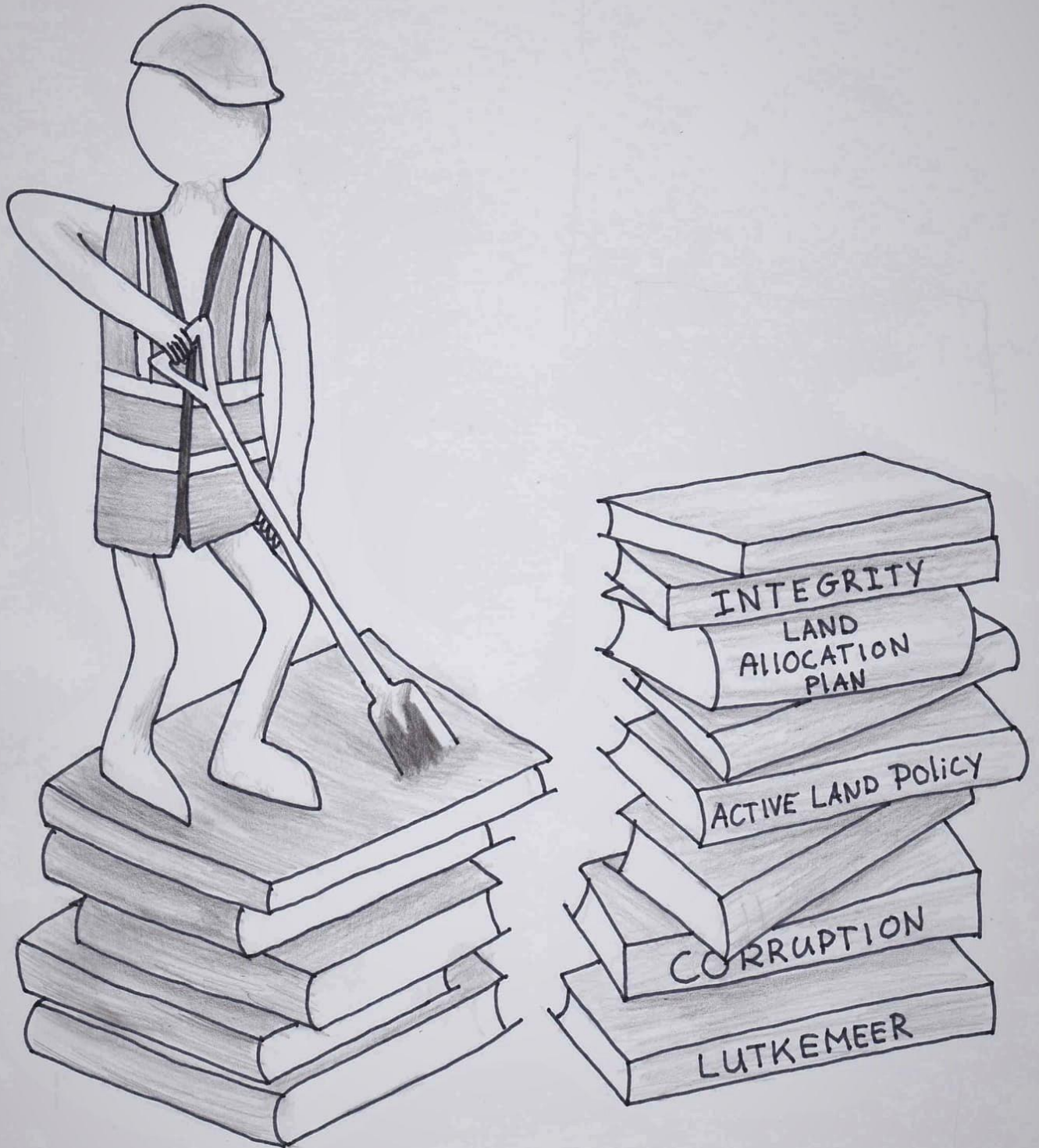


The Dark Side of Active Land Policy

Corruption in the Dutch active land policy: Lutkemeer polder case study, Amsterdam, the Netherlands



MSc Spatial Planning Thesis Wageningen UR

Title: The Dark Side of Active Land Policy

Subtitle: Corruption in the Dutch active land policy: Lutkemeer polder case study, Amsterdam, the Netherlands

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Dedication

When driving, or in my case cycling, through the country, in almost every corner of a city or meadow, one finds business parks and distribution centres standing there like gray, square giants. Critics describe this growth of these spatially visible consequences of economic development as the 'inboxing' of the Netherlands. Even though these distribution centres and business parks are very beneficial for the Dutch economy, their development is also often seen as a threat to the cultural, natural, and agricultural landscapes. Dutch land can be considered a scarce resource in which substantial plots of business areas easily contribute to worsening the land scarcity problem. According to landscape architect Adriaan Geuze in a newspaper article in Schoorl (2018), the situation is getting out of control, and land scarcity is a timely issue. Both the Dutch government and Dutch municipalities contribute to this development through their policies by trying to make settling in the Netherlands very beneficial for international companies (Schoorl, 2018).

By coincidence, I saw that the science shop had an open application for a student assignment concerning the Lutkemeer. Several researchers are working together under the name 'Begeledingscommissie Lutkemeer' together with ACT projects on various (ecological) studies pertaining to the Lutkemeer.

In the study assignment, they asked several questions that immediately sparked my interest. I was asked to look at why the municipality is in favour of a business park and why the Biopolder (the alternative to the protest group) avenue seems to be on the losing side, with the emphasis on 'why?' How did the municipality come to their decision? What were the considerations? How does this decision for development at the provincial level work? And would the province take a different decision based on their responsibility towards nature?

I was asked to evaluate the plans for the Lutkemeer polder and place them in a broader perspective. This seemed to me to be a very challenging and exciting task. To make this relevant for my spatial planning thesis and the spatial planning domain as well, I looked at the interesting and potential perspectives in several brainstorming sessions in which it emerged that the basis for this development is an active land policy, which, in this case, contains a bit of a dark twist. This dark twist contains a link to politics, money power, and as the main subject, corruption.

Preface

Politics, money, and power influence spatial planning (Van der Nat, 2018; Het Parool, 2018). Discussion and differing viewpoints should always be included in a scientific report. In science, we sometimes contradict one another (Van der Nat, 2018b). Openness and transparency are essential, even when scientists do not agree with each other; scientists do not have a political responsibility (Wagemakers at NOS, 2020). Decisions are made in politics and always have something iniquitous. This thesis, therefore, does not intend to levy accusations of corruption on individuals and institutions. Injustice or corruption also does not mean that someone is or should be punished. Although the definition of the word corruption these days is frightening and loaded in politics and the word can undoubtedly be consequential, corruption is also a political weapon, and it is sometimes used to disqualify a political system.

Acknowledgments

In times of corona where working from home was the new normal, you were more dependent on yourself than usual during your thesis. You 'could not consult with your fellow students in the thesis office or meet with anyone. At home, it was sometimes hard to find a rhythm, and the distraction to do something else was always present, especially because the real distractions, training sessions, matches in the weekend to clear your head for a while were, unfortunately, no longer there.

I started with Diana Giebels as supervisor; however due to the birth of her child, she could not take on the full assignment. Fortunately, in the beginning, I was able to share my ideas about the form of my thesis with Jeroen Schütt and Arnold van der Valk. Later on, with the guidance of Thomas Hartman, my thesis took on its scientific form in a spatial planning context. Thank you for the guidance.

Abstract

The phenomenon of corruption affects the regulation and planning of land. In planning practice, it is important to be critical of planning policy and procedures. In an active land policy planning regulation, development rights and zoning are formed, reviewed, and allocated, the government's power of intervention is considerable, and thereby the gains at stake are high; these are ingredients which make corruption likely to occur. A critical reflection on space, knowledge, and power is needed to understand the spatial implications and risks of active land policy. What corruption is exactly and how it should be defined for the analyse in an active land policy is the first step in this research into corruption. Corruption is an evaluation of an event, corruption can, therefore, best understood in its own unique context. To that, an explorative and inductive qualitative single case study design with a document analysis is used.

It may be difficult to draw conclusions from detailed case studies, but in order to design effective anticorruption policies, it is important to expand our knowledge. It is important to make corruption elements and aspects more generalizable. A qualitative case study about the Lutkemeer polder is used to identify corruption in active land policy.

The principle of impartiality made it possible to discuss contemporary political occurrence of corruption in relation to political processes and their transparency, allocation of rights and resources, questionable practices, and decision-making in politics.

The 'double hat problem' in an active land policy has ensured that there was the possibility to act corrupt by a civil servant.

Corruption in the active land policy has been made feasible, on the one hand, by the personal characteristics of the civil servant but, on the other hand made possible by the ability to selectively use his authority and power because there was a lack of good governance.

