a qualitative research approach is most suitable (Blatter and Haverland, 2012). Specifically, the research adopts a case study methodology, which is well-suited for studying densification projects and negotiations between public authorities and landowners. Case studies excel in examining contemporary events in their real-world setting, offering an in-depth exploration that captures the nuances and intricacies of specific situations (Yin, 2009). This depth is crucial when investigating negotiations between public authorities and landowners, which are multifaceted and dependent on the context, for example, on the room for maneuver provided by institutional frameworks, conditions of the plot before redevelopment, and the relationships between different actors (Holsen, 2020; Herburger, Hilti and Lingg, 2022; Debrunner and Kaufmann, 2023). Case studies are adept at considering these multiple explanatory factors, providing an understanding of the various mechanisms at play (Blatter and Haverland, 2012).

To understand the effects of the institutional regime on negotiations, this dissertation compares the Netherlands and Switzerland. The two countries have two different approaches to the governance of land and housing. The Dutch approach is characterized by an extreme form of project-based planning, represented by active land policy and a culture of planning negotiations between planning authorities and developers (van Oosten, Witte and Hartmann, 2018). Swiss land use planning has traditionally been more reactive, although a shift from land use planning to land policy and negotiated land use plans can be observed (Gerber, Nahrath and Hartmann, 2017; Gerber, 2018). Additionally, Switzerland is known for the direct democratic involvement of citizens in planning processes through, for instance, referenda and votes (Lawson, 2009). As a result, securing the input legitimacy of planning interventions is important, whereas planning in the Netherlands is strongly legitimized by the outputs it produces (Hartmann and Spit, 2015). The selection of the Netherlands and Switzerland, the cases at the project level, and further elaboration of the methods are further justified in Chapter 3. Chapter 4 will outline the content and approaches of the different articles. Part B presents the different articles, followed by a discussion of the empirical results, theoretical contributions, and research limitations in Part C.

## CHAPTER 2: THE GOVERNANCE OF DENSIFICATION THROUGH PLANNING NEGOTIATIONS

This dissertation aims to understand how planning negotiations in densification projects shape the built environment. As Harvey (2006) conceptualized, the built environment encompasses the physical landscape used for production, exchange, and consumption. Understanding the state's role in shaping the built environment is crucial to exploring how it constrains and facilitates specific outcomes in densification projects. However, to fully understand the production of the built environment, the agency of private actors needs to be considered (Conte, 2017). These two sides come together at the level of planning negotiations, where public planning objectives and private property rights meet and potentially lead to tensions and conflicts regarding the use and value of the resource housing. Developers and other economic actors may prioritize maximizing the exchange value, while local planning authorities may advocate for projects that enhance the use value by incorporating public spaces or affordable housing (Logan and Molotch, 2007). The negotiation process at the project level is the governance level, where these conflicting values meet and are renegotiated to create consensus. The capacity of different actors to strategically influence these negotiations to align with one's interests is largely shaped by power dynamics within the actor constellation (Knoepfel *et al.*, 2007).

Following an overview of densification as a policy objective, this chapter introduces the theoretical underpinnings that guide the research. This includes an exploration of the shift towards negotiated planning in the context of New Public Management (2.2) and its influence on densification outcomes (2.3). The theoretical groundwork informs the selection of the analytical framework, namely the Institutional Resource Regime (2.4). Lastly, the hypotheses underpinning this dissertation's structure and focus are presented (2.5).

## 2.1 DENSIFICATION AS A POLICY OBJECTIVE

Densification refers to the process of increasing the population or building density in existing urban areas (Broitman and Koomen, 2015), for example, by developing vacant or underutilized land or redeveloping existing areas to accommodate more people, buildings, or activities within a given space. In the last thirty years, urban land coverage has increased twice as fast as the urban population. This is problematic, as the conversion of green surface area into urban land is one of the most irreversible human impacts on the global biosphere, leading to the loss of farmland and biodiversity and affecting local climates (Mills, 2003; Bart, 2010; Bhatta, 2010; Seto *et al.*, 2011; Henning *et al.*, 2015; Vejchodská and Pelucha, 2019). Simultaneously, after decades of suburbanization and deindustrialization, processes of re-urbanization can now be observed in many urban regions (Cheshire, 2006; Glaeser and Gottlieb, 2006; Scott, 2008; Wolff, 2018; Smiraglia *et al.*, 2021). As a result of this trend, demand for housing in the center of urban regions has been increasing. Densification is often presented as a solution at the intersection of both issues, as it promotes the growth of urban areas within existing city boundaries (Dembski *et al.*, 2020).

Since urban populations are predicted to increase further in the upcoming decades, limiting urban expansion through densification has become a key objective in many jurisdictions worldwide (Salet, 2014; Næss, Saglie and Richardson, 2020). For example, in Switzerland, a country with a long history of controlling urban sprawl and the protection of agricultural land, the Spatial Planning Act (*Raumplanungsgesetz (RPG)*) of 2013 introduced the “inward development” (*Innenentwicklung*) as a legally binding policy objective (Debrunner, Hengstermann and Gerber, 2020). The German federal government has set a target of 30 hectares per day for the uptake of additional land for settlement and transport purposes (Hengstermann and Skala, 2023). The ‘Ladder of Sustainable Urbanization’ was introduced in the Netherlands to prioritize development within built-up areas (Salet, 2014). International organizations such as the UN, OECD, and EU have actively promoted the compact city concept since the 1990s (Tan and Rinaldi, 2019). The European Commission’s ‘Roadmap to a Resource Efficient Europe’ focuses on limiting land use (European Commission, 2011). Although approaches to implementing densification differ across countries, it becomes clear that it is broadly accepted as a public interest and has become a cornerstone of urban land policy. The compact city model has become a generally

accepted doctrine in policy dealing with sustainability issues in cities (Rérat, 2012; Haarstad *et al.*, 2023).

Because densification has been put forward as a solution to a wide range of public problems, the concept has come to play a significant role in the fields of urban planning, environmental studies, and human geography (Haarstad *et al.*, 2023; Hickman, 2023). However, the compact city model has not been without its critics. Pointing out the almost paradigmatic nature of the compact city in planning studies and practice, scholars have increasingly called for a more critical investigation of the sustainability of densification (Pérez, 2020; Haarstad *et al.*, 2023). Naess (2020) argues that densification assumes – sometimes implicitly and other times explicitly – the need for continuous growth of building stock or infrastructure consumption. Moreover, studies have found that densification policies often do not lead to a decline in space consumption but an increase (Angel *et al.*, 2010). Others have argued that densification in the form of demolishing/rebuilding only leads to a rise in the consumption of grey energy (Rice *et al.*, 2020; Debrunner and Kaufmann, 2023). Besides these critical notes on the ecological sustainability of densification, the social impacts of densification have especially been criticized.

## **2.2 NEW PUBLIC MANAGEMENT AND PROJECT-BASED PLANNING**

Before diving deeper into these critiques, it is important to contextualize densification within the broader governance of urban development – which is a deeply social phenomenon (Logan and Molotch, 2007). Understanding urban development requires a comprehensive assessment of the social dynamics where various actors engage in producing, consuming, and exchanging urban resources. Central to this understanding is the state's role as a pivotal actor in constraining and facilitating urban development outcomes (Gotham, 2000). Thus, this section will illuminate the governance shifts that have propelled project-based planning to prominence, shaping how urban development processes occur and how they materialize in the built environment.

The rise of New Public Management (NPM) in the 1970s and early 1980s ushered in a significant shift in governance models, including the governance of urban developments. The shift towards NPM has transformed governance structures and

steered planning towards a negotiation-based approach, placing planning negotiations at the core of urban development processes (Gerber, 2016; Taşan-Kok *et al.*, 2019). Departing from the traditional Old Public Administration (OPA), NPM is characterized by budget cuts, an intensified focus on performance, privatization of social services, decentralization tendencies, and a distinct separation of politics from administration (Aucoin, 1990; Gruening, 2001; Homburg, Pollitt and van Thiel, 2007). It takes a market-oriented approach to governance, focusing on efficiency gains, decentralization, and performance measurement (Knafo, 2020). Rooted in neoliberal ideals, it shares a conviction with neoliberalism that market-oriented management, inspired by private firms, should guide public administration. Beyond shaping the understanding of public problems and promoting specific values, NPM introduced tangible practices that redefine public administration outputs (Gerber, 2016). Key features identified by public management scholars include 1) enhanced specialization and division of government functions into distinct organizational units, 2) a growing emphasis on outsourcing services to external parties, 3) prioritizing output-based performance measurements over procedural adherence, and 4) granting municipalities significant flexibility in methods to achieve policy goals, prioritizing outcomes over processes (Laffin, 2016).

In urban planning, NPM's influence manifests in the growing belief in market actors' efficiency in delivering urban services. The rise of public-private partnerships exemplifies this belief, using instruments rooted in private law and a heightened focus on project-scale urban redevelopment (Homburg, Pollitt and van Thiel, 2007; Van Den Hurk and Taşan-Kok, 2020). The shift towards NPM-informed managerial planning practices seeks to optimize the efficacy and efficiency of planning interventions. Emphasizing output legitimacy, NPM prioritizes policy outcomes' perceived effectiveness and efficiency (Mäntysalo, Saglie and Cars, 2011; Schmidt, 2013). This orientation intensifies efforts to achieve tangible, measurable outcomes, often leveraging market mechanisms and private sector involvement through, for example, public-private partnerships (Theurillat and Crevoisier, 2013). It promotes flexible and tailor-made solutions, which implies the possibility of deviating from spatial plans through renegotiated land use plans and private-law and incentive-based instruments (Gerber, 2016; Rudolf, Kienast and Hersperger, 2018). Moreover, there is a rise in the influence of experts in planning processes, exemplified by the increasing prominence of planning commissions (Herburger, Hilti and Lingg, 2022). Contrary to its neoliberal underpinnings, NPM has not diminished the local state's

role in planning (Gerber, 2016). Instead, it has redefined this role, stressing a negotiation-based planning approach in which ad-hoc, project-level governance arrangements are central.

Planning thus increasingly occurs at the project level in negotiations between public authorities and landowners. In the context of densification, this is especially important: because of the de facto veto right of property owners, planning authorities often do have the capacity to force landowners to redevelop (Willey, 2006; Taylor, Cook and Hurley, 2016; Rubin and Felsenstein, 2019). Planning negotiations can help ensure that public and private property owners' interests align, and that densification is implemented effectively. A shift towards project-based planning significantly shapes power relations in densification governance. As NPM prioritizes output efficiency and market-driven solutions, it may neglect inclusive decision-making processes, potentially exacerbating social disparities and exclusionary practices (Raco, 2013). Inclusive decision-making processes can be perceived by market actors as time-consuming and bureaucratic, leading to more streamlined processes (Mäntysalo *et al.*, 2015). Similarly, procedural fairness and the quality of decision-making processes, which create accountability and transparency, are not always guaranteed when planning shifts from bureaucratic modes of governance towards the more informal use of private law instruments (Shih and Shieh, 2020). These effects impact the governance of densification.

### **2.3 DENSITY: A HOLY GRAIL?**

Project-based planning thus impacts planning negotiations, shapes power relations, and ultimately influences the built environment's configuration in different ways that some scholars have argued exacerbate social disparities. This is problematic because densification has already been criticized for its potentially negative impacts on social sustainability. Because densification refers to the redevelopment of existing places, these scholars argue that densification should be understood as a socio-political process. As discussed by McFarlane (2020, p. 318), densification is *“not a neutral geography of remaking space, but processes of direct and indirect displacement, the valorization and prioritization by states and markets of some urban spaces and forms over others (including some forms of density over others), and the disinvestment or abandonment of particular sites.”* A wide range of academic literature in urban studies, geography, and planning has demonstrated how densification can reproduce

unequal socio-spatial developments. As market actors exert influence over densification projects, there is a risk of prioritizing profit-driven development over the social well-being of communities. This can manifest in displacing vulnerable populations, the erosion of affordable housing stock, and exacerbating socio-economic inequalities within urban areas.

Research has shown how densification perpetuates exclusionary effects related to income, education level, migration background, and age in densification projects (Moos *et al.*, 2018, p. 201; Cavicchia, 2021; Nachmany and Hananel, 2023). Densification seems to predominantly cater to young, highly educated individuals and small households, with some scholars pointing out how densification often goes hand in hand with ‘youthification’ (Moos, 2016). The fact that densified areas mainly cater to a homogenous group of households is counterproductive to the realization of densification objectives, as young families, elderly, and low-income families are pushed to urban peripheries (Steinacker, 2003; Bromley, Tallon and Thomas, 2005; Moos, 2016). Because densification occurs within the existing built environment, this exclusion is strongly related to gentrification, where former inhabitants are forced to move to other neighborhoods.

As a result of the observed unequal social outcomes, the sustainability-as-density narrative has been criticized (Quastel, Moos and Lynch, 2012). Scholars argue that the main reason why this narrative has become so successful is because it allows planners to address environmental concerns related to urban sprawl while creating economic opportunities for developers (Charmes and Keil, 2015). Higher densities lead to higher land values, which means that in densification projects, housing is often turned over as a vehicle for investment (McFarlane, 2020). Densification becomes a vehicle for further capital accumulation (Harvey, 1989). Scholars have argued that densification is thus at risk of perpetuating “the same old growth machine” (Logan and Molotch, 2007, p. XX). For example, the joint promotion of densification as an “Eco-Business” by planning authorities and developers, densification has been shown to lead to the exclusion of low-income tenants (Debrunner, Jonkman and Gerber, 2022).

## **2.4 THE INSTITUTIONAL RESOURCE REGIME**

To explore the governance mechanisms influencing socio-spatial outcomes in densification, this dissertation employs the Institutional Resource Regime (IRR)



framework. Rooted in new institutional economics, property rights theory, and public policy analysis, the IRR framework posits that *institutions* shape actor behavior, offering constraints and opportunities that favor specific *resource uses*. Within the institutional framework, actors can use *strategies* to translate abstract legal norms into local realities. Because of this, public policies are constantly revised, sometimes not implemented, and can be diverted or even hijacked by different actors involved in the *Localized Regulatory Arrangement* (LRA) (Gerber, Lieberherr and Knoepfel, 2020, p. 157). This makes the framework particularly useful to analyze situations where several actor groups are in conflict over resource use (de Buren, 2015), as in the case of densification. The key components of the framework – resources, institutions, actors, and actor strategies – will be elaborated upon in the following subchapters.

### **Housing as a resource**

Within the IRR, a resource is defined as an object (e.g., water, soil, forest, housing) linked to an economic, cultural, or ecological production system that requires these objects to satisfy human needs (Gerber, Lieberherr and Knoepfel, 2020). Actors claim access to the goods and services produced by resources. Their use-value is socially constructed, as actors' expectations concerning the resource and what it should provide them depend on powerful discourses (Gerber and Debrunner, 2022). Densification policies define land as a scarce resource. Although scarcity is created when demands reach the available supply of a subtractable resource, in this dissertation, the scarcity of land is also understood as a political construct (Ostrom, Gardner and Walker, 1994). Regulatory frameworks, such as land use plans and property rights, can exacerbate resource scarcity by supporting the unequal distribution of resources. For example, the scarcity of single-family homes is a matter of land use regulations, creating a situation where supply does not equal demand, thus creating scarcity (Hartmann and Gerber, 2018).

The thesis focuses on the provision of housing in densification projects. It thus takes housing as the central resource, although it understands the provision of housing to be linked to the provision of land. While the IRR was originally developed to study the governance of natural resources, recent work has also shown its relevance for non-natural resources such as housing (Debrunner, 2024) and public green spaces (Verheij *et al.*, 2023).

Housing is a consumer good, but contrary to most consumer goods, it is a resource fixed in space and long-lasting in time. Its price is not just a reflection of the materials that it is comprised of but also of the quality of its environment, such as neighborhood amenities (e.g., parks and landscapes), the image of the neighborhood, crime rates, and the quality of schools nearby (Pattillo, 2013). As such, the price of housing is heavily influenced by decisions by local authorities, for example, zoning and infrastructure (Conley and Gifford, 2006). Housing stock produces various goods and services, which extend beyond its role of providing shelter. Housing may also be used for non-residential services such as investment, an alternative social insurance mechanism, urban design, or energy supply (Nicol and Knoepfel, 2008; Pattillo, 2013). Housing has increasingly become a target for energy policy efforts, as housing stock poses energy efficiency and CO<sub>2</sub> emissions challenges, necessitating policy interventions for renovation and conversion to mitigate the environmental impact (Chance, 2009). Furthermore, in the context of a rapidly aging society and aging-in-place strategies, housing also becomes a care space (Chapman and Howe, 2001). Housing stock, therefore, takes up a variety of purposes, from shelter to investment and energy supply (Balmer and Bernet, 2015). These different uses of the housing stock can conflict with one another (Brenner, Marcuse and Mayer, 2009). For example, when renovations aiming to improve the energy efficiency of housing lead to price increases and thus conflict with the role of housing as providing shelter (Debrunner, Jonkman and Gerber, 2022). Figure 2 provides an overview of some of the goods and services produced by housing.

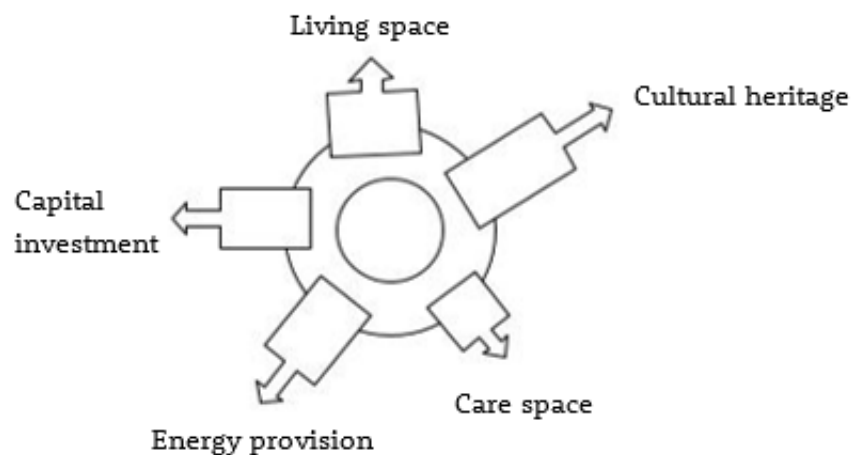


Figure 2 The resource housing and some of its goods and services (authors' creation)

## **Institutions: the two sources of formal rules**

The nature of housing is thus socially and politically constructed and dependent on the rules governing the resource. These sets of rules are what Ostrom (1992, p. 19) refers to as institutions: “... *an institution is simply the set of rules used (the working rules or rules-in-use) by a set of individuals to organize repetitive activities that produce outcomes affecting those individuals and potentially affecting others.*” As Vatn (2005, p. 83) states, “*institutions are the conventions, norms, and formally sanctioned rules of a society. They provide expectations, stability, and meaning that are essential to human existence and coordination. Institutions regularize life, support values, and produce and protect interests.*” Institutions define and limit the set of choices actors have in their actions and imply “*a system of relations between individuals... it involves rights, duties, powers, privileges, forbearance, etc.*” (Hallowell, 1943 as cited in Feeny and Feder (1991, p. 136)). In Western European contexts, resources are first and foremost governed through regulations imposed by the state, although some common pool resources are governed through communal collective action arrangements (Ostrom, Gardner and Walker, 1994).

The IRR framework stipulates that resources are governed by two main categories of formalized rules: property rights and public policies. These two categories operate according to a different logic and rely upon opposing legitimatizations, forming the Institutional Regime (IR). A regime can be understood as “*the more or less coordinated set of public policies, property rights [...] that relate to all users of a resource*” (Nicol and Knoepfel, 2008, p. 232). The Institutional Regime (IR) sets rules on how a resource can be used, by whom, and how actors can gain access, use, or exploit the resource. These rules thus enhance or restrict actors’ use interests (Gerber, Hartmann and Hengstermann, 2018, p. 3). In addition to public policies and property rights (IR), the Institutional Resource Regime also considers the impact of social norms and values (such as NPM) and the political-administrative system on the governance of resources.

Within the IR, property rights play a decisive role in the regulation of resources. In the case of land ownership, how rights in land are created, structured, and trafficked - how the market in rights is set up - heavily influences land use (Geuting and Needham, 2012; Needham, Buitelaar and Hartmann, 2019). Property rights are defined as the exclusive, transferable, and legal right to use scarce resources and the

goods and services they produce, the return of those resources, and the alienation thereof. It is not the land owned but the right to use it, derive an income from it and exclude others from doing so (Cooter and Ulen, 2012). These rights are enforced by the state. Property, therefore, describes the social relationship between the state, property owners, and non-owners, who are excluded from using of a resource (Varone and Nahrath, 2014). This relationship is shown in the bottom triangle in Figure 3.

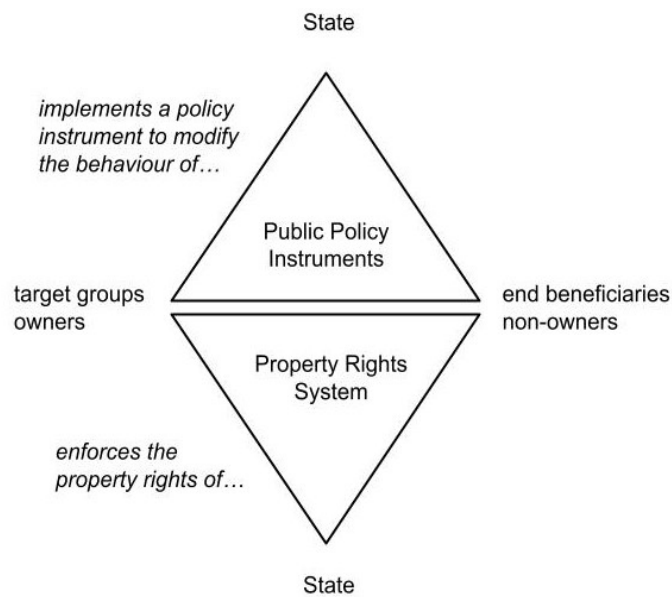


Figure 3 The intersection of policy instruments and property rights (adapted from Varone & Nahrath, 2004)

Simultaneous to guaranteeing the enforcement of property rights, Figure 3 shows how the state can restrict full ownership of land through public law. Following the definition of public policy by Knoepfel (2007, p. 24): “A public policy is defined as a series of intentionally coherent decisions or activities taken or carried out by different public – and sometimes – private actors, whose resources, institutional links and interests vary, to resolve in a targeted manner a problem that is politically defined as collective in nature.” The state can regulate actors' behavior through public policies when seen as the source of a collective problem. They do this policy instruments, which impose limits on the disposal or use rights to resources. Public policies change regularly as collective problems evolve, but also because of changes in the political

majority, who propose alternative solutions to the same issue (Knoepfel *et al.*, 2007). The changing nature of public policies, as opposed to the stable nature of property rights, makes enforcing public interests more difficult.

Private law and public law are based on opposing legitimations. Whereas property rights aim to protect individuals' interests from interference from the state, public policies are a form of interference from the state to solve issues in the distribution of resources among the population. Furthermore, public policies are regularly amended, whereas property rights remain stable. The justification for interfering in property rights thus rests on the assumption that a restriction of individual rights is necessary to protect the public interest. However, what the public interest constitutes is a contested concept. The public interest can be interpreted as based on collective interests, for example, by seeing it as providing goods and services that would not be delivered through market mechanisms (Booth, 2002). Others interpret it as a collection of private interests, thus looking at the public interest as a maximization of private interests, maximizing societal benefits (Alexander, 2002b).

Figure 3 also shows how the effectiveness of public policies depends on whether they target the group of actors who hold use rights to the resource. For example, when public policies target those who do not have rights to a resource, there is a *lack of coherence* between public policies and property rights. Incoherences also occur when public policies do not have enough coercive power to restrict an owner's rights over a resource (Varone and Nahrath, 2014). This is often the case in densification projects, as planners cannot force landowners to implement densification objectives (Gerber *et al.*, 2009). To overcome this issue of coherence between public policies and private property rights, planning increasingly takes place on the level of the project, which in the IRR framework corresponds with the level of the Localized Regulatory Arrangement (LRA).

### **Planning negotiations: Localized Regulatory Arrangements**

Users can derive various goods and services from housing. In the context of urban redevelopment, conflicts often arise due to competing demands for limited resources (Carys *et al.*, 2013, p. 4). Such conflicts can lead to rivalries between actors, where one actor's use of a housing resource may interfere with another's access to different goods or services (Nicol and Knoepfel, 2008). Within Localized Regulatory Arrangements (LRAs), actors engage in bargaining processes to improve their ability to access these goods and services according to their interests.

Resource governance is shaped by formal institutions and actors and their appropriation strategies within this system. While formal rules set boundaries for actors' behavior, actors can still pursue their interests within these boundaries. As a result, laws and regulations in the Institutional Regime are constantly revised, not implemented, and can be diverted or even hijacked by different actors involved (Gerber, Lieberherr and Knoepfel, 2020, p. 157). Resource governance extends beyond formal rules and rights outlined in the IR. Self-organized management modes (LRAs) emerge within the perimeter of the resource. These LRAs can include a variety of actors: some end users are, for example, often not a part of the LRA, and therefore do not participate in the governance of the resource. Debrunner, Jonkman and Gerber (2022) show that, for example, tenants are often not involved in the planning of densification projects. Competing LRAs, in which different actors are involved, may also exist in the perimeter of the same resource. This leads to user conflicts. As a result, within these LRAs, actors strategically activate specific rules, influence the formulation of new regulations, or, in project-based planning, work together with planning authorities to formulate a new land use plan (Gerber and Debrunner, 2022).

This dissertation defines a strategy as “*the intentional conduct by which actors evaluate, select, and constantly adapt the course of their action to their environment and the behaviors of other actors*” (Schweizer, 2015, p. 139). A strategy supposes five key elements: 1) intention, 2) selection between different courses of action, 3) dynamic of anticipation and adaptation, 4) interaction with other actors' strategies, and 5) environment in which the strategy is to occur (Ibid, 2015). Although strategies are not explicitly articulated, they can be discerned through actors' actions and decisions. Strategic behavior presupposes power, as an actor must mobilize policy resources such as capital, land, law, or knowledge to be able to act (Knoepfel, 2018). Actors can combine different policy resources based on their availability. Simultaneously, actors must invest in obtaining and maintaining policy resources to ensure long-term availability (Knoepfel, 2018). The policy resources actors bring to the table do not translate one-to-one into the amount of power they hold, but it does impact their ability to influence outcomes in the LRA. Actors with many policy resources available or capable of obtaining them thus represent more powerful actors within the LRA.

In the context of densification, the LRA is an important level of governance as planning increasingly takes place within the project's perimeter. This dissertation focuses on the strategies of planning authorities and landowners in shaping

densification projects. Below, potential strategies of planning authorities and landowners are outlined.

**Municipal strategies: from land use planning to land policy**

Planning authorities face many challenges in implementing densification objectives, encompassing issues like brownfield contamination, potential noise disturbances, and conflicts with neighboring properties. Traditional planning instruments often prove inadequate in addressing the intricate web of property rights (Hengstermann and Hartmann, 2018). In response, there has been a shift from conventional land use planning to a land policy approach (Gerber, Hartmann and Hengstermann, 2018). While land use planning relies on traditional statutory land use plans, which leave veto powers to landowners, land policy is a more proactive approach that expands on traditional land use planning by including a wider scope of political and legal instruments. In the context of densification, land policy thus represents a possibility for public authorities to deal with complex property rights.

Unlike conventional public policy frameworks, land policy operates as a strategic tool wielded by public authorities to navigate power dynamics among diverse stakeholders. Rather than addressing public issues, land use policy deals directly with private property rights to achieve desired planning outcomes (Gerber, 2018). It involves the combination of instruments, extending beyond traditional command-and-control mechanisms, to assert public authority and ensure the successful implementation of densification objectives or other urban planning goals (Gerber, Hengstermann and Viallon, 2018). In essence, land use policy represents a shift towards a more dynamic and responsive approach to urban development that recognizes and navigates the interplay of interests and power relations shaping the urban landscape.

Under land policy, public authorities strategically combine instruments to impose themselves in front of private interests to reach public policy objectives. Policy instrument selection is commonly presented as a functional, technically driven process (Lascoumes and Le Galès, 2007). However, these instruments embody distinct interpretations of public problems and the role of public and private actors, and they are value-loaded (Landry and Varone, 2005; Gerber, Hengstermann and Viallon, 2018). Following Gerber, Hengstermann & Viallon (2018), this dissertation distinguishes four main types of instruments that public authorities can strategically combine to implement densification objectives:

1. **Public policy instruments without impact on use or disposal rights**, such as strategies that rely on economic incentives and information- and communication-based instruments. These instruments do not impact property rights and are thus dependent on voluntary adoption by landowners. They do not increase the coherence between property rights and public policies.
2. **Public policy instruments that impact use or disposal rights** through, for example, land use plans. These instruments increase the coherence between public policies and property rights, as they allow public authorities to change the use rights of private actors.
3. **A legal reconfiguration of property rights impacting the scope and content of use or disposal rights**, including introducing new legislation. These instruments increase the coherence by directly impacting the scope of property rights. For example, this could include the introduction of legislation limiting who is allowed to purchase agricultural land.
4. **Instruments that redistribute property rights**, including, for example, expropriations or the targeted purchase of land. These instruments increase the coherence as public authorities can directly intervene in property rights, allowing them to become landowners.

As a political entity, the municipality regulates urban development through policies and other regulations. On the other hand, the city's administrative body plays a major role in creating consensus between private and public interests when implementing densification interests through the strategic selection of planning instruments (Gerber, 2016; Gerber, Hartmann and Hengstermann, 2018). In this dissertation, municipal authorities are thus understood to represent both the regulator (IR) and a strategic actor with specific interests (LRA).

### **Owner-actor strategies**

Landowners are the target group of land use policy (Knoepfel *et al.*, 2007). Private landowners wield significant influence over the outcomes of densification projects, primarily through their property rights, which grant them *de facto* veto power over proposed developments. As discussed in Chapter 2.3, research has shown that this veto right often leads to outcomes that prioritize the interests of landowners over broader societal needs, contributing to issues such as a lack of affordable housing. However, there is limited understanding of the specific strategies employed by landowners to shape the outcomes of densification projects.



In general, densification represents an economic opportunity for landowners as it increases the rent gap on plots of land (Touati-Morel, 2015). However, landowners constitute a diverse and heterogeneous group with varying interests and power standings. Individual property owners, particularly owner-occupiers, may prioritize the use value of their property. In contrast, private developers or institutional investors may prioritize the exchange value of property, seeking to maximize financial returns through market speculation and capital accumulation (Logan and Molotch, 2007). Overall, the strategies employed by landowners to influence densification projects are understood to be closely linked to their interests and perceptions of property values. Their ability to successfully use strategies in densification projects is linked to their position of power, which is, as explained before, dependent on the policy resources they bring to the table in planning negotiations.

Schweizer (2015) outlines four ideal type strategies that landowners may employ to impact the implementation of densification objectives. These four ideal type strategies are:

1. **Concretization:** An actor aims to implement a rule as closely as possible to its formulation and intent.
2. **Innovation:** An actor seeks to develop an ad-hoc, tailor-made solution to address an issue, going beyond what is provided for in the legal rules. Landowners may pursue an innovative strategy by developing tailor-made solutions to address the problems or challenges related to densification projects.
3. **Diversion:** An actor activates a rule to other ends than the intended rule. In some cases, landowners may activate existing rules or regulations for purposes other than their intended use. For instance, a landowner might exploit loopholes in zoning laws or environmental regulations to pursue development projects.
4. **Circumvention:** An actor resists implementing a certain rule by invoking another rule or assuming that non-implementation does not result in punishment. Landowners may refrain from implementing certain laws or regulations by invoking alternative legal mechanisms or if non-compliance will not result in significant penalties (Alterman and Calor, 2020).

It should be mentioned that in the case of land use planning, **inaction** can also be a highly effective strategy for landowners. For example, although a municipality may decide to allocate more use rights to a plot to stimulate densification, the veto right of landowners means that they are not obliged to implement this higher-density (Debrunner, 2024). Landowners can thus use the strategy of inaction to push public authorities for better terms and conditions.

## **2.5 HYPOTHESES**

This thesis uses the IRR to analyze how different actors strategically influence housing and planning outcomes in densification projects. These outcomes are identified as a result of power games among various actors, which affect the implementation process of densification objectives. Based on the analytical framework presented in 2.4, Table 1 represents the causal relationships between institutions (independent variable), actor strategies (intermediary variable 1), the constellation of actors (intermediary variable 2), and the condition of the land and housing resource (dependent variable).

Table 1 Causal relationships

Explicatory variable (EV): <b>Institutions</b>		Intermediary variable 1 (IV1): <b>Constellation of user actors (LRA)</b>		Intermediary variable 2 (IV2): <b>Actor strategies</b>		Dependent variable (DV): <b>Condition of the housing resource under densification</b>
<p>Political system (such as direct democracy)</p> <p style="text-align: center;">↓</p> <p>Institutional regime (IR):</p> <ul style="list-style-type: none"> <li>• Public policies</li> <li>• Property rights</li> </ul> <p style="text-align: center;">↓</p> <p>Ideology, social norms, values (such as NPM)</p>	↔	<p>May encompass various combinations of actors, sometimes competing with other LRAs.</p> <p>Municipal planning administrations:</p> <ul style="list-style-type: none"> <li>• Legislative</li> <li>• Different administrative units</li> </ul> <p>Economic actors:</p> <ul style="list-style-type: none"> <li>• Landowners</li> <li>• Investors</li> <li>• Developers</li> </ul> <p>End users:</p> <ul style="list-style-type: none"> <li>• Homeowners</li> <li>• Tenants</li> <li>• Neighbors</li> </ul>	↔	<p>Land policy strategies:</p> <ul style="list-style-type: none"> <li>• No impact on use rights</li> <li>• Impact on the use of rights</li> <li>• Legal reconfiguration of PR</li> <li>• Redistribution of PR</li> </ul> <p>Actor strategies:</p> <ul style="list-style-type: none"> <li>• Concretization</li> <li>• Innovation</li> <li>• Diversion</li> <li>• Circumvention</li> <li>• (Inaction)</li> </ul>	↔	<p>Housing goods and services produced:</p> <ul style="list-style-type: none"> <li>• Living space</li> <li>• Capital investment</li> <li>• Energy provision</li> <li>• Care space</li> <li>• Cultural heritage</li> </ul>

In the following section, five working hypotheses frame the research. They are based on the theoretical and conceptual framework discussed in Chapter 2. These hypotheses represent a simplified statement about the complex reality. While not subjected to quantitative testing, these hypotheses highlight expected causal relations, serving to structure the research process and make the researchers’

assumptions explicit (LaRossa, 2012). Through the lens of the IRR framework, these hypotheses postulate the causal relationships between the three main variables: the institutional context (explanatory variable), actor strategies (intermediary variable), and housing outcomes in densification project (dependent variable).

**SQ 1: How do landowner strategies in planning negotiations affect the implementation of housing objectives?**

**H1: The strategic behavior of private landowners leads to a gap between housing policy formulation and implementation.**

Planning negotiations offer a solution to the difficulty of implementing densification because they allow actors to create coherence between policies and property rights at a local level. In negotiations, landowners are expected to respond to new rules that do not meet their interests with profit-driven strategies. For instance, by holding off any plans for densification (*inaction*), shifting towards other investment opportunities (*innovation*), and exploiting loopholes in contracts (*diversion*). As landowners hold *de facto* veto rights, planning authorities have limited possibilities to respond to these strategies, making them very powerful in shaping LRAs. These strategies lead to a gap between policy formulation and implementation.

**SQ2: How does the ability of public authorities to counteract landowner strategies to enforce housing objectives vary across different institutional contexts?**

The second sub-question is rooted in the assumption that the ability of public authorities to respond to landowner strategies is highly dependent on the formal rules, regulations, and governance structures in a given institutional context. The following hypotheses address specific aspects that, based on the definition of institutions in Table 1, are expected to influence the negotiating ability of planning authorities. These include 1) the availability of strong instruments to interfere in property rights, 2) the extent of discretionary decision-making possible, and 3) the degree to which various stakeholders are included in the decision-making processes.

**H2: High institutional coherence strengthens planning authorities' ability to implement housing affordability objectives.**

Public authorities need to use regulations and instruments to ensure housing affordability in densification projects because these objectives are otherwise watered down in negotiations. The ability to strategically promote affordability objectives in

densification projects depends on the institutional context in which planning occurs. In institutional contexts where planning authorities have strong instruments available to interfere in property rights, public authorities are more likely to be able to demand landowners implement such objectives. This includes the ability to redistribute property rights through, for example, (the threat of) expropriation. Housing affordability in densification projects thus becomes implementable when public authorities use land policy strategies to take affordability out of the negotiations.

