

**Act of 20 October 2006 containing new rules for spatial planning
(Spatial Planning Act)
English translation of Chapter 2**

Chapter 2. Structure schemes

Section 2.1

1. In the interests of effective spatial planning, the municipal council shall adopt one or more structure schemes for the entire area within its jurisdiction. The structure scheme shall contain the main elements of the spatial policy to be pursued by the municipality.

[...]

Section 2.2

1. In the interests of effective provincial spatial planning, the provincial council shall adopt one or more structure schemes for the entire area within its jurisdiction. The structure scheme shall contain the main elements of the spatial policy to be pursued by the province.

[...]

Section 2.3

1. In the interests of effective national spatial planning, Our Minister shall adopt one or more structure schemes for the entire country with the agreement of Our Ministers whom it may concern. The structure scheme shall contain the main elements of the spatial policy to be pursued by the central government.

[...]

Section 2.4

1. Notice of the decision adopting a structure scheme shall also be given electronically.
2. Rules may be laid down by or pursuant to order in council regarding the preparation, form and structure of structure schemes, and how they are made available.

[...]

§ 3.6.2. Provincial coordination

Section 3.33

1. The provincial council may designate by resolution cases or categories of cases for which it is desirable for the implementation of an aspect of provincial spatial policy that:

a. the preparation and announcement of decisions to be further specified, either in response to an application or on the council's own initiative, are coordinated, or
b. an imposed land-use plan as referred to in section 3.26, or an amendment to or amplification of a plan, is adopted or an integrated environmental permit is granted in non-conformity with the land-use plan or the administrative ordinance with the application of section 2.12, subsection 1 (a) (3°) of the Environmental Permitting (General Provisions) Act, and its preparation and announcement are coordinated with the preparation and announcement of decisions as referred to at a.

2. The provincial executive may require that other administrative authorities which are not an administrative authority of central government extend the cooperation needed for successful coordination. These administrative authorities must extend the required cooperation.

3. In a resolution as referred to in the opening words of subsection 1 the provincial council may also determine that the provincial executive may take the decisions needed for the implementation referred to, in response to an application or on its own initiative, thereby excluding the administrative authority with primary competence, unless this is an administrative authority of central government.

4. In coordinating the preparation and announcement as referred to in subsection 1 (a) or (b), the procedure described in sections 3.31 and 3.32, or this procedure in conjunction with either, in the case of an imposed land-use plan, the procedure described in section 3.8 or, in the case of an integrated environmental permit, the extensive preparation procedure described in division 3.3 of the Environmental Permitting (General Provisions) Act, applies with the proviso that the provincial council

and the provincial executive act in the place of the municipal council and the municipal executive respectively.

5. If an environmental impact statement is obligatory in accordance with section 7.2 of the Environmental Management Act in regard to the implementation of a component of provincial spatial policy, the notification referred to in section 7.9, subsection 1 or the notification referred to in section 7.27, subsection 1 or in section 7.24, subsection 1 of that Act must be accompanied by an overall description of the consequences for spatial policy, of the socioeconomic consequences and of the consequences for other relevant interests expected from implementation.

6. Section 3.30, subsection 3 applies mutatis mutandis with the proviso that 'land-use plan' is read as 'imposed land-use plan'.

7. In so far as the implementation of a component of the provincial spatial policy is unduly constrained by provisions laid down – pursuant to Act of Parliament or otherwise – by or pursuant to regulations adopted by a municipality or water authority, their application may, where there are compelling reasons, be excluded when taking and implementing decisions as referred to in subsection 1 (a) or (b).

[...]

§ 3.6.3. Central government coordination

Section 3.35

1. It may be determined by Act of Parliament or by a decision of Our Minister or another of Our Ministers, with the agreement of the cabinet, that it is desirable for the implementation of an aspect of national spatial policy that:

a. an imposed land-use plan as referred to in section 3.28 is adopted or an integrated environmental permit is granted in non-conformity with the land-use plan or the administrative ordinance with the application of section 2.12, subsection 1 (a) (3°) of the Environmental Permitting (General Provisions) Act;

b. the preparation and announcement of decisions to be further specified, either in response to an application or on the Minister's own initiative, are coordinated, or

c. an imposed land-use plan as referred to in section 3.28, or an amendment to or amplification of a plan, is adopted or an integrated environmental permit is granted in non-conformity with the land-use plan or the administrative ordinance with the application of section 2.12, subsection 1 (a) (3°) of the Environmental Permitting (General Provisions) Act, and its preparation and announcement are coordinated with the preparation and announcement of decisions as referred to at b.