Keywords: corruption, land allocation, land use, integrity, conflicts of interest, spatial planning

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Introduction

The Dutch active land policy, a risky business

The main objective of spatial planning is to ensure the best possible living environment: enough houses must be built, but there must also be enough space for nature (van Schijndel & van der Wal, 2016). Businesses must be given the opportunity to expand; however, this must not be at the expense of air quality. Different interests must be weighed up. The consideration of which activities can best take place where is not made by planning: society determines what the living environment will look like. More specifically, citizens, businesses, governments, and interest groups ultimately determine what the living environment will look like. Society has wishes about what its environment will look like. Intervening in space requires vision and great caution; intervening in people's immediate living environments can lead to great resistance because of potential conflicts of interest.

To ensure a pleasant living environment, the Netherlands has been using an active land policy since the 1950s, or just after the Second World War. Active land policy means that the municipality itself is in charge of its land development and therefore does the land exploitation itself. To do this, the municipality needs land that it already owns or that it comes into its possession of through purchase. The municipality will then make it build-ready and sell it to developers (Derksen, n.d.) ('Alternatieven voor uniek actief grondbeleid in Nederland', 2011). The Dutch active land policy helped the Netherlands to achieve one of the most successful social housing policies in Western Europe (Buitelaar, Legendijk & Jacobs, 2007). Two major reasons are identified for having and pursuing an active land policy. "An active land policy is often pursued for financial reasons" (Buitelaar et al., 2007, p.351). The municipality's monopoly on selling building land is an important financial aspect of Dutch spatial planning (Hartmann & Spit, 2015). The second one is the grip the municipality can have on spatial development by using an active land policy (Buitelaar et al., 2007).

The system of active land policy being pursued for financial gain is what makes it risky and vulnerable to an economic crisis. The system has persisted to the extent it has because all parties have often reaped its benefits. Municipal land companies have become centres of knowledge and power, and developers have found this method easy to cooperate with, all the more so, because land was offered at cost price for many years ('Alternatieven voor uniek actief grondbeleid in Nederland', 2011). The Council for Financial Relations has stated that in the past, municipalities too easily considered land exploitation and purchase of land where it was overly risky (VROM, 2009). The consequence was losses on land exploitation. Thereby, an economic crisis caused a drop in demand for development and demand for building areas. Alongside this, provinces have plans that are insufficiently attuned to regional needs. This has led to a surplus of construction sites for homes, shops, offices, and business premises in various regions (VROM, 2009). Municipalities have remained stuck with their property and are struggling with the loss of income. In addition, the centre of gravity in spatial planning is shifting more towards the inner-city, where an active land policy is much more difficult due to the many owners of the urban area. ('Alternatieven voor uniek actief grondbeleid in Nederland', 2011). The cost and revenue ratio can, therefore, be considerably less favourable. The more development-oriented Dutch approach of the active land policy scores in terms of efficiency and effectiveness, while its legitimacy focuses on the outcome (Hartmann & Spit, 2015). Effective land management is a crucial feature of Dutch spatial planning. However, the Dutch active land policy comes at a high risk when it comes to the integrity of the municipality. Active land policy is built on a coalition between the central government, local government, and housing associations. It can be said, however, that "Dutch municipalities act almost like real-estate developers" (van Oosten, Witte, & Hartmann, 2018, p.6), which results in a double-hatted problem for the

municipalities. The municipality uses its public power and public money as a planning authority to acquire land, but at the same time, the municipality is a real estate developer. Also, a municipality has two types of powers in the case of active land policy. The municipality has private law as well as public law powers entrusted to it as a planning authority (Needham, Buitelaar & Hartmann, 2018). In the field of active land policy, where the government's power of intervention is considerable, and the gains are substantial. The double-hatted problem of the municipality is its power of intervention for the allocation of rights and resources risking that it could jeopardise its integrity, and corruption lurks.

The greater the government's power of intervention, gains at stake and number of regulations, the more likely corruption and the opportunities for bribery becomes (Chiodelli & Moroni, 2015). "Government bodies which oversee the land sector are one of the public entities most plagued by service-level bribery" (Chiodelli & Moroni, 2015, p.337).

Municipalities still want to pursue an active land policy, and the policy has not changed since the last economic crisis (Camps, 2020). Municipalities still value the active land policy because it enables them to manage projects more efficiently and effectively, as projects are then managed more directly. They can make land prices conform to the market, which can result in financially positive results. Also, the construction program itself can be put together (Camps, 2020). Active land policy places a high demand on the transparency and legitimacy of a municipality's actions. The Dutch land policy is often presented as a role model for other countries (Buitelaar, 2010). The risky elements of integrity and corruption in the Dutch active land policy, which can partly be a result of conflicts of interest, must be attended to. This due to the challenges of our time, with perhaps a new economic crisis looming because of the Corona crisis (CPB, 2020). Conflicts of interest in spatial land policy can lead to skewed considerations and decisions, which can lead to resistance to, and less acceptance of, spatial plans. This puts pressure on the functioning of a sound and transparent spatial planning system.

Corruption in land use planning

"The phenomenon of corruption affects various areas of public activity, and the regulation and planning of land use is no exception" (Chiodelli & Moroni, 2015, p.442). 'The problem of corruption is particularly acute in land use planning where the opportunities are far greater than in other areas of public policy (Chiodelli & Moroni, 2015). Three important factors for corruption are present in the spatial planning systems in place in the Western world: the existence of discretionary power to decide how (strongly) benefits and disadvantages differentiate, the existence of significant economic returns associated with that power, and the existence of a net profit from illegal transactions (Chiodelli & Moroni, 2015). A factor mentioned for corruption affecting the area of public activity is when the pressure to perform was high in the organisation (de Graaf & Huberts, 2008). Spatial planners in the governmental sector are involved in political process formation. Influence on government policy is achieved within the bureaucracy through competence (Beckman, 1964). Planners and other personnel advisors only have an influence because they can convince their political superiors; their power is the power of the idea (Beckman, 1964). Given the high turnover of elected officials, continuity and accumulated experience are valuable assets for the bureaucracy. Several small victories can be just as important as a big one (Beckman, 1964). However, it is the responsibility of a civil servant to perform his duties adequately and carefully in light of his position and responsibilities. Planners have enormous social responsibility (Beckman, 1964). Spatial planners have the task of balancing equity and material well-being with considerations of diversity and participation to foster better quality of life within the context of a global, capitalist political economy (Fainstein, 2011).

Decisions around zoning, land management, infrastructure, and service build-out offer some of the most sophisticated, inscrutable, and lucrative ways for personal enrichment, crony capitalism, clientelism, and political patronage (Zinnbauer, 2019). For the integrity of the government, corruption in spatial planning is a particularly important challenge (Zinnbauer, 2019). Corruption can only occur when a politician or a government official has the ability to selectively use his authority and power in a way that encourages landowners or property developers to pay for favourable treatment (Gardiner, 1985). In short, landowners and property developers are not in themselves more prone to corruption or less virtuous, but it is the particular planning system itself that encourages certain behaviour.

Certain features of a given planning system can be seen to have causal links with corruption. A variety of opportunities for corruption are built into land-use and building regulatory systems (Chiodelli & Moroni, 2015). Planning systems generate differentiated treatment between different types of land and owners. Such differentiated treatment occurs to such a pronounced extent (in democratic, Western countries) almost exclusively in land-use decisions. This means that there are or can be benefits for certain people by, for example, allocating or changing zoning plans or building permits. "Corruption in the planning field is largely tied to the opportunities that land-use planning generates by allocating development rights and land uses" (Chiodelli & Moroni, 2015, p.437).

Planners and civil servants must decide which possible forms of land use are in the interest of the community. This requires, for example, revising specific building and zoning plans, and dividing and contracting tasks to building companies. A change or granting of a zoning plan can be worth millions of euros due to future financial income or outsourcing for construction companies. Bribes can be paid, for example, to change a land allocation plan to make it more suitable to a particular contractor. Requirements and quotas can also be adjusted to the benefit of others. "The amounts of money at stake in switching parcels of land from one zone to another assure that zoning will (...) be an arbitrary and largely corrupt system" (Ellickson, 1973, p.711). There may also be benefits for the developer and contractor in terms of permits whereby the total number of (construction) costs can be reduced by using bribes to get the development rights. A permit requires dozens of procedures, it can take a long time, and many procedures have to be followed. This process is often little more than a way to extract rents, and is, therefore, associated with corruption (Chiodelli & Moroni, 2015). Besides, the chances are small if bribes or kickbacks are paid to get caught, corruption is often difficult to identify due to discrepancies in and the technical arguments of (city) planning. Legislative and bureaucratic forms of corruption in spatial planning are mainly tied to the stage at which planning regulations are formed or reviewed (Chiodelli & Moroni, 2015). Depending on the system of planning in force and planning tools, different types of corruption can occur in different phases of the planning process (Chiodelli & Moroni, 2015).

Does corruption lurk in an active land policy?

In planning practice, it is important to be critical of planning policy and procedures. A critical reflection on space, knowledge, and power is needed to understand the spatial implications of land policy. In the active land policy planning regulation, development rights and zoning are formed, reviewed, and allocated. In addition, the government's power of intervention is considerable, and thereby the gains at stake are high. These are the ingredient where it is likely that corruption may occur (Chiodelli & Moroni, 2015).