**H3: Discretionary decision-making under NPM leads to a watering down of affordability objectives.**

Under New Public Management (NPM), planning authorities prioritize flexible, ad-hoc decision-making. Such ad-hoc decisions, made to expedite project approvals or maintain positive relationships with landowners, risk watering down affordability objectives. Planning authorities may grant exemptions to landowners regarding housing objectives, reducing the percentage of affordable units required and undermining efforts to address housing affordability challenges. Binding targets for affordable housing can avoid that planners water down housing affordability objectives in planning negotiations.

**H4: A broader actor constellation improves the implementation of housing objectives.**

In project-based planning, output efficiency is often valued over input legitimacy. As a result, agreements about the outcomes of densification projects are usually negotiated behind closed doors between public authorities and landowners. Institutional rules fostering citizen involvement in LRA negotiations, such as through direct democratic rights or participation regulations, broaden the actor constellation at the level of the LRA. As interests within the LRA are collectivized and the scope of decision-making processes moves beyond monetary cost-benefit considerations, this is expected to increase the likelihood that social objectives, including affordable housing, are realized. A broader composition of actors within the LRA thus positively affects housing objective implementation.

**SQ3: How does project-based planning affect the relationship between public policies and property rights?**

**H5: Project-based planning amplifies power differentials, disadvantaging small landowners.**

The distribution of policy resources significantly determines power relations among negotiating parties. Small landowners, possessing, for example, less capital and knowledge, often find themselves as an unequal negotiation partner in such negotiations. While planning negotiations may foster collaboration between public authorities and larger landowners, small landowners are frequently perceived as obstacles to implementing densification objectives. Large landowners and planning authorities collaborate to mitigate their influence within densification projects to circumvent potential delays or blockages posed by small veto players. Depending on the institutional context, this effort may entail strategically selecting policy instruments that allow the public authority to interfere in the rights of smaller veto players. These interventions may involve modifying property rights or regulatory frameworks aimed at constraining the influence of small landowners. Moreover, proponents of densification may advocate for regulatory changes aimed at limiting the strategies available to small veto players to influence densification projects. This consolidates power within the planning process and reduces small landowners' ability to pursue their interests.

## CHAPTER 3: RESEARCH DESIGN AND METHODS

As illustrated in the previous chapter, densification occurs in a web of opposing rights and interests. Actors have different interests regarding the outcomes of densification and try to negotiate their access to resources, such as housing, through strategic behavior. These strategies do not take place in a vacuum but are framed by the Institutional Regime (IR). This dissertation aims to understand how these strategies impact housing outcomes in densification projects. Due to the complexity and contextuality of this phenomenon, a qualitative research design is required (Blatter and Haverland, 2012). A qualitative approach recognizes that densification outcomes cannot be separated from its context (the institutional setting) and behavioral aspects (actor strategies). Specifically, taking a case study approach allows for the study of densification within its real-life context, which is needed as planning outcomes are affected by a wide range of social, political, economic, and legal factors. Taking a case study approach thus allows the consideration of various explanatory factors (Yin, 2009; Blatter and Haverland, 2012).

The potential for generalization of the research comes from deductively developed research variables that postulate causal mechanisms – the hypotheses as discussed in Chapter 2. These mechanisms are studied in the empirical cases selected for this thesis. Matching patterns predicted by theory with empirical patterns increases the study's validity (Yin, 2009). This thesis' generalizability thus comes from the broader relevance of these identified causal mechanisms rather than the statistical testing of these hypotheses (Flyvbjerg, 2006). The following chapter describes the relevance of studying densification in the Dutch and Swiss contexts. The reasons for selecting the local case studies and the data collection and analysis methods are provided. Strategies to ensure this study's generalizability and trustworthiness will be discussed in 3.5.

### **3.1 DENSIFICATION AND HOUSING CHALLENGES IN SWITZERLAND AND THE NETHERLANDS**

Central to this dissertation is the impact of actor strategies in densification projects in Switzerland and the Netherlands. It is imperative to provide a contextual understanding within these two national frameworks, as such contextualization enriches the analysis and facilitates nuanced comparisons. Densification is pivotal in contemporary spatial policies in the Netherlands and Switzerland, albeit within divergent frameworks and priorities. In the following section, a brief overview of densification policies in both countries will thus be provided.

The emergence of national planning in Switzerland stems from recognizing the need to protect and preserve the country's unique national landscapes. Rapid urbanization and industrialization during the late 19th and early 20th centuries posed significant threats to these landscapes, prompting calls for coordinated conservation efforts at the federal level (Lendi, 2006). In 1969, this culminated in the adoption of the constitutional article on spatial planning. The first federal law on spatial planning was enacted in 1979. Although the law left a great deal of planning freedom to cantons and municipalities, it provided a clearer distinction between buildable zones (*Bauzonen*), where development is permitted, and non-buildable zones (*Nichtbauzonen*), where development is generally not allowed (Hengstermann and Skala, 2023). Nonetheless, before 2013, Swiss municipalities tended to expand buildable zones, facilitating new urban development, predominantly single-family home neighborhoods (Lendi, 2006). Mounting concerns regarding the continuous encroachment of urban areas into agricultural and natural lands prompted a revision of the Federal Spatial Planning Act (SPA) in 2013. This revision marked a significant turning point, making densification a legally binding spatial planning objective. The policy shift emphasizes the reduction of oversized buildable zones and restricting new development to designated areas, aligning with spatial development guidelines focused on environmental sustainability and compact urbanization (Debrunner and Hengstermann, 2023). However, challenges persist, including resistance from landowners and municipalities to downsizing buildable zones, particularly in rural areas. Additionally, the social implications of densification, such as social exclusion and gentrification, have become prominent, exacerbating housing affordability issues and displacement of low- and middle-income households (Debrunner, 2024).



In the Netherlands, densification is seen as a means to achieve multiple objectives, including accommodating population growth, promoting sustainable urban development, and revitalizing existing urban areas. Since the mid-20th century, the Dutch national government has pursued a policy of spatial containment (e.g., buffer zone policies), aiming to control urban sprawl and preserve open spaces through strict zoning regulations and land-use planning (Claassens, Koomen and Rouwendal, 2020). Historically, the policy has focused on using the existing urban areas as optimally as possible and bundling expansion areas into existing cities' directly surrounding areas (e.g., growth center policies) to protect the surrounding landscape and limit environmental impacts (Nabielek, 2011). Densification is especially necessary to mitigate the housing shortage within popular urban centers. Whereas densification in Switzerland is thus rooted in the need to protect natural and agricultural landscapes, it is more seen as a way to achieve more efficient land uses in the Netherlands. Unlike Switzerland, there are no legally binding densification objectives. Provincial rules still enforce growth controls around urban centers (Buitelaar and Leinfelder, 2020). Other restrictive policies, such as the national buffer zones and landscapes, were abolished when the national government gradually retreated from spatial planning in the 2000s (Claassens, Koomen and Rouwendal, 2020). A more prescriptive guideline was implemented in 2012, the “Ladder of Sustainable Urbanization,” stipulating that municipalities should prioritize new developments within the existing urban areas before moving toward expansions (Salet, 2014). However, there is a strong political belief that further urban expansions are unavoidable to accommodate a growing population and economy (de Klerk and van der Wouden, 2021). Thus, in the Netherlands, densification is not so much a necessity that arises to limit urban sprawl (Buitelaar and Leinfelder, 2020) but something that allows for the growth of popular urban cores, which are characterized by rapidly increasing housing shortages and prices (Broitman and Koomen, 2020).

### **3.2 SELECTING CASE STUDIES TO STUDY DENSIFICATION**

To understand how actor strategies shape the outcomes of densification, five case studies in four different municipalities in two countries were selected for a detailed analysis. The cases used in this study were chosen for several reasons, which will now be discussed. Flyvbjerg (2006, p. 12) argued that strategically chosen case studies can increase their generalizability.

First, the two functional regions of Utrecht in the Netherlands and Bern in Switzerland were selected to ensure maximum variation (Flyvbjerg, 2006). Figure 4 shows the location of these functional regions. This dissertation looks at how the strategies of private actors in LRAs influence the outcomes of densification projects. As stated before, these strategies are situated within a specific institutional regime. Two institutional contexts were selected to ensure various actor strategies are identified during the empirical work: the Netherlands and Switzerland. The two countries pursue fundamentally different strategies for land policy: the Dutch planning approach is active (Hartmann and Spit, 2015; van Oosten, Witte and Hartmann, 2018), whereas the Swiss system is primarily reactive, although it is becoming more active (Gerber, 2018). For example, negotiated land use plans and active interventions in landownership have been the norms within Dutch land use planning (Tennekes, 2018), but both are relatively new phenomena in Switzerland (Debrunner and Hartmann, 2020). Furthermore, whereas planning legitimacy in the Netherlands is strongly derived from its outputs, Swiss planning interventions are legitimized through direct democratic procedures (Lawson, 2009; Hartmann and Spit, 2015). As a result, the two case studies represent two very different examples of how planning and densification processes can be governed, which leads to a wide variety of actor strategies.

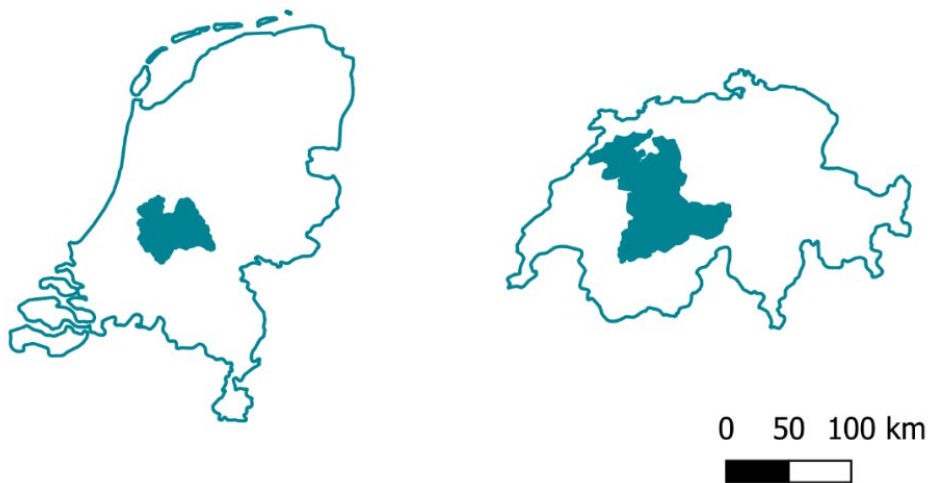


Figure 4 Two functional regions in the Netherlands (left) and Switzerland (right) (author's creation)

*Secondly*, four municipalities were chosen. In both the Netherlands and Switzerland, the municipality is the public actor, which is mainly responsible for planning and housing policy (Janssen-Jansen and Woltjer, 2010; Schönig, 2020). Municipal authorities (administrative level) act on behalf of the city council (executive level) as well as the city parliament (legislative level) and play a crucial role in formulating and implementing land policy. They are responsible for granting private landowners building permits for residential densification projects. These building permits must generally be consistent with the municipal land use plan and its associated ordinances (Bühlmann *et al.*, 2011). All four municipalities are characterized by population growth, limited urban land availability, and heightened densification pressures (Gemeente Nieuwegein, 2015; Stadt Thun, 2016; Gemeente Utrecht, 2019; Stadt Bern, 2020). Simultaneously, the municipalities also show differences, which allows the observation of various local institutional contexts (EV) and how these affect the use of strategies (IV2) by different actors (IV1). Most notably, two urban core cities were selected, namely Utrecht and Bern, and two suburban cities, Nieuwegein and Thun, as smaller cities usually have fewer policy resources to implement spatial planning objectives.

*Third*, at the project level, cases needed to comply with the following criteria:

1. **Land use:** The primary prospective land use of the project must be residential.
2. **Land ownership:** Each project should include at least a private landowner in the actor constellation. Cases were selected to include a wide range of landowner types.
3. **Actuality:** The plan should have been implemented recently to study the complete planning process, and the case should not be too old as this might negatively influence the quality of data collected through interviews.

Five projects in four municipalities in two functional regions were selected based on the above criteria.

### 3.3 INTRODUCTION OF THE CASE STUDIES

In the following section, these cases are introduced. These descriptions focus on each case's original use, land ownership, planning objectives, and key planning instruments. Furthermore, each municipality is introduced with some key statistics.

#### **The functional region of Utrecht**

Like many urban centers, Utrecht faces a high demand for housing due to population growth, economic opportunities, and its status as a university city. With a significant student population due to the presence of Utrecht University, there is a high demand for student housing. The city's population was 367,984 on January 1, 2023. The city is expected to reach 400.000 inhabitants by 2025 (Gemeente Utrecht, 2023). To meet this expected growth, the city has developed a housing program to increase the housing stock with 47.000 units between 2019 and 2040 (Gemeente Utrecht, 2019). Utrecht has seen various urban renewal and development projects aiming to accommodate the growing population and revitalize existing neighborhoods. This includes repurposing existing structures (*case 1: Zuilen*) and the development of new residential neighborhoods (*case 2: Nieuwe Defensie*).

Nieuwegein is a municipality and city in the Dutch province of Utrecht, located south of the city of Utrecht. The city has 63.690 inhabitants (CBS, 2020). Nieuwegein is a former growth center (*groeikern*), an area the central government designated for the necessary expansion of the housing stock between 1960 and 1970. Since 2012, Nieuwegein has seen a new population growth surge due to its optimal location near the city of Utrecht (Gemeente Nieuwegein, 2015). As the city is located between three highways and a waterway channel, this growth necessarily occurs within the boundaries of the existing built environment. Much of the densification happening in Nieuwegein is concerned with transforming former commercial areas, including offices, into residential neighborhoods (*case 3: Rijnhuizen*). Figure 5 provides an overview of the three Dutch case studies, which will be described now.

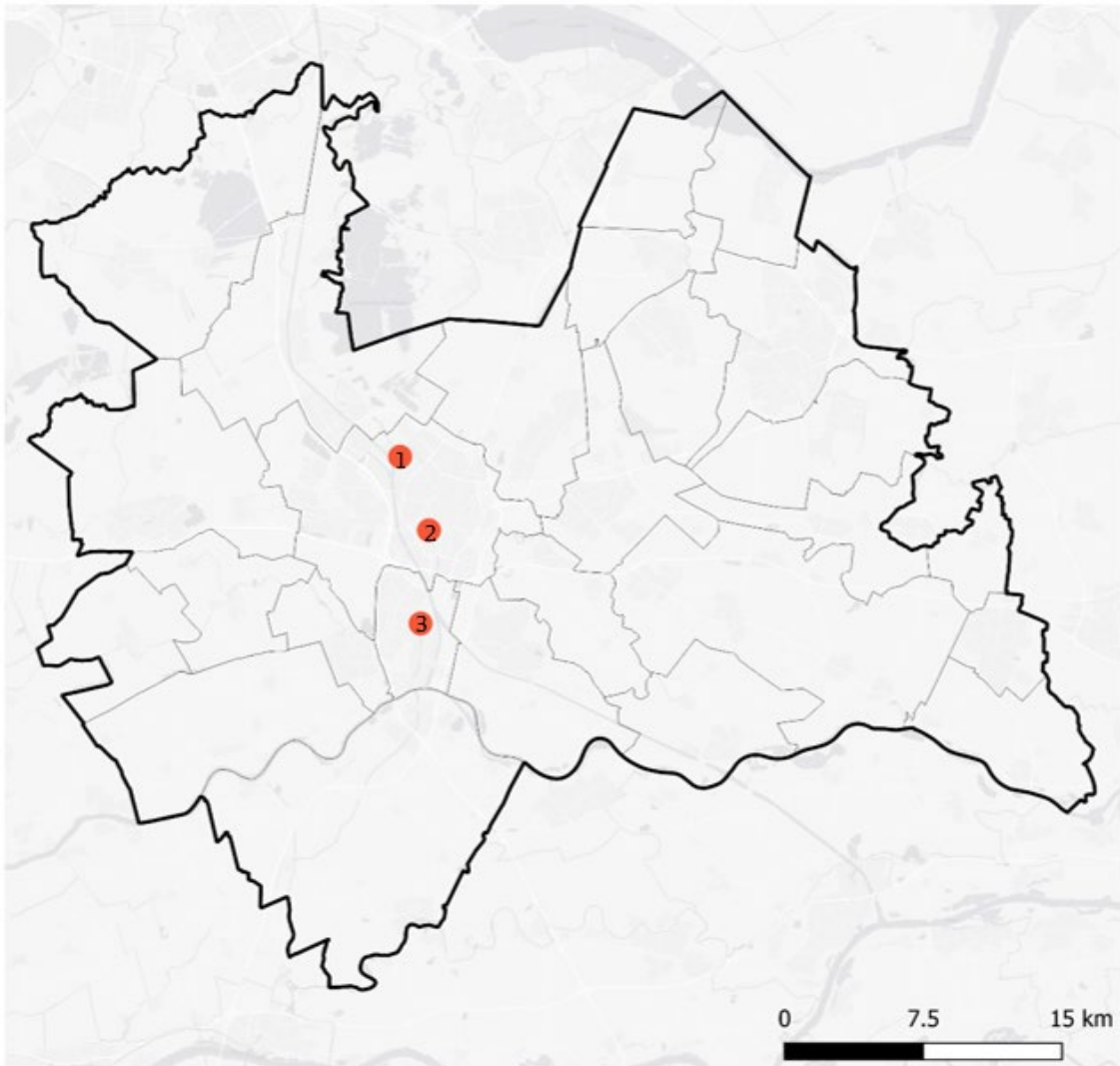


Figure 5 Case studies as located in the Province of Utrecht, the Netherlands (data source: ESRI, 2023; BRK, 2023)

### **Case study 1: Zuilen**

The first case study, the neighborhood of Zuilen in Utrecht, focuses on an attempt by the municipality to regulate market-driven densification processes. The development of Zuilen as a residential area accelerated in the early 20th century with the rise of industrialization and the need for housing for workers. Housing corporations, established by the boards of factories, acquired land in the

neighborhood and constructed various housing complexes and neighborhoods, primarily row houses (van Santen and van Oudheusden, 1990). Students and young professionals' growing demand for housing has led to a new trend: private investors started to subdivide these owner-occupied family houses into smaller rental apartments. This phenomenon has unfolded on a considerable scale, prompting concerns about the strain it places on the neighborhood's infrastructure. In response, residents mobilized to resist further densification, urging the municipal authorities to enact new regulations (Gemeente Utrecht, 2015).



Figure 6 The neighborhood of Zuilen (source: Google Earth, 2021)

### **Case 2: Nieuwe Defensie, Utrecht**

The project of Nieuwe Defensie concerns the transformation of a former storage hall of the Ministry of Defense into a mixed-use area. One of the key objectives of the Nieuwe Defensie project is to address the growing demand for housing in Utrecht by providing a mix of housing options, including affordable housing units, to accommodate different income groups. The area is currently being transformed into a car-free, sustainable neighborhood with 950 energy-efficient housing units (BPD Ontwikkeling, 2018). Of these 950 units, 220 are social rent units, 100 are rental units

in the mid-rent sector, 150 are affordable owner-occupied housing, and 480 are regular owner-occupied units (Gemeente Utrecht, 2022). The Ministry of Defense, the original owner of most of the plot, sold the land to the municipality of Utrecht in 2014 after remediating the soil. The municipality worked with the developer BPD, who held development rights to the land, to create a new land use plan. Furthermore, the municipality had to negotiate with four owner-occupiers (see top right of Figure 7) to obtain full plot ownership (Gemeente Utrecht, 2020).



Figure 7 Nieuwe Defensie project (source: Google Earth, 2021)

### **Case 3: Rijnhuizen, Nieuwegein**

Nieuwegein is located in the Province of Utrecht, where there is a great demand for housing. Rijnhuizen was originally an office park, hosting around 8,200 full-time workplaces. High vacancies led to discussions about its redevelopment potential (Bureau voor Stedebouw, 2014). It was decided to transform the office park into a mixed-use area in which work and living functions could be combined. Because ownership is highly fragmented in the region, the municipality takes an “organic” approach to the redevelopment, meaning that landowners interested in redevelopment can approach the municipality on a project basis rather than aiming to transform the whole area in one go (Gemeente Nieuwegein, 2018). The area has over 100 owners, ranging from large developers to individual investors to housing

associations. The municipality initially allowed the construction of 1,500 housing units. Due to the ongoing housing shortage in the country and the area, this number increased to 2,500 in 2019.



Figure 8 Rijnhuizen project (source: Google Earth, 2021)

## The functional region of Bern

Bern has about 133,000 inhabitants and is located in the canton of Bern. As the political capital of Switzerland, the city is growing in popularity. According to the Urban Development Concept 2016, by 2030, 8,500 new housing units are required to meet the rising demand of 17,000 new inhabitants (Stadt Bern, 2016b, p. 51). By law, Swiss municipalities are obliged to use their available building land to accommodate this growth before the building zone can be expanded (RPG, art. 1<sup>2</sup>). This means that most of these new developments need to take place in the existing building zone,

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<sup>2</sup> Bundesgesetz über die Raumplanung (1979) [Switzerland]. Accessed on: 5 March 2024. Available at: [https://www.fedlex.admin.ch/eli/cc/1979/1573\\_1573\\_1573/de](https://www.fedlex.admin.ch/eli/cc/1979/1573_1573_1573/de)



through for example the transformation of former industrial areas (*case 4: Ausserholligen*).

Thun, southeast of Bern, is a medium-sized city next to Lake Thun. The municipality has around 45,000 inhabitants. According to the cantonal structure plan, the town of Thun is set to grow by around 12%, corresponding to around 5,000 inhabitants in the next 15 years (Kanton Bern, 2023). Most of this growth will be accommodated through densification and renewal of already built-up districts (*case 5: Hoffmatte*) (Stadt Thun, 2016). Figure 9 indicates the location of the case studies within the functional region of Bern.

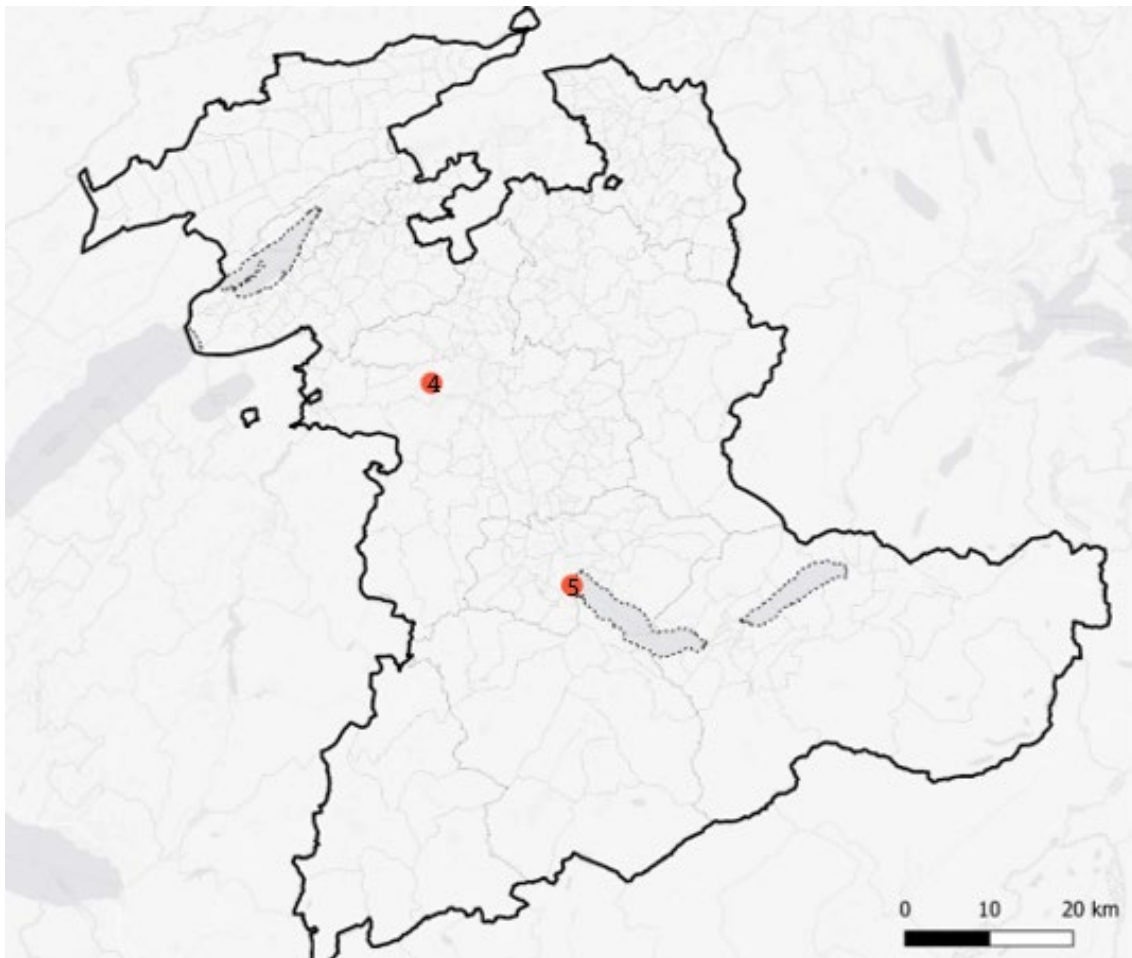


Figure 9 Case studies as located in the Canton of Bern, Switzerland (data source: ESRI, 2023; Amt für Geoinformation Kanton Bern, 2024)

#### **Case 4: Ausserholligen, Bern**

Ausserholligen will contribute to the growing housing demand in Bern by providing room for around 2,800 people (Stadt Bern, 2021b). The neighborhood was predominantly used for industrial and commercial uses. In 1990, Ausserholligen became a focal point for redevelopment in the Canton of Bern and received the designation *Entwicklungsschwerpunkt* (development focus, *ESP*). With the ESP program, the canton of Bern aims to create good framework conditions for economic development at selected locations, where new jobs with regional impact are made possible at attractive locations (Kanton Bern, 2023). Although the objective of the ESP is to, therefore, first and foremost, stimulate economic development, the municipality decided in 1991 that Ausserholligen should not only lead to the creation of office spaces but should become a mixed quarter, including residential functions. To steer developments, the municipality of Bern has developed a structural plan and renegotiated land use plans with landowners on a project basis (Stadt Bern, 2021b). Landownership includes semi-public institutions, pension funds, and commercial actors.



Figure 10 Ausserholligen project (source: Google Earth, 2023)

### Case 5: Hoffmatte, Thun

The Hoffmatte project involves the redevelopment of previously unused land adjacent to the production site of Hoffmann Neopac AG in Thun. The area has been zoned as an industrial zone for years but remained largely undeveloped. With no plans for expanding production facilities, the landowner sought alternative uses for the reserve land (Stadt Thun, 2019a). The landowners made an agreement with Frutiger AG and the foundation Wohnen Im Alter (WIA) and approached the local planning authorities to redevelop the area. After a planning process, including an architecture competition, a proposal was developed for a special land use plan to facilitate the intended redevelopment. The project includes residential units, an elderly care facility, retirement apartments, and amenities such as a neighborhood center, daycare center, and restaurant/cafe. The development prioritizes pedestrian-friendly design, with underground parking to maximize green space and minimize vehicular impact (Stadt Thun, 2019b). However, the permitted height of the buildings led to several appeals from neighboring landowners to the new land use plan, significantly slowing down the project's implementation.



Figure 11 Hoffmatte project (source: Google Earth, 2023)

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These five cases represent a broad range of landowner types to ensure that many different strategies can be observed. Table 2 provides an overview of the other private actors involved in the cases.

Table 2 Case study selection and private actors

Case	Municipality	Landowners
Zuilen	Utrecht (NL)	<ul style="list-style-type: none"> <li>• Individual investors</li> <li>• Owner-occupiers</li> </ul>
Nieuwe Defensie	Utrecht (NL)	<ul style="list-style-type: none"> <li>• Developers</li> <li>• Public authorities</li> <li>• Owner-occupiers</li> </ul>
Rijnhuizen	Nieuwegein (NL)	<ul style="list-style-type: none"> <li>• Developers</li> <li>• Individual investors</li> <li>• Housing associations</li> <li>• Commercial businesses</li> </ul>
Ausserholligen	Bern (CH)	<ul style="list-style-type: none"> <li>• Commercial businesses</li> <li>• Institutional investors</li> <li>• Housing cooperatives</li> </ul>
Hofmatte	Thun (CH)	<ul style="list-style-type: none"> <li>• Owner-occupiers</li> <li>• Developers</li> <li>• Commercial businesses</li> </ul>

### 3.4 DATA COLLECTION AND ANALYSIS METHODS

As the research aims to answer questions regarding the institutions governing densification projects, a qualitative approach was used for the data collection. Qualitative approaches are more suitable for understanding social constructs, such as institutions (Opoku, Ahmed and Akotia, 2016). Qualitative methods were selected to facilitate the collection of information of social origin, aligning with the deductively developed key variables of the theoretical model: housing and land as resources, institutions, and actors' strategies (Yin, 2009). These methods included qualitative document analysis, semi-structured, and expert interviews. The field research spanned from June to August 2020 for Article 1, from August 2022 to

February 2023 for Articles 2 and 3, and from October 2023 to February 2024 for Article 4. The following sections will describe the methods used to construct an understanding of the different case studies.

The legal institutions governing densification processes concerning housing outcomes were analyzed through document analysis. In Switzerland, this included federal, cantonal, and municipal documents. In the Netherlands, it was done at the national, provincial, and municipal levels. The analysis focused on regulations and policy instruments impacting housing provision, including laws, regulations, and property rights. Policy documents related to urban densification and housing were analyzed, including government reports, city council minutes, local legislation, newspaper articles, and project documents, to comprehensively understand the governance mechanisms driving housing development in the context of densification.

Additionally, semi-structured interviews with representatives from both the public and the private sector were performed to create an understanding of the strategies of actors involved in densification projects. This included policymakers from the local level, politicians, municipal project managers, homeowners, developers, investors, pension funds, neighborhood organizations, other residents, and housing cooperatives. All interview partners were chosen due to their knowledge of the topic and practical expertise. Other potential interview partners were also identified through interviews. A list of guiding questions was developed for each interview, according to the main variables identified in Chapter 2. This list was sent to participants in advance to allow for preparation. However, conducting semi-structured interviews allowed space to explore particular themes or responses further.

Non-written data material, including interview recordings, was transcribed using the transcription software TRINT. These transcripts and documents were subsequently coded according to the three variables identified in the theoretical framework (institutions, actors' strategies, and outcomes) and the themes that emerged during the data analysis process. As such, coding was based on deductive (based on theory and research questions) processes and inductive (emerging out of the data) processes. Coding was performed in MaxQDA.

### 3.5 TRUSTWORTHINESS AND POSITIONALITY

Yin (2009) identified four strategies to ensure trustworthiness, credibility, confirmability, and data dependability in case study research. These strategies are:

1. Construct validity: identifying appropriate operational measures for the concept studied.
2. Internal validity: seeking to establish a causal relationship.
3. External validity: defining the domain to which findings can be generalized.
4. Reliability: demonstrating that the operations of a study generate the same results when repeated.

Table 3 describes the tactics to improve the trustworthiness and validity of this dissertation.

Table 3 Tactics to create validity and reliability

Test	Phase of tactic research		Explanation
<b>Construct validity</b>	Data collection	Multiple sources of evidence Data triangulation	The data collected was triangulated using multiple sources, including interviews and documents. Furthermore, interview findings were compared with one another as a further step to guarantee data quality.
<b>Internal validity</b>	Data analysis	Pattern matching	A predicted theoretical pattern, discussed in the theoretical framework, was compared with the observed empirical pattern. This helped to ensure a causal relationship between the identified variables beyond a mere correlation.
<b>External validity</b>	Research design	Use of theory	The findings of case studies cannot simply be generalized to other cases. Therefore, the research used existing theories, as discussed in the theoretical framework in Chapter 2.

<b>Reliability</b>	Data collection	Use of thick description	The research will provide a detailed description of the interviews. Thick description gives the reader a sense of the depth of the process and explains how the conclusions came about.
		Case study database	A case study database containing notes on interviews, field notes, and document analysis has been compiled to ensure that the research is replicable.

My role as a researcher significantly influenced the data collection process and my interactions with various stakeholders in the field. This became particularly evident when contacting developers or other economic actors with interview requests. Many were skeptical to engage in research focusing on land policy. Many economic actors responded hesitant to initial interview requests, as illustrated by this response by an investor active in Zuilen: *“We do have a clear opinion and vision, which I think is ignored in populist politics. However, we do not go public and dislike being in the public eye. I will share it [with you], but I want to ensure that no names will be mentioned or referred to”*. To create mutual trust, I found that it was very important to explain the background of my work and to stress that I aimed to analyze densification processes and not draw any normative conclusions.

## CHAPTER 4: STRUCTURE OF THE DISSERTATION

In each article, I analyze housing as a resource governed by the institutional framework and the strategies of different actors at the Localized Regulatory Arrangement (LRA) level. I aim to understand how landowner strategies affect the ability of municipalities to implement their densification and, particularly, their housing objectives. Each article describes the relationships between the IR, the LRA, and the outcomes of a planning process, therefore addressing the different sub-questions as introduced in Chapter 1.

**Article 1** studies the implementation of new subdivision regulations in the neighborhood of Zuilen in Utrecht, the Netherlands. It explores how the strategies of private investors influence the gap between policy formulation and implementation (sub-question 1). In this case, policy formulation gave rise to flexible subdivision rules, allowing municipal authorities to make decisions on a case-by-case basis. While official subdivisions have reduced drastically due to the new policy, investors have moved towards other less regulated opportunities or even illegal subdivisions. These illegal subdivisions are often known and sometimes legitimized by public authorities due to the lack of alternative housing options for students and young professionals. These findings highlight that while flexible implementation under NPM may provide more steering capacity for municipalities, it may also lead to non-compliance (sub-question 2). Interestingly, public authorities use non-enforcement strategically to balance opposing policy objectives.

Building upon these findings, **Article 2** delves into a comparative case study of Nieuwegein, Netherlands, and Bern, Switzerland. This study aims to identify under which conditions LRAs lead to the effective implementation of social objectives, specifically affordable housing provision. It focuses on negotiations between landowners and public authorities and how their strategies to pursue their interests interact. It confirms that the strategic behavior of landowners complicates the implementation of affordable housing objectives in negotiated planning (sub-



question 1). It emphasizes the significance of binding affordable housing targets, non-profit actors' landownership, and citizen involvement in ensuring consistent implementation (sub-question 2). Furthermore, it shows how different ways of formalizing LRAs, namely in a renegotiated land use plan or the private development contract, influence planning outcomes. Specifically, the flexibility provided by contracts points to a situation where powerful developers can negotiate more favorable conditions, threatening the principle of equality before the law (sub-question 3). Conversely, renegotiated land use plans include broader public accountability mechanisms, including direct democracy in Switzerland, which broadens the negotiation to serve public interests.

The previous articles focused on the negotiations between landowners and local authorities to set the terms and conditions under which densification occurs. **Article 3** studies the strategies used by developers and planning authorities directed at actors who threaten to veto the agreements made in the LRA (sub-question 1). It probes into the challenges posed by the property rights of small veto players in implementing densification objectives, drawing insights from case studies in Thun, Switzerland, and Utrecht, Netherlands. Four strategies that municipalities and developers employ to limit opposition from small landowners are identified: compromise, redrawing project boundaries, weakening property rights, and eliminating contesting voices. It shows how economic actors and public authorities collaborate to directly intervene in the property rights of small veto players to accelerate the development pace. The research highlights tensions between output effectiveness and gaining acceptance for densification projects in the different institutional contexts of the Netherlands and Switzerland (sub-question 2). It shows how project-based planning affects the relationship between public policy and the property rights of different private actors (sub-question 3). As such, it contributes to a deeper understanding of power dynamics in urban densification projects.

**Article 4** shifts focus to another function of housing—namely, as a space of care. The paper explores the spatial planning instruments and strategies local public authorities use to implement policy objectives for accommodating the aging population. Drawing from a single case study of Nieuwegein, Netherlands, the study reveals that the provision of age-appropriate housing is predominantly managed through private law contracts negotiated between public authorities and market actors. With the continuous rollback of the state from essential social services, local governments are pushed to act more entrepreneurially to incentivize housing

provision to meet the needs of the elderly on an ad-hoc basis. The article highlights the additional steering capacity municipal authorities create through planning negotiations (sub-question 2). However, the study also exposes how such negotiated planning further commodifies age-appropriate housing, often at the expense of social goals like affordability (sub-question 3). The article illustrates the broader political-economic forces driving municipalities toward entrepreneurial practices to address incoherences between policy domains.

Lastly, **Article 5** (*second-author, annex*) broadens the scope of the dissertation to explore the relationship between densification and housing affordability in the Province of Utrecht, Netherlands. A comprehensive analysis of household incomes in densification projects underscores the important role of public land ownership and affordable housing targets in ensuring housing affordability amidst densification efforts (sub-question 2).

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Collectively, these articles offer an understanding of the interplay between institutional frameworks, negotiation strategies of different actors, and the realization of housing policy objectives on a project-level basis. An overview of the papers can be found in Table 4.

