

Legal analysis in environmental planning

Effective contribution in implementing laws

By Anne Cnossen

Introduction

In the past few years there have been several initiatives in the Netherlands to renew and improve environmental legislation, with the aim to reduce the administrative costs for citizens. These have resulted in two new laws. First, the Wabo which focuses on granting permits for activities in the physical environment. The second focuses on permits for activities involving water, which resulted in the Waterwet. Juris has been developing Legal Blueprints and provides services to various governmental organizations on both of these laws. Below we examine how legal analysis and products like the Legal Blueprint have contributed to the implementation of these laws.

Legal Blueprints

Sources of law can not only be found in the legislation alone. Besides a section of the law, there is customary law, jurisprudence and so on. All those pieces together constitute the rules which have to be obliged by citizens and executed by governments. This however requires a profound knowledge of all the legal sources. Therefore we have developed Legal Blueprints for (local) authorities, containing a legal analysis of the sources of law translated into an insightful model which is related to all kinds of governmental aspects.

With the Legal Blueprint those local authorities have a hands-on guide to execute the law. In the Legal Blueprints Wabo and Waterwet is clarified what the Wabo and Waterwet exactly mean. The blueprints can be used for training personnel, (re)designing the processes, license applications and composing IT-architecture (e.g. to create expert systems). We can also enhance a Legal Blueprint with local legislation for specific local authorities. This way we are able to provide a unique picture of the Wabo or Waterwet, specifically catered for each local authority.

Legal analysis for an online portal

As part of a project initiated by the Dutch Ministry of Housing, Spatial Planning and the Environment Juris has carried out a legal analysis that serves as the foundation for the so-called OLO (Omgevingsloket Online: the Digital Service for Environmental and Water Permits). This digital portal supports applicants of permits for activities potentially disturbing the environment, such as building or demolition, in obtaining the new 'surroundings permit' that was introduced by the Wabo. The Digital Service also supports the local authorities in



"We can quickly anticipate to changes and process them in the analysis"



gathering data to decide on the application. In time, the water permit included in the Waterwet, will also be available from the online digital portal. Juris also provided for the legal analysis on this Waterwet.

A current image for stakeholders during the legislative process

During the development of the blueprint of the Wabo and Waterwet we closely cooperated with the legal departments of both the Ministry of Housing, Spatial Planning and the Environment and the Ministry of Transport, Public Works and Water management, because we were analyzing laws that were still being written. They provided us with draft versions of the new laws and the underlying regulations. This enabled us to anticipate to the changes and respond to them quickly in our analysis.

Juris can support local authorities in implementing such laws. A jumble of judicial decisions, law articles and subordinate legislation have come together in one legislation. A Legal Blueprint from Juris provides the overview. A blueprint of applicable legislation clearly states what organizations have to do to execute the law effectively and efficiently.

This was of huge importance for local authorities. Because the introduction of both laws took so much time and had a huge impact on the processes within the government, local authorities got prepared at an early stage. This way their systems could be prepared in time. Due to our cooperation with the ministry we could supply local authorities the most recent picture of the Wabo and Waterwet.

The ability to quickly adapt to new legislation is made possible by VisuALL, the software application in which we create the Blueprint. All the information on laws and regulations (sources and explanations) we can gather, translate and organize in VisuALL. Local authorities will have access to a static version of VisuALL (OrgaWise) when a Blueprint is purchased. In the ideal situation the blueprint is hanging on the wall providing the overview, with a computer with VisuALL next to it, so that you can browse through all the webpages for all the details.



Author

Anne Cnossen is a legal consultant who specializes in visualizing the impact of all kinds of legislation on governments and companies. His expertise is primarily focused on legislation with regards to the physical environment. He is able to make complex issues manageable and take both customers and employees along in a supported solution.

About Juris

Juris facilitates the application of laws and regulations within your organisation. We map all legislation related to your services and support its implementation into your organisation. In doing so, we are able to guide you towards an improved design of your organisation.

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