Spatial authorities like municipalities can raise land prices by granting development rights to a specific plot of lands. Authorities can acquire the land at its current use value before publishing the land allocation plan and sell it at a higher value (Hartmann & Needham 2012). A lot of local authorities have their own public land companies which can almost be seen as private companies (Priemus & Louw, 2003). These companies buy land before the relevant land-use plans have been authorised by the local council. In this way, the planning authority records the development gains. The profits gained by the active land policy have become a substantial form of income for many Dutch Municipalities (Buitelaar 2010). This profit can then be used for the realisation of public infrastructure. The municipality uses public power, money, and trust to acquire the land and uses the profits to provide the general public; this is a form of (output) legitimacy (Needham et al., 2018). It is also possible that developers sell their property, even for a lower price, with the claim for the building rights of the site (Priemus & Louw, 2003). This construction-claim contract often has a public/private cooperation for the development of the site. These systems are used in active land policy; however, in this active land policy, the municipality acts simultaneously as a real estate developer and a planning authority. This is an incentive for the municipality to develop sites in such a way as to make a profit, possibly at the expense of unprofitable developments. This is a so-called 'double-hat' problem. Moreover, the municipality has the authority to grant planning assignments and even to expropriate

Active land policy is best applied when there are good reasons to do so. An active land policy should not be pursued for profit-making; if there is a significant social interest or a high probability that the pre-investment will be recouped and that the risks have been hedged, an active land policy can be applied (van Oosten et al., 2018). The municipality can use its powers to grant or refuse planning per assignment. In such cases, land ownership can be used in such a way that the social and financial return outweighs the costs and risks involved. However, with rising land prices for housing projects and business parks and excessive profits for developers, land speculation is the order of the day. In the field of active land policy, where the government's power of intervention is high and the gains are substantial, corruption lurks. The greater the gains at stake, the government's power of intervention and the number of regulations, the more likely corruption and the opportunities for bribery becomes (Chiodelli & Moroni, 2015).

Main research question

Analysing how certain spatial strategies, policies, and practices have an impact on space and society and which can intentionally or unintentionally create different forms of corruption is needed to understand the risk of active land policy. The identification of what kind of and how corruption can occur in an active land policy is the starting point of the discussion and research into corruption in active land policy in this thesis.

Main Question:

'How does corruption occur in an active land policy'?

Sub research question

Corruption is the central concept of the research; thus, defining corruption for the analysis in an active land policy is needed before the research methodology and case study can be explained and carried out. When considering corruption, it is difficult to get an unambiguous public opinion about what is considered corruption (Kurer, 2005). Corruption is a word that evokes a lot of emotion, which is why it is important that it is well framed. How corruption is described has a significant influence on how it can be researched. The approach to corruption determines the nature and foundation of the analysis of the results. How corruption should and can be approached is, therefore, needed to measure and to identify corruption. In the literature, considerable attention has been paid to the question of what corruption is (de Graaf & Huberts, 2008). To define corruption, the debate and definitions of corruption in the scientific literature must be examined.

‘How to define corruption’?

“Measuring corruption is the key to achieving greater integrity, transparency, and accountability in governance” (Matthiolius, 2014, p. 1). De Graaf and Huberts (2018, p.11) stated that “It may be difficult to draw conclusions from detailed case studies, but in order to design effective anticorruption policies, it is important to expand our knowledge”. In the scientific literature, there is much speculation about the nature of corruption. However, there “are hardly any empirical qualitative studies on the nature of corruption, knowledge is aggregated far above the level of actual corruption cases.” (de Graaf and Huberts, 2018, p.11) Therefore a qualitative case study is needed to identify corruption in active land policy.

‘How can corruption be identified in an active land policy’?

The policy and decisions that have occurred during or by the identified corruption will have a spatial and societal impact. The right societal and spatial changes and effects concerning the decisions and policy in a case, as well as the relationship and influence they had and have concerning the policy and political process, need to be surveyed to determine what the consequences and effects of corruption can be.

‘How does corruption in an active land policy have a spatial and societal impact’?

Corruption can have an impact on the integrity of the planning authority regarding (changing) land planning regulations, allocation decisions, and development rights. In de Graaf and Huberts (2018, p.11), a debate is stated; “there is a debate as to whether the decision to misbehave is more a function of bad apples - the personal characteristics of individuals - or of bad barrels - organisational and societal variables” In the literature on corruption, there is much speculation as to its nature, and different cross patterns are identified. To get an understanding of the risks of an active land policy, the triggers for corruption in the literature debate, and the triggers in a case on an active land policy have to be explored and, where possible, identified by a literature review first. In this literature review the scientific literature on triggers for and the nature of corruption will be briefly explained and elaborate. Second; to explain corruption by identifying causes in an active land policy, more emphasis on within-case analysis is needed.

‘What is the nature of corruption in an active land policy’?

Readers guide

In this thesis:

- **Theoretical framework** (p.14-p.19); What exactly is the definition of corruption and how should it be defined for use in the analysis and the research itself? Hereby the first research question will be treated and answered. This has been done through a literature study. In addition to this, a literature study was carried out into the motivations and motives of corruption, to help analyse the fourth research question, the nature of corruption.
- **Research design** (p.20-p.24); Methodology for the analysis of corruption in an active land policy is provided. How the data was obtained and is used is addressed.
- **Case study** (p.25-p.40); First a short introduction to the case study area. Second the analyse for the three sub research questions (‘How can corruption be identified in an active land policy’, ‘How does corruption in an active land policy have a spatial and societal impact’, ‘What is the nature of corruption in an active land policy’) is done by processing the results of the case study.
- **Discussion** (p.41-p.46); Results of the analysis of corruption in an active land policy are interpreted, weighed up and debated.
- **Conclusion** (p.47-p.51); The three sub-questions with regard to the case study and main question will be answered, and a reflection and the relevance of the research will be provided.

Theoretical framework

Definitions of corruption

What exactly corruption is and how it should be defined has been widely discussed. Numerous definitions have been put forward in scientific papers; however, there is no authoritative definition yet. There is also still a lack of agreement on the nature of corruption. Policymakers and academics struggle with the concept of corruption, “Part of this conceptual difficulty is caused by the fact that corruption is an evaluation of an event, rather than a description of an event” (Rose, 2017, p. 221). A non-authoritative definition does not make it useless to attempt to analyse corruption. The relevance to learning more about corruption is tremendous and is seen as very useful (Rose, 2017). The basic idea of corruption is seen by many as the abuse of power and trust. This is often linked to politics and government. Breaking off accountability, or unacceptable attempts to influence those in power is something that can be considered corrupt. This has a relationship with what we see as power, where it comes from, and how it should be used by, for example, a government or municipality. The use of the phrase “could be seen as corruption” indicates that corruption is a normative concept and can change historically and in the course of politics and society over time. Corruption can, therefore, be best understood in context; defining corruption is quite different. However, over the years, several academics have attempted to establish a universal definition of corruption, which could undoubtedly contribute to understanding how corruption can be seen.

The historical development of the definition of corruption

Several studies into corruption have already been carried out in the Netherlands (Huberts, Hulsebosch, Lasthuizen, & Peeters, 2004) (Huberts & Nelen, 2005). One of the first Dutch literary works was published in 1982 by Hoetjes: ‘Corruption in government’. But even before that and also by international academics, several attempts are made to define corruption.

The first definition of corruption to be documented was probably that of Samuel Johnson’s in the Dictionary of the English Language, in which corruption is defined as: “Badness; perversion of principles; loss of integrity” (Vol. 1 Johnson (1756) in Rose, 2017). This definition is the starting point of what many considers corrupt. In this definition, a strongly normative character of what we perceive as corrupt exists. Academics have tried to further specify corruption. Rose (2017) said that perhaps one of the first academic definitions arose sometime in the 1960s or 1970s. Robert Brooks (1970, p. 58) defined corruption as “the intentional miscarriage or disregard of a recognised tax, or the unjustified taxation of power, with the motive to gain more or less personal advantage”. In this definition, it can already be stated that corruption can exist when values and rules are violated. In 1967, Nye’s definition (p. 419) on corruption was a bit more elaborate: “conduct that departs from the formal duties of a public role because of pecuniary or statutory advantages for individuals (personal, close family, private clique); or that is contrary to the rules against the exercise of certain forms of influence under private law.” This definition introduces into the meaning of corruption that the violation of a formal duty must be of an explicitly public role and that this is an important fact. Indeed, when the law is seen as something to be apprehended, any crime could otherwise be seen as corruption.