Table 4 Overview of the article

	<b>Article 1</b>	<b>Article 2</b>	<b>Article 3</b>	<b>Article 4</b>	<b>Article 5 (annex)</b>
<b>Title</b>	<i>Non-compliance and non-enforcement: An unexpected outcome of flexible soft densification policy in the Netherlands</i>	<i>Making room for affordable housing: Project negotiations between landowners and public authorities in Dutch and Swiss densification.</i>	<i>The right of the strongest? Property rights of small landowners in densification projects</i>	<i>'Care circles' as an entrepreneurial land policy instrument for age-appropriate housing provision in densification projects</i>	<i>For whom do we densify? Explaining income variation across densification projects in the region of Utrecht, the Netherlands</i>
<b>Research questions</b>	How do landowners' strategies affect the consistency between the formulation and implementation of policies?	Under which conditions do negotiations between planners and landowners lead to the provision of affordable housing?	How does the institutional context influence the strategies of developers and local planning authorities against opposition to densification projects?	How do public authorities use land policy instruments and strategies to facilitate aging-in-place while steering densification?	How do project location, transformation type, land ownership, and planning interventions affect household incomes?
<b>Research design</b>	Single case study analysis	International case study analysis	International case study analysis	Single case study analysis	Mixed method
<b>Authorship</b>	<u>Josje Bouwmeester</u> , Jean-David Gerber, Thomas Hartmann, and Deniz Ay	<u>Josje Bouwmeester</u> , Thomas Hartmann, Deniz Ay and Jean-David Gerber	<u>Josje Bouwmeester</u> , Deniz Ay, Jean-David Gerber and Thomas Hartmann	<u>Josje Bouwmeester</u> and Deniz Ay	Vera Götze, <u>Josje Bouwmeester</u> and Mathias Jehling
<b>Status</b>	Published in Land Use Policy <a href="https://doi.org/10.1016/j.landusepol.2022.106525">https://doi.org/10.1016/j.landusepol.2022.106525</a>	Submitted to Land Use Policy (7 August 2023). 2 <sup>nd</sup> (minor) revision submitted (2 June 2024)	Submitted to Urban Studies (29 July 2024)	Submitted to Housing Studies (19 July 2023).	Published in Urban Studies <a href="https://doi.org/10.1177/00420980231205793">https://doi.org/10.1177/00420980231205793</a>

## **PART B: RESEARCH ARTICLES**

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## CHAPTER 5: NON-COMPLIANCE AND NON-ENFORCEMENT - AN UNEXPECTED OUTCOME OF FLEXIBLE SOFT DENSIFICATION POLICY IN THE NETHERLANDS

Josje Bouwmeester, Jean-David Gerber, Thomas Hartmann, & Deniz Ay

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In many urban areas, governments are struggling to curb urban sprawl while simultaneously trying to keep up with growing pressures on the housing market. As a result, housing developments increasingly take place within the existing housing stock through soft densification in the form of subdivisions. Municipalities aim to regulate this type of densification because of growing pressure on existing infrastructure, neighborhood cohesion, and (rental) prices. This contribution looks at the city of Utrecht in the Netherlands as a case study, where small-scale private investors increasingly bought up owner-occupied homes to subdivide into rental homes. As a result, the executive council of the municipality introduced new subdivision regulations in 2016. It explores how the interests of the investors influenced the negotiations that took place during the policy formulation and implementation phases. Using a neo-institutionalist approach, we found that policy negotiations gave rise to an increased number of flexible rules on subdivisions, allowing municipal authorities to make decisions on a case-by-case basis. While official subdivisions have reduced drastically as a result of the new policy, investors have moved towards other less regulated opportunities or even illegal subdivisions. These findings highlight that while flexible implementation may provide more steering capacity for municipalities, it may also lead to non-compliance as an unexpected byproduct.

**Keywords:** *Soft densification; actor strategies; property rights; non-compliance; New Public Management*

## 5.1 INTRODUCTION

The provision of an adequate housing supply to accommodate a diversity of incomes and personal preferences is a significant issue in urban areas (Pittini, 2012; Rohe, 2017; Wetzstein, 2017; Goodbrand and Hiller, 2018). As a result of the growing popularity of metropolitan areas and increased awareness of the importance of curbing urban sprawl, urban densification has emerged globally as an important policy objective (Wolff, 2018; Dembski *et al.*, 2020). Such densification measures aim to increase the use density of urban areas by increasing the number of households or persons in a given area (Broitman and Koomen, 2015). As such, municipal policies increasingly aim to offer solutions to a growing housing shortage by means of stimulating new housing development within the boundaries of the existing city, for instance, through greyfield or office building redevelopments. While large-scale densification projects are an essential source of new housing within metropolitan areas, recent studies have shown that small-scale developments can also contribute significantly to the housing stock (Touati-Morel, 2015; Bibby, Henneberry and Halleux, 2020). When houses are subdivided or supplemental buildings like garages are converted, such processes of densification are often referred to as soft densification (Dunning, Hickman and While, 2020). This contribution focuses specifically on housing subdivisions.

Housing subdivision processes take a variety of forms. In the US, Canada, and Israel, the debate focuses on the creation of so-called Accessory Dwelling Units in low-density single-family housing (Chapple *et al.*, 2012; Mendez and Quastel, 2015; Patterson and Harris, 2017; Holzman-Gazit *et al.*, 2021). However, subdivisions also occur in high-density urban areas such as Hong Kong and London - often in response to high housing prices (Infranca, 2014; Edwards, 2016). In the Netherlands, the subdivision of owner-occupied family homes into rental apartments or student rooms has become an attractive investment for small-scale private individual investors because of the higher economic returns of densified plots and low interest rates and property transfer taxes (Touati-Morel, 2015; Aalbers, Loon and Fernandez, 2017; Hochstenbach and Ronald, 2020).

Such types of subdivisions often receive resistance from neighboring landowners or tenants, fearing property depreciation or a change in the social composition of the neighborhood (Infranca, 2014; van der Poorten and Miller, 2017). Furthermore, municipalities struggle with managing the increased pressure on public space and

infrastructure, such as parking, problems with noise pollution, the living quality of subdivided apartments, and fire safety (Idt and Pellegrino, 2021; Teller, 2021). Many jurisdictions have therefore placed restrictions on this type of development. Examples are regulations that govern the minimal permitted size of a subdivided apartment, whether a lot is eligible to add an extra unit, or whether the owner must live on the premises (Chapman and Howe, 2001; Anacker and Niedt, 2019). Simultaneously, research has shown that in many international contexts, these regulations have not prevented the occurrence of illegal subdivisions (Tanasescu, Wing-tak and Smart, 2010; Mendez and Quastel, 2015; Goodbrand and Hiller, 2018; Alterman and Calor, 2020).

As the regulation of soft densification takes place in a web of opposing rights and interests that guide and constrain the behavior of both private and public actors, it is appropriate to study it from a neo-institutional perspective. Within the neo-institutional planning literature, there has been an increased interest in how local planning authorities can use land-use policy in order to actively promote large-scale densification projects in urban regions (Gennaio, Hersperger and Bürgi, 2009; Debrunner and Hartmann, 2020; Debrunner, Hengstermann and Gerber, 2020; Dembski, 2020; Dembski *et al.*, 2020). However, very little has been written about soft densification, even though it is a prevalent form of densification (Dunning, Hickman and While, 2020). While it has been acknowledged that planning instruments are not merely technical devices but are, in fact, highly political (Lascoumes and Le Galès, 2007; Gerber, Hartmann and Hengstermann, 2018), limited research has been done on the political processes behind planning policies. More specifically, there is a gap in the literature on how landowners respond to policies that regulate soft densification.

This research seeks to address this gap by exploring the negotiation strategies of private landowners and local planning authorities during the formulation and implementation of a soft densification policy. It addresses three main questions: 1) What are the mechanisms leading to soft densification? 2) how do negotiations between the local planning authority and landowners affect the type of soft densification policy formulated, and 3) how do the strategies of landowners affect the consistency between the formulated policy and its implementation? A key objective of the study is to discuss the fraught relationship between public policies and property rights in the context of soft densification. This is important given the difficulty of achieving desired planning goals in front of powerful interests rooted in

property rights (Gerber, Nahrath and Hartmann, 2017). We performed a qualitative case study to analyze and create an in-depth understanding of these issues. The case study was carried out in the neighborhood of Zuilen in Utrecht, the Netherlands, where the executive council of the municipality enacted a series of new measures to regulate the subdivision of family homes into rental units by individual small-scale investors in 2016. The focus of this contribution is thus on these investors as a specific type of landowners.

## **5.2 THE GOVERNANCE OF SOFT DENSIFICATION**

This study aims to explain the governance processes of market-initiated soft densification in the form of buy-to-let investments. This study uses the Institutional Resource Regime (IRR) framework to portray the challenges that may arise in governing these soft densification processes. The IRR is an analytical framework that emerged from new institutional economics, property rights theory, and public policy analysis (Gerber *et al.*, 2009). The framework relies on two central assumptions about the governance of urban development. First, it assumes that institutions provide a framework in which actors' behavior takes place. Institutions thus act as a set of constraints and opportunities that favor specific courses of action. Second, individuals can exercise agency within this frame to take advantage of opportunities. Public policies are constantly revised, sometimes not implemented, can be diverted or even hijacked – sometimes on the fringes of legality – by different actors involved in the policy formulation and implementation stage (Gerber, Lieberherr and Knoepfel, 2020, p. 157). This makes the framework particularly useful to analyze situations in which several actor groups are in conflict over the use of a particular resource (de Buren, 2015), as in the case of densification.

### **Densification at the intersection of public policy and property rights**

Two sets of formal rules govern the process of densification: property rights and public policies. Through public policies, the state aims to regulate the behavior of actors that is thought to be the source of a politically defined public problem (target group) (Knoepfel *et al.*, 2007). Public policies constantly evolve because the (understanding of the) problem they target changes (Knoepfel *et al.*, 2007). On the other hand, property rights aim to protect individuals from the interference of the state. Property rights are defined as the exclusive, transferable, and legal right to the



use of scarce resources, the return of those resources, and the alienation thereof (Cooter and Ulen, 2012). They are grounded in private law, remain relatively stable in definition, and aim to protect private interests (Gerber *et al.*, 2009; Debrunner, Hengstermann and Gerber, 2020).

In many European countries, such as the Netherlands, Germany, and Switzerland, densification has become an important policy objective to solve the problem of urban sprawl by increasing density within the existing built-up areas (Broitman and Koomen, 2015). However, densification policy implementation is difficult due to the complex ownership structures in the already built-up areas. A public authority may wish to increase density in a specific area through new planning regulations. However, these only get implemented when titleholders agree to undertake new developments or sell their property rights (Davy, 2012). Simultaneously, public authorities may try to regulate privately initiated densification, but through this encroach on the private property rights of titleholders. Public policies regulating densification thus often conflict with the interests of landowners (Slaev, 2016; Gerber, Nahrath and Hartmann, 2017).

### **The negotiation of the public interest**

When regulations concerning densification conflict with the interest of specific actors, they may strategically attempt to renegotiate their access to resources such as housing or land (Debrunner, Hengstermann and Gerber, 2020). At a local level, actors bound to the same problem will interact in bargaining and negotiation processes, from which self-organized modes of management arise. In these Localized Regulatory Arrangements (LRA), actors decide to “*implement all or only selected policy objectives, arbitrate in favor of property rights over policy objectives, or fill [...] regulatory gaps through situation-specific agreements*” (Viallon, Schweizer and Varone, 2019, p. 78). These actors are characterized by a portfolio of varying policy resources (e.g. personnel, money, time, etc.), which are means for actors “*to assert their [...] interests in different stages of the process*” (Knoepfel *et al.*, 2007, p. 86). The LRA is thus the outcome of the selective activation of regulations as determined in the Institutional Regime (IR) (de Buren, 2015). In the case of densification, landowners are especially powerful in shaping the LRA due to the land titles. These quasi-veto rights allow landowners to resist the implementation of public policies (Gerber *et al.*, 2009; Aubin and Varone, 2013; Viallon, Schweizer and Varone, 2019).

Public policies aim to protect the public interest. Due to the redistributive nature of public policies, they create winners and losers. Whereas a public policy can benefit one group, it is often disadvantageous to another, which is usually the target group of a policy. The redistributive effect of planning is legitimized through the public interest (Alexander, 2002a). Since the 1980s, an increasingly active role of market actors through, for instance, public-private partnerships, a more pronounced focus on efficiency and performance rather than inputs such as personnel, and shift towards the project scale can be observed in planning (Homburg, Pollitt and van Thiel, 2007; Mäntysalo, Saglie and Cars, 2011; Gerber, 2016). As a result of this shift towards what is referred to as New Public Management (NPM), the public interest is increasingly defined through a negotiation process between both public and private actors.

To sum up, property rights protect the titleholder's interests against the state's interference and provide owners with the right to use, dispose of, and obtain benefits produced by a resource. On the other hand, public policies, among which densification policies, aim to solve a publicly defined problem by interfering in the property rights of owners. However, since private property rights are strongly constitutionally protected, it is difficult to implement densification plans due to conflicting interests. This study aims to find out the strategies of landowners in the policy formulation and implementation process and to better understand how the relationship between public policy objectives and property rights influences the implementation of a policy.

Two working hypotheses were formulated to guide and structure the research process and to make the authors' assumptions explicit. The first hypothesis (**H1**) relates to the power of titleholders to resist during policy formulation. In NPM, which puts negotiation at the center, it is expected that investors will be successful in imposing their interests, because of the power they possess as titleholders. This will likely result in more flexible regulations (as opposed to rigid regulation) as it provides more freedom to investors to achieve their interests, and for municipalities to balance different aims. Furthermore, it is expected (**H2**) that landowners respond to new rules with profit-driven strategies. For instance, by holding off any plans for subdivisions, shifting towards other investment opportunities, or through strategic non-compliance. As public authorities have limited resources to respond to such strategies, this leads to a low consistency between the policy formulated and its

actual implementation in the LRA. As a result, the local planning system becomes increasingly market driven.

### 5.3 STUDY DESIGN AND METHODS

The empirical findings of this paper are based on a qualitative case study of the strategies of actors in response to policy regulating soft densification. An in-depth qualitative case study approach enables a detailed analysis of the context-specific forces at play (Opoku, Ahmed and Akotia, 2016). The Netherlands is an interesting case to study the negotiation process of the public interest in soft densification. Dutch planning tradition is characterized by a close relationship between public planners and the private sector. Collaborations and partnerships between municipalities, real estate developers, and other market actors are common (Homburg, Pollitt and van Thiel, 2007; Hartmann and Spit, 2015). A case study of the neighborhood Zuilen in the city of Utrecht was selected based on two criteria. First, the area has experienced rapid soft densification through subdivisions over the past years (see Figure 12). Second, new regulations (from now on “subdivision policy”) were recently implemented to control the number of subdivisions. Therefore, Zuilen is an ideal case to assess the diverse negotiation mechanisms behind subdivision policies (Yin, 2009).



Figure 12 Location of Zuilen in Utrecht (left) and subdivisions in Zuilen from 2010 onwards (right) (data source: CC-BY Kadaster, 2021)

Data was collected from three different sources. First, to get an understanding of the institutions governing housing subdivisions at the national, provincial, and municipal levels, the study draws on an analysis of nine policy documents. These included legally binding documents (e.g., acts, changes in legislation, zoning plans), as well as policy documents of a non-binding nature (e.g., strategy documents, reports). Furthermore, 14 documents concerning the negotiation and the implementation process of the new policy were analyzed, including municipal meeting minutes, official decisions, and evaluations. From these documents, the formal negotiation processes were analyzed. Second, the formulation process, the implementation, and the responses of investors to the new municipal policy were further uncovered by conducting 16 semi-structured interviews. Interviews took place with local planning authorities, politicians, investors, and residents. Residents of Zuilen, although not the scope of this paper, were interviewed to confirm investor strategies based on their experiences. Interviewees were initially selected based on their experience with and knowledge on subdivisions and later through snowball sampling. The topics discussed during the interviews included the interests of different actors, their ability to pursue these interests in the policy formulation process, and the degree of implementation of the public policy. Lastly, 15 permit requests and decisions between 2016 and 2020 in the neighborhood of Zuilen were analyzed to draw further conclusions on the actual implementation of the policy.

Both interview transcripts and policy documents were analyzed using qualitative content analysis in MaxQDA®. The initial coding frame was based on the theoretical framework (deductive coding) and adjusted based on the empirical data (inductive coding). Specific coding patterns, including co-occurrences of themes and recurring issues, were analyzed to interpret the qualitative data.

#### **5.4 CASE STUDY: ZUILEN, UTRECHT AND THE STRUGGLE TO REGULATE THE SOFT DENSIFICATION PROCESSES**

Urban densification has taken a prominent position in various national spatial planning policy documents in the Netherlands to protect the surrounding landscape and limit traffic with resulting environmental issues. The Structural Vision on Infrastructure and Space (2012) introduced the new “Ladder of Sustainable Urbanization”, prioritizing new developments within the existing urban areas. The Dutch densification debate is inextricably linked to the debate on housing supply.

Considering the already existing urban housing shortage in combination with a steady increase in the number of households, the supply of sufficient affordable housing is currently seen as one of the biggest issues in the Dutch housing market. Since 2013 the Netherlands has seen a sharp decline in the number of new buildings realized (Boelhouwer, 2020). Simultaneously, housing prices have increased on average by 7% per year since 2015, with apartment prices increasing by 65% since 2013 (CBS, 2021), and rental prices increasing at 2.5% and 10% in case of a change in residents (CBS, 2020).

Increasing demand for housing, often in the more affordable segment, by small-scale private investors is seen as one of the drivers of rising rental and housing prices. This is especially the case as investors are often willing and able to pay more than regular households as they expect future rental incomes (Kadaster, 2019). Statistics show that so-called buy-to-let constructions are becoming more popular in the Netherlands: between 2015 and 2019, buy-to-let sales increased from 11.1% to 14.9% of all sales by owner-occupiers in the four largest cities of the Netherlands (Amsterdam, Rotterdam, The Hague, and Utrecht) (Ollongren, 2021). The persistently low global interest rates make real-estate an attractive investment opportunity, and Dutch national housing policy has played an important role in giving leeway for its growth. After the Global Financial Crisis, national politics focused on the liberalization and expansion of the rental sector at the cost of decommodified social rent (Aalbers *et al.*, 2020; Boelhouwer, 2020; Hochstenbach and Ronald, 2020). The national government has embraced buy-to-let investments as an important driver of a growing housing stock, and until recently, did not consider national measures to slow down buy-to-let fitting (Hochstenbach and Ronald, 2020).

### **Subdivisions in Utrecht: an introduction to the new policy**

In response to growing concerns regarding the quality of life and affordability of densified neighborhoods, the municipality of Utrecht implemented stricter policies to regulate the development of subdivided buy-to-let units in 2016. There are two different forms of subdividing dwellings into multiple units for rent: A dwelling can be subdivided into multiple self-sufficient units (*splitsen*) or converted into multiple non-self-sufficient units (*omzetten*). In this case, the inhabitants, mostly students and young professionals, share a kitchen and bathroom.

Many zoning plans in the Netherlands state that the number of dwellings per building area may not exceed one. Planning rules sometimes offer an exception,

whereby a different maximum number of residential units is explicitly indicated for some locations. As is formulated in Art. 2.12 of the General Provisions Environmental Law Act (2018)<sup>3</sup>, in order to deviate from the zoning plan for the sake of a division, a permit is required. The decision to allow the plot to be used in violation of the zoning plan is thus a discretionary power of the municipality and is not regulated on a national level. In this context, the local planning authority has considerable power to decide whether an extra unit is appropriate or not through the permit system.

Before 2007, the planning authority of Utrecht would grant all permit requests for subdivisions and conversions. A change in municipal policy in 2007 regarding subdivisions meant that conversion permits would no longer automatically be granted. Furthermore, the new Spatial Planning Act from 2008<sup>4</sup> allowed planning authorities to include rules in the zoning plan to protect the living environment, leading to the introduction of the so-called livability test (*leefbaarheidstoets*) as the basis for granting the permit. End 2011, the city council of Utrecht adopted a policy memorandum, making it possible to regulate subdivisions through an additional zoning plan (*facetbestemmingsplan*). In several neighborhoods, including Zuilen, these additional zoning plans were implemented, completely banning subdivisions, unless it concerned a house larger than 140m<sup>2</sup> or located along a busy road. The executive council decided to redesign the rules and associated permit system for subdivisions as of 1 January 2016, responding to a change in the Regional Housing Ordinance and persisting complaints from neighborhood associations. The following sections will discuss these changes and how they came to be.

## **The policy formulation process**

According to the residents, the policy before 2016 did not do enough to stop the proliferation of subdivisions, with one inhabitant referring to a “wild-west” situation (Gemeente Utrecht, 2015, p. 7). Specifically, these issues included the diminishing social cohesion in neighborhoods, noise pollution, improper waste management, shortage of (bicycle and car) parking. From the documents and interviews analyzed,

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<sup>3</sup> Wet algemene bepalingen omgevingsrecht (Wabo) [Netherlands], 28 July 2018. Available at: <https://wetten.overheid.nl/BWBR0024779>

<sup>4</sup> Wet ruimtelijke ordening (Wro) [Netherlands], 06 November 2008. Available at: <https://wetten.overheid.nl/BWBR0020449>

two lines of counter-argumentation by investors during the policy formulation phase can be defined with regards to the nature, the cause, and the solution to the public problem.

1. **The housing shortage for students and young professionals.** In response to complaints by residents about the effects of subdivisions on the livability of neighborhoods, real estate investors argued that Utrecht is a dynamic city, characterized by a changing household composition, combined with a huge demand for shared flats for students, and small and affordable apartments for recent graduates. Vastgoed Belang, an interest group for real estate investors, stated in a written response that investors play an important role in creating a more flexible housing market that is required in a city with a changing household composition. According to this definition of the public problem, subdivisions and conversions are not a problem but are the only solution to this shortage of housing for current and future residents of the city of Utrecht.
2. **The lack of enforcement of current rules.** A second problem identified by investors was the lack of enforcement of the current rules. Investors argued that enforcement was hindered because of large-scale evasion of the existing subdivision regulations by some investors, and more rules would only reinforce this. Moreover, it was argued that the proposed stricter measures would actually negatively impact the quality of life as they would promote more evasion. It was instead proposed to lower the threshold for permit applications, so that enforcement becomes possible. According to this line of argumentation, the main source of issues associated with subdivisions and conversions is thus related to illegality, and not the subdivisions in itself.

The first line of argumentation by investors played an important role in the policy formulation process. In the municipal council (legislative), all parties recognized the importance of balancing the interests of residents with the interests of students and young professionals in search of rental rooms or apartments. There was a consensus regarding the need for a flexible policy instrument to balance these interests. However, within the council, parties were divided about the main problem the policy should address. Some parties (mainly the more progressive parties with a majority in the council) stressed the importance of protecting the quality of life for residents and the affordable housing stock for future residents. Other parties framed the public

problem as an issue of enforcement of the already existing policy. These (in general, more liberal) parties stressed the importance of providing enough housing for students and young professionals and argued for less restrictive measures.

Eventually, the municipality redesigned its subdivision policy to address the following issues: 1) Protect livability of residents, 2) protect scarce housing stock and 3) provide housing for students and young professionals. Conversions and subdivisions became subject to an environmental permit (*omgevingsvergunning*) to achieve these goals. A livability test was introduced to decide whether a permit would be granted. The first part of this test consists of physical aspects, in which requirements are set for the surface area and soundproofing of the additional dwellings/or living quarters. The second part concerns a general quality of life test. Based on various quality of life aspects from the relevant district (such as the general district score, the image of the district, degree of nuisance experienced, clustering) it is assessed whether the district is under pressure. Additionally, a conversion permit (*omzettingsvergunning*) was introduced for all conversions of homes below a certain scarcity limit, to protect the number of homes with a value below €305,000. Besides the livability test, the conversion permit also introduces conditions of good tenancy and financial compensation for the loss of self-sufficient living space that needs to be paid to the municipality by the investor.

When looking at the different definitions of the public problem put forward during policy formulation, the investors were able to influence the process in the sense that their role in providing student housing and apartments for young professionals was recognized as important. The need for a more dynamic housing market was acknowledged by the entire municipal council and this was translated into a flexible policy design that does not completely ban subdivisions and conversions, nor targets investment practices, but that provides room for case-by-case decision making. However, the argumentation to improve enforcement by lowering the number of regulations did not influence the policy that was implemented.

### **Implementation of the subdivision policy**

From January 2016 onward, this measure was implemented. The interviews reveal different strategies as a result of investors mobilizing their ownership rights: 1) to comply, 2) to move to other investments and 3) to illegally subdivide or convert.



### **Strategy 1: Comply**

For the municipality to balance the three policy objectives, it needs investors to comply. Only when investors comply the planning authority can decide which of these policy objectives weighs heavier in the specific situation. An evaluation of the policy shows that the number of permit requests for subdivisions and conversions reduced by 56 and 74 per cent, respectively, between 2015 and 2016 (Afdeling Onderzoek Gemeente Utrecht, 2017).

If investors decide to comply, a negotiation takes place between the investors, the planning authority, and the residents. Once a permit is requested, it is published by the municipality, giving residents a chance to respond to the request as is stipulated in the General Administrative Law Act. From the analysis of permit decisions, it becomes clear that the planning authority seriously considers these responses to decide whether they are valid or not (for instance, by calculating the pressure on parking spaces). Reasons to reject a permit application included a high level of subdivisions or conversions in the direct environment, failure to comply with the minimal surface area requirement, and possible pressure on public space in terms of (bicycle) parking and waste management. When affected actors (this includes the applicant for the permit) do not agree with the decision made by the planning authority, they have the right to object (to the municipality) or to appeal (in administrative court). However, as long as the planning authority can prove that all interests were considered and a balanced decision was made, an administrative judge cannot overrule the decision.

An additional negotiation can occur between the planning authority and the investor who requested the permit. The analysis of the permit requests made in Zuilen between 2016 and 2019 showed that about 30 per cent of the requests were only granted after the owner reduced the number of proposed rooms or apartments in collaboration with the planning authority. These findings are in line with what was stated by a member of the permit committee: *“Say, you want four apartments here. We are not going to do that, but three apartments, that is possible. Then the request will be changed, and you can move forward.”* (interview policy officer 2). These findings show that the planning authority has considerable power to achieve its preferred outcomes once an investor decides to comply to the subdivision policy.

### **Strategy 2: Other investments**

While the number of permit requests has significantly reduced since the new policy's introduction, investors' activity on the housing market in Utrecht has steadily increased (Kadaster, 2021). Interviewed investors mentioned that the application fees for a subdivision are high. At the same time, there is *"too much uncertainty whether a permit will be granted"* (interview investor 3). Therefore, some investors are *"currently focusing more on new construction and transformations in peripheral municipalities"* (interview investor 1). Many of the investors interviewed indicated that since the implementation of the stricter policies in Utrecht, they have either moved to different investment opportunities within Utrecht or have moved to other municipalities around Utrecht, such as Nieuwegein, Maarssenbroek, and Breukelen.

Some of the popular alternatives mentioned in the interviews included Airbnb/short stay, (office) transformations, and private rental. Within the subdivision and conversion policy framework, the planning authority cannot regulate these developments. In response to these changing investment strategies, the municipal executive council has had to introduce new policies: *"Investors were just buying up properties and thinking they can turn that into a hotel function. So now we also have to restrict tourist rentals"* (interview policy officer 1). At the moment, the council is introducing more general restrictions such as the requirement of a landlord permit to set further conditions to the private rental sector. Furthermore, a purchase protection (*opkoopbescherming*) was enacted at the beginning of 2022 so that individuals can no longer buy up properties if they do not plan to live in it.

### **Strategy 3: Non-compliance**

An illegal situation is a non-preferred outcome for all actors, because of the lack of security (both for tenants and investors) and the lack of quality control. However, interviewees mentioned that investors who do not comply with the planning regulation are not uncommon. Although there are no exact numbers on the prevalence of illegal subdivisions and conversions, especially illegal conversions into student rooms are estimated to happen a lot: *"We have once selected a neighborhood and just checked house by house. When we do that, we come across so many [illegal conversions], we simply cannot even process that in terms of capacity."* The main reason given for this thriving illegality is the high demand for rental housing in Utrecht: *"The housing shortage is so high that landlords can actually do all kinds of things that are not acceptable. For example, landlords say: Do not register, or you will lose your home"* (policy officer 1). Interviewed students also confirmed this. None of

the interviewed investors said to be involved in illegal subdivisions. However, the interviewed investors acknowledged that illegal subdivisions do occur.

Illegality in the case of subdivisions and conversions takes different forms. In some cases, owners do not request a permit at all. Certain constructions that do not require a permit, such as the hospice construction, which allows a homeowner who lives in the apartment to have two roommates, were mentioned as being relatively often abused. In these cases, the homeowner only lives in the apartment on paper, while there are only tenants living there in reality. One policy officer estimated that around half of all hospice constructions are not used according to the current rules. Several reasons for illegality were identified. Investors either claim to be unaware of the permit requirement or purposely ignore it because of the uncertainty whether their permit request is accepted.

For the planning authority, it is difficult to detect these illegal situations due to a lack of resources: *“We cannot visit all these houses and count the number of toothbrushes present. We just do not have the capacity to do all that”* (policy officer 2). The planning authority often only enforces when it receives a complaint from a neighbor, which is referred to as passive enforcement. In these cases, the owner will receive a notification letter and time to apply for a permit or restore the home in accordance with the rules. If this does not occur, a penalty is imposed. However, in some cases, the planning authority is aware of illegal situations but does not enforce the policy. Policy officers indicated that in some cases the interest of housing students is more important. As stated by policy officer 3: *“The moment a[n illegal conversion] cannot be permitted, the [inhabitants] simply end up on the street. If it is already an existing situation about which there are not too many complaints, then you should consider what weighs more heavily”*. Residents also indicated to consider this when aware of an illegal situation but not experiencing any nuisance, before notifying the planning authority. Furthermore, even if investors get fined for an illegal subdivision, it can still be financially profitable to rent the rooms out for a couple of months (interview policy officer 3).

As investors have moved towards strategies to invest in other opportunities or even illegality, political consensus with regards to the public problem has shifted. While policy officers stated to be very happy with the functioning of the current policy, many of the council members interviewed argued that the current policy is too strict and therefore fails to achieve all of its policy goals. The ever-increasing shortage of

student housing and the difficulty young professionals have to find a living space in Utrecht seems to play an important role in these changing political opinions. Currently, discussions are taking place in the municipal council regarding the possibility of excluding conversions up to three rooms from the permit requirement.

The findings show that in the case of Zuilen investors respond to the newly implemented regulations in three ways. They can either decide to comply, move to different investment opportunities, or ignore the new policy through non-compliance. Surprisingly, non-compliance is a strategy that the local planning authority is aware of but does not always respond to, either due to a lack of resources or because other public problems are considered more pressing. As a result, there is an inconsistency between the objectives of the subdivision policy and the actual outcomes.

## **5.5 DISCUSSION AND CONCLUSION**

This paper aimed to better understand the strategies investors use to respond to policy formulation and implementation in the context of soft densification. While there is a growing body of literature on the interaction between planning and property rights in the context of densification, there is a lack of literature on the regulation of soft densification processes. This study used a single-case study approach to understand better the planning challenges in regulating soft densification in the face of opposing interests and strategically behaving actors.

Utrecht has been struggling to develop policies to help manage the pressures of development through subdivisions and conversions. Concern of the municipal council and the local planning authority was not densification per se. There was a strong recognition of the need for increased density, especially due to the shortage of housing for students and young professionals. Rather, the municipality saw the need to regulate subdivisions to avoid clustering and pressure on existing amenities and guarantee the quality of newly created apartments and rooms. The study shows the complicated nature of soft densification policies due to the wide array of sometimes aligning but often contrasting interests. The case of Utrecht in the Netherlands may provide an interesting example for other international contexts on the use of flexible regulations to deal with such contrasting interests.

The results show that investors have been actively involved in the negotiations taking place during the policy formulation and implementation phase. In both phases, procedural rights ensured a seat at the negotiation table. The wish to accommodate multiple, conflicting interests into the subdivision policy led to flexible regulation through the zoning plan. This allowed the planning authority to balance contradicting aims and make decisions on a case-by-case basis. One would perhaps expect that this would be a preferred outcome for investors, considering it gives them more freedom to achieve their interests than in the case of more rigid regulations. However, it was found that the lack of certainty whether or not a permit will be granted has led to a rapid decline in the number of permit requests. In this case, it was found that investors found ways to deal with regulations that were against their interests. This reinforces the idea that densification objectives are challenging to achieve as municipalities are dependent on landowners to realize them (Gerber, Nahrath and Hartmann, 2017; Debrunner, Hengstermann and Gerber, 2020; Dembski *et al.*, 2020). As a response to the stricter regulations, investors have moved towards other, more secure opportunities.

This brings us to a surprising result how investors may react to regulations against their interests: non-compliance as a response to the new regulations that are in conflict with their interests. Plenty of studies have looked into informality as a form of non-compliance in the Global South. These studies have shown how informal subdivisions can serve the urban poor as a strategy to renegotiate the right to the city (Berner, 2001; Morshed, 2014; Sullivan and Olmedo, 2015) and show informality is often governed by institutional rules that secure the access and use of resources such as land or housing (Bouwmeester and Hartmann, 2021). As studies on non-compliance to planning regulations and their enforcement are relatively less common in the context of the Global North (Alterman and Calor, 2020), it is surprising to find non-compliance as a strategy used by investors in the context of Zuilen, Utrecht. This study demonstrates that non-compliance is expected, known, and in some cases even legitimized by local authorities when they decide not to enforce the subdivision policy. Sometimes this is done due to a lack of enforcement capacity, other times because different public problems, such as the shortage of student rooms, are considered more pressing. In the case study, it was found that these rules-in-force with regards to enforcement were strategically activated by some investors to avoid the new subdivision regulations hampering their investments.

The results indicate that there is an inconsistency between the intention of municipal parliament (legislative) to implement stricter rules and the financial and personnel resources available to the local planning authority (administrative). However, the lack of enforcement in the case study also demonstrates the continuum that exists between formal and informal institutions (Roy, 2005; van Assche, Beunen and Duineveld, 2014; Koster and Nuijten, 2016). The findings show how accepting non-compliance can also be used as a strategy by planners to bridge the formal planning process and mutual agreements between local stakeholders, who may accept subdivisions even when not approved by the planning authority. Through this, planning authorities can use the flexibility provided by informal institutions to respond to complex public problems (Innes, Connick and Booher, 2007). Further research should be conducted to investigate the role of informal housing in other urban Western European contexts.

The Netherlands enjoys an international reputation for being well-planned and highly coordinated. The active and dominant role of national and local governments in spatial developments is often discussed (Alexander, 2002a; Van der Krabben, 2008; Roodbol-Mekkes, van der Valk and Korthals Altes, 2012). However, as many scholars have pointed out, a transition towards New Public Management can be observed, through the more facilitating as opposed to managing role of the public sector and the greater role for private initiatives (Heurkens and Hobma, 2014), a focus on the project level (Waterhout, Othengrafen and Sykes, 2013), and increasingly flexible decision-making at the stage of planning permissions (Buitelaar and Sorel, 2010). This trend is not only observed in the Netherlands, but also in a wide range of other international contexts (Homburg, Pollitt and van Thiel, 2007; Sager and Sørensen, 2011; Swyngedouw, Moulaert and Rodriguez, 2012; Gerber, 2016). Perhaps surprisingly, in the case of Utrecht, this aim for flexibility translated not into less rules, but instead into a higher legal complexity. While this may provide the local authority with more steering capacity, negative side-effects of legal complexity were identified in this case, including the lack of enforcement and policy officers using the “elbow-room” provided by ambiguous legal frameworks (Moroni *et al.*, 2020, p. 2). The findings of this study raise the question whether the search of efficiency and flexibility in the context of planning according to New Public Management-values may ultimately promote increased tolerance for non-compliance. When cost-benefit considerations become the rule at the level of developers, planners, and even neighbors, abstract considerations on the general interest(s) and corresponding

necessary compliance with the law are pushed into the background. What becomes even more important is a general level of satisfaction guaranteeing the perpetuation of a negotiated balance of power between all actors, including planners, developers, and neighbors.

