

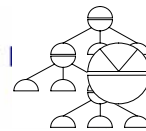
# Building control the Netherlands

## Now and in future

stichting

**Expertisecentrum Regelgeving Bouw**

[www.bouwregelwerk.org](http://www.bouwregelwerk.org)



FS = Functionele Specificatie  
TO = Technische Oplossing



# Building regulations

- **Housing Act**
- **Building Decree 2003**
- **Municipal Building bylaws (458)**
  
- **Relations with:**
  - **Spatial planning**
  - **Aesthetic value**
  - **Monumental value**
  
- **To be built**
  - **Free from building permit**
  - **Building permit**
- **Existing Stock**
  - **Users permit (mostly fire related)**

# Municipality

## Task, competences and responsibilities

- Preventive control
  - Building permit
  - Users permit for newly built
- Repressive control (technical check and safe use)
  - Erection phase
    - Conditions of the building permit
    - Freely built
    - Light building permit
  - Existing stock

# Flying objects

- **Housing Act under revision, planned 2007**
  - **Strengthening enforcement for municipality**
- **Building Decree 2003, revision third big revision, planned 2008**
- **International duties (tunnels, EPBD, CPD....), running**
  
- **From 458 building bylaws till 1 Users Decree**
  - **Uniformity of requirements on the national level**
  - **Reduction of needed users permits by 80%**
  - **Intensify repressive control**

# Irritations

By realisation of physical, site related, projects with effects on the environment

## Need for a lot of permits

- Building permit
  - Users permit
  - Demolition permit
  - Cut down permit for trees
  - Exit permit for cars
  - Environmental permit
  - Flora and fauna permit
  - Permit for dangerous substances
- 
- No transparency
  - Time consuming, no decision deadlines
  - Different authorities
  - Conflicts between permits

# Study

- **57 systems within the regulations of the ministry of HSPE**
- **Systems of other Departments (Rural, Education)**
- **Systems of Provinces**
- **58 systems of Municipalities**

# Policy

- Deregulation
- Substantial diminishing administrative cost for the citizen and business community
- Development legislation from the viewpoint of the citizen/business community and no longer from the viewpoint of individual legislative instruments
- Strengthening of enforcement by extreme integration and harmonising enforcement requirements

# Solution

## 4 models

- General: one office window for request
- Model 1 – Paperclip permit
- Model 2 – Join together permit
- Model 3 – One permit with partitions – different laws, decrees, regulation still existing – harmonising by civil servant behind the curtain
- Model 4 – Fully integrated permit: integration and harmonising of all laws, decrees and regulations in 1 document
- .

# Decision

- For the time being: model 3
- At the end: model 4
- One authority for the citizen/business community

# Procedures

- Request
- Receipt confirmation
- Publication in local gazette
- Regular procedure or extensive procedure
- Presentation/refusing of the permit
- Appeal procedure
  
- Regular procedure: 8 weeks (hold over maximum 6 weeks)
- Extensive procedure: 20 week (hold over maximum 6 weeks)
  
- Fatal deadline for regular procedure
  
- Co-ordination postponement in special cases

# Law general provisions for the environment (acronym: Wabo)

- **Preparation 2004-2005**
- **Draft law: December 2005**
- **Council of ministers: January 2006**
- **Advice of High Court (administrative): in procedure**
- **Consulting Parliament**
- **Publishing**
  
- **Preparation introduction law with amendments for existing laws**
  
- **Expectation: in force 2008**

# Content

- **12 of the 57 HSPE-systems integrated**
- **9 of the systems are hooked on the Wabo-permit**
- **35 systems for the time being outside the scope of the Wabo-permit**
- **From the 48 Provincial systems 10 will be integrated and 7 hooked on**
- **From the 58 municipal systems 15 are integrated and 24 hooked on.**

# Political and social impact

- Enormous diminishing amount of permits
- Reduction of administrative costs of 30 M€
- Task of civil servant will change extreme
- Education will be needed

# Preparation and experiments

- **Ministry of HSPE**
- **Reference projects (practical cases) are running**
- **Pilots are running about management of permits (speed up within existing laws)**
- **Pilots are running about elements of the Wabo**
- **Experiments are running for ICT-requests of permits**

# Benefits

- **One window for citizen/business community**
- **Cleaning existing permit systems**
- **No longer conflicting provisions and permits**
- **One decision, one appeal-procedure, one authority**
- **Permit can be organised by phases**

# Topics to be solved

- Knowledge of the civil servant
- Time lack and stress
- Permit fee