According to Rose (2017), another important definition is that of Klitgaard (1988, p. 24). Klitgaard gives the public interest an important role in the definition of corruption. Klitgaard discusses corruption “in terms of the difference between the interests of the principal or the public and those of the agent or official: corruption occurs when an agent betrays the interests of a principal in order to promote his own interests” (1988, p. 24). This definition implies that, in an ideal situation, the civil service is impartial and acts in the public interest. Deviation from this can be seen as corruption. De Graaf and Huberts (2008) also use the definition in the investigation that something can be considered corruption if it is not in the interest of the public: “Officials are corrupt when they act (or fail to act) as a result of receiving personal rewards from interested third parties” (de Graaf & Huberts, 2008 p.641). This reflects that civil servants or politicians are corrupt if they misuse the knowledge or power associated with their position to obtain financial or other advantages from third parties. They do or refrain from doing anything with a view to obtaining favours from individuals, from companies, from organisations or bodies, or from other officials or directors. Fraud on the part of civil servants or directors is deemed to have occurred if they misuse the knowledge or power associated with their position for personal gain, without any parties outside the public administration being involved: this constitutes internal abuse. It is no longer purely about fraud but about ‘violations of integrity’. It is less and less exclusively about what is wrong, but also about the interpretation of the mission, principles, and ethics of professional groups and organisations (van den Heuvel et al. 2002).

“Corruption in politics occurs where a public official (A), violates the rules and/or norms of office, to the detriment of the interests of the public (B) (or some subsection thereof) who is the designated beneficiary of that office, to benefit themselves and a third party (C) who rewards or otherwise incentivises a to gain access to goods or services they would not otherwise obtain” (Rose, 2017, p.224). In this definition, standards and values are used, and a third party has been involved; these three elements ensure that when a third party induces the public authority/officials to violate the rules or standards of the office in a way that is detrimental to the public, the action should be considered corrupt.

Another definition of corruption has sought to focus on the violation of the expected impartiality of public officials. This applies particularly to modern Western governments. Impartiality is used as an ethical ideal and is used, for example, by Agnafors (2013) and Rothstein & Teorell (2008) to write about the quality of government functioning. For example, Rothstein argues that ‘quality of government’ can be understood in terms of impartiality, which in turn means that “When implementing laws and policies, government officials shall not take into consideration anything about the citizen/case that is not beforehand stipulated in the policy or the law (Strömberg, in Rothstein & Teorell, 2008, p.230). Kurer (2005) elaborates in his work on how the concept of impartiality can be used and seen in the analysis of corruption.

The principle of impartiality

The basis of corruption harbours a distributive justice, namely, the ‘principle of impartiality’ (Kurer, 2005). This means that a state must treat those who deserve it equally. The concept of impartiality is part and parcel of distributing justice fairly and as well as possible.

The principle of impartiality requires that there should be non-discrimination standards which prohibit certain forms of discrimination. These non-discrimination standards relate to rights, obligations, and laws. This sets a framework within which what can be regarded as morally acceptable is established. For example, the non-discrimination standards prohibit government

officials from discriminating in the social field, including nepotism and/or bribery. Corrupt acts can be defined as violations of the non-discrimination standards that apply to the conduct of holders of public office and that are motivated by (private) gain. The degree of corruption depends on the definition of public office. The rules governing public office, in many cases, reflect such common standards described, for example, in the law. Corruption can be assessed based on indicators such as bribery related to money, but also for the evasion of regulations and the improper use of resources and policies by government and government administrators.

In the debate on corruption, less attention has been paid to legislative measures promoting administrative corruption for the benefit of the political elite (Kurer, 2005). The core of legislative corruption concerns violations of non-discrimination standards in the allocation of rights, obligations, and benefits.

The systems of active land policy, property rights, and zoning are bound by policy and conditions. It is a rule-bound system so that capital and economic developments can function and develop.

“Economic well-being is closely related to the degree of predictability of the decisions of public administration” (Kurer, 2005, p.230). After all, this is where the public office and the public interest come together: in general, and at least in the long term, “endemic violations of public rules violate the public interest” (Kurer, 2005, p.230). The word corruption is used to distinguish between legitimate and illegal influence. Political processes harbour certain unspecified non-discrimination standards. When these are violated, the term corruption can be used. Such political corruption involves discrimination against the input phase of the political process. Legislation lays down rules and regulations which can be influenced and changed to have a positive or negative impact on certain matters and/or institutions and individuals. This is often described as legislative corruption, and the core of legislative corruption concerns violations of non-discrimination standards in the allocation of rights, obligations, and benefits. Discrimination can be based on social proximity, including discrimination in favour of the public official himself, political parties and or organisation, religion, and, in general, a very wide range of social and political classes and frameworks (Kurer, 2005). Actions of employees or managers of a private company can also violate certain standards of public office. Legislation that violates such non-discrimination standards will generally be considered corrupt after a certain tolerance limit has been exceeded (Kurer, 2005).

Rules for open posts often are reflected in societal standards (Kurer, 2005). However, “Since there is a strong presumption that arbitrariness in the allocation of rights and obligations increases rapidly with the degree of violations of public office rules, the level of corruption will be highly correlated with violations of non-discrimination norms” (Kurer, 2005, p.233). “Measuring corruption by violations of public office rules, therefore, seems to be a sensible heuristic” (Kurer, 2005, p.233).

The study of corruption is primarily a comparative study of the range of practices that public opinion considers to be corrupt in different contexts. Such a comparison makes sense if the concept of corruption is universally understood as a violation of public office standards and, in particular, of the principle of impartiality. Moreover, the persuasion of corruption is important. Potential corruption, however, precisely defined, relates to political decision-making and the allocation of public resources and thus affects the legitimacy of public action (Kurer, 2005).

The distributive justice in terms of privileges granted to small interest groups or to the political elite itself is not often addressed (Kurer, 2005). “However, if it is indeed accepted that corruption is a question of violating the impartiality principle and the non-discrimination norms associated with it, then overstepping certain bounds in providing legal privileges to particular groups and in failing to constrain the spread of corruption will be perceived as corrupt” (Kurer, 2005, p.235).

In public office, corruption is often defined as a violation of formal rules of office. But this is not possible in cases where the legislation itself is corrupt. While it may not always be (ethically) justifiable to act impartially, nonetheless, instances of (partial) allocation of public funds or their use because of misuse, or (personal) advantages and influence on them, are considered corrupt (Kurer 2005).

Definition of corruption for the analysis in an active land policy

Corruption is about conflicts of interest, lack of morality, and it is used as an accusation to criticise a state system. The definition of corruption: all acts contrary to non-discrimination standards. The Corruption harbours a distributive justice, namely, the 'principle of impartiality'. The principle of impartiality is characterised by rules of governance, and it supports the definition of corruption for public office with arguments of distributive justice. After all, bureaucratic standards are intended to ensure that decisions are taken without (personal) conflicts of interest (Kurer, 2005). The principle of impartiality makes it possible to discuss contemporary political corruption in relation to political processes and their transparency, the allocation of rights and resources, questionable practices, and decision-making in politics.

Corruption is also a cultural relativity issue and arises because the non-discrimination standards are culture specific (Kurer, 2005). But as argued in Kurer (2005), as long as practices are uniformly interpreted, the cultural relativity problem does not enter as long as the studies focus on the prevention of reasonably well-understood practices for which there is a priori evidence that they break non-discrimination standards. Corruption can be used to understand matters of a lack of political integrity, and the concept of corruption has a critical role by examining and formulating political efforts to ensure public integrity. This allows the assumption of some measure of mutual understanding, even if the specifics of corruption are a matter of debate. This is consistent with the fact that scientists and journal editors embrace the principle that a piece of scientific work or criticism should be judged solely on its scientific merit. In recent years, journals have introduced a new policy obliging authors to disclose and discuss potential conflicts of interest (Rothman, 1993).

Motivations for corruption

What drives corruption

Corruption is often driven by different mechanisms (Dimant & Schulte, 2016). Corruption is seen as a deliberate decision rather than an impulsive one, which is often the case with crimes (Dimant & Schulte, 2016). Corruption occurs in rational decision-making but is also linked to rationality, the values and norms of individuals, as well as the institutional and political environment (Dimant & Schulte, 2016). Corruption, therefore, often differs from country to country (Herrera, Lijane, & Rodriguez, 2007).

Why people choose to act corruptly is important to understanding the whole of corruption. Several academics have tried to understand the nature of corruption. Economic costs and benefits can be important, but so can intrinsic motivations and cultural values. People may be more susceptible to corruption in their way, but it is also said that a certain system incites certain behaviour (Chiodelli & Moroni, 2015).

Porter (Porter, 2005 in L. E. Porter & Warrender, 2009) has tried to summarise various factors of corruption in two categories, in this case for police institutions. He divided it into organisational factors and social factors. By organisational factors, he meant the organisational culture, especially the emphasis on performance and targets, the policy and applicable rules, and the leadership within an institution. Additionally, Porter took into account the social factors, the culture, the habit, the solidarity, and the external influences within an institution.

Corruption can also occur in personal relationships. Following de Graaf and Huberts (2008, p640) the process of corruption 'can be characterised as a slippery slope, and that important motives for corruption, aside from material gain, include friendship or love, status, and the desire to impress others'.

Dimant & Schulte (2016) and de Graaf & Huberts (2008) have investigated various motives for corruption. The authors offer different propositions to portray the nature of corruption.