# CHAPTER 6: MAKING ROOM FOR AFFORDABLE HOUSING: PROJECT-BASED NEGOTIATIONS BETWEEN PLANNING AUTHORITIES AND LANDOWNERS IN DUTCH AND SWISS DENSIFICATION

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The emerging objective to combat urban sprawl has put densification on the political agenda. Simultaneously, the complexity of planning within the existing built environment means that planning increasingly occurs on the project level. Project-based negotiations between planning authorities and landowners, in which agreements between parties are formalized in negotiated land use plans or private law contracts, thus shape the outcomes of densification projects. Considering the potential adverse effects of densification on housing affordability, it is important to understand how this shift towards project-based negotiations affects the ability of planners to secure public benefits such as affordable housing in redevelopment projects. This study uses a neo-institutional framework to analyze the negotiations between landowners and planning authorities and illuminates under which conditions affordable housing is provided. Case studies of six projects in two larger-scale redevelopment areas in the cities of Bern (Switzerland) and Nieuwegein (Netherlands) show this ability is highly dependent on 1) the existence of binding affordable housing targets, 2) landownership by non-profit actors, and 3) the direct involvement of citizens. The cases show a distinction between different types of project negotiations. In the Netherlands, contract-based negotiations can lead to the dilution of affordability targets, while in Switzerland, these targets are implemented more consistently through negotiated land use plans. The findings indicate that a project-based approach to planning may speed up the implementation of densification objectives but comes at the cost of democratic accountability. Instead,



to ensure the social sustainability of urban densification projects, the scope of negotiations between planners and developers needs to move beyond cost-benefit considerations to include a broader range of public interests.

**Keywords:** *densification; planning negotiations; affordable housing; project-based planning; social sustainability*

## **6.1 INTRODUCTION: DENSIFICATION AND NEGOTIATIONS IN PLANNING**

Many jurisdictions worldwide aim to limit urban sprawl through the process of densification, which seeks to increase the use density of existing built-up structures (Broitman and Koomen, 2015). While the environmental and economic benefits of densification are widely accepted, its social effects are more contested. Scholars have found that objectives such as the provision of affordable housing are often bypassed, leading to the low social sustainability of densification projects (Lees, 2008; Bramley *et al.*, 2009; Debrunner, Hengstermann and Gerber, 2020; Cavicchia, 2021). Densification thus produces advantages and disadvantages for different actors. This implies that contradictory public and private interests must be balanced, making densification a political and contested process (Debrunner, Hengstermann and Gerber, 2020).

Because densification takes place in the built-up environment, it gives rise to new challenges for urban planners: property ownership is likely fragmented, a multiplicity of other policy objectives often accompanies densification objectives, landowners may be unwilling or unable to densify, and affected populations might resist implementation (Westerink *et al.*, 2013; Jonkman, Meijer and Hartmann, 2022; Wicki and Kaufmann, 2022). In response, local planning administrations and landowners increasingly negotiate the terms and conditions of densification at a project level (Gerber, 2016; Holsen, 2020). Project-based planning refers to this approach where individual densification projects are negotiated among public actors and landowners, creating a tailored framework that can sometimes deviate from existing land-use regulations. This planning approach allows different actors to find solutions that balance competing interests and policy objectives. Agreements between public authorities and landowners are subsequently formalized in

negotiated land use plans or private-law contracts, giving a more discretionary character to planning practices (Van Den Hurk and Taşan-Kok, 2020).

While project-based negotiations may help overcome the complexity of densification, previous studies have been critical of how much they benefit the public. For instance, Lehrer & Pantalone (2018) argue that negotiated decision-making processes are often not guided by consideration of ‘good planning’ and mainly benefit private interests. Authors critique the role of density negotiations in speculative urbanism (Shih and Shieh, 2020; Shih and Chiang, 2022). Other literature has shown the difficulties arising in securing public benefits in relation to urban redevelopments in development-led planning systems with high levels of flexibility, which in some cases is argued to facilitate speculative market forces further (Gielen and Tasan-Kok, 2010; Biggar and Friendly, 2022). Building on this academic discussion, this contribution wants to understand how housing affordability is secured in planning negotiations.

With this focus, we add to the growing literature on implementing densification. Densification processes can produce different spatial outcomes based on the underlying institutional regimes (Götze and Jehling, 2022). Studies show that private landowners have a powerful position compared to planning authorities. Planning authorities can try to improve their ability to deal with established rights using policy instruments. Previous research has looked at municipalities’ strategic use of active policy instruments to implement densification objectives, sometimes in combination with other policy goals such as affordable housing and the provision of public green spaces (Dembski *et al.*, 2020; Meijer and Jonkman, 2020; Verheij, Gerber and Nahrath, 2024). Other studies have focused on how the decommodification of the housing stock through public land ownership can lead to more affordable housing (Balmer and Bernet, 2015; Balmer and Gerber, 2018; Barenstein *et al.*, 2022). However, it is unclear how municipalities can contribute to the affordable housing provision of housing specifically in the context of planning negotiations, where they are confronted with the property rights of private landowners.

The question thus remains under which conditions negotiations between planners and landowners successfully lead to the provision of affordable housing. Given the potential adverse effects of densification on social sustainability, it is important to answer this question. In this contribution, six negotiation processes in two more extensive area redevelopments were studied to create an in-depth understanding of

the negotiations taking place in densification projects. This study was carried out in the Netherlands and Switzerland. An international comparative analysis allows us to study the effects of different institutional arrangements in which negotiations occur. The case study selection is further elaborated in section 3 on the research design and methods. In the result section, the institutional context and six negotiations at the sub-project level that took place between the municipality and landowners are analyzed. The relationship between negotiated planning and the city's ability to achieve housing objectives and, on a broader level, social sustainability is deliberated in the discussion section. The following section first presents a theoretical discussion of housing in densification projects.

## **6.2 THEORETICAL FRAMEWORK: GOVERNANCE OF DENSIFICATION AND HOUSING**

We conceptualize housing as a resource whose governance is highly related to land governance. Housing stocks are used by many actors for a diversity of functions, making it a complex commodity (Pattillo, 2013; Clark, 2021). One of the primary functions of the resource housing is the provision of shelter, but other uses include investment, immigration, and heritage. Furthermore, housing can be used to generate electricity and reduce energy consumption, which also plays an important role in climate change mitigation (Clark, 2021). In the following section, we elaborate on how these different uses in housing are governed.

### **Local regimes in governing densification**

As a planning objective, densification brings together environmental objectives of reducing resource use, mainly by limiting urban sprawl and economic opportunities to profit from new rent gaps, making it an attractive objective for both urban planners and developers alike (Charmes and Keil, 2015). Densification has been shown to drive speculative housing prices, with private-for-profit actors recognizing urban redevelopments as a new and profitable investment market (Debrunner, Hengstermann and Gerber, 2020; Cavicchia, 2021; Conte and Anselmi, 2022). Urban scholarship has extensively addressed how densification supports “the same old growth machine” (Logan and Molotch, 2007, p. XX). Given the high complexity of densification projects, because of fragmented land ownership or resistance from neighbors, traditional command-and-control mechanisms are often understood not

to be effective when implementing densification objectives (Hengstermann and Hartmann, 2018). Instead, densification has transformed the way urban space is governed, characterized by case-by-case or renegotiated land use plans and incentive-based and private law instruments (Gerber, 2016; Idt and Pellegrino, 2021). This increases public authorities' flexibility to ensure the effective implementation of densification objectives (Gerber, Lieberherr and Knoepfel, 2020; Verheij *et al.*, 2023). Such project-based planning allows for tailored solutions that can effectively address the challenges of each redevelopment project.

At the same time, this transition towards more project-based planning has been criticized for exacerbating the “business of densification” (Debrunner, 2024). As more informal, project-based approaches become the norm, public consultation processes may be streamlined or bypassed altogether (Mäntysalo, Saglie and Cars, 2011; Raco, 2013), or public policies may only be selectively enforced in favor of private interests (Bouwmeester *et al.*, 2023). We understand highly localized governance regimes to be a main level of analysis for the governance of densification (Stone, 1989; Gotham, 2000; Idt and Pellegrino, 2021). In these localized governance regimes, public and private actors define common agendas for future urban developments (Stone, 1993). As a result, power dynamics and coalition-building between different public and private actors become pivotal in shaping planning outcomes (Conte, 2021). We conceptualize these project-level arrangements between public and private actors using the concept of Localized Regulatory Arrangements (LRAs).

### **Analyzing project-based planning: Localized Regulatory Arrangements**

This contribution builds on the Institutional Resource Regime, which allows us to analyze the relationships between the IR, the constellation of actors involved, and the condition of the resource (Gerber *et al.*, 2009). We understand processes of densification to be governed through two sets of formal rules: property rights and public policies. These sets of rules constitute the Institutional Regime (IR), which shapes the actions of users concerning land and housing as resources. Property rights are rooted in private law, protect the interests of private individuals against intervention by the state, and have remained relatively stable throughout history. On the other hand, public policies reflect the public interest, as defined within public law. As political majorities and understanding of what constitutes a public problem change constantly, public policies evolve (Knoepfel *et al.*, 2011). Planning is understood as a public policy through which the state aims to regulate the behavior

of actors who are the source of a politically defined public problem (*target group*) (Knoepfel *et al.*, 2011).

IRs can be classified based on the dimension *coherence*. When there is a connection between different regulations established in the regime, it can be labeled as coherent (de Buren, 2015). In land-use planning, incoherencies often arise because public policies do not have enough power to restrict the use rights of landowners (Gerber *et al.*, 2009). Especially in the case of densification, landowners hold quasi-veto rights that allow them to resist implementing public policies such as zoning (Aubin and Varone, 2013; Viallon, Schweizer and Varone, 2019). As such, planning outcomes are often defined through a negotiation process within actor constellations. Local actors, including public and private actors, interact in bargaining and negotiation processes, from which self-organized modes of governance arise, namely Localized Regulatory Arrangements (LRA). These LRAs do not emerge independently from the IR but fill in gaps by creating rules-in-use at the perimeter of the resource, for example, land or housing (Ostrom, 2005).

Localized Regulatory Arrangements (LRA) thus aim to recreate the regime's coherence at the resource level. In LRAs, actors can decide to “*implement all or only selected policy objectives, arbitrate in favor of property rights over policy objectives, or fill [...] regulatory gaps through situation-specific agreements*” (Viallon, Schweizer and Varone, 2019, p. 78). The LRA is the outcome of the selective activation of regulations as determined in the IR (de Buren, 2015). It constitutes a combination of both formal and informal rules. For example, planners and landowners can strategically decide not to comply with or enforce specific regulations from the IR (Bouwmeester *et al.*, 2023). LRAs emerge from informal agreements based on a common understanding of the public problem in negotiation processes. The LRA can be formalized in, for example, a contract between the municipality and the landowner or a renegotiated land use plan.

### **Land policy strategies for providing affordable housing**

When seeking to include public benefits such as affordable housing in urban densification projects, policymakers have a choice in instruments depending on the institutional context. Planning authorities can formulate rules about these contributions or decide to include affordable housing obligations in a more discretionary way, for example, in negotiations with landowners or developers (Crook, Henneberry and Whitehead, 2015). In project-based negotiations, previous

studies have discussed the possibilities and shortcomings of negotiated affordable housing contributions in redevelopment projects. Research has shown that planning obligations for contributions towards wider community needs, negotiated between local authorities and planning permission applicants, facilitate the inclusion of affordable housing in developments (Crook and Whitehead, 2002; Crook, Henneberry and Whitehead, 2015). However, scholars have found that the voluntary nature of these negotiations often results in inconsistent and sometimes minimal contributions, especially when they impact the economic viability of redevelopments (Wyatt, 2017; Alves, 2022). The balance between economic and social outcomes highly depends on how discretion is used by public and private actors (Biggar and Friendly, 2022). Conversely, mandatory affordability requirements ensure a more consistent provision of affordable housing by setting standardized expectations across all developments, which will also be reflected in the land prices (Gielen and Tasan-Kok, 2010).

Beyond securing affordability through negotiations, local planning authorities can strategically select specific policy instruments to respond to housing affordability challenges. Broadly, these instruments can be divided into two categories (Hengstermann and Hartmann, 2018; Debrunner and Hartmann, 2020). Planning can intervene through *public policies*, which include market interventions such as supply- and demand-side subsidies. Local planning authorities can also intervene in the housing market through zoning or broader housing policies. Secondly, public authorities can intervene through *property rights*, strategically purchasing land, expropriating landowners, or vesting preemption rights. These different interventions can lead to increased affordability. For instance, through zoning, public authorities can force for-profit private actors to provide a certain percentage of housing lower than the market price (Balmer and Bernet, 2015). On the other hand, property rights interventions can contribute to affordability as public authorities can remove land from the market by holding onto it themselves or providing it to non-profit organizations (Peredo and McLean, 2020). Through the strategic combination of policy instruments or land policy, local planning authorities can aim to meet affordable housing objectives in the context of densification projects. The selection

of such instruments is highly political as it represents specific interpretations of the relationship between the state and private actors (Lascoumes and Le Galès, 2007).

### 6.3 RESEARCH DESIGN AND METHODS

This contribution assumes that securing housing affordability in planning negotiations is possible under certain conditions. We study densification projects in the Netherlands and Switzerland to determine these conditions. A comparison between these two countries is relevant as they share similarities but have fundamentally different approaches to planning. In both countries, development rights are conferred through a land use plan (*bestemmingsplan* in the Netherlands or *Nutzungsplan* in Switzerland). These plans outline the permissible uses of land and the conditions for development on which a building permit can be granted. However, the Dutch planning system is characterized by a focus on the project level and development-led practices through negotiated land-use plans (Tennekes, 2018) or the use of exemptions from the land-use plan (Buitelaar, Galle and Sorel, 2011). Additional planning obligations, including (monetary) contributions to public infrastructure, are often secured in anterior agreements (*anterieure overeenkomsten*), which are private law contracts and thus provide a lot of flexibility regarding what can be included. As a result, negotiations between public planners and the private sector are central to Dutch planning (Needham, 2018). On the other hand, the Swiss system has always been highly plan-led (Gerber, Nahrath and Hartmann, 2017). Nevertheless, a trend can be observed toward project-based planning, using new instruments, such as special land-use plans (*Sondernutzungspläne*), which allow for the renegotiation of public benefits included in redevelopments with developers, including affordable housing, public infrastructure, and green spaces (Debrunner and Hartmann, 2020; Verheij *et al.*, 2023). Additionally, the Swiss planning context is characterized by direct democracy, which means citizens can propose or vote on legislative changes and decisions made by local governments, including public expenditures and changes to the land use plan (Bühlmann *et al.*, 2011).

The empirical findings of this paper are based on a qualitative approach. This was necessary as negotiations are heavily influenced by, and therefore cannot be separated from, context-related forces. They are consequently not measurable using quantitative methods (Opoku, Ahmed and Akotia, 2016). Two case studies at the local level were selected. In the Netherlands, the case is Rijnhuizen in the city of

Nieuwegein. In Switzerland, the case study is Ausserholligen in Bern. Both case study areas are in a similar state of development and represent densification projects with highly fragmented land ownership, including private and non-profit actors. Furthermore, a legally binding affordable housing target was implemented during the redevelopment process in both projects. These cases thus allowed us to test the effects of institutional context on the formation of LRAs.

Data was collected through semi-structured interviews and document analyses. Formal institutions governing densification processes at the national, provincial/cantonal, and municipal levels were analyzed using policy documents. This analysis included legally binding documents such as acts, land use plans, official decisions, and records of a non-binding nature, such as strategic documents, reports, and municipal council meeting minutes. From these documents, conclusions were drawn about the housing objectives of the municipality and the planning process. The negotiation process in six subcases was studied using 17 in-depth interviews with different actors involved in the case. For each subcase, at least two main actors involved in the negotiations were interviewed, from both the developer and the planning authorities side. For some subcases, the same person within the planning authorities was responsible for the negotiations. For other subcases, where multiple private actors or housing associations were involved, three interviews were conducted. Additionally, interviews were done to understand the broader planning process of the redevelopment area, including planners and housing policymakers. The authors translated all interview quotes from Dutch or German. Both documents and interview transcripts were analyzed in MaxQDA through qualitative content analysis, with codes being determined deductively and inductively.

## **6.4 THE REDEVELOPMENT OF RIJNHUIZEN AND AUSSERHOLLIGEN**

In both national contexts, affordable housing is defined differently. In the Netherlands, when municipalities set affordable housing targets, this usually refers to the price-regulated social rental housing stock. In Dutch national housing law, a distinction is made between price-regulated social housing and rental housing on the liberalized market. The primary providers of social housing are housing associations (*woningcorporaties*), which are private entities that follow a not-for-profit ideology. Social housing provided by housing associations is defined as rent



below a specific monthly price, restricted to a particular household income ceiling, and assigned through waiting lists. The 2015 Housing Act<sup>5</sup> introduced stricter regulations on housing associations. Housing associations may now only purchase land if construction begins within five years. Additionally, private actors may rent out social housing, and are sometimes obligated by municipalities to do so for a specific amount of time. When housing associations construct housing units, these remain in the social housing sector unless the association decides to sell them.

In Switzerland, housing access for “*families, the elderly, the needy and the disabled*” is a constitutional right (Art. 108, Federal Constitution of the Swiss Confederation<sup>6</sup>). In contrast to the Netherlands, affordability is not defined by a rental ceiling but according to the cost-rent principle. Cost-rent apartments cover only financing and operating costs without an additional profit margin (Balmer and Gerber, 2018). Both housing cooperatives, the majority of which are non-profit, and private actors can offer these apartments (Balmer and Bernet, 2015; Balmer and Gerber, 2018). The withdrawal of the federal state from housing policy has led to decentralized solutions on the cantonal and municipal levels. For example, some local authorities provide supply-side subsidies to lower cost-rents. Others, such as the municipality of Bern, use public housing stock to provide affordable housing to groups below a certain income level, although only comprising a small percentage (1.8%) of the total housing stock (Stadt Bern, 2020). Despite these differences in definition, both countries face the ongoing challenge of securing affordable housing in redevelopment projects.

## **Rijnhuizen, the Netherlands**

Rijnhuizen is an ongoing transformation project in the city of Nieuwegein. It is a centrally located former office park (Figure 13). In 2014, the high percentage of vacant office buildings led to discussions about potential redevelopment. The ambition is to transform the area from single-function work to mixed-use. Nieuwegein is located in the Province of Utrecht, where there is a great demand for housing. In Rijnhuizen, the municipality initially allowed the construction of 1,500 housing units. Due to the

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<sup>5</sup> Woningwet (2015) [Netherlands]. Accessed on: 2 February 2023. Available at: <https://wetten.overheid.nl/BWBR0005181/2020-03-14>

<sup>6</sup> Bundesverfassung der Schweizerischen Eidgenossenschaft (BV) (1999) [Switzerland]. Accessed on: 2 February 2023. Available at: <https://www.fedlex.admin.ch/eli/cc/1999/404/de>

ongoing housing shortage in the country and the area, this number increased to 2,500 in 2019. This number of units has been reached in current plans, and a study is currently being performed to see if the infrastructure allows for an increase to 3000 (Municipal project manager Nieuwegein 1, interview 11.08.2022; Municipal project manager 3, interview 30.01.2023).



Figure 13 The project Rijnhuizen as located within Nieuwegein (left) and zoomed in (right) (source: BRT, 2023; Google Satellite, 2023)

### General planning process in Rijnhuizen

In the Netherlands, project-based land use plans are usually formulated for areas that are to be redeveloped, often in negotiation between the landowner and the local planning authority. In Rijnhuizen, before a new land use plan was implemented, several developments had already taken place using the planning and environmental permit (*omgevingsvergunning*). This permit allows landowners to deviate from the current land use plan where housing is not permitted. Eventually, it was decided that there was no longer a need for the land use plan, as the permit mechanism offered the municipality a lot of steering capacity and flexibility regarding policy objectives. Concretely, this translates into a planning process in which landowners interested in redevelopment can present an initial plan to the municipality, which is then tested against the municipality's vision for the area and the broader city policy. Furthermore, as the municipality does not have any budget for the development of public infrastructure, developers must contribute a certain percentage, set at 2-2.5%

of the value of their project, to an area fund (*gebiedsfonds*) that will be used for infrastructure, placemaking, or other facilities in the neighborhood. Terms and conditions regarding the project and the division of planning costs are anchored in a private law contract between the planning authority and the landowner. The municipal executive (the executive board of the municipality, consisting of the mayor and aldermen) proceeds by granting a planning and environmental permit, which allows landowners or developers to start the redevelopment. If the executive deviates from binding rules, they must request a statement of no objection from the city council.

In this planning process, the municipality can enforce criteria that could not be included in a land use plan. For example, the energy efficiency of newly constructed buildings is regulated in the national building code, and municipalities cannot impose stricter criteria. Still, in 2019, the city council voted in favor of an amendment to declare energy-positive construction the norm in new developments in Nieuwegein. *“Every self-respecting municipality nowadays writes down that [developments] must be at least energy-neutral, while the national building code does not [allow] that at all. For that, municipalities use, or abuse, the anterior agreement.”* (Developer Nieuwegein 2, interview 08.04.2023). Using the private law contract thus provides flexibility to include criteria beyond national planning legislation.

### **Negotiations at the sub-project level**

Since redevelopment is negotiated and anchored in a private law contract for every project, the formal and informal rules negotiated and agreed upon within Localized Regulatory Arrangements (LRAs) play an essential role in determining the outcomes in terms of housing. We will now discuss the three subcases studied.

**LRA 1:** In LRA 1, a small-scale developer transformed an office building into rental apartments. The developer and the municipality agreed verbally that social rent apartments would be included. Based on this, calculations were made on how much the developer should contribute to the area fund. When construction was finished, the developer introduced rents that were higher than the social rent cap: *“With this project, we now have issues because [affordability] was not stipulated in the [private law] agreement.”* (Municipal project manager Nieuwegein 2, interview 18.08.2022). Because the planning authority underestimated the value of the project, as it expected social housing to be constructed, the developer contributed too little to the area fund. After this transformation, the municipality of Nieuwegein introduced an

ordinance that new developments of more than 60 housing units must include at least 30% social rental units. The municipality *“now ha[s] the policy that certain percentages must be social, and we also incorporate it more clearly into the [private law] agreement. Then you have two anchors”* (Municipal project manager Nieuwegein 1, interview 11.08.2022). Nevertheless, LRA 1 was not successful in securing affordable housing.

**LRA 2:** The Havenkwartier is a new residential neighborhood currently constructed in the southern part of Rijnhuizen. Three developing parties are working together to realize 228 new housing units. The vision of Rijnhuizen states that this part of the neighborhood is a prime real-estate location and that no social housing needs to be constructed (Bureau voor Stedebouw, 2014). However, when the developers presented their initial plan to the municipality, they were told the vision was outdated. Indeed, when negotiations took place for this project, the 30% target for social housing was in place on a municipal-wide level. A compromise was eventually made in the negotiations: 17% of new units will now constitute social rental units.

After construction, these social rental units will be sold to a housing association at cost-rent price. The developer wanted to sell the units to a housing association instead of a private developer because the company was once part of a housing association before becoming an independent entity. However, as argued by the developer, the municipality also stimulated this by including a clause in the private law contract stating that the social housing must be maintained for at least 20 years: *“For an investor, social rent can be quite attractive, but then the term has to be manageable. 10-15 years is quite common. But if the municipality says you must do at least 20 years or so, that is a big restriction”* (Developer Nieuwegein 2, interview 08.04.2023). Thus, although municipalities cannot force developers to sell social rent units to housing associations, they can include stipulations in the private law contract to make it the more attractive option. Housing associations are more attractive for the municipality because they secure the long-term maintenance of social housing (Civil servant housing policy Nieuwegein, interview 02.02.2023). In LRA 2, social housing is realized because of the binding target in place, although the municipality did make concessions regarding the 30% minimum target.

**LRA 3:** In the project Fultonbaan, an old office building was demolished, and 126 social rent apartments were newly constructed on behalf of a housing association. The association acquired land ownership before developments in Rijnhuizen started

to take off. As associations are required by law to provide social housing, affordable housing was not part of the negotiations with the municipality. According to the interviews, contributions to the area fund were a topic of debate: *“What was difficult for them was that they had to pay the area contribution, just like all the other developers. They did not think that was entirely fair because they were developing social housing units there [...] But if we would say never mind, then we would have been unable to develop part of the public infrastructure”* (Municipal project manager Nieuwegein 3, 30.01.2023). Two developers interviewed indeed stated they found this approach *“very odd”* as they do not make any profits with the development of social housing (*Developer Nieuwegein 1, interview 05.11.2022; Developer Nieuwegein 2, interview 08.04.2023*). In LRA 3, social housing was thus realized due to landownership by a housing association.

### **ESP Ausserholligen, Switzerland**

ESP Ausserholligen is an ongoing transformation project in Bern (Figure 14). Before, the area was dominated by large-scale commercial and industrial uses. Because of the good transport connections, the canton of Bern designated the area as a development priority in 1994. Between 2016 and 2030, Bern is expected to grow by around 12% in population, corresponding to an increase in housing units of circa 8,500 (Stadt Bern, 2016a). The planning vision of Bern aims that half of the new apartments by 2030 should be in the affordable, non-profit segment (Stadt Bern, 2018).

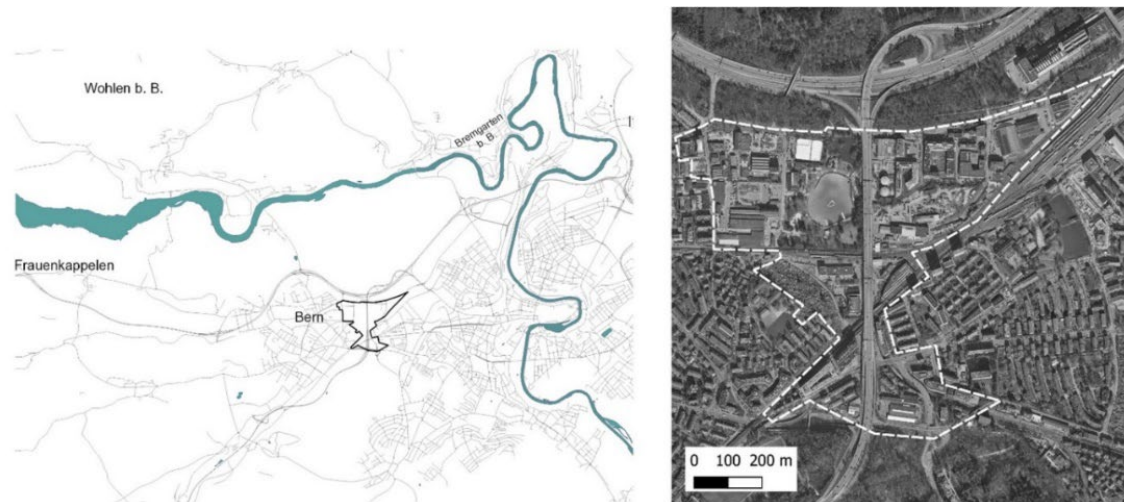


Figure 14 ESP Ausserholligen located within Bern (left) and further zoomed in (right) (source: Amt für Geoinformation Kanton Bern, 2023; Google Satellite, 2023)

### General planning process in ESP Ausserholligen

The first municipal structure plan was developed in 1994. In Switzerland, structure plans are strategic documents binding to all lower public authorities and usually contain a combination of binding, explanatory, and suggestive elements (Schmid, Kienast and Hersperger, 2021). Public authorities must comply with the structure plan when formulating, for example, a (special) land use plan. In the case of Ausserholligen, the structure plan foresaw a minimum gross floor area (GFA) of 40,000 m<sup>2</sup> for the first stage of the developments, corresponding to a residential share of 13%. Because of the high demand for housing, a new structure plan was developed, increasing this objective to 35% of the permitted GFA (Stadt Bern, 2021b, 2021a). The new structure plan has been under revision by the municipality of Bern since 2015, was partially approved by the Canton in May 2024, and is now largely in force (except for a minor part on which the Canton has requested some changes). Updating the plan has taken some time because of a long participation process with interested parties and the necessary approval by the municipal council and the cantonal authority.

Parallel to the structural plan revision, developments are already occurring in the area. Most redevelopments take place using the instrument of the special use plan

(*Sondernutzungsplan* or *Überbauungsordnung* in the canton of Bern), binding to landowners. The special land use plan may deviate from the general zoning plan. It provides the possibility to outline more detailed rules about the use of land, urban design, density, or green spaces. Municipalities increasingly use these plans as they allow for more flexible, project-based negotiations between the landowner and the planning authority. Special land use plans are sometimes combined with a zone with planning obligation (*ZPP, Zone mit Planungspflicht*), which makes it mandatory to develop a special land use plan before any developments can take place (art.88-89 and 92-96, BauG<sup>7</sup>). All of the subprojects have been planned using the special land use plan. After the special land use plan is developed, it needs to be approved by the Canton, which will check whether it aligns with cantonal policies and regulations. Lastly, the Bernese voting population needs to approve it in a referendum.

#### **Negotiations at the sub-project level**

Because a special land use plan is the result of a negotiation process among all stakeholders and because it can lead to planning outcomes that may deviate from the land use plans in force, it can be considered a form of LRA. In the following section, we discuss the three subcases studied.

**LRA 4:** In the project, the former industrial area Gangloff was transformed into housing. In the transformation, studios and larger apartments were provided. The area was planned using a *ZPP*. In 1997, the planning authority implemented the *ZPP*, foreseeing a mixed development with a maximum of 35% residential use. The planning authority increased this to 65% in a change to the *ZPP* in 2005. In the negotiations for the special land use plan, the most debated aspects between the planning authority and the developer were the number of car and cycle parking spaces and the provision of a playground. Affordability objectives were not included in the negotiations between the planning authority and the developer. As part of the land in the ownership of the municipal fund for land and housing policy (*Einwohnergemeine Bern Fonds für die Boden- und Wohnbaupolitik*) was given out to the developer in a ground lease, conditions could have been imposed in the ground lease contract (*Baurechtvertrag*). However, according to the public authorities, this

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<sup>7</sup> Baugesetz (BauG) der Kanton Bern (1985) [Switzerland]. Accessed on: 5 July 2023. Available at: [https://www.belex.sites.be.ch/app/de/texts\\_of\\_law/721.0](https://www.belex.sites.be.ch/app/de/texts_of_law/721.0)

was not the project's intention: *"We were reluctant to demand it because we did not have a legal basis yet [...]. You then have to rely on goodwill from the owners. And they were not interested in low-cost housing, but in a market-oriented housing offer"* (Municipal project manager Bern 2, interview 01.02.2023). The special land use plan was implemented in 2019 after being approved by the city council. Because citizens had already voted on the ZPP, a vote for the special land use plan was not required. In LRA 4, affordable housing was not realized.

**LRA 5:** Weyer West is a commercial area to be redeveloped into a residential area. In 2014, the initiative *"Für bezahlbare Wohnungen"* (for affordable housing) was approved by the voters of the city of Bern by 71.6%. The initiative included an additional article to the municipal building code (art. 16b<sup>8</sup>) stipulating that rezones into residential use need to include at least one-third of cost-rent housing (*preisgünstiger Wohnraum*) or given to a non-profit developer (*gemeinnütziger Wohnraum*). It has been in force since 2020 after the Federal Court dismissed an appeal in full. Article 16b of the municipal building code applies to the Weyer West area. It is owned by two large institutional landowners: a publicly owned mail company and the civic corporation of Bern. In Switzerland, civic corporations are remnants from the Middle Ages when residents held many real assets in common property. Nowadays, most of them play a marginal role. The civic corporation of Bern is an exception, as it still owns extensive parts of the city (Gerber *et al.*, 2011).

Because Article 16b of the building code applies to the area, one-third of the housing needs to be affordable. It cannot be negotiated between the developers and the municipal planning authority. As a municipal planning authority stated, *"Some people did argue that the owners are almost state enterprises, and they should do more. But we did not discuss or negotiate that because that would be unfair, because we have no legal basis to demand that they should do more than a third at a low price"* (Municipal project manager Bern 1, 21.12.2022). By including the quota in the building codes, the provision of affordable housing was thus removed from the negotiations in LRA 5, making the realization of 1/3 cost-rent housing possible.

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<sup>8</sup> Bauordnung (BO) der Stadt Bern (2006) [Switzerland]. Accessed on: 3 February 2023. Available at: [https://stadtrecht.bern.ch/lexoverview-home/lex-721\\_1](https://stadtrecht.bern.ch/lexoverview-home/lex-721_1)



**LRA 6:** The project Holligen concerns the redevelopment of two parcels in ownership of an independent but publicly owned utility company and a private rail company. Holligen is located in the center of ESP Ausserholligen and will be redeveloped into a lively, mixed-use district with three high-rise towers. One of the towers is designated for commercial use. The other two towers will be handed over to a non-profit cooperative developer in long-term ground leases. The special land use plan does not foresee the use of traditional zones. Instead, specific noise sensitivity levels (*Lärmempfindlichkeitsstufen*) are used to regulate the uses in the area. This is supposed to facilitate mixed-use development.

The development must not include one-third of affordable housing, as that target is only mandatory for new residential zones. For the planning authority, this means they cannot oblige the developer to provide affordable housing: *“We are now looking at whether we can perhaps adapt this article as part of the revision of the building code because there is a political desire also to include commercial zones. The initiators did not think you can also make 100% residential in these commercial zones”* (Civil servant housing policy Bern, interview 22.11.2022). However, the landowners voluntarily agreed to provide 100% cost-rent housing in this project, of which 35% will be rented out below cost-rent. These below-cost-rent units will be cross-subsidized by the remaining 65% of units, which will thus be above-cost-rent. Several reasons were identified for this in the interviews. Firstly, it was stated that it would be politically difficult to justify why a public law institution would not provide affordable housing: *“The plans have to go through the city council. Without affordable housing, the deal would be at a disadvantage”* (Municipal project manager Bern 2, interview 01.02.2023). Secondly, it was also argued that providing affordable housing can help to increase public acceptance of the project, which is important considering that the public needs to approve the project in a vote on the special land use plan. High-rise projects, such as this one, can be particularly controversial, which makes the inclusion of affordable housing an important factor in gaining public support and approval. Lastly, the landowners stated that they find it intrinsically important to provide affordable housing (Developer Bern 3, interview 23.01.2023). In LRA 6, affordable housing was thus negotiated successfully, partially because of the checks and balances provided by the approval necessary by the city council and the voting population. The conditions and outcomes of the six LRA are summarized in Table 5.

Table 5 Overview of the six negotiation processes and housing outcomes

	<b>LRA</b>	<b>Binding affordable housing targets</b>	<b>Non-profit actors involved in the LRA</b>	<b>Democratic accountability</b>	<b>Affordable housing?</b>
<b>Rijnhuizen (Nieuwegein, Netherlands)</b>	1: Contract-based	No	No	Granting of the planning and environmental permit by the municipal executive.	No
	2: Contract-based	30% target, which is included in the land use plan	Realized affordable housing to be sold to a housing association.	Granting of the planning and environmental permit by the municipal executive. Statement of no objection by the municipal council.	17 % social housing
	3: Contract-based	30% target, which is included in the land use plan	Landownership by a housing association.	Granting of the planning and environmental permit by the municipal executive.	100 % social housing
<b>ESP Ausserholligen (Bern, Switzerland)</b>	4: Special land-use plan	No	No, but one plot of land owned by a public entity.	Approval of special land use plan by city council. Vote on the ZPP.	No
	5: Special land-use plan	A target of 1/3 cost-rent housing is included in the building code.	No	Approval of special land use plan by city council. Vote on the special land use plan.	1/3 cost-rent
	6: Special land-use plan	No	All housing will be sold to a housing cooperative.	Approval of special land use plan by city council. Vote on the special land use plan.	100% cost-rent, of which 35% will be below cost-rent, cross-subsidized by the other units.

## **6.5 DISCUSSION: SECURING AFFORDABILITY IN PLANNING NEGOTIATIONS**

This contribution uses the concept of Localized Regulatory Arrangements (LRAs) to understand how housing affordability is secured (or not) in negotiations between local planning authorities and landowners in densification projects. As densification is increasingly governed at the project level, it is important to understand how LRAs can lead to long-term sustainable and inclusive housing governance. Public authorities wanted to redevelop a larger area but were dependent on a large number of private actors to initiate the project because of the fragmented property rights in the area. Planning regulations were elaborated in collaboration with private actors to ensure the profitability of the projects, after which democratic legitimacy was secured on an ex-post basis. Both cases represent a more discretionary, negotiated approach to implementing densification objectives. There were also clear distinctions between the two national cases. In Switzerland, the local planning authority and landowners renegotiate part of the land use plan. Terms and conditions are included in a special land use plan approved by the city council and the voting population. In the Netherlands, instead of negotiating part of a new land use plan, the outcomes of negotiations between planning authorities and landowners are anchored in a private law contract. After a contract is signed, landowners obtain a permit to deviate from the land use plan, which needs to be approved by the municipal executive, and in case a deviation from the formal rules is foreseen, a statement of no objection is required by the municipal council. In both processes, affordable housing was sometimes realized; other times, it was not. Neither process leads, therefore, to a perfect LRA, but both have advantages and disadvantages.