2. An Act of Parliament or a decision as referred to in the opening words of subsection 1 intended to apply subsection 1 (a) or (c) must designate the Minister who, notwithstanding section 3.28, subsection 2, will act in the place of the municipal executive and, together with Our Minister, will act in the place of the municipal council.

3. An Act of Parliament or a decision as referred to in the opening words of subsection 1 intended to apply subsection 1 (b) or (c) must designate the Minister who will have primary responsibility for coordinating preparation and announcement. This Minister may require other administrative authorities to extend the cooperation needed for successful coordination. These administrative authorities must extend the required cooperation. It may also be determined that this Minister and such other of Our Ministers as may be concerned may jointly adopt the decision needed for the implementation referred to, in response to an application or on their own initiative, thereby excluding the administrative authority with primary competence.

4. In coordinating the preparation and announcement as referred to in subsection 1 (b) or (c), the procedure described in sections 3.31 and 3.32, or this procedure in conjunction with either, in the case of an imposed land-use plan, the procedure described in section 3.8, subsections 1, 3 and 5 or, in the case of an integrated environmental permit, the extensive preparation procedure described in division 3 of the Environmental Permitting (General Provisions) Act applies with the proviso that Our Minister designated in the Act of Parliament or decision referred to in the opening words of subsection 1 acts in the place of the municipal executive and this Minister and Our Minister act jointly in the place of the municipal council. In the case of an integrated environmental permit as referred to in the first sentence, the decisions concerned enter into force on the day after the date on which the time limit for applications for review expires.

5. If an environmental impact statement is obligatory pursuant to section 7.2 of the Environmental Management Act in regard to the implementation of a component of national spatial policy, the

notification referred to in section 7.9, subsection 1 or the notification referred to in section 7.27, subsection 1 or in section 7.24, subsection 1 of that Act must be accompanied by an overall description of the consequences for spatial policy, of the socioeconomic consequences and of the consequences for other relevant interests expected from implementation.

6. If subsection 1 (c) is applied, and the imposed land-use plan referred to in section 3.28 has been designated as a plan in the preparation of which an environmental impact statement must be drawn up pursuant to section 7.2 or 7.2a of the Environmental Management Act, and one of the decisions referred to in subsection 1 (b) has been designated as a decision in the preparation of which an environmental impact statement must be drawn up pursuant to section 7.2 of the Environmental Management Act, the consultation pursuant to section 7.25 or section 7.27, subsection 2 of the Environmental Management Act must take place simultaneously with the consultation pursuant to section 7.8 of that Act, or the notification pursuant to section 7.27, subsection 3 of the Environmental Management Act must take place simultaneously with the notification pursuant to section 7.9, subsection 1 of that Act. Notwithstanding section 7.26 or section 7.27, subsection 7 of the Environmental Management Act, the time limit referred to in that section or subsection may be extended twice by up to six weeks.

7. Section 3.30, subsection 3 applies mutatis mutandis with the proviso that 'land-use plan' is read as 'imposed land-use plan'. In so far as an integrated environmental permit is required for a construction activity as referred to in section 2.1, subsection 1 (b) of the Environmental Permitting (General Provisions) Act, that requirement does not apply to the execution of a work or activity to implement an imposed land-use plan or an integrated environmental permit as referred to in subsection 1 (c) in the area covered by that plan.

8. In so far as the implementation of a component of the national spatial policy is unduly constrained by provisions laid down – pursuant to Act of Parliament or otherwise – by or pursuant to regulations adopted by a province, municipality or water authority, their application may, where there are compelling reasons, be excluded when taking and implementing decisions as referred to in subsection 1.

9. A decision as referred to in the opening words of subsection 1 must be sent to both Houses of the States General. The decision must not be put into effect until both Houses have assented thereto. This assent is deemed to have been given if neither House has taken a decision with regard to further procedure within four weeks of the decision being sent.