History and geographical position influence the degree of corruption (Dimant & Schulte, 2016). Even though criminological factors may be decisive, in crime, the omnipresence of corruption as a crime is facilitated (Dimant & Schulte, 2016). Individually, sociological factors may influence the emergence of corruption; a country's culture may influence individual decisions to act corruptly (Dimant & Schulte, 2016). Material gain is seen as one of the most important motives for civil servants to become corrupt; also, friendship, love, and status are important factors (de Graaf & Huberts, 2008). De Graaf and Huberts's investigation (2008) showed that corrupt officials also often had a strong personality. The business official who knows how to get things done and, who uses hostility to operate independently and against the formal limits of authority, carries a greater risk of being or acting corruptly.

For persons individually, there are arguments for corruption, but economic, legal, and political factors also influence corruption. The quality of the government is decisive for its proper functioning (Dimant & Schulte, 2016). Political institutions play an important role in guaranteeing and facilitating a good work and legal climate. Rules and regulations and economic control are also determined by political institutions. When there is an imbalance, or when the rules are not entirely clear, parties can abuse the system. In corruption cases, supervision of the corrupt civil servant was often not present or not enough, and in most corruption cases, there was also no clear policy (de Graaf & Huberts, 2008). Research has also shown that decentralisation and more autonomy with the ability to enforce power make small political institutions more susceptible to corruption (Dimant & Schulte, 2016). More specific factors for corruption in land use have been described by Chiodelli & Moroni (2015). The discretionary power to decide on attribution and the substantial returns associated with power and bribery transactions are the underlying reasons for corruption. Land use planning systems can

favour certain people. “The amount of discretion built into the system is simply inconsistent with the rule of law” (Chiodelli & Moroni, 2015, p.444). Landowners, developers, and politicians are not always susceptible to corruption themselves, but a certain (planning) system can in itself initiate certain behaviour.

In the literature, there is still the discussion of whether organisational misconduct such as corruption is caused by personal characteristics and decisions or by bad organisational and public factors (de Graaf & Huberts, 2008). Many case studies show that neither the individual nor the organisational and social perspective alone fully explains corruption. Case studies can contribute to further explanations for corruption. To explain corruption, causes have to be identified, and for this purpose, it is best if a case study puts more emphasis on the analysis of cases within the case (de Graaf & Huberts, 2008).

Research design

Portrayal of corruption for an active land policy

Corruption has to be studied within its own unique context (de Graaf & Huberts, 2008). A qualitative case study will allow for attention to be paid to corrupt practices and corrupt agents, and it tells a more complete story about the nature of corruption; the details of the context of a corruption case can be put forward. Corruption can be seen as an evaluation of an event (Rose, 2017). In case studies, attention can be paid to the individuals within their culture and organisation. In a qualitative case study, the research can account for contingencies, which is essential for social research especially corruption research because of the complexity of the phenomenon of corruption (de Graaf & Huberts, 2008). In a case study, it is possible to go into the details and the contextuality; in an analysis, possible patterns can be explored. In this way, empirical research can be done into the integrity of acting in an active land policy. A single case study design is used, which focuses on understanding the dynamics present within a single setting, also to limit an overabundance of data (Kathleen & Eisenhardt, 1989). "Because not much is known about the nature of corruption in high-income countries, an explorative and inductive research strategy is chosen" (de Graaf & Huberts, 2008, p. 641). An explorative and inductive research method in a single case study has been chosen because this is fitting when not much is known about the phenomenon that is being researched and whereby the variables of the complex phenomenon of corruption can be focused on when the exact relationship between the variables is not defined in the literature' (Hoesel 1985 in de Graaf & Huberts, 2008).

All the data comes from a specific case in the Netherlands. This means that the nature of corruption in this study is first of all, and only, about that case. The case can be seen as an example: an example of corruption in one organisational situation, in one Dutch democracy and local and regional political system. Depending, of course, on the political and economic situation and the applicable planning system and planning tools, different forms of corruption may occur in other cases at different stages of the planning process (Chiodelli & Moroni, 2015). To have a case that can be seen as exemplary of where corruption in an active land policy can occur, in a 'Western' democracy, and a 'high-income' society with stable, highly institutionalised political systems, some characteristics for the case had to be defined. A case where a conviction of corruption has already been made is a foregone conclusion. However, to investigate corruption in an active land policy, a case with some other specific characteristics for a case was needed. The characteristics for selecting the case were set out as follows: The active land policy was or is being applied because there was good reason to do so; there was or is a major social interest or a high probability that the pre-investment will be recouped. The municipality uses its public power and public money as a planning authority, but at the same time, the municipality acts as a real estate developer. The investments are risky and vulnerable to an economic crisis. The power of intervention of the government, where there is a high turnover of elected officials, is high. Allocating or changing zoning plans or building permits can be beneficial to certain parties or people, or create a conflict of interest and lead to different claims for the land. These criteria ensure that the case is truly useful and relevant for investigating possible forms of the occurrence of corruption.

Methodological nature of the study

An explorative and inductive qualitative single case study design with a document analysis has been used. It is difficult to do interviews to key-informants on corruption; hence, text analysis is the main source. In the document analysis, rich descriptions can be produced for a single phenomenon (Bowen, 2009). For the research, documents have been analysed qualitatively. The main reason is that there are not reliable data at urban scale on such phenomenon as corruption, especially specific in an active land policy. To gain an understanding of the nature and triggers for corruption, a literature study was first executed. "Evidences" for corruption in this case will be inevitably partial and fragmented, and they will come from many sources. In addition, because of the complexity of the phenomenon of corruption (de Graaf & Huberts, 2008) and the fact that there is not much specific research into corruption in an active land policy qualitative, semi-structured interview with scientific experts specialised in corruption in land use planning, with room for personal narratives, has been conducted. This is done to explore and discuss the experience and the effects of the research methods and analysing tools for a corruption case, and how the evidence can be used to get a better understanding in how to research corruption.

Document analysis

Relevant documents

Document analysis allows for documents to be reviewed and evaluated systematically and data to be examined and interpreted for their meaning, background, understanding, and developing empirical knowledge (Bowen, 2009). Document review can be helpful in tracking changes and developments. Reports can be examined and compared to obtain a clear picture of how a phenomenon, an organisation, or a program has evolved (Bowen, 2009).

"Documents of all types can help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem" (Bowen, 2009, p.29). Documents that can be used include court documents, vision documents, policy documents, research reports, media, websites, and newspaper articles. However, the most important are the official document for an investigation or judicial documents. Such documents are very complete and detailed. Often much more detailed of any story you can get from interviews. Because they are composed by thousands of pages of interrogations and interviews which are fundamental, and provide the research with a kind of information you cannot access through traditional qualitative methods. Most of the documents are accessible online, and some Policy documents are provided by 'Wob'* requests from members of the Wageningen University research group 'begeleidingscommissie Lutkemeer' for personal and research purposes.

Most of this material is raw, to make a relevant document list, documents are reviewed first.

"Document analysis involves skimming (superficial examination), reading (thorough examination), and interpretation" (Bowen, 2009, p.32).

Documents were, therefore, skimmed first, so that meaningful and relevant documents could be identified and identified as in compliance with the research questions. In order to have a relevant list of useful documents to analyse in-depth and in the discussion interpreted, some key characteristic themes had to be defined. Looking at what can be identified as corruption, corrupt acts were divided into two main categories: administrative and legislative (Kurer, 2005). The legislative category is subdivided into corruption that affects the policy-making process itself ('input') and corruption that affects the outcome ('output') (Kurer, 2005). The social and spatial impacts were understood by the spatial policy and design, the elaboration, and the (conflict) of interest of the case study area. "There

*Government Information (Public Access) Act (shortcut Wob in Dutch).

is a debate as to whether the decision to misbehave is more a function of bad apples - the personal characteristics of individuals - or bad barrels - organisational and societal variables” (de Graaf and Huberts, 2018, p.11). The individual and organisational perspectives of corruption help to understand the nature and the triggers for corruption in active land policy. A list of the relevant documents can be found in the appendix.

Thematic analysis

Thematic analysis can be used for a form of pattern recognition within the documents. Categories have been drawn up so that a careful and direct re-reading and revision of the data can be made. Lines, phrases, sentences, and paragraphs have been reviewed through an interpretive lens to code the data in an inductive manner. This inductive approach is aimed at identifying patterns and discovering theoretical properties in the data and derives phenomena from general principles and theories.

The selected data is the basis for the open coding that is based on themes relevant to the research questions (Harris & Hooper, 2004).