In terms of securing affordability, the study shows that legally binding targets, the involvement of non-profit actors in negotiations, and direct accountability to the public can all increase the likelihood that affordable housing is provided in the LRA. Perhaps unsurprisingly, a binding target was highly effective in securing affordable housing in the negotiations, as has also been shown in other studies (Gielen and Tasan-Kok, 2010; Götze, Bouwmeester and Jehling, 2023). However, more surprisingly, in the different LRAs studied in Rijnhuizen, there was still room to maneuver regarding providing affordable housing after implementing this binding

target. Here, the local planning authority contradicts itself when negotiating affordable housing by allowing for lower percentages than stipulated in the general, city-wide regulations. Because housing affordability could still be negotiated between planning authorities and developers in some LRAs, affordability objectives were sometimes watered-down during negotiations, leading to inconsistent implementation. This aligns with what other authors have said about spatial planning in the Netherlands: rules and exemptions can be applied flexibly to achieve planning outcomes (Korthals Altes and Tambach, 2008; Buitelaar, Galle and Sorel, 2011), and public authorities do not always penalize non-compliance in public-private agreements (Van Den Hurk and Taşan-Kok, 2020). Interestingly, planning authorities make concessions to developers in an area with a high demand for housing, and densification is a profitable option for developers. In this case, the increased importance of LRAs, in which private and public actors jointly negotiate their interests, detaches planning from local needs, such as affordable housing (Savini and Aalbers, 2016) and instead leads to the creation of a development coalition, in which local authorities internalize financial calculations (Conte and Anselmi, 2022). Flexible enforcement of legally binding rules can be problematic in terms of equality in front of the law: when municipalities pick and choose when to enforce binding regulations (or not), powerful, large-scale developers can negotiate better deals than smaller-scale or individual landowners (Biggar and Friendly, 2022). On the other hand, because Dutch municipalities can go beyond national building regulations in their negotiations with landowners, they can respond quicker to newly arising public problems. This is, for instance, the case for energy-positive construction. In this case, an LRA can create coherence by filling regulatory gaps, thus allowing municipal innovation. However, the result of this study indicates that while this may function well in situations addressing, for instance, ecological sustainability, including public benefits that are not financially beneficial to landowners are much more challenging to address in the LRA because of the dependence of local authorities on landowners in urban developments.

There is a clear contrast with the Ausserholligen case in Bern, where affordable housing targets were enforced more consistently. In the Swiss case, urban redevelopment is also highly profit-driven but seemingly more constrained than in the Netherlands. In Nieuwegein, the use of exemptions to the land use plan and private law contracts reinforces the power position of the executive and municipal planning administration. Public-private agreements are submitted to the city council

as a package to limit potential intervention (Lambelet, 2019). Compared to Rijnhuizen, the LRAs found in Ausserholligen offer more stability. One possible explanation for this is the required acceptance of the special land use plans by the voting population and the Canton, which ensures that the legally binding affordable housing target in the building code is enforced. Housing affordability has been shown to reduce public resistance to densification projects in Switzerland (Wicki and Kaufmann, 2022; Wicki, Hofer and Kaufmann, 2022). The threat of the voting population rejecting the renegotiated land use plan even stimulated landowners and public authorities to provide affordable housing when not legally required. While the public authority's accountability towards citizens is supposed to be guarded in private law contracts, citizens often do not have a say in the deals made (Taşan-Kok *et al.*, 2019). Direct democracy provides additional mechanisms for direct accountability to citizens, which broadens the scope of negotiations to include a broader range of public interests (Gotham, 2000; Gerber and Gerber, 2017). An interesting avenue for future research would be a more explicit focus on the strategies used by public authorities and landowners in response to local opposition to densification projects.

## **6.6 CONCLUSION**

This paper aims to understand better the conditions under which planning negotiations successfully lead to the provision of affordable housing in the LRA. This study discusses the relationship between densification and affordability, a central issue in planning research (Teller, 2021). Many scholars find that densification projects are associated with higher prices and social exclusion (Cavicchia, 2021, 2023; Debrunner, Jonkman and Gerber, 2022; Shih and Chiang, 2022), and argue that densification objectives are often supported by a pro-growth coalition between public authorities and private landowners (Logan and Molotch, 2007; Charmes and Keil, 2015). Using a comparative case study approach in the Netherlands and Switzerland, this study allowed for an in-depth understanding of the negotiations taking place in densification projects and how this affects the implementation of public benefits. The results indicate that when affordability is negotiable, it is often not secured. Instead, it is shown that municipalities can secure affordability by taking affordability out of the negotiations. The relationship between densification and affordability is, therefore, inherently political.

The dependency on the market to deliver public benefits in discretionary systems has been discussed extensively in, for example, the context of the UK (Janssen-Jansen and Woltjer, 2010; Ferm and Raco, 2020). The results of this paper are relevant as many planning systems have shifted towards more discretionary and negotiated approaches to urban redevelopment, making local regimes an important level of urban governance (Sager and Sørensen, 2011; Gerber, 2016; Zakhour and Metzger, 2018). Traditional planning instruments, such as the land use plan, are often considered incapable of tackling the complexities planners face today because they are too inflexible and too narrow in focus (Holsen, 2020). Negotiations on the project level allow planners and landowners to create consensus between different interests and are expected to lead to a more efficient implementation of densification objectives (Gerber and Debrunner, 2022). As a result, the production of urban density takes place in highly localized settings (Herburger, 2024), in which local public and private actors work together to align their interests, often favoring informal procedures over formal ones (Bouwmeester *et al.*, 2023). Simultaneously, in this contribution, we see that the emphasis on efficiency, especially in a highly localized planning regime, can come at the cost of other necessary planning principles and the ability of planners to secure public benefits in densification projects. In this case, we see that planners internalize the logic of the market in planning negotiations, blurring the lines between the public and the private sector (Theurillat, Vera-Büchel and Crevoisier, 2016). A shift towards such practices can also come at the cost of democratic accountability (Taşan-Kok *et al.*, 2019; Taşan-Kok, Atkinson and Martins, 2021). When considerations about equality before the law, legal certainty, and democratic accountability are pushed into the background, and efficiency concerns become the driving force in planning decisions, this comes at the cost of the long-term vision of planning (Gotham, 2000; Woestenburg, Van Der Krabben and Spit, 2018). Ultimately, the scope of negotiations between planners and developers must move beyond the standard cost-benefit considerations to make room for affordable housing and, more broadly, ensure the long-term social sustainability of urban densification projects.

# CHAPTER 7: THE RIGHT OF THE STRONGEST? PROPERTY RIGHTS OF SMALL LANDOWNERS IN DENSIFICATION PROJECTS

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One of the most articulated difficulties in implementing densification objectives is that planning policies often do not have sufficient coercive power to restrict property rights, which means that landowners can resist the implementation of land use plans. As a result, planning increasingly takes place on the project level, allowing planning authorities, developers, and landowners to renegotiate the terms and conditions of densification projects. The question remains how landowners and public authorities ensure that other landowners not interested in densification do not block or delay project implementation. In this contribution, a comparative case study of two projects aims to shed light on the institutional regime that governs densification projects at the nexus of property rights and land use planning by focusing on two extreme cases of planning regulation in Thun (Switzerland) and Utrecht (Netherlands). We investigate how negotiations on the project level help (or not) to improve coherence between planning policies and property rights, overcome lock-in situations, and contribute to the implementation of densification objectives. We analyze the strategies of developers and planners based on legitimacy criteria. The two case studies show that in both cases, local planning authorities and large developers conceive small/individual landowners' property rights in neighboring plots as an impediment to effectively implementing large densification projects. The restriction of property rights through, for example, expropriation is seen as a condition to succeed in densification objectives. This paper highlights the power differentials between property owners and their (actually existing) veto powers against densification projects for a more nuanced understanding of the tension between private property and planning interests.

**Keywords:** *property rights; legitimacy; expropriation; right to appeal; densification*

## 7.1 INTRODUCTION

Densification, which refers to the redevelopment of the existing urban environment to achieve a higher building, use or population density, has become an important policy objective in many different countries (Broitman and Koomen, 2020; Dembski *et al.*, 2020). Yet, its implementation is difficult because of the complicated web of established rights and interests in the already-built environment (Ruming, Houston and Amati, 2012; Dovey, Pike and Woodcock, 2017). To overcome these situations, planners increasingly engage with institutional landowners or developers in project negotiations through, for instance, renegotiated land use plans, private law contracts, or the provision of financial incentives at the project level (Lehrer and Pantalone, 2018; Tennekes, 2018). This allows planning authorities and developers to create consensus and effectively implement densification objectives. A critical aspect often overlooked is the role of small landowners in such negotiations.

Because densification occurs in a web of established interests, the chance that an intervention negatively impacts the interests of (neighboring) property owners significantly increases (Bröchner *et al.*, 2021). In most countries, the rights of such parties are protected from state interventions through their property rights, allowing owners to veto implementation or through procedural rights such as the right to be heard, to appeal, or to receive compensation (Needham, Buitelaar and Hartmann, 2019). These rights are important as public decisions need to be seen as legitimate by those affected by them and the general public (Mäntysalo, Saglie and Cars, 2011; Hartmann and Spit, 2015). However, planning literature also shows that planning procedures can significantly delay or even stop the implementation of planning objectives (Taylor, Cook and Hurley, 2016; Rubin and Felsenstein, 2019). Such planning procedures are sometimes seen as time-consuming and a hindrance to effective implementation, which has led to the “streamlining” of such procedures in several national planning systems (Mäntysalo, Saglie and Cars, 2011; Buitelaar, Galle and Salet, 2013)

Despite studies touching upon the role of property rights of (generally institutional) landowners in densification projects, there is a gap in the literature using a neo-institutional approach to study particularly how the rights of small-scale landowners influence the implementation of densification projects. Urban scholars have, for instance, addressed neighborhood resistance in urban renewal projects (Matthews, Bramley and Hastings, 2015; Scally and Tighe, 2015), how different planning



instruments or approaches can improve acceptance of planning interventions (Pleger, 2017; Wicki, Hofer and Kaufmann, 2022) or the legal frameworks that define rights of appeal (Buitelaar, Galle and Salet, 2013; Taylor, 2014). These studies have had different interpretations of the role of resistance by small property owners in urban redevelopment, be it as a form of NIMBYism or an expression of democratic rights. Taking a neo-institutional approach is useful, as it allows us to put the question of property rights central.

This contribution thus aims to understand how municipalities and developers strategically respond to the rights of (neighboring) individual property owners at the project level, which threaten the implementation of densification objectives. Specifically, this contribution studies the following questions: 1) How does the institutional context influence the strategies that large-scale developers and local planning authorities employ to avoid the rights of owners leading to a delay in project realization; and 2) how do these strategies affect the effectiveness and legitimacy of planning interventions? Through this, we can analyze the local regulatory framework and the actors' strategies (planning authorities, developers, small-scale landowners) to understand which actors defend which rights and how this influences the implementation of densification objectives by examining the tensions between democratic legitimacy and effectiveness. Answering these questions is especially relevant considering that densification has redistributive effects in which burdens and benefits are often unequally reallocated.

This article aims to answer these questions by studying two densification projects in Thun (Switzerland) and Utrecht (the Netherlands). In both countries, densification is an important policy objective. The countries present two extreme cases in terms of planning regulations: whereas the Netherlands has a long tradition of local planning authorities actively intervening in land markets, Switzerland has historically had a more reactive system but is moving towards a more active approach through the use of, for instance, renegotiated land use plans (Hartmann and Spit, 2015; Gerber, Nahrath and Hartmann, 2017). The following section discusses the theoretical framework of analysis. Section 3 explains the research methods, followed by two chapters on the case studies.

## **7.2 AN INSTITUTIONAL APPROACH TO PLANNING NEGOTIATIONS**

This contribution explores how local planning authorities and developers respond to property rights used by (neighboring) landowners hindering densification projects. The paper relies on the premise that institutions serve as a framework influencing actors' behavior, constraining and enabling their specific uses of the resource land. Through these project-level negotiations, local stakeholders may strategically seek to renegotiate their access and use rights to resources such as land or housing (Debrunner, Hengstermann and Gerber, 2020). Before further discussing this institutional framework of analysis, we address the question of urban land and property rights.

### **The politics of urban densification and land ownership**

Densification is widely understood to play a pivotal role in addressing crucial issues such as low-carbon living, housing affordability, and global land take (Jabareen, 2006). However, inequality, climate emissions, and social sustainability challenges persist or worsen in many cities undergoing densification. As Herberger (2023, p. 45) stated, *“In a paradoxical twist of faith, the compact city does not lead to a more sustainable future but amplifies problems of unjust socio-spatial development.”* Instead of supporting sustainable development that prioritizes social equity, environmental sustainability, and the well-being of communities, densification projects are often used as a vehicle for further capitalist accumulation (Charmes and Keil, 2015; Kjærås, 2024). As cities densify and property values rise, it provides opportunities for developers and investors to capitalize on land assets. In this context, densification policies, supported by local authorities, serve the interests of developers and investors seeking to maximize profits through intensified land use, prioritize economic growth and the accumulation of wealth, also referred to as *“the business of densification”* (Debrunner, Hengstermann and Gerber, 2020; Kjærås, 2024). This process can involve the conversion of underutilized or formerly public spaces into real estate developments or displacing existing residents through increasing land and housing prices (Moos, 2016; Cavicchia, 2023).

Densification thus sharpens the inherent tension between the pursuit of exchange and the use of values in the city (Logan and Molotch, 2007). Some scholars have, therefore, questioned the feasibility of implementing densification policies. Despite

the rising popularity of regulations favoring dense urban developments, local implementation of densification objectives remains challenging as densification requires acceptance by residents (Touati-Morel, 2015; Herdt and Jonkman, 2023). Individual landowners can especially form an obstacle to implementing densification objectives if they are unwilling to cooperate with densification projects (Meijer and Jonkman, 2020). In the following section, we discuss the instruments that can be used to ensure implementation by small landowners in the face of resistance.

### **Instruments under negotiated planning**

We understand that two main sets of rules govern land: public policies and property rights. Property rights safeguard individual interests, granting legal rights to resource users. On the other hand, policy instruments are used by the state to regulate the behavior of actors to solve politically defined public problems and subsequently protect the public interest (Knoepfel *et al.*, 2007). Suppose a public policy cannot adequately restrict the owners' right to use a resource, as is often the case in land use planning. In that case, incoherences are created in the Institutional Regime (Gerber *et al.*, 2009).

Because planning authorities often do not have sufficient power to restrict the rights of owners, planning outcomes are usually defined in negotiations at the project level between public planning authorities and developers (Gerber, 2016). This strategic maneuvering encompasses bargaining and negotiation processes, resulting in the formation of self-organized management structures. Within these Localized Regulatory Arrangements (LRAs), stakeholders make deliberate choices, deciding whether to implement all or only specific policy objectives, address regulatory gaps through context-specific agreements, or prioritize property rights over public policies (Viallon, Schweizer and Varone, 2019, p. 78).

The selection of policy instruments embodies distinct interpretations of public problems and the role of public and private actors in urban developments (Landry and Varone, 2005). At the LRA level, planning authorities, in collaboration with developers, thus strategically select land policy instruments to influence the behavior of landowners, who may delay or obstruct the realization of densification projects. Following Gerber, Hengstermann & Viallon (2018), we distinguish four main types of instruments:

- The first type of instruments are **public policy instruments without impact on use or disposal rights**, such as strategies that rely on economic incentives and information- and communication-based instruments. When small landowners threaten the realization of a densification project, developers and planning authorities can create consensus by including these landowners in the project negotiations using information- and communication-based strategies. Providing economic incentives can also play a role in appeasing opposing landowners.
- The second type of instrument impacts **the scope and content of use or disposal rights**. For example, public authorities and developers can adjust the project boundaries if small landowners are not interested in redeveloping their plots.
- **A legal reconfiguration of property rights** is a third type of instrument, including introducing new legislation impacting use or disposal rights. Although a long-term strategy requires legislative changes, weakening property rights (e.g., by reducing appeal possibilities) allows small landowners to remain in the LRA because their objections cannot lead to any actual delay.
- Finally, they could use instruments that **redistribute property rights**, including, for example, expropriations or the targeted purchase of land. In case landowners within the boundaries of the densification project resist implementation, this strategy can be used to remove the landowner in question from the LRA.

In conclusion, the strategic selection of these land policy instruments not only influences the outcomes of densification projects but also influences which actors are involved in the decision-making process. Each strategy thus highlights the ongoing tension between achieving efficient outcomes and maintaining democratic legitimacy in urban development processes, as will be discussed in the following section.

### **Effectiveness versus the legitimacy of planning**

Planning negotiations have been argued to increase the effectiveness of planning, which refers to the ability to achieve planning objectives, and the efficiency of planning, referring to the effort in terms of the financial involvement of municipalities (Hartmann and Spit, 2015; Gerber, 2016). On the other hand, scholars

have also criticized such approaches to urban planning for the exclusion of citizens from the planning process and diminishing public accountability, therefore leading to a loss of democratic legitimacy (Shih and Shieh, 2020). Based on the distinction made by Schmidt (2013) between input and output legitimacy, this contribution understands democratic legitimacy to not only be based on the opportunities individuals have in participating in decision-making either directly or through representatives (input legitimacy) but can also be rooted in the perceived effectiveness and efficiency of policy outcomes (output effectiveness). These different aspects of legitimacy can conflict with each other.

A fundamental tension in negotiated planning is that because it emphasizes achieving effective outcomes, it may overlook inclusive and participatory decision-making processes, which can, in turn, lead to increased resistance against project implementation. Inclusive decision-making processes can be perceived by market actors as time-consuming and bureaucratic, leading to more streamlined processes that align with their interests (Mäntysalo *et al.*, 2015). Furthermore, the shift towards govern-and-contract instruments may increase the effectiveness of planning interventions but also lacks a mechanism to ensure procedural fairness and the quality of decision-making processes embedded in command-and-control governance, which means accountability and transparency cannot always be guaranteed (Taşan-Kok *et al.*, 2019).

### **7.3 RESEARCH APPROACH**

The research questions were answered using an in-depth qualitative case study approach. A qualitative case study was necessary to understand the complex processes in their context (Opoku, Ahmed and Akotia, 2016). This study is based on two case studies in Thun, Switzerland, and Utrecht, Netherlands. To increase the generalizability of the two case studies and to ensure that as many strategies as possible could be identified, cases were selected in two different institutional contexts, which can be viewed as two extreme cases: Switzerland and the Netherlands (Flyvbjerg, 2006). Although negotiated planning has become the norm in both countries, the planning systems are also significantly different (Gerber, 2016; Tennekes, 2018). Switzerland is known for the direct democratic involvement of citizens in planning processes through, for instance, referenda and votes (Lawson, 2009) and strongly protected property rights. On the other hand, the Netherlands is

known for its strong planning interventions in property rights through public land ownership (Hartmann and Spit, 2015). Three criteria were defined for selecting case studies at the local level: 1) a negotiated land use plan is used, 2) the actor constellation should involve small-scale landowners, and 3) construction has finished recently or is about to begin. Subsequently, two case studies were selected: Hoffmatte (Thun) and Defensierrein (Utrecht).

In both the Netherlands and Switzerland, municipalities are the primary public entities responsible for land use planning (Janssen-Jansen and Woltjer, 2010; Schönig, 2020). Municipal planning administrations act on behalf of the city council (executive level) and the city parliament (legislative level) and play a crucial role in formulating and implementing land use plans and granting building permits for new developments (Bühlmann *et al.*, 2011). Although both Utrecht and Thun are experiencing rapid population growth (Stadt Thun, 2016; Gemeente Utrecht, 2019), the municipalities play different roles in the urban system. Utrecht is a major urban center in the Netherlands with a population of approximately 360,000. Thun is a smaller municipality in Switzerland with around 45,000 residents and serves as a regional hub within the Canton of Bern. These differences in scale and role are expected to influence the challenges they face in managing urban growth and development.

Data on these case studies was collected through semi-structured interviews and document analyses. Formal institutions governing densification and land use policy, property rights, and rights of appeal at the national, cantonal/provincial, and municipal levels were analyzed through an extensive document analysis. This included legally binding documents such as laws, land use plans, strategic visions, and municipal council meeting minutes. Data on the negotiation processes of the two cases were collected in 9 in-depth interviews conducted with local planning authorities, private actors such as developers and landowners, and politicians involved in the cases. All interview quotes were translated from German and Dutch by the author. All data was analyzed in MaxQDA using qualitative content analysis.

## 7.4 PLANNING FOR DENSIFICATION IN THE FACE OF NEIGHBORHOOD RESISTANCE: HOFFMATTE (THUN)

The Hoffmatte project is being constructed on an unused plot next to a production site owned by Hoffmann Neopac. Plans for the area include the construction of 180 apartments, a nursing home with around 100 places, and 55 retirement apartments. The plans were developed in collaboration between the planning authority, private developer Frutiger, and the Wohnen Im Alter (WIA) foundation. The following section will discuss the legal frameworks in Switzerland, the case planning process, and how resistance by neighboring landowners affected the project implementation.

### Legal frameworks in Switzerland

Swiss property law originates from the Civil Code (1907)<sup>9</sup>. The constitutional nature of property rights has been stable over time. Compared to other countries, the rights of private homeowners are strongly protected in Switzerland and can only be restricted if an overwhelming public interest exists (Debrunner, 2024). Swiss courts narrowly define the public interest, and expropriations for housing developments are thus rare (Debrunner and Hartmann, 2020). The Civil Code also includes the rights of neighboring property owners (art. 684-698), which states that “[i]n exercising their ownership rights [...] landowners are obliged to refrain from any excess detrimental to neighboring properties.” Objections can be raised during the approval process before the responsible authority decides. Planning decisions can be appealed if a satisfactory solution cannot be found for all parties during the objection hearing. These appeals must be reviewed by the Department of Municipalities and Spatial Planning (AGR). Further appeals can be made at the Cantonal Directorate of Home Affairs and Justice (DIJ) and the Federal Court.

The right of appeal has been under discussion in Swiss politics (Herdt and Jonkman, 2022), especially since densification was anchored as a mandatory planning objective

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<sup>9</sup> Schweizerisches Zivilgesetzbuch (1907) [Switzerland]. Accessed on: 19 February 2024. Available at: [https://www.fedlex.admin.ch/eli/cc/24/233\\_245\\_233/de](https://www.fedlex.admin.ch/eli/cc/24/233_245_233/de)

in the Spatial Planning Act in 2014 (art. 1abis6)<sup>10</sup>. For example, in 2019, the parliamentary initiative “No David versus Goliath in the Right of Appeal for Associations”<sup>11</sup> was submitted, requesting that the right of appeal for associations be amended for smaller projects within the building zone. Under the Swiss Natural and Cultural Heritage Protection Act<sup>12</sup>, environmental and nature conservation associations can appeal to a development project if they believe federal environmental law has been violated (art. 12). The main argument for this change is that the appeal leads to an unequal balance of power between private individuals and conservation organizations. The Committee for the Environment, Spatial Planning, and Energy has approved the planned amendments, which still need to be discussed in the National Council and parliament (Kommission für Umwelt, Raumplanung und Energie des Nationalrates, 2023).

### **Planning process of Hoffmatte (Thun)**

New large-scale zoning on the outskirts of Thun is not possible. The required living space for a growing population must be created primarily through densification (Stadt Thun, 2016). As a smaller municipality, Thun highly depends on landowners' initiative to make densification happen (interview public authority 3, 06/02/2024). In the case of Hoffmatte, the developer Frutiger approached the municipality to redevelop the plot after the developer had agreed with the owner (Hoffmann Neopac) and the foundation WiA. After initial negotiations between the developer and the local planning authorities, a planning contract was signed to anchor the next steps of the planning process, the basic objectives, and the division of tasks.

In 2016, the developer issued a project competition, following the guidelines proposed by the Swiss Society of Engineers and Architects (Schweizerischer Ingenieur- und Architektenverein, 2020). The municipality requested such a

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<sup>10</sup> Bundesgesetz über die Raumplanung (1979) [Switzerland]. Accessed on: 5 March 2024. Available at: [https://www.fedlex.admin.ch/eli/cc/1979/1573\\_1573\\_1573/de](https://www.fedlex.admin.ch/eli/cc/1979/1573_1573_1573/de)

<sup>11</sup> Parlamentarische Initiative: Kein "David gegen Goliath" beim Verbandsbeschwerderecht (2019) [Switzerland]. Accessed on: 22 April 2024. Available at: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20190409>

<sup>12</sup> Bundesgesetz über den Natur- und Heimatschutz (1966) [Switzerland]. Accessed on: 21 February 2024. Available at: [https://www.fedlex.admin.ch/eli/cc/1966/1637\\_1694\\_1679/de#a12](https://www.fedlex.admin.ch/eli/cc/1966/1637_1694_1679/de#a12)



competition take place to develop a structural plan to legitimize the plot's rezoning using a special land use plan, which allows planning authorities to renegotiate part of the city-wide land use plan and include additional terms and conditions (Interview Planning Authority 1, 16/01/2024). The jury was made up of “*recognized experts from the fields of architecture, urban planning, landscape architecture, economics, and other disciplines*” (Stadt Thun, 2019a, p. 1), along with representatives of the municipality of Thun, the landowner, Frutiger AG, and the WiA Foundation. Twelve teams were invited to participate in the competition. The primary role of the project competition was to ensure the quality of the development:

“Planning this area was challenging as you need to deal with [...] the fragmented, single-family home ownership in the neighborhood. The project competition is a good instrument to guarantee high-quality living space and increase project acceptance” (Interview Public Authority 1, 26/01/2024).

At the municipality's behest, the project competition encompassed the entire plot, including the production hall, to ensure coherence for potential future development. However, as Hoffmann Neopac AG, the owner, did not have concrete plans to alter its production operations, the municipality later adjusted the project's borders while drafting the special land use plan (see Figure 15).



Figure 15 Area of special land use plan Hoffmatte in Thun (source: Google Earth, 2023)

## **Dealing with opposition from neighboring property owners**

In collaboration with the developer, the municipality proposed the first special land use plan in 2017 and started the participation process, allowing the population to comment on the plans. One significant result was the decision to lower the maximum building height in the project. As stated in the participation report:

“[...] it appears that high-rise buildings (total height over 30.0 m) at this location and at this time would probably be met with great resistance. For this reason, the city and the developer decided to forego high-rise buildings [...] and set the maximum overall height at 29.9 m” (Stadt Thun, 2017, p. 3).

In 2020, a referendum was held concerning the special land use plan. Thun's voting population passed the special land use plan with 62% of the votes, after which the municipality faced 13 objections. The objections raised various concerns, including breaches of building laws, conflicts with the cantonal structure plan, and mobility challenges. Three objections could be resolved by talking with the objectors, clearing misunderstandings, or giving assurances. The canton rejected the other objections, after which three parties contested the decision at the Administrative Court of the Canton of Bern. When the Administrative Court ruled in favor of the City of Thun, one complaint proceeded to the Federal Court. The Federal Court rejected the complaint in early 2023, rendering the special land use plan legally binding. However, the delays caused by the procedure led to the cancellation of the planning contract with the WiA Foundation in November 2022. In May 2023, the developer and the foundation Solina signed a new cooperation agreement. Reflecting on the long appeal process, the public authorities stated:

“People simply try to prevent the project and often succeed in doing so, at least in terms of time. Many people also do it for money, too, it has to be said. The hurdle [to appeal] is too small.” (interview planning authority 2, 26/01/2024)

The planning process of Hoffmatte in Thun exemplifies the difficulty municipalities face in balancing different interests when implementing densification projects, particularly in smaller municipalities reliant on the initiative of landowners. A project competition aimed at ensuring the development's quality and fostering public

acceptance. Despite these efforts, opposition from neighboring property owners emerged, underscoring the balancing act municipalities must perform to ensure the landowner's commitment to the project.

## **7.5 SMALL-SCALE LANDOWNERS GIVING WAY FOR HIGH-DENSITY REDEVELOPMENT: NIEUWE DEFENSIE (UTRECHT)**

Defensierrein is a site located near the center of Utrecht. Formerly owned by the national government, the municipality of Utrecht purchased the site in 2014 to transform it into a residential area within the larger redevelopment area of Merwedekanaalzone in collaboration with the developer BPD.

### **Legal frameworks in the Netherlands**

Dutch property law was introduced in the Napoleonic Civil Code of 1810 and its successor in 1838 and has remained relatively stable since then. Whereas the public interest is more narrowly defined in Switzerland, the Dutch interpretation is relatively broad. Under Dutch law, the allowed purposes for expropriation include infrastructure, spatial development, and housing. Landowners can even be expropriated for private land use with an indirect public interest. In practice, most procedures end with a “voluntary” purchase, with the threat of expropriation providing pressure (Holtslag-Broekhof, Hartmann and Spit, 2018).

The General Administrative Act (Awb, *Algemene wet bestuursrecht*)<sup>13</sup> and the Spatial Planning Act (*Omgevingswet*)<sup>14</sup> define the right to object and appeal. Generally, everyone has the right to express ‘views’ (*zienswijzen*) on a proposed local land use plan. After the decision by the local government to adopt the land use plan, an appeal against the adopted plan can be brought before the Department of Administrative Law (*Afdeling bestuursrechtspraak*) of the Council of State (*Raad van State*) within a period of six weeks after the adoption of the plan. Several changes have been made

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<sup>13</sup> Algemene wet bestuursrecht (Awb) (year). [Netherlands]. Accessed on: 22 April 2024. Available at: <https://wetten.overheid.nl/BWBR0005537/2024-01-01>

<sup>14</sup> Omgevingswet (2024). [Netherlands]. Accessed on: 22 April 2024. Available at: <https://wetten.overheid.nl/BWBR0037885/2024-01-01>

to limit the right to appeal in the past decades. The introduction of the Spatial Planning Act (*Wet ruimtelijke ordening, Wro*) in 2008<sup>15</sup> reduced the right of appeal from the general population to “those directly impacted by the plan” (Awb, art. 1:2). Furthermore, an increase in the cost of appeal and the introduction of the relativity principle aimed to limit the entrance to the legal system and speed up building processes (Buitelaar, Galle and Salet, 2013).

### **The negotiation process between the developer and the planning authorities**

BPD received the right to develop the Defensie plot in 1996. At this time, the national government instructed the municipality to develop the large expansion area of Leidsche Rijn. The city did not have enough funding to purchase land in this area and asked BPD to buy land. A contract (*bouwclaim*) was signed stipulating that BPD would transfer shares of the landownership to the municipality in exchange for the right to construct 6600 new housing units in different locations. 400 of the units from the *bouwclaim* were allocated at the Nieuwe Defensie as a future redevelopment location (interview municipal authority 4, 30/10/2023).

After the municipality acquired most of the land in 2014, the municipality and BPD developed and signed an initial agreement that 600 units would be developed on the plot. In the agreement, the municipality committed itself to acquiring the lands not yet in its ownership so that it could be delivered “on time” to the developer BPD. Furthermore, the contract contained agreements about the types of housing to be constructed on the plot, including 120 social rent units. Based on the contract, an urban design plan (*Stedebouwkundigplan van Eisen*) and a land use plan were developed. Based on inputs from the neighborhood on the other side of the canal, some minor changes were made, such as removing a bicycle bridge, which neighbors feared would lead to an increased traffic flow. The municipal council approved the land use plan in 2018 (see Figure 16).

In 2019, the municipality changed its ambitions for the area: instead of 600 large units, the number of units would be increased to 950, mainly by creating smaller

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<sup>15</sup> Wet op ruimtelijke ordening (Wro) (2008). [Netherlands]. Accessed on: 15 December 2023. Available at: <https://wetten.overheid.nl/BWBRO020449/2021-07-01>

units. An additional 100 social rent, 100 mid-sector rent, and 150 affordable owner-occupied housing would be added. An addendum to the private law agreement was made, including new agreements about the price BPD will pay for the land based on the residual land price. In response to the new agreements in the private law contract, the municipality had to adjust the land use plan to account for the extra units. Construction of the first 600 units already started in 2020, but because of an appeal procedure of a neighboring shopping center fearing the new developments would lead to people using their parking spaces, the renewed land use plan only came into force in December 2023, when the appeal was rejected.



Figure 16 Area of land use plan Merwedekanaalzone Defensierrein in Utrecht (source: Google Earth, 2021)

### **Acquisition of the landownership of four plots**

Simultaneously, negotiations were held with three landowners to acquire plots not yet owned by the municipality. Furthermore, the city needed to negotiate compensation with a tenant on the fourth plot to terminate the rental contract and obtain use rights. Simultaneously to these negotiations, an expropriation procedure was started for all four plots to prevent delays if the negotiations were unsuccessful. One difficulty in the negotiations was that the owners wanted to receive

compensation for the future value of the land. However, the municipality is restricted by regulation that it can only compensate the current value of the land and buildings:

“We cannot spend 1 million on the property if it is only worth five or six tons, but it is no problem if we spend 1 million on procedures. While [the owners] thought they were sitting on a pot of gold.” (interview public authority 5, 15/11/2023)

Negotiations with one of the owners proved to be especially difficult. The owner appealed to the land use plan to the Council of State, but this was rejected based on the argument that the individual interest of a few owners was secondary to the construction of the neighborhood. Specifically, it was stated that it is in the public interest to densify, and the redevelopment of the four smaller parcels was necessary to reduce noise levels in the rest of the neighborhood. The developer stated the importance of having expropriation as an instrument available:

“Expropriations are well regulated, and the interests are well safeguarded. We expropriate... well, formally, as a developer, of course, we cannot expropriate, but we have the agreement with the municipality... We only expropriate the most difficult people.” (interview developer 2, 17/11/2023, date)

However, it was also mentioned that coming to an agreement with the landowners took a long time. As BPD had already started construction on the other parts of the plot, they offered to acquire the land from landowners directly. Still, the municipality told them not to disrupt the negotiation process (interview public authority 6, 30.10.2023). The case shows how the ability of municipalities to intervene in property rights can help to create coherence on the project level.

## **7.6 DISCUSSION AND CONCLUSION: NEGOTIATING DENSIFICATION STRATEGIES IN THE FACE OF PROPERTY RIGHTS**

This contribution looked at the role of small landowners in negotiations between public authorities and developers and the strategies used to prevent them from stalling or blocking project implementation. Based on the potential policy instruments defined in 2.2, four types of strategies were identified in the case studies. We found that municipalities and developers try to limit opposition or the vetoing of

densification projects by small landowners 1) through compromise (e.g., by making changes to the land use plan based on objections), 2) by redrawing project boundaries (e.g., by redrawing the special land use plan boundaries), 3) by weakening property rights (e.g., by restricting the right to appeal), and 4) by eliminating contesting voices (e.g., through expropriation).

An important finding central to the two case studies is that individual (neighboring) landowners are only involved in negotiation processes after an initial agreement between the developer and the municipality has been made. While these small landowners may express concerns or objections, their influence is often mediated through negotiations between the municipality and the developer, and the reach of their “veto power” can be questioned. However, the selection of these different types of strategies is largely dependent on the institutional context in which densification takes place.

The two case studies show the tensions that arise in negotiated planning processes as the emphasis on output effectiveness clashes with the need to gain acceptance for densification projects. This tension is particularly evident in the case of Thun due to the unique Swiss institutional context, where special land use plans may be subject to approval by the voting population. Consequently, the municipality must navigate a delicate balance to cultivate acceptance, often resorting to consensus-building strategies to mitigate resistance from neighboring landowners. However, in both cases, adaptations made in response to such concerns had minimal impact on the overall scope of the plan.

In smaller municipalities like Thun, achieving densification objectives relies heavily on the initiatives of economic actors and landowners. Here, project competitions serve as a crucial mechanism to enhance input legitimacy, acting as forums for negotiation between public and private interests before final political and administrative decisions are made. Such project competitions are not directly affiliated with formal planning processes but with organizations existing outside or on the periphery of traditional government structures (Herburger, Hilti and Lingg, 2022). Although project competitions are promoted to increase the legitimacy of urban densification projects, citizens' input is limited. As argued by other scholars, urban design competitions enable centralized decision-making based on external advice, circumventing the need for involvement from local political committees and citizens (Vogelpohl, 2018). Complex urban challenges are often perceived as more

efficiently addressed through professionals' expertise, as in Thun. This approach is favored over engaging local stakeholders as it streamlines the decision-making process. As argued by Raco (2013, p. 47), this emphasis on "policy outputs rather than democratic inputs" is indicative of a broader trend in planning eroding democratic decision-making processes, wherein participatory mechanisms may serve to legitimize decisions without fundamentally challenging existing power dynamics (Gerber and Debrunner, 2022). The two case studies show that consensus-building strategies are employed post-agreement between municipalities and developers. They manage opposition and legitimize decisions within entrenched power structures rather than foster deliberation.

A paradoxical finding of this contribution is that the focus on urban densification has sparked debate among economic actors traditionally favoring stringent property rights protection. Fragmented land ownership and neighbor resistance within the existing built environment are often cited as a major obstacle to effectively realizing urban redevelopment projects, leading to delays, increased costs, and challenges in assembling necessary land parcels (Buitelaar, Segeren and Kronberger, 2008). Previous research indicates that developers and commercial actors may support interventions in property rights by public authorities if it facilitates the aggregation of developable sites (Needham, 2007). The case of Defensierrein shows how the trade-off between property rights protection and the pace of development becomes a strategic consideration for developers seeking to capitalize on market opportunities. Furthermore, measures to eliminate opportunities for appeal have been taken in both institutional contexts. As argued by Charmes & Keil (2015, p. 589), the dominant discourse that densification equals sustainability is often used to override local resistance to growth and to put local opposition away as "expressions of selfishness." This rhetoric was observed in both cases, perpetuating a liberal interpretation of the public interest that scapegoats small landowners. Without denying that small landowners may prioritize individual interests over broader community concerns, it is important to recognize the multiplicity of reasons for resistance to densification projects (Wicki and Kaufmann, 2022).

While recent research has emphasized the challenge of planning objectives due to powerful property rights, this study underscores that property rights alone do not fully encapsulate the complexities of power relations in densification projects. Alongside property rights, political access and capital significantly shape negotiations and decision-making outcomes (Lambelet, 2019). It is crucial to have a



broader discussion on the division of power within negotiated planning and how to ensure that such planning approaches not only perpetuate the “urban growth machine” but contribute to the long-term sustainability of densification projects.

# CHAPTER 8: ‘CARE CIRCLES’ AS AN ENTREPRENEURIAL LAND POLICY INSTRUMENT FOR AGE-APPROPRIATE HOUSING PROVISION IN DENSIFICATION PROJECTS

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This paper contributes to an emerging recognition of the role of planning in mitigating the care gap in an aging society. The allocation of space for care provision remains a spatial planning challenge at the local level. Our central research question concerns the spatial planning instruments and strategies that local public authorities use to provide age-appropriate housing. Based on a single case study of Nieuwegein (Netherlands), our findings demonstrate the prominence of private law contracts negotiated between public authorities and market actors. With the continuous rollback of the state from essential social services, local governments are pushed to act more entrepreneurially to incentivize housing provision to meet the needs of the elderly on an ad-hoc basis. We argue that socially sustainable urban policy responses require deliberate coordination between social policy and land use planning to mitigate the care crisis, which will otherwise deepen in aging societies with rapidly increasing demand for care.

**Keywords:** *age-appropriate housing; care gap; densification; land use policy; entrepreneurial governance; Netherlands*

## 8.1 INTRODUCTION

The global phenomenon of aging societies poses significant public policy challenges, with increasing demand and costs of care provision being a pressing concern (Roit, 2010; Dowling, 2022). As urban populations grow older, the demand for adequate formal or informal care services has increased and will continue to do so in the

coming years (Buffel and Phillipson, 2016). Neoliberal restructuring of the welfare state implies a shrinkage of material and immaterial resources allocated to the provision of care, combined with decentralization of responsibilities to the local level (Jansen *et al.*, 2021). Furthermore, as women's labor market participation continues to rise and the co-residence of older people with their children decreases, a shortfall in the supply of family-based informal care within the household is likely (Pickard, 2015). This leaves local policymakers grappling with balancing the increasing demand for care services with decreasing state support.

In response to these challenges, many national governments aim for the elderly to remain at home for as long as possible through an 'ageing-in-place' strategy (Dobner, Musterd and Fortuijn, 2016; Abramsson and Hagberg, 2020; Pani-Harreman *et al.*, 2021). The intention is to retain older adults in their communities and homes for as long as possible to postpone or altogether avoid the transition to institutionalized care homes (Severinsen, Breheny and Stephens, 2016; Martens, 2018). Previous research has shown that adequate housing conditions are essential for someone's quality of life while aging in place. This pertains to technical solutions in the housing stock to ensure mobility, accessibility, access to local services and transportation, grocery shops, and green areas (Gardner, 2011; Oswald *et al.*, 2011; Verma, 2019). The ability to age in place is thus highly dependent on the built environment, which must be profoundly adapted and improved (Costa-Font, Elvira and Mascarilla-Miró, 2009; Martens, 2018; Pani-Harreman *et al.*, 2021).

In this context, densification is a solid opportunity for planners to respond to the changing spatial demands of an aging society. Densification is the process of increasing the use density of the existing urban fabric by redeveloping, for instance, brownfields or low-density neighborhoods (Broitman and Koomen, 2015). Therefore, it allows for more efficient use of existing infrastructure and a reallocation of urban amenities to improve accessibility for senior residents. Densification has become an important public policy objective to match the increasing demand for housing in urban areas and limit the expansion of urban territories at the cost of agricultural and natural landscapes (Wolff, 2018; Dembski *et al.*, 2020). In an aging society, densification can contribute to aging-in-place objectives by providing new age-appropriate housing arrangements that allow seniors to remain in their established communities while freeing up underutilized residential space for bigger households, such as families with children. Furthermore, living in a densified urban area can ensure that the elderly have easy access to local services and other necessary

facilities (Buffel, Phillipson and Scharf, 2012). However, planners need steering capacity for elderly-friendly densification to mitigate the care gap at the neighborhood level while serving the land policy objectives of efficient land use.

Addressing the growing care gap through adopting an aging-in-place strategy is a housing and planning question at its core. On the one hand, studies have focused on instruments available to municipalities to mobilize for making land available and implement densification objectives (Dembski *et al.*, 2020; Meijer and Jonkman, 2020; Hengstermann and Viallon, 2023). These studies focus on how land policy, which encompasses the strategic selection of a broad set of instruments beyond traditional command-and-control instruments under land use planning, can be used to implement densification objectives. In addition to the question of how to pursue densification, social sustainability outcomes of densification have been explored with negative consequences for the affordability and inclusion of low-income households in densifying areas in cities (Cavicchia, 2021; Debrunner, Jonkman and Gerber, 2022). However, among these institutional approaches, there is a lack of focus on the aging population (Hartt and Biglieri, 2018). On the other hand, previous research has explored housing alternatives that are compatible with aging-in-place through residential arrangements such as Accessory Dwelling Units, Granny Flats, and multigenerational housing (Chapman and Howe, 2001; Maaoui, 2018; Gerards, Nuyts and Vanrie, 2019). Others have focused on the experience of the elderly who are aging in place (Dobner, Musterd and Fortuijn, 2016; Lager and Hoven, 2019). Still, the question of how the planning process for age-appropriate housing unfolds and which planning instruments the municipalities have to respond to the multifaceted spatial challenges of an aging society within their administrative capacities remains open.

This research contributes to filling this gap by exploring local planning authorities' policy instruments and strategies to facilitate aging-in-place while they steer densification for more efficient land use. It explores the role of land use policy in implementing social policy objectives that are gradually delegated from central to local levels of government, together with public disinvestment in care provision. In the following section, a theoretical framework brings together care and housing in the context of ageing-in-place. This is followed by an empirical study of the city of Nieuwegein (the Netherlands) and its approach to introducing access to care as a part of planning objectives with a novel instrument called 'care circles'. The case of Nieuwegein provides critical insights regarding the potential for municipal

innovation and action in bringing care provision together with spatial planning as a part of local housing policy and the limitations of municipal capacity to mitigate the care gap in an aging society.

## **8.2 CARE GAP AT THE INTERSECTION OF SOCIAL AND HOUSING POLICY**

### **Ageing, (limited) public policy response, and care crisis**

Due to demographic changes such as declining birth rates and increasing life expectancy, an aging population is a global trend. Growing percentages of older adults also have important spatial implications that concern urban planning, ranging from changing infrastructural needs such as barrier-free access to catering to mobility needs, including improved pedestrian access to the provision of green infrastructure (Hoof and Boerenfijn, 2018). Besides design-related challenges concerning the built environment, a rapid increase in the percentage of senior adults also puts forward a critical gap in the resources allocated for social reproduction that emerges at the intersection of housing and care provision for the elderly (August, 2022). For countries that recognize the changing societal needs of aging, this demographic trend inevitably translates into a multifaceted public policy challenge (Dowling, 2018; Schwiter, Berndt and Truong, 2018). Many OECD countries have developed a public policy response to mitigate the care gap to cover the costs of elderly care within existing healthcare systems or by introducing new welfare policies funded through tax or insurance mechanisms (Schwiter, Berndt and Truong, 2018). However, care work is largely privatized as a market commodity for those who can afford it or remains as a household activity provided by unpaid work within the family or low-paid domestic work (Benería, 2008).

In policy and scholarly circles, this growing care gap is also interpreted as a ‘crisis of care’ exacerbated by austerity measures and the financialization of care (Dowling, 2018, 2022; Schwiter, Berndt and Truong, 2018; Horton, 2022). Fraser (2016, pp. 99–100) argues that what we see is a ‘crisis of social reproduction,’ which is about the destabilization of the society’s capacity to maintain key social capabilities to sustain itself, including birthing and raising children, caring for the elderly and the physically impaired, and sustaining connections across and within communities. The national-level public policy responses to the care crisis that determine the extent to which

mitigating the care gap is claimed as a public or private responsibility has a direct spatial impact at the community level.

### **‘Ageing-in-place’ as a spatial response**

‘Ageing-in-place’ has become an important policy target at the local level in many national contexts. Despite its common use, aging-in-place has different interpretations depending on which policy criteria or actor interests are considered. While some scholars interpret it as ‘supporting people in their own homes for as long as possible’ (Buffel, Phillipson and Scharf, 2012), others interpret it more broadly as residential arrangements in older adulthood without moving to an institutional care facility (Hoof and Boerenfijn, 2018). Governments favor aging-in-place policies to decrease the demand for nursing homes as a cost-effective solution for the public budget to the growing population of older adults (Sixsmith and Sixsmith, 2008; Kazak *et al.*, 2017). Nevertheless, the elderly-focused interpretation of aging-in-place prioritizes independence, autonomy, and social participation of the older adults living in the community, which does not necessarily rule out institutional arrangements (Sixsmith and Sixsmith, 2008; Kazak *et al.*, 2017). This choice-based interpretation of aging-in-place focuses on older adults’ preferences to remain independent in their homes and neighborhoods for as long as possible (Atkins, 2018, p. 3).

Housing needs and demands of individuals change with age, along with changes in daily life and mobility, physical independence, and health. There are studies evaluating the necessary characteristics of age-appropriate housing to respond to the needs of people with restricted mobility, such as elevators, wheelchair accessibility, good connections to public transportation, and shopping facilities. Elderly’s needs for housing arrangements go beyond the architectural and design elements of individual units and buildings and inevitably expand to the neighborhood level regarding the availability and accessibility of public services and support (Van Wezemael and Gilroy, 2007; Coleman, Kearns and Wiles, 2016). Choice-based interpretation of changing housing demand with age includes relocation decisions of ‘empty nesters’ after retirement that are not bounded by the location of work or schools (Dittrich-Wesbuer, Föbker and Osterhage, 2008).

The housing market condition, financial flexibility, and relocation costs affect the seniors’ residential choices and housing demand, which may work for or against aging-in-place, depending largely on wealth and asset ownership differences.

Hochstenbach (2018, 2019) shows that affluent elderly who have enjoyed the ease of becoming homeowners in previous generations and subsequent housing price gains have been given an advantageous position in the housing market and play a role in price increases in already affluent areas with their relocation decisions. As argued by Power and Mee (2020), tenure increasingly shapes care opportunities at an older age, with homeowners being significantly advantaged over renters. This recognition of age as a dimension for socio-spatial change demonstrates that the care gap and the demand for age-appropriate housing have differential impacts along the lines of wealth and income.

### **Elderly housing and densification: Bundling housing with care provision**

The planning response to pursue the aging-in-place objectives takes shape at the intersection of public policy and a strong real estate interest concerning the provision of housing alternatives where residential and care services are bundled together. It is characterized by growing market demand and is a lucrative investment option (Andersson and Kvist, 2015; Bos and Harrington, 2017; Horton, 2022). The available combinations of care and housing arrangements develop at the intersection of different public policies, including social policy, housing policy, and land use planning. Although the literature builds on a clear distinction between ‘care homes’ and ‘home care’ (Dowling, 2022, pp. 131–133), a wide range of alternatives that combine care and housing exists to serve the aging-in-place policy objectives. Hence, the ‘age-appropriate housing’ concept emerges as a category that combines housing and care provision as the two critical resources for the social reproduction of the elderly.

Making land available to meet a growing need for age-appropriate housing while using the existing urban infrastructure and amenities is a planning challenge and draws attention to the role of densification projects in facilitating aging-in-place objectives at the local level. Implementing densification is far from a socially and politically neutral process. With the increase in people relying on the same public infrastructure, densification may lead to conflicts in use and access to urban amenities (Dunning, Hickman and While, 2020). New development in already built-up areas may also create new residential opportunities for those in need of proximity to essential urban services and benefit from a compact city model due to limited mobility (Buffel, Phillipson and Scharf, 2012). Seniors stand out as a particular group

of interest that would benefit from living closer to amenities and other people, therefore in higher density areas, due to reduced mobility and increasing reliance on physical, emotional, and social support as well as care (Gardner, 2011; Jon, 2020).

Densification for elderly residents has both the supply and the demand sides. The supply-side for residential offers to seniors involves the business and private enterprises developing and providing services combined with care services for varying degrees of autonomy, dependence, privacy, and communality. The demand side of the process is about the willingness of the elderly to move into certain residential forms that constitute the clusters of older adults and the cost of such arrangements. Income and wealth dimensions certainly go beyond the choice of individuals regarding how they want to live their older adulthood. Therefore, the demand for elderly housing that combines care services has to do with people being able to choose between staying in their own homes for as long as possible or moving to an institutional form of elderly living.

Against the growing care gap in the aging society, there is an inevitable recognition of the need to develop a spatial response, especially at the local level. This study explores how the planning for age-appropriate housing unfolds to facilitate aging-in-place, which is the dominant public policy objective to control rising care costs: How does land policy accommodate care provision and particular housing needs of elderly residents? We hypothesize that densification projects allow municipalities to make land available for residential and spatial arrangements to facilitate aging-in-place by coordinating and negotiating the increasing societal care needs, planning objectives, and property.

### **8.3 RESEARCH DESIGN AND METHODS**

The empirical findings of this paper are based on a qualitative case study approach. A qualitative approach is suitable, as this study aims to explore the instruments and strategies used by municipal planning authorities to provide elderly housing in response to an aging population. The selection of instruments and strategies is highly political and context-related. A case study allows us to consider these context-related factors in our analysis (Yin, 2009).

We conduct the explorative single case study in the city of Nieuwegein in the Netherlands. The Netherlands is an insightful national context in which to study the



strategies of municipal planning authorities in providing elderly housing because of a changing institutional context for both aging policy and the spatial planning response to it. Due to the closure of care homes in the Netherlands as an austerity measure and cost-cutting strategy, only people with intense care needs can qualify for facility-based care services (Rusinovic, Bochove and Sande, 2019). Furthermore, due to policy decentralization and delegation of social services to local levels of government, municipalities are now responsible for many care tasks, including care for the long-term sick and the elderly (Jansen *et al.*, 2021). This study explores the case of Nieuwegein as a pioneering example among Dutch municipalities to specifically formulate a policy instrument that addresses both care and housing together.

Data sources consist of policy documents and semi-structured interviews with key actors. Formal institutions governing elderly housing and care at the national, provincial/cantonal, and municipal levels were analyzed using 16 policy documents. These documents include legal provisions, land use plans, strategic documents, permit decisions, and policy evaluations. From these documents, conclusions were drawn about regulations governing elderly housing on the national and local levels. To obtain a clear idea of implementing policy objectives regarding elderly housing, 12 in-depth semi-structured interviews were conducted with local planning authorities, politicians, and developers in Nieuwegein. Both documents and interview transcripts were analyzed in MaxQDA using qualitative content analysis. Codes were determined both deductively and inductively. The authors translated direct quotes from Dutch to English. The next chapter presents the study's empirical findings, starting with a brief overview of the national elderly care policy in the Netherlands before moving on to the case study we conducted in the municipality of Nieuwegein.

## **8.4 CARE CIRCLES IN NIEUWEGEIN, THE NETHERLANDS**

### **Background on the spatial implications of the Dutch elderly care regime**

When discussing the institutional framework governing elderly care in the Netherlands, the historical interrelationship between housing, social, and care policies must be considered. In the aftermath of World War II, the Netherlands had a significant housing shortage due to the steady population growth and the

devastation of the existing housing stock caused by the war (de Klerk and van der Wouden, 2021). One of the solutions was to construct new housing for the elderly in care homes (Egdom, 1997). The development of such care homes resulted from coordination between the national state and private non-profit housing associations (*woningcorporaties*). In the 1960s, nursing homes (*verpleeghuizen*) began to develop to provide care for those with intensive nursing and medical needs (Roit, 2010). Costs for residential long-term elderly care were largely socialized through compulsory national insurance. During the 1970s, the Netherlands had the highest institutionalization rates of elderly people in Europe (Egdom, 1997).

Due to the high costs of investments and changing social and political perceptions that the elderly should live independently at (private) homes for as long as possible, a new policy in 1975 stated that a maximum of 7% of the elderly should live in nursing homes with intensive care needs. While elderly care as a public responsibility was capped and regulated with a quota, social care services continued to be further decentralized. Market-based provision has continued to increase since 2007, when the duty to help senior citizens unable to care for themselves independently was delegated to the municipal level without allocating additional financial resources or subsidies (Hooren and Becker, 2012). Municipalities are now directly responsible for delivering most social support services for elderly residents. They are expected to collaborate with several private actors, including health insurers, care providers, NGOs, and other stakeholders in the neighborhood (Jansen *et al.*, 2021). As a result of the increasing decentralization of care responsibilities, Dutch municipalities have become the main implementation level for elderly care policy.

### **Elderly care, housing policy, and planning instruments**

Nieuwegein is a former growth core (*groeikern*). This designation dates to the sixties and seventies when the Dutch government wanted to meet an enormous increase in demand for housing through so-called ‘bundled deconcentration.’ The aim was to take the pressure off larger cities while protecting rural areas from urban sprawl. The municipalities that obtained growth core status were eligible for government subsidies to expand their housing stock, explicitly targeting young families (van Dam and Manting, 2015)

As a former growth core, the municipality now must deal with collective aging, which is expected to reach a high point in 2035:

Those who came to live in Nieuwegein fifty years ago are in their seventies and eighties today. We want Nieuwegein to remain a pleasant city to live in for them as well (Gemeente Nieuwegein, 2021b, p. 2).

Since the city is positioned between three major highways, new developments, including those targeting the needs of the senior population, must occur through the densification of the existing urban fabric in the already-built environment.

The municipality of Nieuwegein articulates in its 2015 Housing Strategy its ambition to make the existing housing stock more suitable for its senior residents and to provide an 'adequate' amount of age-appropriate housing for care-dependent as well as more autonomous elderly through new construction and transformations (Gemeente Nieuwegein, 2015). To stimulate the construction of age-appropriate housing within the existing built environment, the municipality has introduced a new measure called 'care circles,' with a diameter of 400 meters drawn around clusters of facilities, such as supermarkets and care facilities (see Figure 17).

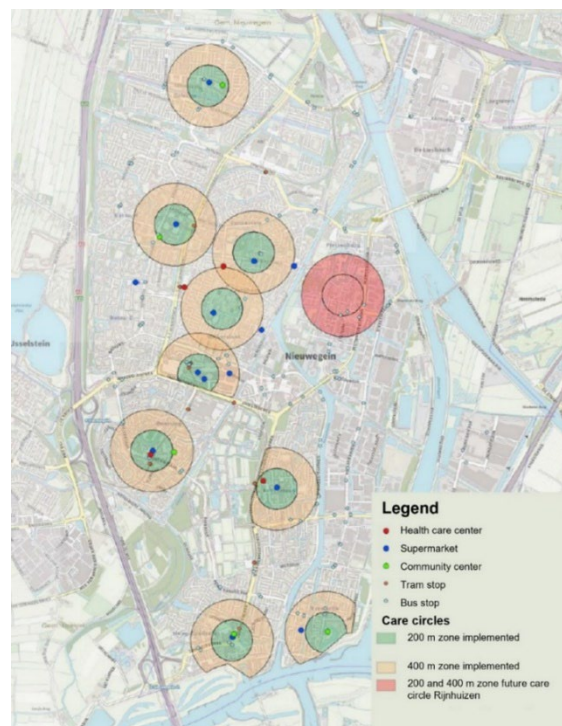


Figure 17 Care circles in Nieuwegein (source: Gemeente Nieuwegein, 2021)

Care circles are included in the housing vision but not in the land use plan. Therefore, they are legally binding to the municipality but not to developers. Within the circles, the city focuses on developing 'life-proof' housing and improving the accessibility of public spaces. Care circles prioritize the construction of apartments where people who depend on low or moderate levels of domestic care can live independently but near facilities such as health centers or care facilities. To ensure that new apartments are suitable for occupancy by the elderly, the municipality has developed guidelines mostly about physical accessibility through design interventions. This includes rules about automatic doors, the absence of thresholds, wider hallways to accommodate wheelchairs, and rooms for collective use (Gemeente Nieuwegein, 2021a). As municipalities are not allowed to set stricter criteria than defined in the national building code, it should be noted that this is not a binding document beyond recommendations to developers.

The municipality aims to construct age-appropriate apartments among all different housing sectors. This includes both rental and owner-occupied apartments. Within the rental market, a distinction is made between social rented apartments, which are rent-regulated; mid-rent apartments, which are not regulated but the municipality defines as apartments with a rent of up to €1,200 per month; and the liberalized rental sector. The city also wants a diversified housing supply in different price categories within the owner-occupied market.

### **Implementing care circles in the redevelopment project Rijnhuizen, Nieuwegein**

The municipality has its ambitions regarding the provision of age-appropriate housing. However, many of the instruments they use, such as the vision and guidelines for construction, are not legally binding to developers or other landowners. The question then arises: how does the municipality implement its age-appropriate housing policy through the care circle instrument? To explore this further, we look at the care circle in the large-scale densification project of Rijnhuizen (Figure 18). The redevelopment of Rijnhuizen concerns a transformation of a former office park into a mixed-use neighborhood, combining work and residential functions. A high percentage of vacant office buildings led to discussions about the area's redevelopment starting in 2014.

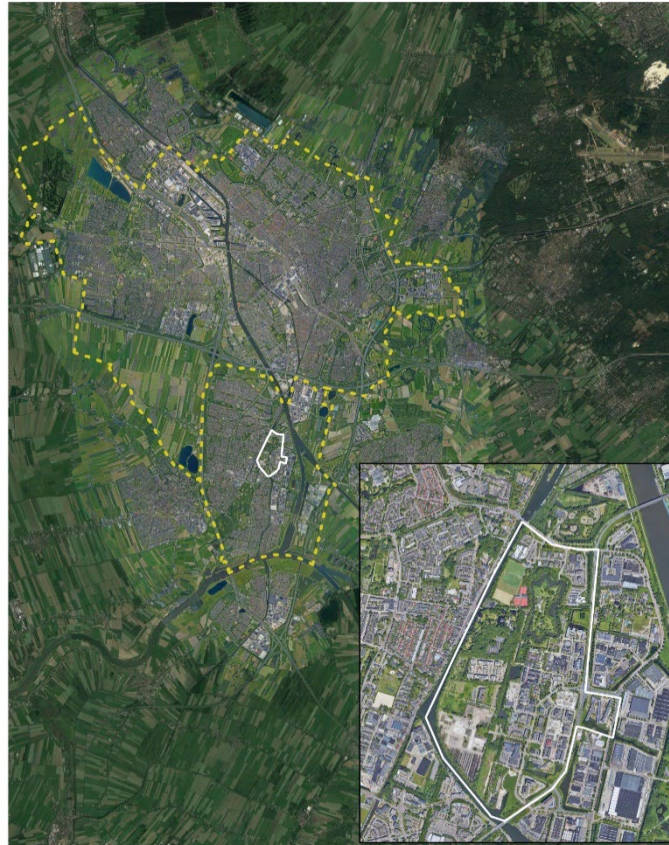


Figure 18 Nieuwegein, as situated next to Utrecht, and the project of Rijnhuizen (source: Google Earth, 2021)

In 2014, the municipal council of Nieuwegein drafted a vision for the area, defining a spatial framework for new developments (Bureau voor Stedebouw, 2014). With an expected increase in housing units, the municipality also wanted to provide more urban amenities and social facilities for future residents, including a care center, a community center, and a primary school. As the planned facilities are considered in the public interest, the municipality designated a pre-emption right to four plots in the area to realize a mixed cluster of social facilities in the future. Furthermore, planners entered into a private law contract with one of the developers in the area, who will construct a supermarket on the ground floor of their plot in exchange for two extra layers of housing on the floors above. With these different facilities planned, it was possible to draw a care circle in Rijnhuizen.

Despite the redevelopment project, the municipality did not update the land use plan in Rijnhuizen, and the current plan still designates the area as an office area. This means that residential functions are not possible according to the land use plan of Rijnhuizen. Instead, the municipality gives developers interested in redeveloping an exemption permit, allowing a deviation from the land use plan (*omgevingsvergunning*). Using the permit system allows the local planning authority to make case-by-case decisions. A developer must first present their ideas to the municipality if they want to redevelop.

After this, a process follows in which the planning authority and the developer negotiate the terms and conditions of the redevelopment. The municipal planning authority and the developer anchor the outcomes of these negotiations in a private law contract. Through this mechanism, the planning authority can steer developments toward their various policy objectives:

In these negotiations, you see that a developer ultimately needs a positive decision from the municipal council. So, you can include things that you might not be able to enforce legally. In other words, you can set all kinds of above-legal requirements (Municipal project manager 2, interview 18.08.2022).

The exemption permit allows the municipality to include conditions that cannot be legally included in a land use plan. The terms and conditions are determined in ‘a chess game, to see how everyone can meet their wants and needs’ (Developer 3, interview 08.04.2023). In the end, an agreement needs to be reached between the municipality and the developer, as there needs to be a signed private law contract before the plot can be redeveloped.

### **Outcomes: successes and obstacles in implementing ‘care circles’**

Drawing a care circle in Nieuwegein allows the municipality to nudge developers to include care considerations in their projects and to follow the previously approved housing mission of the municipality-mentioned guidelines for age-appropriate housing construction. If developers do not pursue these objectives, the municipal planning authorities have the flexibility to argue that the proposal does not align with their housing and care policy and that they cannot provide an exemption permit. As municipalities are legally not allowed to set higher requirements than

those in the national building code, the city acknowledges that this approach would not hold up in a court of law. However, as stated by a civil servant in Nieuwegein:

The developer checks: Is that interesting to me? Believe me, it is always interesting for a developer. They earn handsomely from age-appropriate housing (Civil servant Nieuwegein 1, interview 03.01.2023).

Developers are often willing to adhere to the conditions set in care circles, as they are relatively easy interventions that do not significantly hamper their profit margin.

While the municipality can enforce higher accessibility requirements, it does not have any means to monitor who eventually lives in these apartments. As stated by a civil servant responsible for the housing policy in Nieuwegein:

[In the care circles,] you must develop for the elderly and preferably allocate to the elderly as well. But of course, we cannot impose allocation (Civil servant Nieuwegein 2, interview 02.02.2023).

According to Dutch housing law, only social rent apartments can be allocated to specific target groups, namely households with an income below a specific ceiling and other vulnerable groups, including the elderly.

As stated, the municipal planning authority aims to provide age-appropriate housing in all sectors. The Municipal Housing Vision of 2015 proposed that 30% of all housing stock should be social rent. When it became clear that no new housing units designated for social rent were realized in 2017, the municipal council of Nieuwegein adopted a municipal-wide policy that obliges developers to realize 30% social housing in projects of over 60 housing units. Furthermore, in 2020, an additional rule was added to include 12% mid-low rents (up to € 864 per month) (Gemeente Nieuwegein, 2018, 2020). These rules also apply to age-appropriate housing and thus provide an instrument to the municipality to ensure that not only age-appropriate housing in the higher segment is realized.

A review of permit requests and decisions from the municipal planning authority shows that several projects have been approved since the introduction of the care circle instrument, and these consistently included the production of new age-appropriate housing units constructed according to the physical and accessibility needs of the senior residents. The municipality has thus been successful in realizing

age-appropriate housing. However, the permit analysis also shows that social housing and mid-low rent targets are not necessarily achieved in all negotiations between planners and developers. In some cases, the percentages are much lower than 30 and 12%, and in other cases, no affordable housing is realized. Planning authorities sometimes decide to make concessions to ensure that developers are still interested in redevelopment and, therefore, fail to meet their legally binding targets of 30% social housing and 12% lower-mid rent. Interviewees from the municipal planning authority indicate that it is more challenging to have developers include affordable housing in their projects because it makes a project less profitable. The objective of providing affordable housing sometimes takes a backseat to other social and ecological sustainability criteria for housing, including age-appropriateness. The care circles policy thus helps to provide age-appropriate housing, but the question remains: for whom?

## **8.5 NEGOTIATING URBAN REDEVELOPMENT AROUND AGE-APPROPRIATE HOUSING: A RECIPE FOR SUCCESS?**

This contribution explored how a municipality can use land policy to meet changing housing needs in an aging society and incentivize the development of age-appropriate housing in a densification project. A growing body of literature stipulates that densification projects disproportionately lead to an influx of young adults or displacement of senior dwellers (Moos, 2016; Perry *et al.*, 2021). As such, the findings of this study are relevant as they can provide insights into how to ensure the elderly are represented in urban densification projects. In Nieuwegein, the municipality recognized the importance of responding to the care gap by developing a land policy response that combines housing policy and elderly care policy. The municipality creates steering capacity by introducing care circles in the planning vision and using exemptions to existing land use plans to pursue the policy objective of aging-in-place. It aims to increase the provision of housing appropriate for the elderly. Interestingly, we observe that this implementation is thus not based on standard command-and-control interventions but rather depends on a more managerial, entrepreneurial approach to public policy (Gerber, 2016). In achieving their targets for creating housing suitable for the elderly to age in place, negotiations with developers are central.



The provision of age-appropriate housing in the context of densification has a particular significance for economic and social sustainability dimensions. Densification is challenging to implement because it occurs in an already-built environment. This means that planners have to navigate the veto rights of existing landowners that stem from their private property rights. Studies have shown that in response to the complexity of existing rights and interests in densification projects, local planning authorities worldwide have often shifted towards such a managerial approach to planning that entails more project-based planning, the use of flexible and discretionary instruments, and an increased focus on efficiently implementing policy goals (Homburg, Pollitt and van Thiel, 2007; Gerber, 2016; Bouwmeester *et al.*, 2023). Through negotiations with developers and other landowners, local planning authorities try to balance various interests regarding land use.

Through negotiations, planning authorities aim to create coherence between their public policy objectives and the interest of landowners at the project level and, therefore, support the more effective implementation of densification objectives. However, scholars have been critical of this political sacrifice of local planning authorities. Shih and Shieh (2020) highlight that residents are often side-lined in negotiations between developers and planning authorities. Furthermore, because of the veto rights of landowners, financial cost-benefit considerations are often at the center of such negotiations (Izar, 2021), as profit maximization is the private developer's *raison d'être*. This is what we can also observe in the case of Nieuwegein: age-appropriate housing and interventions to facilitate aging-in-place are successfully secured in planning negotiations as they still generate profit for developers. However, the case also shows that when it comes to affordable, age-appropriate housing, it becomes much harder to achieve, even when affordability is regulated with the instrument of a quota. We see that as the terms and conditions of urban redevelopments are negotiated between developers and planners on a project-by-project basis, public interest considerations, especially regarding the social sustainability of housing, are watered down (Debrunner, Hengstermann and Gerber, 2020; Debrunner, Jonkman and Gerber, 2022; Bouwmeester *et al.*, 2023). These findings show that while land policy may allow municipalities to bring together multiple policy objectives, such as housing and social policy, municipalities generally remain dependent on landowners to implement those goals.

Nevertheless, the care circles of Nieuwegein present a good example of how local politicians and policymakers have the potential and capacity to develop a local

response to a public problem within the given national context and other constraints created by institutional settings (Carpenter *et al.*, 2022). With the decentralization of care responsibility from the national to the municipal level and disinvestment in elderly care provision in the Netherlands, local authorities are pressured to develop innovative and entrepreneurial strategies to retain the liveability of neighborhoods, particularly for the growing population segment of the elderly. Contract-based instruments are used to ensure that the development of age-appropriate housing ostensibly works for the supply side, mainly because of the profitability of this housing product. However, the findings also show that partial success does not guarantee accessibility or affordability of age-appropriate housing for those who demand it. Here, the literature points out that housing costs create inequalities in who can access care, as lower-income households have fewer abilities to choose well-serviced locations, especially considering that high housing costs may also compromise the capacity to afford care resources (Power and Mee, 2020). Previous studies have emphasized how rising housing cost burdens have intensified old-age poverty, especially for renters (Lozano Alcántara and Vogel, 2023). Therefore, the contract-based provision of age-appropriate housing is viable conditional on the market value of care, which is also the underlying factor that exacerbates the care crisis.

As demonstrated by the case study, care circles, as a non-binding instrument, serve as a strategic tool to allow aging-in-place in densification projects. Despite its potential as a proactive intervention to the growing care gap at the municipal level, the care circles strategy also demonstrates the shortcomings of local governance by increasing the dependency on the profitability of care as a commodity. This single-case study also shows overarching trends such as project-based planning, deregulation of planning controls, and a neoliberal urban redevelopment model with the demise of the welfare state model. As a result, care, specifically age-appropriate housing, has been further commodified and made accessible to those who can afford to pay for it.

## **8.6 CONCLUSION**

This paper contributes to the exploration of policy instruments and strategies used by local planning authorities to facilitate aging-in-place in the context of densification projects. Policymakers have pursued aging-in-place as a solution to an

aging population, as national governments are trying to cut costs of elderly care for the public budget and are decentralizing responsibilities to lower levels of governance. Using an explorative case study approach in Nieuwegein, the Netherlands, this study allows for an in-depth understanding of how age-appropriate housing can be secured in a densification project that pushes not only for more efficient land uses but also for bundling of urban services and resources to enable more accessible care provision to elderly residents. Our findings demonstrate how municipalities act under pressure to do so through planning negotiations with private developers. While this approach is quite successful when profit is generated, securing more affordable, age-appropriate housing remains a challenge beyond the municipal capacity to steer with land policy instruments at its disposal. As cost-benefit considerations are central in planning negotiations, it becomes difficult to mitigate the care gap and ensure the social sustainability of future urban developments. More empirically grounded case studies on how municipalities respond to the care gap at their capacities are required to elaborate on the mechanisms through which the societal challenge of aging can be addressed through land policy approaches.

## **PART C: DISCUSSION AND CONCLUSION**

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## CHAPTER 9: DISCUSSION OF THE EMPIRICAL RESULTS

This dissertation investigated the relationships between actor strategies and municipal housing objectives, explored through four first-author and one second-author (annex) articles. The empirical findings are discussed in the forthcoming chapter. The analysis centers on the hypotheses formulated in Chapter 2. Chapter 9 will assess the role of actor strategies and institutional frameworks in shaping negotiation outcomes. Examining different national contexts, namely Switzerland and the Netherlands, highlights variations in the success of ensuring housing affordability that is dependent on the institutional context. In addition to discussing the empirical findings, they will be positioned within the broader literature to provide a nuanced discussion on the mechanisms between regulatory frameworks, negotiation strategies, and the achievement of housing policy objectives within local planning contexts. Table 6 presents a summary overview of the different LRAs studied for this dissertation, after which five key findings will be discussed

**Table 6 The conditions shaping the different LRAs**

<b>Project location</b>	Zuilen, Utrecht	Bern-Ausserholligen	Bern-Ausserholligen	Bern-Ausserholligen	Nieuwegein-Rijnhuizen	Nieuwegein-Rijnhuizen	Nieuwegein-Rijnhuizen	Utrecht-Mewerde	Thun-Hoffmatte
<b>Project name</b>	<i>Zuilen</i>	<i>Gangloff Areal</i>	<i>Weyer-West</i>	<i>Holligen</i>	<i>Wattbaan</i>	<i>Fultonbaan</i>	<i>Havenkwartier</i>	<i>Nieuwe Defensie</i>	<i>Hoffmatte</i>
<b>Formalization of LRA</b>	Permit	Special land use plan	Special land use plan	Special land use plan	Contract and deviation permit	Contract and deviation permit	Contract and deviation permit	Contract and renegotiated land use plan	Special land use plan
<b>Housing provided</b>	Subdivided rooms or apartments	180 apartments No cost-rent	800-1000 apartments 33% cost-rent	220 apartments 100% cost-rent	77 apartments No social rent	126 apartments 100% social rent	228 units 17% social rent	950 units 23% social rent	180 apartments No cost-rent
<b>Land ownership</b>	Individual investors	Gangloff Immobilien AG, Municipal fund for land and housing	Post Immobilien AG, Bürgergemeinde Bern	Energie Wasser Bern, BLS (railway company)	Individual investor	Housing association Mitros	Aalberts/Latei, RV&O, Van Rooijen/Oskam	Municipality of Utrecht, three owner-occupiers	Hoffman Neopac AG
<b>Other private actors</b>	Neighboring owner occupiers	Pension fund BPK (investor)	-	Halter AG, Cooperative Viadukt	-	Developer BAM Wonen	Housing association Jutphaas Wonen	Developer BPD, neighbors	Developer Frutiger, neighbors
<b>Main planning instruments</b>	Permit, housing regulation	Planning obligation, building rights, and special land use plan	Special land use plan	Special land use plan	Development contract and deviation permit	Development contract and deviation permit	Development contract and deviation permit	Development contract, ground lease, and land use plan	Planning obligation and special land use plan
<b>Affordable housing quota</b>	No	No	Yes, 30% cost-rent	Not applicable to the project	No	Yes, 30% social housing	Yes, 30% social housing	No, but the target of 35% social rent in housing vision	No
<b>Democratic accountability</b>	Regulation adopted by the city council	Vote on ZPP Approval by city council	Approval by voting population and city council	Approval by voting population and city council	Permit approval by the city council	Permit approval by the city council	Permit approval by the city council	Land use plan approval by city council	Approval by voting population and city council

**SQ 1: How do landowner strategies in planning negotiations affect the implementation of housing objectives?**

The first research question examined the influence of landowner strategies on the implementation of municipal housing objectives. This research question aimed to understand what kind of strategies landowners have available to influence housing outcomes in project-based planning.