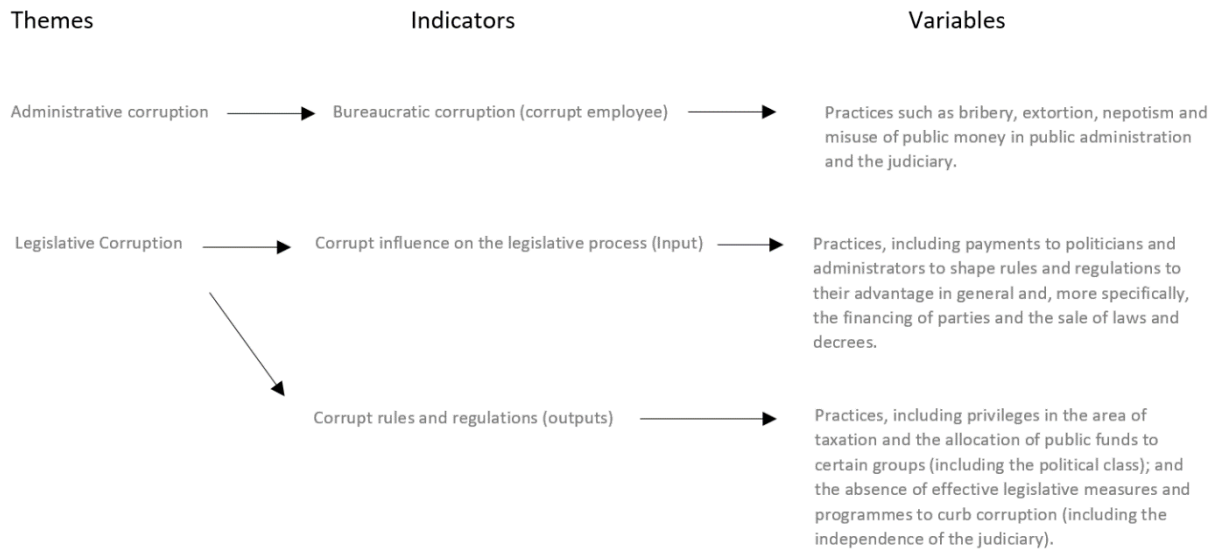
All text fragments have been put into ‘boxes’ according to the theme they relate to using open coding. In the second step, ‘axial encoding’, the fragments within these boxes are compared with each other. What are the differences and similarities? The concepts discovered have been worked out into the analysis; in the results chapter, a description of the data is given. Also, this process helps to determine theoretical case saturation so that redundant and duplicate information is filtered out. In the first part, the analysis stays close to the data, and in the second part, in the discussion, an interpretation layer has been placed over it. Nevertheless, a degree of subjectivity intrusion cannot be completely excluded.

Corruption can be assessed based on indicators and variables, such as bribery related to money. Coding has been done by hand by using markers and noting indicators and variables. This has also been done this way because it is not easy to assess the full extent of corruption in a given case. The main reason for this is that corruption covers its tracks by nature (Chiodelli & Moroni, 2015). Corruption is not just explicitly mentioned; therefore, for the analysis for the identification of corruption, coding will consist of themes with indicators and descriptions so that the relevant documents can still be analysed in a structured manner and before any coherence can be observed.

Identifying corruption

The indicator category structure for identifying corruption is on the theme basis of the two angles of corruption as described by Kurer (2005), namely, administrative corruption and legislative corruption. The coded data are compared to organise ideas and identify concepts that seem to cluster and reflect the phenomenon of corruption in the case.

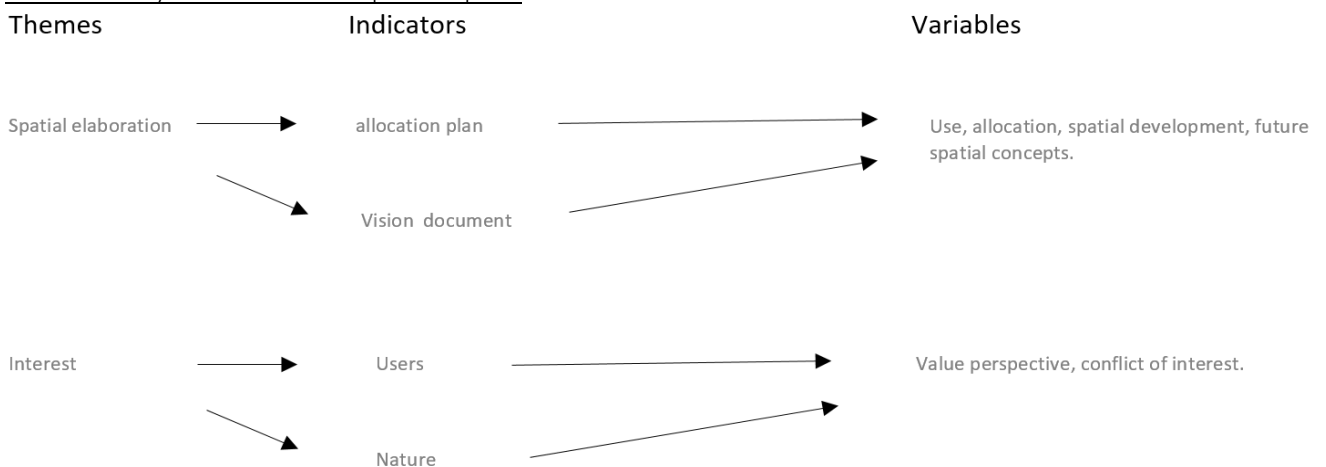
Thematic analysis identifying corruption



Societal and spatial impacts

Societal and spatial changes and effects concerning the decisions and policy in the case, in relation and under the influence of corruption, have been worked out. The relationship and influence the policy and political process and vision documents were surveyed as well as the societal impact on and response to the identified corruption.

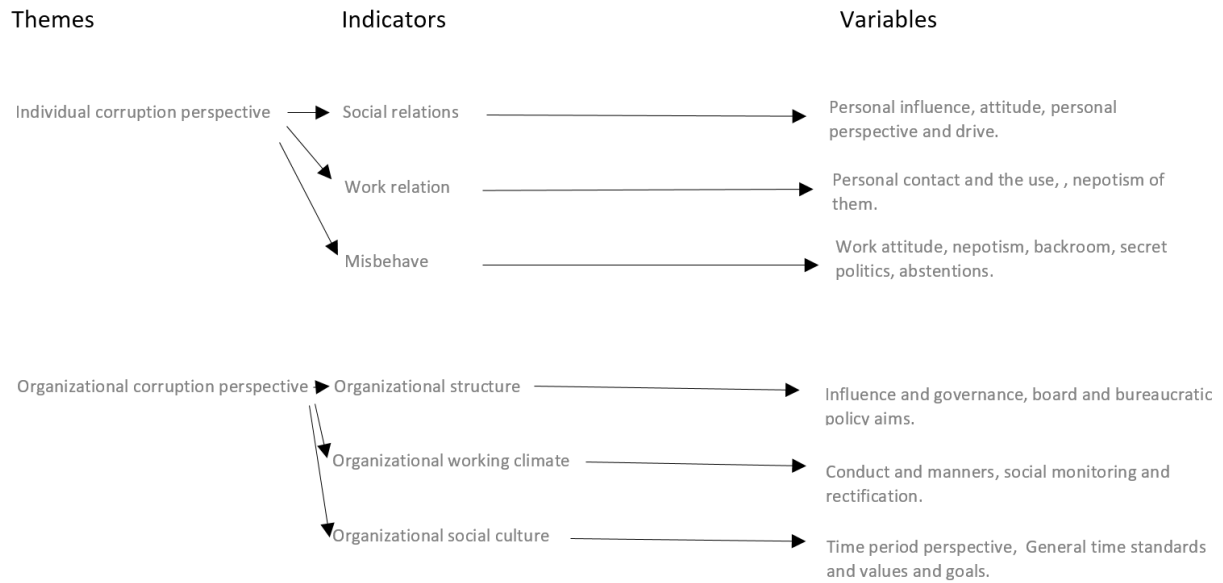
Thematic analysis of societal and spatial impacts



The nature of corruption

A literature review on the nature of corruption was needed to identify the triggers for corruption because there is much speculation on its nature, and different cross patterns can be identified. To gain an understanding of the triggers and nature of corruption in an active land policy, the triggers for corruption in the literature debate will be elaborate in a document analysis concerning the case.

Thematic analysis identifying the nature of corruption



Expert interview

The second part of the qualitative analysis was performed on a semi-structured, narrative interview and discussion with external experts on corruption. The expert interview serves as an addition and elaboration on the case study method. The semi-structured interview with an expert has been used to explore and discuss the experience and the effects of the research methods and analysing tools for a corruption case. With a semi-structured interview, the interviewer is free to vary the conversation, and the flexibility creates good opportunities to answer the 'why' and 'how' question (Miles & Gilbert, 2005). "Semi structured interviews (...) provide a more appropriate format for discussing sensitive topics" (Miles & Gilbert, 2005, p.67). The understanding and experience of the expert can be questioned and discussed, and, therefore, the research question and the phenomenon of corruption can be better understood (Miles & Gilbert, 2005). The interview has a narrative aspect as well because this provides an opportunity for the participant to narrate his or her experience to the researcher (Allen, 2017). This provides a good method to gain a better understanding of corruption in land use planning, and the expert interview can be used as a guide for the analysis and discussion. The interview has been adjusted to fit the position and knowledge of the interviewee but always included the aim of identifying patterns and discovering theoretical properties to analyse and interpret the data better to reflect on the phenomenon of corruption in the case. The interview was done with Francesco Chiodelli and Stefano Moroni. Francesco Chiodelli is an Italian associate professor attached to University degli Studi di Torino and specialised in the social effect of spatial regulations, in particular concerning issues such as informality and corruption. Stefano Moroni is professor in Planning at Politecnico di Milano, Department of Architecture and Urban Studies.