**Key finding 1: Landowner strategies create incoherence between housing policy formulation and implementation.**

Based on the findings of the four articles, hypothesis 1 can be confirmed. The empirical results show that project-level negotiations between planners and landowners often lead to a gap between policy formulation and implementation because of the strategies of private landowners. This dissertation clearly shows the difficulty of implementing densification objectives, especially in cases where property rights belong to private actors. Municipalities can regulate densification through, for example, land use plans or other strategic instruments but are ultimately dependent on property owners for implementation. This is in line with the findings of other scholars (Debrunner and Hartmann, 2020; Dembski *et al.*, 2020). Planners use planning negotiations to make densification more attractive to landowners and, in other words, to create a coherence between property rights and public policies.

In planning negotiations, landowners can use their *de facto* veto rights to steer the outcomes of a negotiation in their favor. As expected, landowners respond to new rules that do not meet their interests with profit-driven strategies. The articles showed various strategies employed by landowners, such as holding off plans for densification, shifting towards other investment opportunities, or through strategic non-compliance to agreements made at the LRA level. The case of Ausserholligen, for example, showed that to implement their redevelopment plans, the municipality relies heavily on cooperation from landowners. In this case, these landowners postponed redevelopments until the market conditions and new strategic plans allowed more housing, making it more attractive for them to densify (*inaction*). The results also show that landowners can misuse loopholes in complex development contracts, deviating from agreements made with planning authorities (*diversion*). This is possible as municipalities, especially smaller ones, do not always have the

necessary resources to deal with the complexity of private law agreements, such as personnel and knowledge (Gerber, 2018).

One of the more unexpected findings from Articles 1 and 2 is the prevalence of illegal strategies used by landowners within the LRAs in the Netherlands. These strategies manifest in various ways; for instance, in Zuilen, small-scale investors bypassed new subdivision regulations by converting properties into multiple rental units without a permit. Some exploited loopholes in existing legal frameworks, such as the hospice construction allowances, clearly contradict the intended policy objectives. This demonstrates a significant gap between policy formulation and its implementation, largely due to public authorities' limited capacity for enforcement. However, these informal strategies are not just a resistance strategy by private owners in response to top-down, formalized laws. Instead, these illegalities are often tolerated and even legitimized by public authorities and used as a tool by public authorities to balance opposing policy goals (Innes, Connick and Booher, 2007; Hilbrandt, 2021). The reasons for the emergence of these strategies in the Netherlands—as opposed to Switzerland—will be further explored in Key finding 3.

In conclusion, project-based planning increases the coherence between property rights and public policies, but because landowners have such powerful strategies available, this comes at the cost of the implementation of certain housing objectives.

**SQ2: How does the ability of public authorities to counteract landowner strategies to enforce housing objectives vary across different institutional contexts?**

The second sub-question focused on planning authorities' strategies in response to landowner strategies. Based on the assumption that the ability of public authorities to respond to landowner strategies is highly dependent on the formal rules, regulations, and governance structures in a given institutional context, these hypotheses addressed specific aspects that were expected to influence the negotiating ability of planning authorities. These included 1) the availability of strong instruments to interfere in property rights, 2) the extent of discretionary decision-making possible, and 3) the degree to which various stakeholders are included in the decision-making processes.

**Key finding 2: Land policy ≠ land policy.**



Hypothesis 2 can be partially confirmed but needs to be nuanced. In general, the different LRAs show that affordability objectives are more likely to be implemented when municipalities have instruments available to take them out of the negotiation. The results show that municipalities can indeed achieve this through different instruments. Articles 3 and 5 (annex) showed how public land ownership significantly improves affordable housing provision by giving the municipality final decision on who gets involved in the LRA. Public authorities use public land ownership, or the threat of expropriation, to ensure landowners cannot veto the implementation of densification objectives and to push for affordable housing, often by including non-profit actors, such as housing corporations or associations.

However, as stated before, these findings need to be nuanced. Using these instruments does not always guarantee that affordable housing objectives are implemented. As land policy is inherently linked to political will and priorities, it can serve various social, economic, and ecological aims, including but not limited to affordable housing. Authors have shown how public landownership can, for example, also serve goals to improve the financial position of municipalities, stimulate private investment, and promote city attractiveness through strategies that promote social segregation (Christophers, 2017; Gerber, 2018; Bloom, 2023). While the findings of this thesis underscore that strong policy instruments like public land ownership and housing quotas are crucial, their effectiveness depends on the broader institutional context. The findings in Article 2 show that even when there is public land ownership, planning authorities in Switzerland and the Netherlands still make concessions to private landowners. In Switzerland, broadening the actor constellation through direct democracy creates a situation in which affordable objectives can be reached even when it is still negotiable (Key finding 4). Effective densification and affordability strategies thus rely not only on the instruments public authorities have available, but also on the broader context in which they are used.

### **Key finding 3: Under extreme NPM, a lot becomes negotiable.**

Hypothesis 3 is partially confirmed. Using a city-wide housing quota significantly improved the likelihood of implementing affordability objectives. In Bern, only after introducing the one-third cost-rent quota in the building code did the planning authority demand the provision of affordable housing in negotiations. Introducing such a quota also stimulated the involvement of non-profit actors in the negotiations. Although planning authorities cannot force landowners to involve

non-profit actors in either country, they sometimes use strategies to increase the likelihood in the Netherlands. For example, as shown in Article 2, the municipality can add conditions that social rent must be upheld for a long period, making it less interesting for institutional investors to be involved, increasing the chance that the developer will include a non-profit actor in the negotiations. As shown by other authors, the involvement of non-profit actors in the LRA helps to secure the long-term provision of affordable housing, especially as temporary social housing can be an interesting business model for investors (Balmer and Gerber, 2018; Barenstein *et al.*, 2022; Holm, Alexandri and Bernt, 2023)

In Switzerland, LRAs were mainly formalized in a special land use plan. As this is a public law instrument, the deal between developers and public authorities must adhere to legal frameworks subsequently checked by cantonal authorities. As a result, the introduction of a quota to take affordability out of the negotiations, was highly effective. Conversely, as demonstrated in Articles 2 and 4, in the Netherlands—where planning takes a highly managerial approach—considerable flexibility remains in implementing affordable housing objectives, even following the establishment of binding targets. As shown in Articles 2 and 4, LRAs are increasingly being formalized in private law contracts, making landowner strategies more effective in influencing housing outcomes. This shift towards private law instruments is typical of planning under NPM (Taşan-Kok *et al.*, 2019). Local planning authorities in the Netherlands were shown to include lower percentages of affordable housing in private law contracts than those mandated by broader city-wide regulations. Article 3 further illustrates this issue through a densification project on public land, where the municipality failed to meet its social housing targets as outlined in the municipal Housing Vision. This flexibility in negotiations between authorities and developers leads to a consistent dilution of affordability objectives, resulting in uneven implementation practices across different projects.

Furthermore, the results show that municipal authorities create more flexibility by only strategically pursuing enforcement. Often, public authorities may choose not to enforce regulations due to limited capacity, such as insufficient personnel in Utrecht or because agreements are inadequately anchored in contracts to support legal actions, as seen in Rijnhuizen. This dissertation also uncovers a second reason for non-enforcement: as demonstrated in the case studies from the Netherlands, strategic non-enforcement further increases the flexibility of public authorities. As other scholars have shown, actors involved in urban redevelopment projects often

prefer to “*seek solutions rather than strictly follow a contract*” and use contracts to sustain good relationships with developers (Van Den Hurk and Taşan-Kok, 2020, p. 3232). This non-enforcement can serve municipal interests by allowing more flexibility to balance conflicting policy objectives.

In certain instances, these negotiations help planning authorities to successfully implement housing policy objectives that they would not be able to implement using a regular land use plan. Articles 2 and 4 show that criteria related to energy efficiency or age-appropriateness can be negotiated with developers. The LRA allows municipalities to fill regulatory gaps created by the fact that current planning instruments, such as land use plans, are often not adaptive enough to address the sustainability transitions needed in urban areas (Klein Woolthuis *et al.*, 2013). As the responsibility for, for example, the provision of care has been increasingly decentralized, planning at the level of the LRA allows for municipal innovation by providing room for entrepreneurial approaches. As Article 4 shows, project-based planning is something that is, in a certain sense, imposed on municipalities as there is a gap between their policy objectives and the policy resources they have available to implement them.

Despite planning authorities' ability to use this flexibility to create steering capacity, public actors often divert or circumvent rules regarding policy objectives like affordable housing. A lack of adherence to their own rules can partly be explained by the municipality's different roles in project-based planning. On the one hand, as a regulator, the municipality is active at the level of the institutional regime. On the other hand, municipal project managers are a part of the LRA. Civil servants become increasingly important in implementing policy objectives as decision-making moves towards the project level. This is further amplified by the fact that municipalities often use external consultants to negotiate deals, who come from the private sector and thus have the required knowledge to lead negotiations with developers successfully (Vogelpohl, 2018). As a result, local planning systems become increasingly market-driven: to ensure densification is implemented efficiently and effectively, public authorities and developers use the LRA to work together to circumvent or divert certain rules not in the interest of landowners. Under project-based planning, a shared understanding between public authorities and landowners of “development viability” becomes a key argument to implement (or not) certain rules and regulations (Waldron, 2019). These findings align with what other scholars have said about Dutch land policy: while it can be used to achieve social outcomes,

it often serves as an instrument for profit-making (van Oosten, Witte and Hartmann, 2018).

**Key finding 4: Planning authorities still need to guarantee the legitimacy of planning interventions.**

Hypothesis 4 anticipates that a broader constellation of actors enhances housing objectives' implementation. This actor constellation was expected to be narrower in project-based planning. However, institutional rules fostering citizen involvement in LRA negotiations can broaden the actor constellation at the level of the LRA. The results confirm this. Under project-based planning, many decisions about urban development are made between planning authorities and landowners behind closed doors. However, the findings show that planning authorities still need to ensure the democratic legitimacy of their interventions. How they need to do this depends on the institutional context.

Although not the focus of this thesis, the articles show the different strategies end-users use to renegotiate access to urban resources. Articles 1, 2, and 3 elucidate how such actors leverage property or procedural rights to secure a negotiation position during policy formulation and implementation. Citizens can, for example, try to create “spaces of negotiation” through formal participation processes, through their rights of appeal, or by mobilizing democratic support through protests or initiatives (Verloo and Davis, 2021). The effectiveness of such strategies differs per LRA. Citizens are, in some cases, able to mobilize broad democratic support, significantly affecting densification outcomes. For example, in Article 1, neighboring homeowners gained support from the municipal council to introduce stricter subdivision rules through protests and lobbying. Article 2 showed successful strategies by citizens to include more affordable housing in densification projects through direct democratic mechanisms. On the other hand, in Article 3, a referendum and appeal procedures initiated by neighboring landowners opposed to densification did not affect the implementation of a project besides delaying it.

The cases in both countries show how municipalities use the need to mobilize democratic support for planning decisions as a negotiation strategy with landowners (Lambelet, 2019). This need is a powerful lever for municipalities to change the scope of negotiations. Planning authorities sometimes push for changes to land use plans to avoid resistance if this threatens the effective implementation of densification

projects. For example, in Article 2, the need to mobilize citizen support for the high-rise project Holligen in Bern led to the decision to provide 100% of the housing at cost-rent, even though not legally required. Similarly, in Article 3, we see that development contracts between public authorities and developers in the Netherlands are sometimes renegotiated after municipal elections to ensure that municipal councils support implementing the densification project.

As end-users, especially those with property rights, have strategies available to block or delay the implementation of projects, developers and municipal authorities use different strategies to increase acceptance. Municipalities and developers use consensus-building strategies or change the land use plan to avoid resistance from neighboring landowners and citizens. As found by other studies, such communication and information strategies play an important role in ensuring the acceptance of densification projects (Wicki, Hofer and Kaufmann, 2022; Herdt and Jonkman, 2023). However, it should be noted that this usually only happens after a deal between the public authorities and developers has been made. As suggested by other authors, changes to the project are usually only implemented if they do not significantly alter the calculations of financial viability.

In project-based planning, the source of democratic legitimacy is said to shift towards output legitimacy, which means that achievements and the efficiency of service production are stressed over the ability of the political system to represent its citizens (Box *et al.*, 2001; Homburg, Pollitt and van Thiel, 2007; Vabo and Aars, 2013). However, there is a clear tension between output efficiency and input legitimacy in the cases studied. Citizens or city councils still need to approve plans before densification objectives can be effectively implemented. This tension is especially visible in Switzerland, where local institutional frameworks stipulate that special land use plans need to be approved by cantonal authorities and may need to be approved by the voting population. As end-users thus have more effective strategies available to block densification projects, it is more important to gain public acceptance for the deals made in negotiations (Debrunner, 2024). As a result, in Switzerland, participation procedures, those prescribed by law and beyond, play an important role in densification projects.

An interesting solution to the tension between input legitimacy and output efficiency identified in the Swiss context is cooperative planning procedures, including project competitions. As shown in Article 3, these procedures play an important role in

enhancing input legitimacy by facilitating more public procedures for setting the terms and conditions for redevelopment. They are organized by entities outside traditional government structures (for example, the developer) and follow guidelines created by expert groups. Still, there is very limited space for citizens to disagree with the project's objectives set at the beginning of the selection of the winning team. As a result, project competitions facilitate centralized decision-making and bypass local political committees and citizens, favoring the expertise of professionals (Vogelpohl, 2018; Merikoski, 2020). They are set up to facilitate "the construction of consensus" (Bern and Røe, 2022, p. 9). The results show that competitions primarily manage opposition and legitimize decisions within existing power structures rather than foster meaningful deliberation. In general, end-users' ability to push for significant changes to the outcomes of the LRA after an agreement between the landowner and planning authorities has been made remains limited.

**SQ3: How does project-based planning affect the relationship between public policies and property rights?**

The third sub-question examined the interplay between public policies promoting densification and landowners' property rights in planning negotiations in project-based planning. The question's objective was to investigate how the negotiation process shapes the balance of power between local authorities and private landowners and how this relationship influences decision-making and outcomes in densification projects.

**Key finding 5: Not all property rights are created equally.**

The findings confirm hypothesis 5, which postulates that planning negotiations amplify power differentials, particularly disadvantaging small landowners. The research reveals a nuanced landscape where not all landowners wield equal influence in densification processes. Planning negotiations allow planning authorities, landowners, and developers to pool resources such as property, law, money, and expertise necessary to implement densification projects successfully. Public authorities are dependent on that as it allows them to negotiate access to policy resources (mostly money) that are lacking to provide age-appropriate housing (Article 4) or public infrastructure (Article 2). Understandably, negotiations in planning reward especially those landowners with a more powerful position, namely

those landowners who have access to a lot of such resources (Biggar and Friendly, 2022; Conte and Anselmi, 2022).

In cases like Ausserholligen, large landowners could leverage their policy resources to influence planning outcomes substantially. Their significant bargaining power allows them to stall developments until planning authorities adjust the terms and conditions to suit their interests better. The results show that such strategies helped large landowners to increase the number of housing units allowed to be built or reduce the percentage of affordable housing required within a project. On the other hand, smaller-scale landowners were shown to have a weaker negotiating position. As the cases in Articles 2, 3, and 4 show, municipalities sometimes enforce rules in LRAs that are not legally sound and would not hold up in court, disadvantaging smaller landowners, who may lack legal knowledge or resources to challenge these demands. These findings show how the equality for the law principle is pushed into the background under project-based planning.

Interestingly, the results show that planning authorities and large institutional landowners or developers cooperate to mitigate the influence of small landowners who may oppose densification projects. Articles 2, 3, and 4 show that in the Netherlands (the threat of) expropriation, pre-emptive rights, and the targeted purchase of land are used to circumvent the veto rights of such small landowners by removing them from the LRA. Article 3 showed how the public authority, based on an agreement with a private developer, used the threat of expropriation to negotiate a “voluntary” acquisition of three owner-occupied plots, which were subsequently sold to a private developer. These strategies ensure that densification objectives are met without significant delays, showcasing a deliberate effort to reduce the impact of less powerful stakeholders on project timelines and outcomes. This strategy was only identified in the Netherlands, where landowners can be expropriated for private land use with an indirect public interest (Holtslag-Broekhof, Hartmann and Spit, 2018).

A second trend identified involves the weakening of property rights. Although this concerns a more long-term strategy, often requiring legislative changes, weakening property rights (e.g., by reducing appeal possibilities) allows small landowners who oppose the implementation of a densification project to remain in the LRA because their objections cannot lead to any actual delay. Article 3 shows that in both countries, there are ongoing discussions, or even actual legislative procedures, to

limit the scope of appeal rights. An unexpected finding of this thesis is that economic actors favor reduced protections for small landowners to expedite densification objectives, a trend that has been identified in other studies, too (Hurley *et al.*, 2011; Buitelaar, Galle and Salet, 2013)

The findings thus highlight a fundamental imbalance in project-based planning, where the coalition between large landowners and public authorities prioritizes the exchange values of land (Logan and Molotch, 2007, p. XX), overshadowing the use value of land that might be of higher importance to smaller landowners. In project-based planning, the disparity in policy resources significantly influences the power dynamics among actors. Large landowners, equipped with substantial resources, not only negotiate terms more favorable to their interests but also align closely with public authorities to advance densification projects (Lambelet, 2019; Conte, 2021). This alignment often results in small landowners being perceived as barriers rather than contributors to development. As a result, project-based planning can inadvertently amplify existing power differentials, systematically favoring resource-rich stakeholders at the expense of smaller landowners. In densifying cities, where the use and value of land is intensely contested (Yung and Belsky, 2007), project-based planning tends to lead to development outcomes that disproportionately benefit the most powerful actors.



## CHAPTER 10: MAIN THEORETICAL CONTRIBUTIONS

The redevelopment of the built environment through densification represents a fundamental reorientation in planning practices due to the complex web of rights and interests in urban environments. Unlike traditional greenfield planning, densification involves navigating complex property rights situations and competing actor interests. Project-based planning allows planning authorities to navigate these competing interests and rights. This dissertation used the IRR framework and the concept of the LRA to understand how the institutional context shapes actor strategies in planning negotiations, which in turn affect densification outcomes. Building on the discussion of the empirical results in the previous chapter, the following chapter will discuss the main theoretical contribution of this work. These contributions help to conceptually explain *how* and *why* project-based planning tends to lead to outcomes that disproportionately benefit some actors while disadvantaging others.

### 10.1 ACTOR STRATEGIES: SOURCES OF NEGOTIATION POWER

To effectively and efficiently implement densification objectives, public authorities move from planning approaches based on traditional command-and-control mechanisms to more opaque and informal governance mechanisms (Jaffe and Koster, 2019). The shift towards planning beyond the land-use plan is evident in the emergence of new land policy strategies that operate beyond the statutory land-use planning system (Mäntysalo *et al.*, 2015). Academic literature has extensively discussed the shift from land use planning towards land policy to allow planning authorities to have more influence on implementing a wide range of policy objectives, including affordable housing (Debrunner and Hartmann, 2020). Land policy processes are inherently political because they involve public authorities'

deliberate selection and implementation of policy instruments. The choice of policy instruments reflects political decisions influenced by competing interests, ideologies, and values (Lascoumes and Le Galès, 2007). Moreover, land policies redistribute power among actors by granting or limiting their ability to influence land use decisions. It involves the exercise of authority, the (re)allocation of use rights to resources, and the negotiation of interests, all of which shape the distribution of power within society and impact who benefits and bears the costs of land use decisions (Gerber, Hengstermann and Viallon, 2018).

Flyvbjerg (1998) advocated understanding power distributions in urban developments before materializing in brick and mortar. It is only possible to ensure sustainable urban futures by understanding power dynamics in the urban environment. An important theoretical contribution of this thesis is analyzing which actors can push for their interests at the LRA level and how. LRAs represent localized actor configurations through which coalitions between public authorities and private actors exert influence over land use and development processes. In essence, LRAs embody the institutional arrangements and power dynamics within a given locality, including the distribution of authority, decision-making processes, and the allocation of use rights to resources. As discussed under Key finding 5, LRAs reflect the interests and preferences of dominant actors within a specific urban context, such as municipal governments, developers, and other influential entities. In this sense, LRAs are reminiscent of urban regimes, characterized by coalitions among public and private actors who collectively pursue common goals and shape urban development trajectories (Stone, 1989). By analyzing LRAs, this dissertation aimed to uncover the underlying power structures, negotiation dynamics, and governance mechanisms that shape urban policy outcomes and determine the distribution of benefits and burdens within urban densification projects.

In the theoretical framework, different types of strategies were identified that public and private actors can use to steer the outcomes of the LRA according to their interests. An important contribution of this thesis is that it unravels not only a specific set of strategies made possible because of how the IR constrains and facilitates certain behaviors but also the conditions under which different actors can use them. As the results discussed in Chapter 9 show, LRAs allow actors to bring together specific policy resources, creating the shared capacity to act. Although it is not possible to equate the availability of policy resources to certain outcomes (Gerber and Debrunner, 2022), it is possible to extrapolate what kind of strategies actors can

follow based on the policy resources they have access to. The concern of this thesis is not to define an exhaustive list of policy resources that play a role in shaping power relations between different negotiation actors but rather to use them to classify the different strategies identified in Articles 1-4.

In Localized Regulatory Arrangements (LRAs), various actors compete to push their interests, mobilizing specific policy resources to shape urban development outcomes:

- **Land** ownership plays a pivotal role in determining what actor strategies are available and, thus, in shaping the power relations within the LRA. Public entities possessing land can exert significant control over development terms and prioritize public interests like affordable housing. Conversely, private landowners wield influence in negotiations with public authorities because of their ability to stall or not implement projects if the financial viability is not guaranteed.
- Characterizing of project-based planning is that public and private actors jointly mobilize the resource **law**. Planning regulations are often elaborated in ways that benefit private actors, for example, through exemptions. Simultaneously, the flexibility to deviate from formal rules allows public entities to add extra-legal conditions to development projects.
- **Money** is another resource that determines the strategic capability of actors. The results show how the financial standing of a municipality determines how dependent they are on the implementation of densification objectives by private actors. For example, how does the municipality plan to cover public infrastructure costs?
- **Expertise** in complex legal matters, for example, private law contracts, enhance the ability to navigate complex regulations and anchor terms and conditions effectively. Conversely, adeptness at exploiting legal loopholes empowers private actors to circumvent certain planning decisions.
- **Democratic support** is needed to formalize negotiated terms and conditions in, for example, land use plans. One of the core tasks of the planning authorities is to secure support from the municipal council for the project or from the voting population in Switzerland. The municipality uses the need for this democratic support to push for additional terms and conditions.

Through strategic behavior, actors can try to gain access to policy resources to influence the outcomes of the LRA. For planning authorities, various land policy strategies can be used to access land, money (for example, for public infrastructure provision), expertise, and democratic support. Private actors can access the resource law by appealing to planning decisions. Those with enough capital can, for example, try to influence public opinion and shape policies through lobbying. Looking at the Netherlands and Switzerland also helps to understand how different institutional contexts affect the ability of actors to mobilize policy resources. In the Netherlands, public authorities can use the threat of expropriation to secure the resource land, effectively limiting the veto power of private property owners who might otherwise stall development. In Switzerland, the necessity of gaining democratic support from the voting population empowers end-user strategies significantly. This requirement also gives municipalities leverage to negotiate stricter terms and conditions during planning negotiations. Additionally, in Switzerland, the voting population can create new regulations (*law*) through initiatives and influence urban development outcomes directly.

Though not a definitive overview of the different types of strategies actors can use in densification projects, this dissertation's findings help better understand how different actors can deploy different policy resources to pursue their interests. Therefore, each LRA differs not only because of differences in institutional context but also because, in each actor constellation, actors bring different policy resources to the table, shaping their ability to act.

## **10.2 THEORIZING THE *BLACK BOX* OF PLANNING NEGOTIATIONS**

The importance of strategically mobilizing policy resources within the LRA illustrates why unpacking the *black box* of planning negotiations is essential. Because of the central role of project-based planning in implementing densification objectives, it is highly relevant to understand better how such negotiations work. Simultaneously, because planning negotiations occur outside formal governance structures and actor strategies become defining factors in shaping project outcomes, the governance of densification is highly fragmented (Özogul, 2021). Each project is characterized by unique circumstances that cannot be easily generalized, which makes it difficult to theorize planning negotiations.

The governance of densification projects shows similarities with what is usually labeled as informal: localized and untransparent decision-making, occasional non-compliance to planning regulations, and tolerance of such violations by public authorities. Informal land uses and informal governance mechanisms are a widespread urban phenomenon. However, the regional focus of research on informality has generally been on Sub-Saharan Africa, Latin America, and South Asia (De Soto, 2001). Studies have focused on how informal regimes regulate access to resources such as housing, land, and labor otherwise inaccessible to a large share of the urban population, thus allowing people to negotiate their right to the city (Nkurunziza, 2007; Nunbogu, 2014; Bouwmeester and Hartmann, 2021). Informality in urban development in the Global North is an understudied phenomenon, and those studies that address it often focus on non-compliance or illegality (Alterman and Calor, 2020), thus treating informality as solely a strategic response to formal, top-down governance. However, scholars have argued for improving the understanding of the continuum between formal and informal institutions (Roy, 2005; van Assche, Beunen, and Duineveld, 2014; Koster and Nuijten, 2016).

To fill this gap, there have been efforts to understand what land uses are considered acceptable versus not acceptable or legal and not legal, which is constantly being renegotiated in urban development (Herrle and Fokdal, 2011). An important theoretical contribution of this thesis lies in this direction. Using the framework of the IRR and LRA allows for a better understanding of how new formal and informal arrangements emerge from the institutional regime. At the level of the LRA, actors come together in different coalitions to create consensus about how to implement densification objectives. The need for such coalitions arises from fragmented policy resources between public and private actors necessary to implement specific policy objectives, such as, for example, land ownership, the ability to make and implement land use plans, and the need for democratic support (Lambelet, 2019). The results show that in negotiated planning, actors constantly reinterpret legal norms to negotiate their access to resources at the project level. These negotiation processes often involve the creation of "rules-in-use" at the perimeter of the resource (Ostrom, 2005), where both public and private actors can decide to innovate, revise, or not implement formal laws and regulations (Gerber, Lieberherr and Knoepfel, 2020). Such informal, local arrangements surround and complement institutional regimes, which provide actors with the shared capacity to act.

In addition to informality as a mode of governance, this thesis identified informality as a strategy of private and public actors, such as non-compliance and non-enforcement. Under project-based planning, public actors forfeit the enforcement of legal rules as it allows them to respond more flexibly to complex urban problems and navigate between conflicting policy objectives. Thus, instead of understanding informality as something occurring in the absence of the state, public authorities themselves use informality to create room to maneuver. This is partly rooted in incoherent policy objectives within and between government political and administrative bodies (Haid and Hilbrandt, 2019; Hilbrandt, 2021). For example, meeting an affordable housing quota may be an important objective for the civil servants working on housing policy, while project managers' primary purpose is negotiating a deal. However, it is also a strategy for the public exercise of power. Informal practices can be formalized in a variety of planning instruments, including private law contracts or renegotiated land use plans, or can even become part of the institutional regime when public authorities systematically only selectively enforce legal norms (Huisman, 2019; Bouwmeester *et al.*, 2023). This phenomenon of public actors using a system of discretionary enforcement was also described as “disregulation” by Goldstein (2016, p. 7). As planning negotiations become increasingly driven by efficiency and flexibility, there is an increased tolerance for non-compliance with regulatory frameworks.

Using the LRA as a framework of analysis shows us that informal practices and arrangements do not only take place outside of formal procedures but also form an inseparable part of it. Such ad hoc governance processes occur outside formal democratic rules and codes regulating accountability, legitimacy, and the inclusion and exclusion of specific stakeholders (Swyngedouw, 2005). This thesis shows that the lack of formal procedures characteristic of more bureaucratic planning processes can result in a diminished equality of treatment among stakeholders and a lack of accountability to end-users. Cost-benefit considerations can take precedence over broader concerns of the general interest, potentially eroding the rule of law and perpetuating a negotiated balance of power that prioritizes the interests of the most powerful actors, for example, planners and developers with access to plenty of policy resources, over broader community concerns. Thus, while pursuing efficiency and flexibility in planning processes may offer benefits in responsiveness to dynamic urban challenges, it also poses significant challenges in maintaining public

accountability, equality of treatment, and social sustainability in the planning process.

## CHAPTER 11: CONCLUSION

In this thesis, it was shown that densification involves many stakeholders with competing interests. The limited ability of planning authorities to interfere in private property rights means that landowners often hold veto rights, complicating the implementation of densification objectives. Renegotiating the terms and conditions of densification at the project level offers a solution to the difficulty of implementing densification, as it allows planning authorities to create coherence between public policies and property rights. However, questions arise about how this affects planning outcomes. For example, critics have argued that such negotiations may prioritize individual interests over broader planning goals, potentially exacerbating issues of speculative urbanism and the commodification of land and housing (Raco, Livingstone and Durrant, 2019; Shih and Shieh, 2020). As a contested resource, it is important to understand how the goods and services provided by housing are negotiated in densification projects.

This thesis has delved into the role of planning negotiations in realizing densification objectives. It used the IRR framework to analyze the causal relationships between housing outcomes, the institutional framework, and actor strategies. Through an analysis of various actor strategies and their impacts on decision-making processes, several conclusions can be drawn, shedding light on the complexities of urban governance. This concluding chapter returns to this dissertation's main question, namely, **how planning negotiations affect the local housing governance in densification projects**. Three impacts of planning negotiations on the governance of housing in densification projects are identified:

### I. **Planning beyond formal frameworks**

Project-based planning allows planning authorities and landowners to negotiate the terms and conditions of densification projects. Planning negotiations occur beyond formal frameworks and are shaped by informal local arrangements until formalized



in different structures, such as a private law contract or renegotiated land use plan. This thesis has shown how, as expected, landowner strategies play an important role in shaping the outcomes of densification projects in project-based planning. The research identified that in the translation process from informal arrangements to formalized agreements, landowner strategies often lead to a significant gap between the formulation and implementation of housing policy, particularly evident in highly managerial planning systems. Landowners leverage their veto power and strategic positioning to shape planning outcomes to their favor, often delaying or diverting developments to capitalize on favorable market conditions or less stringent regulatory environments. As is shown by this thesis, in such informal modes of government, there is especially a risk that affordable housing objectives are watered down.

## **II. Growth coalitions in project-based planning**

Land policy plays an important role in securing affordability in anticipation of such landowner strategies. Municipalities possess various policy tools, such as binding targets, to secure affordable housing. However, the effectiveness of such efforts is not guaranteed. In project-based planning, there is a tendency to the formation of coalitions between large landowners and public authorities, who develop a similar understanding of the need for “development viability”. In part, this is because of a dependence on private actors. However, even when municipalities hold a strong position in Localized Regulatory Arrangements (LRAs), social objectives may be sidelined during planning negotiations. The findings underscore the formation of growth coalitions, reminiscent of those described by Logan and Molotch (2007), prioritizing the economic benefits of land development—its exchange value—over its use value. This tendency to prioritize development agendas that benefit landowners can sideline local community interests, perpetuating inequalities in urban development processes. The strategic use of land policy instruments observed in the dissertation, such as public land ownership and expropriation, illustrate how land policy can be wielded to promote and constrain equitable development.

## **III. The paradox of property in planning negotiations**

Project-based planning leads to a new balance of power between private landowners and planning authorities. However, the findings show that this does not affect different types of private landowners equally. A negotiated approach to planning can sideline smaller landowners (and local community interests), revealing a pattern

where project-based leads to densification outcomes that concentrate its benefits among the most powerful actors. This dissertation shows how densification coalitions leverage land policy tools such as public land ownership and strategic expropriation to advance densification objectives. Surprisingly, in this coalition, even economic actors favor weaker protection of small veto players to ensure the implementation of densification objectives. The paradox of property in planning negotiations is that while strengthening the position of some landowners, it weakens those of others.

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Echoing Hans Bernoulli's insights from 1946, which highlight the entanglement of city planning with the distribution of private property rights, this thesis underscores the tensions present in implementing densification objectives. Project-based planning brings a solution to the difficulty of implementing densification in a complex web of property rights. However, this thesis's findings illustrate that such planning approaches are at risk of perpetuating the "growth machine" — a model where public interests are continuously renegotiated to serve the profit motives of powerful private landowners. This presents a dilemma for urban planning, as it suggests a choice between poorly implemented densification (that means socially unsustainable) or not achieving densification at all. Given the importance of densification in addressing land scarcity and limiting urban sprawl, the challenge lies in reconfiguring land policy to prioritize long-term, sustainable urban development.

The question is, then, how can land policy for densification escape the reliance on short-term profit-making and instead prioritize the long-term sustainability of urban developments? Insights from a comparative study of the Netherlands and Switzerland reveal that maintaining democratic checks and balances, often diluted in project-based planning, is crucial for ensuring sustainable outcomes. This erosion of safeguards can depoliticize land use decisions, weaken democratic control, and reduce public accountability in development processes.

## CHAPTER 12: LIMITATIONS OF THE RESEARCH AND IMPLICATIONS FOR FUTURE RESEARCH

This dissertation has methodological, analytical, and theoretical limitations that should be discussed to reflect on the results critically. The following chapter will reflect on these shortcomings and subsequently introduce future avenues for research.

From a *methodological perspective*, one of the primary limitations of this research is the narrow focus on case studies from the Netherlands and Switzerland. The case studies for Articles 1-4 provide in-depth insights into how the institutional regime and actor strategies shape negotiation outcomes. Based on the strategic selection of these cases (Chapter 3) and the deductively developed hypotheses (Chapter 2), it can be concluded that the results, especially the identified causal mechanisms, are relevant beyond just the analyzed cases. The cases studied provided valuable insights into the dynamics of Localized Regulatory Arrangements (LRAs). However, as the results are limited to two institutional contexts, findings should be cautiously generalized.

Future research should aim to expand the scope of case studies to encompass a broader range of institutional contexts, including diverse regulatory frameworks. By examining LRAs in various socio-political contexts, researchers can understand more about the factors that determine how land policy can be used for (socially) sustainable housing outcomes. Furthermore, future studies should aim to incorporate a more diverse range of LRAs at different stages of the urban redevelopment process. A longitudinal analysis, tracing the evolution of LRAs from initial planning stages to post-construction phases, can help researchers identify patterns of change. A structured overview of different LRAs at various stages of the planning process would also enhance understanding of how LRAs can contribute to

the long-term sustainable governance of neighborhoods beyond the construction phase.

From an *analytical* point of view, a limitation of the IRR is its lack of focus on the political economy dimensions that lie behind the use of specific strategies taken by private property owners. Specifically, increasingly complex ownership structures shape urban land and housing markets, as is shown by the rising importance of Real Estate Investment Trusts (REITs) and institutional investors (Theurillat, R  rat and Crevoisier, 2015; Wijburg, Aalbers and Heeg, 2018; Nethercote, 2020). These entities often do not negotiate with planning authorities directly. Instead, developers increasingly function as an intermediary between institutional investors and municipal authorities (Theurillat, Vera-B  chel and Crevoisier, 2016). As a result, institutional separation exists between actors involved in local planning processes (developers) and those who determine economic objectives (e.g., shareholders) (Aalbers, 2016). In-depth case studies exposing the mechanisms of such changing property structures in planning negotiations and their subsequent effects on housing affordability remain scarce. Future research should seek to enhance the understanding of how increasingly fragmented property rights impact private actors' strategies and public authorities' land policy strategies.

Lastly, another *theoretical limitation* of this research is that the framework did not address discursive power dynamics in the LRA. Other studies have pointed out the importance of broader discourses in shaping the politics of densification (Charmes and Keil, 2015; Kj  r  s, 2024). An interesting future research avenue would explore how actors influence LRAs through discursive practices, rhetoric, and framing strategies. The empirical results of this dissertation have already hinted at the power of discourses in shaping LRA outcomes. By analyzing discursive power dynamics at the LRA level, researchers can uncover how underlying narratives, ideologies, and symbolic representations shape the outcomes of planning negotiations at the project level and are subsequently translated to broader discourses. Understanding the role of discursive power in shaping LRAs can provide valuable insights into the construction of ideas about legitimacy, the relationship between state and market, and the value of property in urban governance contexts.