Case study: The Lutkemeer Polder

Historical background

The Lutkemeer polder area includes the Lutkemeer polder itself, the former Raasdorper polder, and a small strip of the former Aker polder. In the past, these polders belonged to the 'craftsmanship' of Sloten ('Lutkemeerpolder: 5.11 Archeologie & cultuurhistorie', n.d.). The land reclamation of these polders started somewhere around the 11th and 12th centuries. Elongated plots were cultivated with built-up areas at the end; this created the so-called Dutch 'lindbebouwing'. As a result of the reclamation, agricultural areas became available. In time, however, the area declined, and the area became wetter again. New strips were cultivated and this led to a so-called 'slagen' landscape. The large-scale reclamation of the peat landscape during the late Middle Ages led to a continuous process of subsidence. As a result, the sea and its tides had an increasing influence on the land. The peat meadow area flooded regularly, and these floods led to the erosion of the peat and the widening of the IJ Lake. Large inland lakes such as the Haarlemmermeer and the considerably smaller Lutkemeer were also created because of this. To combat the decrease of land, the Counts of Holland ordered the construction of a sea wall along the entire coast of the IJ in the early 13th century. However, the uncovered lakes still spread out with every storm. As a result, the hydraulic engineer Jan Adriaanszoon Leeghwater made plans for land reclamation in the 17th-century, although after two storms around 1836, during which the water came to the gates of Amsterdam and Leiden, the decision to drain the Haarlemmermeer was finally made. The Haarlemmermeer was drained between 1848 and 1852. The Lutkemeer was still a lake at that time. De Government sold the Lutkemeer to the brothers J.W.H and L. Rutgers van Rozenburg in 1863. In 1864, they drained the Lutkemeer as well. They constructed the Lutkemeerweg in this new polder, where several farms were located, some of which still stand, such as the 'Melkweg' and 'Tijd is geld'. For more than 100 years, the Lutkemeer polder had a purely agricultural function ('Lutkemeerpolder: 5.11 Archeologie & cultuurhistorie', n.d.), and until 1921, it was part of the municipality of Sloten. At that time, the municipality of Sloten was absorbed by the municipality of Amsterdam.

In the late 1980s, the idea of Schiphol Mainport was born; Schiphol Mainport was meant to serve as a centre of economic developments. This led to a real estate hunt in the surrounding area ('Schiphol Luchthaven geschiedenis', n.d.). Land use planning in the Schiphol Area is an issue of national interest but also rather important for the development of the Amsterdam region. The first board for planning in this area was set up in 1986 and was a union between Province North-Holland, the Municipality of Amsterdam, the municipality of the Haarlemmermeer, and the Schiphol Group (Schoorl, 2006). The parties agreed on a Schiphol covenant, which depicted the rules for land use and developments. For the Lutkemeer polder, this implied that it had to be used for businesses related to Schiphol, or a so-called 'Schiphol-attached business park'. The company 'Schiphol Area Development' (SADC) is responsible for the assessment and development of new areas and their respective usage. Since 1997, there have been ideas plans to build in the Lutkemeer polder. The municipality of Amsterdam already had a first set-up idea for the development of Lutkemeer; in 2002, the final land allocation plan was settled for the Lutkemeer polder. In 2007, the development of the Amsterdam business park by the SADC and the municipality of Amsterdam began.

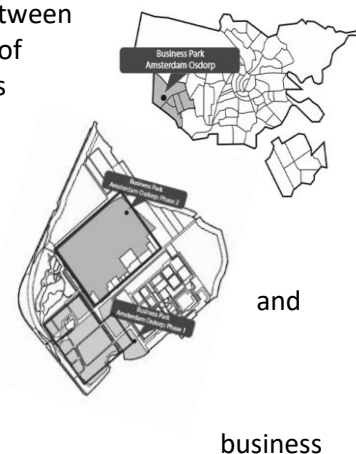


Figure 1: Amsterdam business park, atelier WUR map

Identifying corruption

Political corruption

There is a political debate going on about the future destination of the Lutkemeer polder, and the Lutkemeer polder is involved in a corruption scandal as well. In the corruption scandal, one name keeps popping up, that of Ton Hooijmaijers, a former politician for the VVD political party. Ton Hooijmaijers was a member of the Provincial Executive of the Province of North Holland from 2005 to 2008 and managed the spatial planning and finance portfolios there (van den Heuvel et al., 2012).

In 2005, Hooijmaijers announced that he had found a major international developer for the business parks in the Schiphol region company (van Vilsteren, 2018; Niemantsverdriet, 2019). Through the intermediary of Hooijmaijers, the British Slough Estate acquired a majority interest in the property developer Mainland BV, which was operating in the Schiphol area at that time. This majority interest was accomplished by taking over sixty percent of the shares from real estate entrepreneur Jelle Kuiper.

Mainland was the first to buy 8 hectares of land around Lutkemeer in 2000. Mainland paid five million guilders (almost 2.3 million euros) for the eight hectares of land (van Vilsteren, 2018; Niemantsverdriet, 2019; Rengers & Schoorl, 2013ab). Segro hoped that the province or the municipality of Amsterdam would buy these eight hectares later on (Rengers & Schoorl, 2013ab; Dubbelman, 2012). At that time, Ton Hooijmaijers held several key positions: he was a representative in the municipality and, as such, represented in the SADC; he was also a co-director of the Amsterdam Metropolitan Area and chairman of the Schiphol Administrative Forum.

In 2009, the municipality and SADC, together with Slough Estate and Jelle Kuiper, wanted to develop the whole Lutkemeer polder into a business park by developing phase 2 as well. Months before the signing of the agreement, Hooijmaijers recommended Lutkemeer polder phase 2 on the Provada real estate exchange. However, due to the economic crisis, the plan and its implementation were stopped (van Vilsteren, 2018; Niemantsverdriet, 2019; Rengers & Schoorl, 2013ab).

Former deputy Hooijmaijers has been in prison since 2017 for corruption and fraud. At the beginning of this century, he misused his office for real estate ambitions. Law enforcement investigated 1.8 million euros in payments to the company 'MOVE' that was in the name of the husband of Hooijmaijers. According to the court, Hooijmaijers accepted bribes several times as a civil servant during the period that he was a representative of the province of Noord-Holland (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015).

At the first conviction, the prosecution demanded that Hooijmaijers be sentenced for four years. In the period in which he was a member of the Provincial Executive of the Province of North Holland, Hooijmaijers had himself been bribed several times as a civil servant and laundered monies obtained from crime (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015). According to the Court, Hooijmaijers received –large sums of money on multiple occasions from companies. These were paid so that Hooijmaijers would do them favours and to persuade him to run things in a direction that was favorable to. Additionally, Hooijmaijers was convicted of forgery and the laundering of 15 large sums of money (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015). On the charges of which he was found not guilty by the court, the judge stated that this “acquittal did not mean that Hooijmaijers had not committed the charges, but it could not be convincingly demonstrated that the offences he had committed were punishable (Rechtbank Noord-Holland, 2013). On appeal, Hooijmaijers was sentenced to a two-and-a-half-year unconditional prison sentence (Gerechtshof Amsterdam, 2015). Hooijmaijers had, according to the court, received large amounts of money from companies that Hooijmaijers did favours for. One of the big cases concerned the Lutkemeer polder and, more specifically, the takeover of Mainland BV by the Slough Estates Group (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015).

Hooijmaijers was an intermediary in the takeover of Mainland BV. The agreement that was made stipulated that Hooijmaijers would receive 1.5% of the money that Segro paid for Mainland BV. Segro was interested in Mainland BV because it had recently purchased eight hectares of land in the Lutkemeer polder for five million guilders (2.3 million euros).

Administrative corruption

Hooijmaijers has committed administrative corruption. The following characteristics of administrative corruption were identified; the nepotism in the development of the Lutkemeer business park, bribery and laundered obtained money as a civil servant, misuse of public money because of forgery and the laundering.

Questionable integrity

SADC cooperation

Cases such as Hooijmaijers are considered incidents (Trouw, 2013). In 2008, however, a debate was already taking place in the provincial councils about the role of Hooijmaijers in another case, the case of the Icelandic bank Landsbanki. The province lost a great deal of money at that time because it had €78 million outstanding from the bank. Where this refers to the actions of one individual, there were also earlier doubts concerning the integrity of the cooperation between the municipality and the construction with SADC.

In 1987, the Municipality of Haarlemmermeer, the Municipality of Amsterdam, the Province of Noord-Holland, and N.V. Luchthaven Schiphol decided to collaborate and facilitate Schiphol's growth (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The report on regional cooperation in the region, published by the Van der Zwan Committee in May 1986, refers to the year 2000. The advice in this report was that the appeal of Schiphol had to be improved by improving the location factor, namely better and high-quality business parks for the purpose of internationalisation. To achieve this, in addition to promotion, the report also recommended being more decisive by setting up a private law form (either a public limited company or a private limited company) that would enable active cooperation between the authorities involved and existing project developers (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003).