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## **PART D: ANNEX**

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# CHAPTER 13: FOR WHOM DO WE DENSIFY? EXPLAINING INCOME VARIATION ACROSS DENSIFICATION PROJECTS IN THE REGION OF UTRECHT, THE NETHERLANDS

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While governments worldwide rely upon compact city policies to reduce land consumption from urban growth, recent studies have addressed the potential trade-off between densification and housing affordability. Concerns have been voiced that densification leads to a one-sided housing supply, structurally excluding low-income households. However, few studies address household income variation across densification projects, leaving us with a limited understanding of the circumstances under which exclusion occurs.

To this end, we explore household incomes in densification projects between 2012 and 2020 in the Province of Utrecht, the Netherlands, where urban development is traditionally strongly regulated through active land policy. At the same time, current shifts towards a more deregulated housing market make for an interesting case. Exceptional access to household-level and building data allows us to identify densification projects and assign them a median household income each. We investigate the influence of location and transformation process on household incomes through regression analysis and conduct qualitative case studies of projects whose median income was highly mispredicted by the regression model. This allows us to integrate non-quantified factors such as land ownership and public policy interventions in explaining such interesting cases.

For the Province of Utrecht, our study confirms that while households in densification projects earn significantly more than their neighbours, the range of incomes in densification projects is large. Project characteristics such as centrality, neighbourhood status and transformation process explain only a small share of this

variance. For cases where median incomes are much lower than predicted by the model, public land ownership, in combination with inclusionary zoning, is essential in ensuring housing affordability. Our approach highlights the necessity of supplementing densification policies with measures that secure affordable housing.

### **13.1 INTRODUCTION**

Urban densification is considered key to combat land take and urban sprawl. Therefore, governments globally have imposed restrictions on land supply for construction, concentrating urban development within existing built-up areas. While densification, or infill development, is generally regarded as a viable approach to sustainable urban development, concerns centre around its connection to social sustainability, especially housing affordability (Teller, 2021). Although earlier studies acknowledge the potential benefits of densification, such as intensified interactions and improved access to public transport and job offers (Burton, 2000; Ahlfeldt and Pietrostefani, 2017), researchers stress the risk of densification creating a housing offer that deliberately excludes low-income households (Rérat *et al.*, 2010; Debrunner, Hengstermann and Gerber, 2020).

The perceived risk of exclusion is strongly associated with gentrification as densification projects take place in existing neighbourhoods. Considerable studies have shown how former working-class neighbourhoods have been redeveloped into upscale areas, diminishing housing affordability in densifying neighbourhoods (Moos *et al.*, 2018; Cavicchia, 2021). Such exclusionary effects have been found regarding income, education level, migration background and age (Moos, 2016; Cavicchia and Cucca, 2020; Nachmany and Hananel, 2023). The fact that densification seemingly caters to young, highly educated, and small households appears to do little to stop young families or older people from moving or remaining in peripheral, low-density detached housing (Steinacker, 2003; Bromley, Tallon and Thomas, 2005; Moos, 2016).

While these insights have raised awareness of potentially negative social trade-offs of densification, the factors influencing the relationship between density and affordability appear largely unexplored. For instance, the age of the housing stock, city size and polycentricity can impact the effect of density increases on income segregation (Pendall and Carruthers, 2003; Garcia-López and Moreno-Monroy, 2018). Effects differ between brownfield redevelopments, the direct replacement of social



housing blocks, or housing subdivisions (Troy, Easthope and Crommelin, 2017; Bibby, Henneberry and Halleux, 2020). Additionally, there are differences between local governments regarding the degree to which they combine densification with the goal of attracting higher-income households (Quastel, Moos and Lynch, 2012). Such land policy factors should receive greater attention when considering the conditions for achieving urban densification while maintaining an inclusive housing supply (Cavicchia, 2021). Therefore, approaches that combine empirical insights on spatial processes and land policy interventions (Jehling and Hecht, 2021) are highly promising to describe and explain the social effects of densification.

Against this backdrop, this paper aims to develop and test a novel approach to explain the variation of household incomes across densification projects, asking: *What is the distribution of household incomes across densification projects at the city-region level? How do project location, transformation type, land ownership, and planning interventions affect household incomes?* We argue that household income constitutes a promising indicator to operationalise our interest in studying the social effects of densification, as it allows us to analyse housing offers across renting and property markets and focuses on those who live there. Access to exceptionally detailed Dutch income, building and land use data allows us to assign median household incomes to densification projects between 2012 and 2020.

Following a neo-institutional approach, we understand densification outcomes as resulting from the interplay between institutions and actors' strategies. Therefore, we perform a regression analysis tracing the effect of transformation type and location on household income. Then, following a multi-method approach (Seawright, 2016), we qualitatively examine interesting cases – namely projects where the model vastly mispredicted household incomes. This allows us to include further causes, such as landowner strategies or public policy interventions (Jehling, Schorcht and Hartmann, 2020).

The spatial level of the province offers a city-regional perspective with sufficient projects for statistical analysis. It is simultaneously small enough for in-depth qualitative analysis in a comparatively homogeneous regional housing market. The Netherlands offers an interesting planning context to study densification. The efficient use of scarce land has been a central tenet of Dutch land use planning in various national spatial planning policy documents. It was further solidified with the introduction of the Ladder of Sustainable Urbanisation in 2012, prioritising

developments within existing urban areas. In addition, against a backdrop of housing market deregulation and the shift away from municipal land ownership, the Netherlands provides an intriguing case for international observers, particularly in exploring the relationship between public land ownership and housing affordability in densification projects (Claassens, Koomen and Rouwendal, 2020; Musterd and Ostendorf, 2021). The remaining sections of the manuscript encompass the theoretical framework, methodology, results, a discussion of the findings and concluding remarks.

## **13.2 EXPLAINING HOUSING OFFERS THROUGH PROPERTY RIGHTS AND PUBLIC POLICIES**

Following a neo-institutionalist approach, we understand housing offers through densification as an outcome regulated by property rights and public policies. These two sets of rules determine how actors can gain access, use, or exploit resources such as land or housing. They, therefore, enhance or restrict actors' use interests (Gerber, Hengstermann and Viallon, 2018). Public policies, in particular, planning and housing policies in the context of this research, aim to regulate the behaviour of landowners to solve issues in the distribution of housing (Knoepfel *et al.*, 2007). On the other hand, property rights aim to protect the individuals' interests from interference from the state. The two sources of formal rules and the appropriation strategies of actors thus shape the housing outcomes in densification projects.

### **Property rights: market forces influencing housing offer**

Property rights enable actors to follow a market logic. Independently from public policy intervention, we expect the housing offer to reflect factors such as location, construction costs and developer strategies. Locational factors of a densification project encompass neighbourhood status, centrality, and property prices. Since densification has been observed to occur predominantly in areas of high demand (where financial viability is given), it is also considered less affordable than other housing (Steinacker, 2003). As a form of risk management, developers mostly build similar to what already exists in the neighbourhood – except for gentrifying neighbourhoods where a large rent gap opens up possibilities to attract higher socio-economic groups (Kim, 2016).

In addition, construction costs vary between different kinds of densification projects. As an extreme example, subdividing a house into two or more apartments is less costly than transforming a brownfield. As brownfields may be contaminated, redevelopment can be expensive, time-consuming and risky (De Sousa, 2000). Thus, more low-income residents are expected to live in subdivisions than in brownfield redevelopments. Different groups of developers with different business strategies perform different kinds of densification projects. Some developers, expecting a direct return, build owner-occupied units that they can sell immediately (Rérat *et al.*, 2010). As households in owner-occupied units are generally much wealthier than renters, this might lead to a higher average income in such projects (Arundel and Hochstenbach, 2020). Other investors, such as pension funds, are interested in long-term returns and incentivise the development of rental housing, also for the upper to middle class (Rérat *et al.*, 2010), while individual, private landowners concentrate on subdividing and renting out smaller apartments (Bouwmeester *et al.*, 2023). Thus, different types of developers may make the provision of certain housing offers more likely than others.

### **Public policies: the impact of planning interventions**

Public authorities can intervene in private developers' property rights through public policies. Public policies can be defined as decisions by public authorities to resolve a politically defined collective problem (Knoepfel *et al.*, 2007). Thus, policy objectives constantly change as the understanding of collective problems evolve and political majorities shift. For example, through affordable housing policies, public authorities can try to steer developers to provide housing for low-income residents through the municipal building code, the provision of subsidies or negotiated land use plans (Debrunner and Hartmann, 2020). Contrarily, city authorities can implement policies to attract wealthier residents and increase social mixing (usually at the cost of lower-income households) (Uitermark, Duyvendak and Kleinhans, 2007; Lees, 2008). However, the effectiveness of public policies can be questioned. Debrunner and Hartmann (2020) find that even though planning instruments exist that could force investors to provide affordable housing, municipalities often do not apply these instruments. One major obstacle is that many planning instruments are relatively weak in front of well-protected property rights. Landowners are especially powerful in the context of densification projects. As land is scarce, public authorities depend on landowners to implement policies.

This section discussed variables that can explain differences in housing offer (and ultimately resident structure) between densification projects. In the following section, after explaining how we detect densification projects, we will present how the variables discussed above will be used in the further analysis of income variation across densification projects.

### **13.3 METHODS AND DATA**

#### **Identifying and describing densification projects on the province and neighbourhood level**

We use information on former land use ( $t_0$ ) and construction year to select housing units, i.e., apartments in multi-family housing and buildings in case of single-family housing, that were newly created at  $t_1$ . If the former land use was urban (i.e., no natural or agricultural land use), the housing unit is labelled as densification, otherwise as expansion. We further distinguish between the transformation processes “transformation of urban green spaces”, “transformation of brown- and greyfields”, “densification in residential areas”, “densification that included the demolishing of existing housing units (redevelopment)” and “soft densification” (Götze and Jehling, 2022). Contrary to “densification in residential areas”, which requires the construction of a new building, “soft densification” only covers housing units that were created within existing buildings, e.g., through the subdivision of apartments or transformation of offices, shops or attics (Bibby, Henneberry and Halleux, 2020).

Each housing unit is assigned information on its residents, including age, household size, personal living space, education, and household income. New housing units in spatial proximity are grouped into densification projects. We then analyse the distribution of socio-economic groups of the project compared to (1) all existing residents in the province and (2) existing residents in the respective neighbourhood.

#### **Explaining the distribution of household incomes in densification**

We employ multiple regression analysis to measure the effects of location and transformation type on household income distribution. This analysis is supplemented with qualitative case studies to examine the influence of land ownership and municipal intervention on median income.

***Choice of the dependent variable and aggregation to projects.*** We take the median standardised household income in densification projects as an indicator for the dependent variable. Such standardised household incomes correspond to disposable incomes adjusted for differences in household size and composition (Statistics Netherlands, 2018). Compared to housing prices, incomes represent directly who lives in a housing unit and covers both tenants and owners. This approach also considers that households in central locations may have the capacity to allocate more funds towards rent due to reduced reliance on car ownership for commuting (Aurand, 2010; Xiao, Orford and Webster, 2016). Since it is our aim to cover all socio-economic groups living in densification projects, we also keep students and retirees in the dataset. This allows us to find potentially constructed student dorms or retirement homes. Robustness checks indicate that students and retirees negligibly affect the significance and coefficients of the regression model (supplementary materials Figures S01 and S02). While the approach is well-suited for the aim of this article, it must be stressed that household income does not directly reflect affordability, as it ignores the share of income required for housing.

Densification projects are formed by aggregating ten or more households. This has several advantages. First, income variance within projects is often high, and reducing the information to a single median value per project reduces this noise. Second, we aggregate into projects to reduce spatial autocorrelation because the similarity of incomes among households in the same building can violate the assumption of independence in regression analysis. This can potentially distort the relationships measured in the model. A disadvantage of this decision is that developments with less than ten households (often soft densification) fall out of the regression analysis. To cover their importance in densification (Bibby, Henneberry and Halleux, 2020), they are still considered when measuring the distribution of standardised household incomes across development types.

To group housing units into densification projects, we use a density-based clustering algorithm (DBSCAN). This algorithm clusters data points based on a maximum point-to-point distance (Eps) and a minimum number of points that can form a cluster (MinPts) (Ester *et al.*, 1996). We use a maximum point-to-point distance of 35m with a minimum number of ten units per cluster (Figure 01).

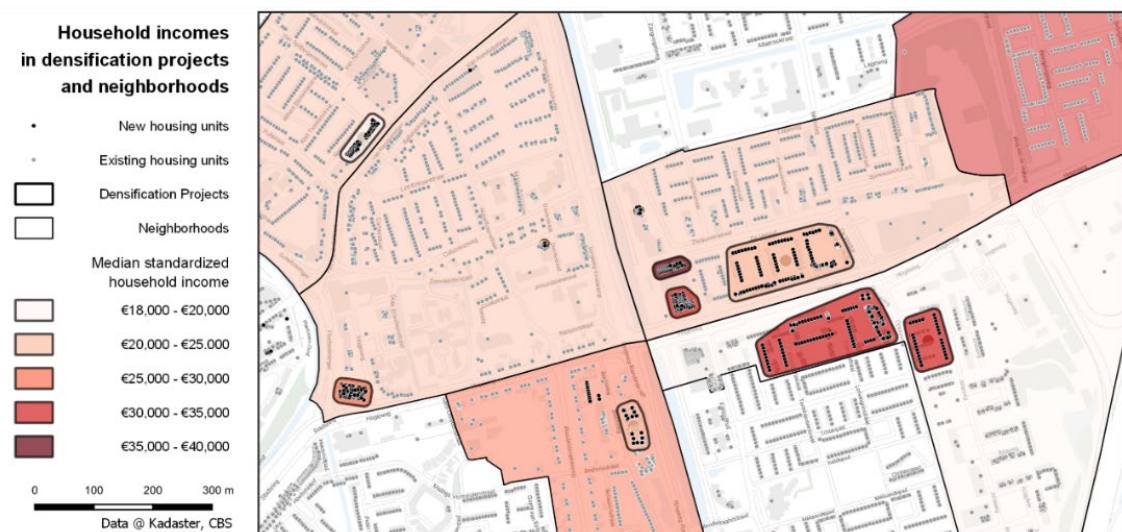


Figure 01 Median standardised household incomes in densification projects and neighbourhoods, 2019

**Multiple linear regression analysis based on actors' interests and policies.** Multiple linear regression analysis estimates the effect of demand and construction costs on standardised household incomes. We use the following predictors: transformation process, centrality in 2011, neighbourhood income 2011 and neighbourhood income change 2011-2019. The centrality is measured as address density within a circle of 1 km<sup>2</sup> around each address in a neighbourhood (Van Leeuwen and Venema, 2021). Neighbourhoods are defined following the delineation of Statistics Netherlands. Neighbourhood income 2011 and income change 2011-2019 represent their status and dynamics, indicating attractiveness for developers. The indicators are based on the median standardised household income per neighbourhood in 2011. Neighbourhood income changes, then, depict the difference between a neighbourhood's median standardised income in 2019 and 2011, corrected for inflation. Residents in newly constructed addresses are filtered out of the calculation to avoid simultaneity bias (i.e., newcomers lifting average neighbourhood income). For the same reason, the variables "centrality" and "neighbourhood income" reflect measurements from 2011, before densification happened.

**Qualitative case study analysis.** We select projects where predicted income differs most from real income, i.e. residuals exceeding +/- €10,000 (following Garcia-Lamarca *et al.*, 2021). Analysing such deviant cases is valuable for hypothesis building since it allows for identifying further causal relations that explain densification

outcomes (Lieberman, 2005; Seawright, 2016). To analyse these cases, we collected and analysed legally binding documents, such as land use plans, visions, and official municipal decisions, as well as non-binding documents, such as meeting minutes of municipal councils, newspaper articles and strategic documents.

### **Data sources and data access**

Housing units with construction year and surface area are retrieved as point data from the Dutch cadastre. Statistics Netherlands provides publicly accessible vector data on land use and neighbourhood aggregated data on address density (i.e., centrality). Access to non-public household-level microdata on income, age, household size and education was granted by Statistics Netherlands. To calculate neighbourhood income, we aggregate income data to pre-defined neighbourhoods.

Out of 57.633 housing units that were newly registered in the cadastre between 2012 and 2020, 38.376 are identified as densification (the remaining units as expansion). We aggregated these 38.376 housing units into 436 densification projects that were then used in the regression analysis. Of the 38.376 housing units, 5.437 are not part of densification projects and were thus excluded from the regression. In the supplementary materials, you can find summary statistics (Table S01) and a correlation matrix (Figure S03) for the variables that enter regression analysis.

## **13.4 RESULTS**

### **Distribution of standardised household incomes**

With €30,800, the median standardised household income in densification projects (excluding soft densification) is slightly higher than the Province median of €30,700 and considerably lower than in expansion areas (€35,700) (Figure 02). Compared to existing households in the same neighbourhood, the newcomers' incomes lie on average €3,700 above the neighbourhood median.

The transformation types of soft densification and redevelopments in residential areas show the lowest incomes. In contrast, the transformation of urban green shows the highest incomes, comparable to those observed in expansion areas. Consequently, if we include soft densification, incomes in densification projects move below the province median but are still, on average, €2,000 higher than the neighbourhood median.

Only in the case of soft densification projects and residential redevelopments do newcomers earn less or almost the same as the existing residents in the neighbourhood. At the same time, projects in these categories that together make up 40% of all densification projects in the analysis, occur on average in neighbourhoods with low median incomes of respectively €22,400 (redevelopment) and €21,800 (soft densification) (Table S02 in Supplementary Materials).

Households in green space transformations resemble those in expansion areas regarding household size and share of children. In contrast, households in other forms of densification projects are comparatively smaller than the province's mean. Households in green space transformations even enjoy, on average, 5 m<sup>2</sup> more living space than those in expansion areas and 8 m<sup>2</sup> more than households in brownfield transformations (Table S03 in Supplementary Materials).

The highest share of main earners with tertiary education is reached in brownfield redevelopments. Also, residents in soft densification projects have, to a large degree, a completed tertiary education, distinguishing them from residents in residential redevelopment projects (i.e. demolish-rebuild) with whom they share low-income levels. In addition, soft densification projects show a remarkably large share of residents between 15 and 24 years of age, approximately five times higher than the provincial average.

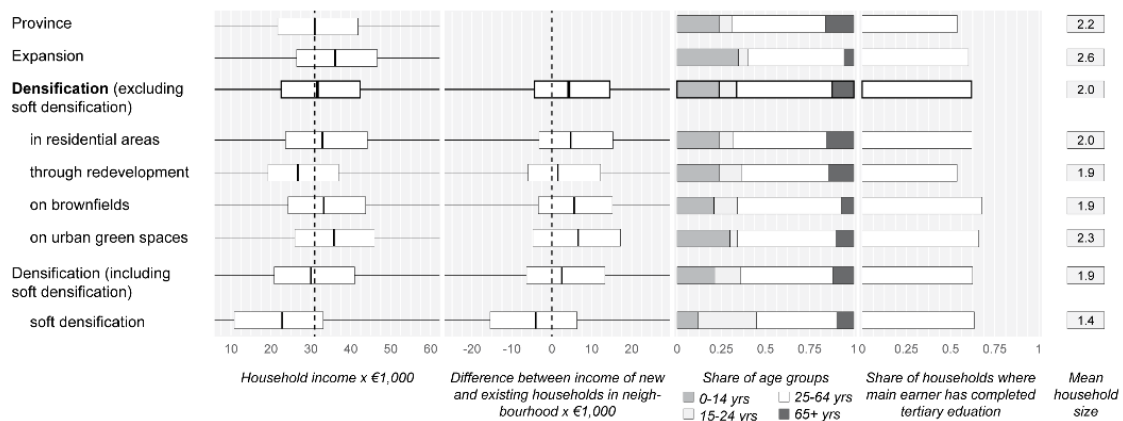


Figure O2 Socio-economic characteristics of residents at t<sub>1</sub> grouped by transformation process.



## Median standardised household income in densification projects of 10 or more households – explained by regression analysis

The median income in densification projects is significantly and positively related to centrality (i.e., address density) and neighbourhood incomes (Table 7). Of the densification processes, residential redevelopments and soft densification show a significant negative, and transformations on urban green spaces and brownfields show a significant positive difference to the null hypothesis of densification in residential areas. The adjusted Pearson correlation of the model is low at  $R^2 = 0.21$ . However, the residuals are normally distributed and show a low Moran's I value for spatial correlation (Figures S04 and S05 in Supplementary Materials).

Table O1 Regression coefficients, standardised household income in infill projects

Dependent variable	Median Standardised Household Income 2019
<i>Transformation process variables</i>	
Redevelopment in residential areas	-2,544***
Soft densification	-6,523***
Transformation of brownfields	2,444**
Transformation of urban green spaces	2,716*
<i>Neighbourhood variables</i>	
Centrality 2011	1.04***
Median Neighbourhood Income 2011	0.68***
Change in median neighbourhood income 2011-2019	0.39**
Intercept	13,160***
$R^2$	0.22
Adjusted $R^2$	0.21

Notes: \*\*\*Significant at 1 per cent; \*\*Significant at 5 per cent; \*Significant at 10 per cent

Concentrating on the residuals, we further examine the relationship between densification projects' income and neighbourhood attributes. We focus first on projects with household incomes that we consider rightly predicted by the model (residuals of +/- €5,000) and later explain projects where incomes have been greatly mispredicted by the model (residuals of +/- €10,000). For a fifth of all projects, the regression model over- or underestimated median household incomes by over €10,000 (Figure O3).

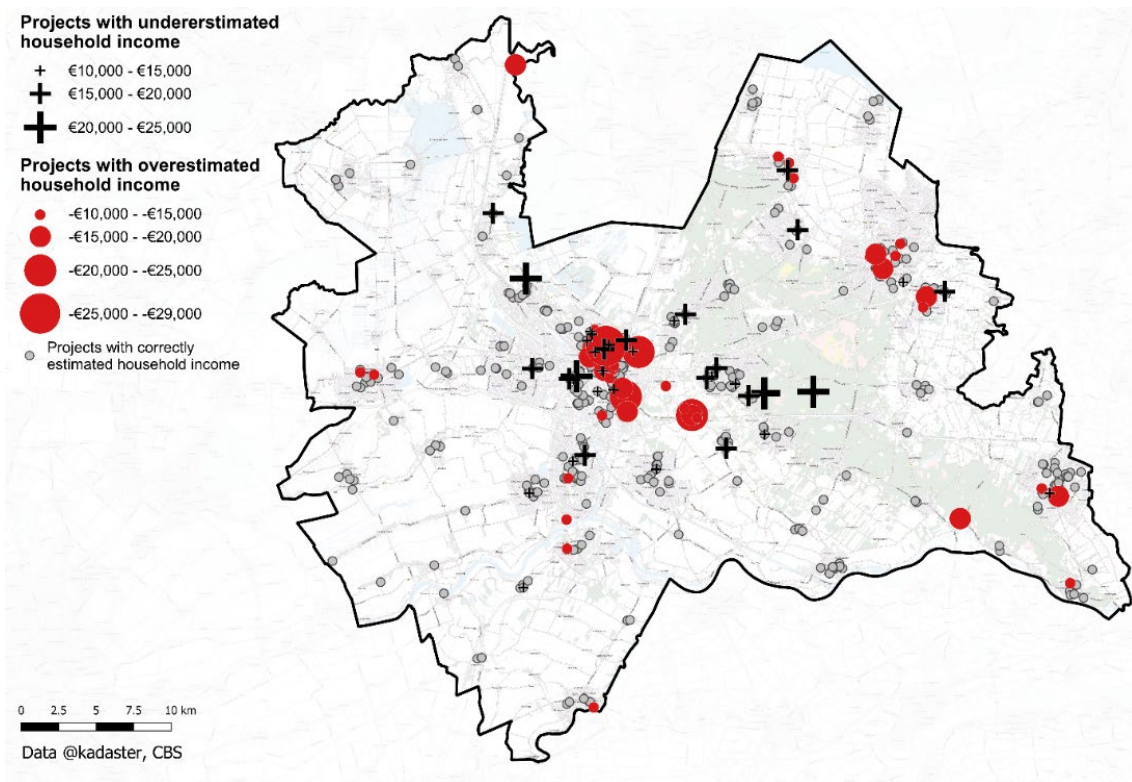


Figure 03 Under- and overestimated densification projects and rightly predicted projects.

### Projects with correctly predicted household income

We start by investigating what characterises projects with a rightly predicted median standardised household income in the lowest quartile (<€23,000). All of the 14 projects were instances of "densification that included the demolishing of existing housing units (redevelopment)" or "soft densification". Five are located in most central areas (top quartile), but none are in the highest income neighbourhoods (top quartile). Still, in 9 projects, newcomers earn less than their neighbours. There are also examples of low-income households moving to strongly gentrifying neighbourhoods, but only through soft densification. The group of rightly predicted projects with the highest median incomes (top quartile, >€36,000) is made up almost entirely of brownfield and urban green space redevelopments and infill in residential areas. Only one project, situated in a top-income-quartile neighbourhood, was created through redevelopment. Many high-income projects are in the most peripheral regions (lowest quartile). Only one project was constructed in a bottom-income-quartile neighbourhood, and four were built in neighbourhoods with a

below-median income in 2011 (<€23,000). One of them, a transformation of sports fields in the city of Utrecht, produced rowhouses with a median income of €37,000.

### **Projects with a mispredicted household income – Case studies**

To understand why the median incomes of certain projects have been mispredicted, we need to understand the policy context in which densification occurs in the Netherlands. Dutch planning authorities have traditionally had a strong influence on spatial developments and the housing market. Land uses have been tightly coordinated through the national government and the use of active land policy. After WWII, housing associations (not-for-profit actors) played an important role in rebuilding efforts. As a result, social housing was widely available for people of every socio-economic status (Buitelaar, 2010). Housing associations still hold a sizeable percentage of ownership in early post-war neighbourhoods (Priemus, 2006). However, new housing policies implemented after the crisis have led to a declining share of stock from 40% in 1990 to about 29% in 2022 (CBS, 2023). In addition, regulatory changes have limited housing associations' ability to acquire land as they can only hold it for five years, and extra taxes on social rent income have created financial pressure (Van Gent and Hochstenbach, 2019).

These changing policies are part of a general shift in ideas about the state's role in urban development and housing construction. On a municipal level, this is most obviously characterised by the shift away from active land policy after the global financial crisis when municipalities made big losses on land development. Instead, local planning authorities take a more facilitating role and are expected to provide room for initiatives from the private sector (van Oosten, Witte and Hartmann, 2018). For most redevelopment projects, local planning authorities now renegotiate part of the relevant land use plan with the developer, making it more challenging to enforce inclusionary zoning. Still, municipalities have some instruments available to steer housing construction. In the region of Utrecht, some municipalities have included a rule in the land use plan that stipulates that a certain percentage (often 30%) of new construction needs to be social housing.

***Projects with overestimated household income.*** Many of the projects with overestimated incomes are characterised by the fact that they were realised on (once) publicly owned land. A good example is a large redevelopment project in the east of Utrecht city called Veemarkt (Figure 04). Through public tenders, the municipality could implement objectives and ambitions such as sustainability. Another objective

was to provide 40% social rent or affordable owner-occupied housing (Municipality of Utrecht, 2013). Since the municipality of Utrecht had made agreements on fixed land prices for plots on which social rent would be developed, these plots did not have to be given out through a tender but were negotiated among different housing associations in Utrecht (Municipality of Utrecht, 2011a).

Another project with a high overestimation – assisted living apartments for people with a disability – is located in a smaller town called Veenendaal and concerns the redevelopment of a plot in the industrial park Het Ambacht. The industrial park is one of the municipality's main redevelopment areas. In this project, land ownership was in the hands of a private developer and a housing association, who purchased the land because of the planned redevelopment of the industrial park. The two parties worked together to realise a residential care complex (Patrimonium Woonservice, 2016). In response to the initiative of the two parties, the municipality implemented a new land use plan in 2013, allowing for a change in function (Municipality of Veenendaal, 2013). In this case, incomes in the project are lower than expected because of the land ownership by a non-profit housing association.

Other projects with overestimated incomes can neither be explained through public land ownership, ownership by a non-profit private actor or through qualitative targets in public policies. An example is the Molenweg project in the small town of Bunnik. This neighbourhood is dominated by owner-occupied housing, but a former industrial site was transformed into rental apartments. As stipulated by the housing vision, the municipality has a housing shortage in the higher-intermediate segment (€1,000-€1,200/month) for the elderly who want to move to more age-appropriate housing (Municipality of Bunnik, 2018). While initially, the project developer did research the possibility of realising single-family housing in this location, the project developer and the local planning authority agreed that 24 rental apartments would be constructed in the higher-intermediate segment in 2019. This option was “more attractive because of the public housing task and market demand” (Van Wanrooij Projectontwikkeling, 2019, p. 1). The case shows that municipalities can sometimes negotiate the construction of comparatively affordable apartments with the developer.

***Projects with underestimated household income.*** The project with the greatest underestimation of income achieved a median standardised household income of €69,000 (€24,000 above the modelled value). Residents thus belong to the 3%

highest incomes in the Netherlands. The spacious single-family units mimic the style of the popular surrounding 1930s neighbourhood *Oog in Al*, 1.5 km from Utrecht central station. Marketed as “royal mansions” (*Herenhuizen Meyster’s Buiten*, 2011), the concerned row of houses is part of the larger transformation project *Meyster’s Buiten*. In our analysis, however, the project was cut in two, separating the mansions from the denser, publicly owned, mixed-use development to the east (median income: €45,000). *Meyster’s Buiten* is a collaboration between the municipality of Utrecht and two private developers. In 2011, after a fire destroyed most of the factory buildings and during the onset of the financial crisis, the three parties had to adapt the original development plan to increase profitability (Wong, 2015). In this context, planned apartment buildings were replaced by single-family units (Municipality of Utrecht, 2011b).

Another project with a highly underestimated median income concerns the redevelopment of social housing blocks from the 1960s at the forest edge in the neighbourhood of Kerckebosch, east of Utrecht. Here, on land formerly owned by the Municipality of Zeist and a social housing association, approximately 700 social housing units were replaced by 1000 new units, of which 55% are social housing (Bosoni, 2020). Green wedges intersect the new building groups and are again registered as individual projects rather than contiguous ones. Correspondingly, many building groups show the expected low median household incomes, but one was underestimated by €23,000. This can be explained by the financing scheme of the redevelopment project. In this scheme, the construction of social housing during later construction phases is financed through the sale of condominiums in earlier phases. In this project, it was argued that changed circumstances after the financial crisis made it necessary to replace planned apartment buildings with more profitable single-family units (Municipality of Zeist, 2014).

## 13.5 DISCUSSION

For the Province of Utrecht, our findings show that, while households in densification projects, on average, earn more than their neighbours, household incomes vary a lot between projects. Project characteristics, such as location and transformation process, only explain household incomes to a small degree. In many projects where the newcomers’ income deviates a lot from expectations, municipalities were able to steer project outcomes through active land policy.

While supporting earlier studies showing that households in densification projects earn more than average (Rérat *et al.*, 2010; Cavicchia, 2021), our study additionally explores what factors explain differences in household income between densification projects. Not surprisingly, projects in more central locations and higher-income neighbourhoods also show higher median household incomes. However, even centrally located projects in moderately wealthy neighbourhoods can show below-average income levels, given they are soft densification or redevelopment projects.

In the case of soft densification, the resulting apartments (or rooms) are significantly smaller than those in their surroundings (Götze and Jehling, 2022). It is an inexpensive strategy of individual property owners in response to the high demand for housing in city centres. In the case of Utrecht, this practice is sometimes mentioned in the context of student rentals (Bouwmeester *et al.*, 2023). This is supported by the high shares of young adults in such projects, reflecting the rising popularity of high-density living among this age group (Moos, 2016; Rérat, 2019). At the same time, soft densification projects show comparatively high shares of residents with completed tertiary education. Both findings point to the need to include measures of age and education next to income in future studies of residential segregation (Boterman, Musterd and Manting, 2021).

For redevelopments (i.e. demolition-rebuild projects), low median incomes are likely explained by the fact that this transformation type is performed chiefly on rental housing blocks, of which, in the Netherlands, 70% are owned by non-profit housing associations. In this case, however, the redevelopment happens at the cost of existing affordable housing units and is often accompanied by the eviction of previous residents (Musterd and Ostendorf, 2021), additionally supporting concerns about gentrification effects. Further studies should, therefore, also employ socio-economic data of those who are displaced through densification. In general, densification predominantly occurs in less affluent but well-located areas, where large rent gaps make it profitable (Kim, 2016), while more affluent communities successfully prevent densification through their property rights (Charmes and Keil, 2015; Touati-Morel, 2015). This location bias and intervention in vulnerable neighbourhoods sets densification apart from greenfield development, which, while also targeting higher-income households, takes place on former uninhabited land.

Still, the location and transformation process explain only a small share of the variance in median household incomes, as reflected in the relatively low fit of the regression model comparable to earlier studies (Steinacker, 2003; Garcia-Lamarca *et al.*, 2021). Acknowledging that planning and housing policy in the Netherlands intervenes in housing markets quite significantly, this was to be expected since essential factors, such as public land ownership and planning interventions, were not covered by the model. Consequently, we added a qualitative case-based explanation for interesting cases where the model strongly mispredicts median household incomes.

The case studies of projects where median household incomes were strongly overestimated reaffirmed the important role of municipal land ownership in providing affordable housing. Non-profit housing associations rely on land transfers from municipalities because they cannot usually compete with market players. This has to do with continually tightening regulations that make it increasingly difficult for housing associations to acquire land. The Housing Act of 2015 introduced stricter regulation concerning the involvement of housing associations in the non-social rent sector and their ability to speculate on future land developments. Simultaneously, it has become possible for private actors to supply social housing. With housing associations thus being limited in their ability to acquire new land, they have become more dependent on private developers to sell them newly constructed buildings. Alternatively, they can increase their housing stock through the densification of their existing plots (demolition-rebuilt). Still, as the case in Veenendaal shows, housing associations can sometimes secure land ownership in redevelopment cases without any public land ownership. In these cases, they have to act according to a financialised logic, using their equity or selling older housing stock to compete with commercial actors (Buitelaar, 2010; Aalbers, Loon and Fernandez, 2017; Hochstenbach and Ronald, 2020). Our case study of underestimated projects has shown how both municipalities and housing associations have financed the construction of affordable housing by selling expensive condominiums within the same project. This was partly revealed through the applied approach to aggregate densification projects, which splits larger projects with cross-financialization into separate projects.

In addition, examples among projects with both over- and underestimated incomes showed that the financial crisis of 2007-2008 and the following drop in construction until 2014 made it difficult for municipalities to implement social housing quotas.

Only recently, in the wake of an overheated housing market and, subsequently, rising house prices, did municipalities in the province start applying quotas to new construction projects. These quotas are likely to impact household incomes in densification projects but are not reflected yet in the data used in this paper.

The presented approach showed great potential for exploring the factors that influence household income in densification projects. Crucially, highly detailed income and building data allowed for a precise distinction of densification projects and their residents from their surroundings, covering a complete city region (Jehling, Schorcht and Hartmann, 2020; Götze and Jehling, 2022). In addition, combining regression analysis and qualitative case studies proved helpful in highlighting interesting cases (Seawright, 2016). While using the indicator “household income” had the advantage of covering both tenants and owners, it must be stressed again that it is not a direct representation of housing affordability.

## **13.6 CONCLUSION**

Against the backdrop of concerns regarding the potential exclusion of low-income households due to urban densification, this study set out to explore factors accounting for differences in median household incomes across densification projects. Access to microdata allowed us to distinguish newcomers from existing residents, making it possible to calculate median household incomes for individual densification projects. In addition, by combining multiple regression analysis with case studies of mispredicted cases in a multi-method approach, we can consider both quantitative factors (location and transformation type) and qualitative factors (land ownership and public policy interventions) in explaining income across densification projects.

While our findings for the Province of Utrecht have confirmed that households in densification projects earn more than their direct neighbours, we have also observed considerable differences between projects. Factors such as centrality, neighbourhood status and transformation type explain household incomes only to a small degree, leaving 80% of the variance unexplained. Public land ownership has shown powerful in providing housing for lower-income households in the projects that we examined qualitatively. However, such case studies have also shown the vulnerability of financing schemes, even on publicly owned land, where the provision of affordable housing depends on the profitable sale of owner-occupied housing within the same



project. Potential for further research lies in including measures of age and education, as well as displacement connected to various forms of densification. Our contribution shows that the relationship between density and housing affordability is inherently political, shaped by decisions about who should have access to land and housing.

## Declaration of consent

on the basis of Article 18 of the PromR Phil.-nat. 19

Name/First Name: Bouwmeester, Josje

Registration Number: 19-137-181

Study program: PhD in Geography

Bachelor  Master  Dissertation

Title of the thesis: Negotiating Densification: Navigating Landowner Strategies for Housing Provision in Project-Based Planning

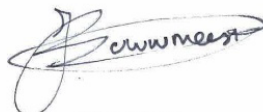
Supervisor: Prof. Jean-David Gerber  
Prof. Thomas Hartmann

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