This advice was taken up by the various parties such as the municipalities of Haarlemmermeer and Amsterdam, the province of Noord-Holland and Schiphol Airport and resulted in the Schiphol Covenant in 1987 (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The covenant stipulates that the parties shall establish a Management Forum. The purpose of this Governance Forum is to provide a more effective and coordinated approach to make optimum use of the opportunities for economic growth around the airport. By working together, the development time of business parks can be coordinated, and international marketing activities can be shaped jointly (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003).

SADC was set up to implement the collaboration (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). At the time, this was a form of public-public collaboration. The company's objective is to acquire, develop, operate, and dispose of high-quality business premises and other immovable property in the vicinity of Amsterdam Airport Schiphol for the benefit of airport-bound companies. Supervision of SADC is exercised in shareholder meetings. SADC has the following shareholder structure (2003): Province of North Holland (18.1%), the Municipality of Amsterdam (24.3%), the Municipality of Haarlemmermeer

(24.3%), and Schiphol Nederland B.V.'. (33.3%) (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003).

Agreements have been made with the regional parties involved in the development of Schiphol about the developments of all Schiphol-related work locations. The development strategy lays down the phasing and prioritisation of the work locations around Schiphol. This development strategy has been laid down in the Management Forum (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The SADC functions as an instrument to develop locations and because SADC, as an organisation, realises the actual developments, the municipalities and the other government parties can concentrate on their public task and set clear frameworks (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The management of SADC by the Board Forum is essential. To this end, the Management Forum must ensure clear objectives are set for SADC, the frameworks within which these are to be achieved, and the formulation of clear assignments. The municipality has traditional spatial planning instruments at its disposal to steer and influence spatial developments.

The collaboration between Schiphol Area Development Company (SADC) and the administrative forum has, on more than one occasion, given rise to wide-ranging political debate (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The discussions concern the relationship between public and private, Schiphol's role in the partnership, and the transparency of policy and decision-making (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). Since 2001, the Municipality of Haarlemmermeer has established that communication with the council about the SADC and its management has been inadequate; it is also essential that there is a clear separation of public and private interests, tasks, and responsibilities (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003).

The Municipality of Haarlemmermeer has therefore carried out several studies, which resulted in two reports by the Nijenrode Business Universiteit: *Een reflectie op regionale samenwerking; Het Bestuursforum Schiphol 'nieuwe stijl' en SADC* (Karssing et al., 2005a), *Een zaak van belangenmanagement; De participatie van gemeente Haarlemmermeer in BFS en SADC* (Karssing et al., 2005b), and a study by the SGBO, *Gemeente Haarlemmermeer en Schiphol Area Development Company* (Smallenbroek & Hak, 2003).

Integrity studies

The reports of Nijenrode Business University focused on interest management from the point of view of integrity, in which the emphasis is on integrity and the avoidance of conflicts of interest. These investigations go further than the SGBO investigation but also take the points from the investigation into account. The various concerns of the Municipality of Haarlemmermeer prompted the investigations. The concerns were that there could be a conflict of interest, but it was also pointed out, for example, that there could be a lack of interest, transparency, and possible distortions of competition (Karssing et al., 2005a; Karssing et al., 2005b). Some important conclusions have been drawn from the two studies. There are several critical concerns between the cooperation of municipalities and SADC: 1. the transparency of decision-making, 2. public accountability, 3. potential conflicts of interest, 4. the appearance of conflicts of interest, and 5. the position of Schiphol.

The municipalities have different interests in cooperating with SADC. They are a party with a business interest in good location development, and they are also guardians of public interests. Because the

municipalities participate in SADC, there is a potential conflict of interest; good interest management has therefore been deemed necessary (Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). The SGBO report related to the municipality's resilience to risks associated with potential conflicts of interest. Sufficient resilience, however, is not yet a response to the appearance of a conflict of interest. The reports by Karssing et al. (2005ab), therefore, conclude that it is better to focus attention on managing conflicts of interest and strengthening the confidence of citizens and market parties concerning the integrity and reliability of the government. The studies by Karssing et al. (2005ab) concluded that the various responsibilities and powers were clearly regulated at the time, but that councillors were insufficiently informed to make effective use of opportunities for adjustment and intervention. Lack of information led to a lack of confidence in the added value of the collaboration because the purpose of the collaboration and the choice of method of collaboration were unclear. Cooperation requires openness and trust, as does the quality of democratic control. On the contrary, the researchers found a great lack of trust (Karssing et al., 2005a; Karssing et al., 2005b).

Interviews in the study by Karsing et al. (2005, ab) show that councillors suspect that fellow councillors are not completely transparent and indicate that all kinds of decisions may be masked by fellow councillors in order not to lose face or to be able to be a fully-fledged discussion partner. It was also indicated, for example, that the municipality buys land which is then brought into SADC, without it being clear to councillors what will happen to it. Karsing et al. (2005, ab) concluded that these suspicions could not be refuted but rather gained in strength due to a lack of transparency.

Following the SGBO investigation in 2003, no measures were taken within the municipal organisation to prevent risks of conflicts of interest. As far as possible, SADC is treated in the same way as any other company that wants something from the municipality. Only various public tasks have been transferred to SADC (Gemeente Haarlemmermeer, 2005; Huberts et al., 2004; Karssing et al., 2005a; Karssing et al., 2005b; Smallenbroek & Hak, 2003). When seen from the perspective of the municipality, there is talk of a distanced administration; however, SADC is a public limited company in which the control of the company takes place within the structure of the company. Therefore, the Board cannot be called to account by the municipal council. Democratic control of the functioning of SADC is exercised through the aldermen. Previous interviews by Karssing et al. (2005ab) and Smallenbroek & Hak (2003) show that the councillors also feel that they are inadequately informed and often too late. As a result, they feel blocked and have little room for an opinion that differs from that of the college. Also, politics and councillors have changed over the years, leading to different insights.

The distance is further increased by the tasks performed by SADC (Smallenbroek & Hak, 2003). SADC negotiates with companies and is involved in the execution of land transactions; these are matters that take place in a confidential atmosphere and, in any case, do not lend themselves to public disclosure. This is also the case in the current development of phase 2 of the companies' land in the Lutkemeer. SADC has promised to talk to various parties and to have a potential candidate; the preparation for construction has already started, but three years on, nothing is known yet (SADC, 2017). The SGBO (Smallenbroek & Hak, 2003) has therefore already concluded that the fact that SADC operates at a great distance from the municipality and therefore the municipal council means that there is a relatively large amount of unfamiliarity about how it carries out its work and how negotiations with the municipality take place.

SADC was also originally a form of public-public cooperation. After all, Schiphol was seen as a state-owned company. However, this is no longer entirely the case, so there has gradually and implicitly been a qualitative shift in the character of the cooperation. This means that in the discussion about the participation of the municipalities in SADC, "The perspective of public-private cooperation can and should be taken into account" (Karssing et al., 2005b, p27).

Schiphol commitment

SADC is a company and as such, tries to achieve a return on equity. Paying out to shareholders is usually proof of this. However, it is not the task of the shareholders to realise a certain profit; it is not a task but an objective (Karssing et al., 2005a). The municipalities themselves determine what return they require from SADC.

One of the possibilities for SADC to increase the return is to interpret the establishment criteria more flexibly in connection with the Schiphol requirement to achieve a quicker issuance of land in this way. In principle, the municipality can block the establishment of companies that do not meet the established requirements based on the zoning plan.

In that case, the municipality refuses the building permit because it contravenes the zoning plan. Checking against zoning plans is not only a statutory task of the municipality but, in this case, also offers the municipality the opportunity to monitor the functioning of SADC.

In recent years, however, little has come of an assessment by the Municipal Executive of the requirement of being bound to Schiphol. The Municipal Executive has set up an assessment committee that should advise the Municipal Executive on this assessment. This assessment committee consists of civil servants of the municipality and employees of SADC. In practice, SADC hears from companies about their Schiphol affiliation and is the only party to issue advice to the assessment committee. Another problem is that different definitions of 'Schiphol-relatedness' have been in circulation. The various zoning plans use different definitions, and these descriptions deviate from each other. The Inspectorate for Housing, Spatial Planning, and the Environment (VROM) has established that the municipality was wrong not to carry out the assessment of companies with regard to their Schiphol status (Smallenbroek & Hak, 2003). In 2003, the SGBO had already advised that the definitions relating to Schiphol employees should be updated and that accountability for the test and the instruments used should be made more transparent. And that in future, the municipality should ensure that its decisions on the assessment of Schiphol-relatedness are not based exclusively on SADC's recommendations. At the time, the municipalities promised improvement (Smallenbroek & Hak, 2003); an unambiguous definition of Schiphol-relatedness would be included in the zoning plans, and an assessment committee would issue advice to the municipal executive.

Initially, the objective of the selective location policy was to prevent the region from clogging up with activities that would hamper the development and accessibility of the airport complex. With a certain degree of selectivity, Schiphol would be able to develop further, resulting in a stronger network and making the Amsterdam Metropolitan Area even more attractive for the establishment of internationally orientated business activities. The resulting economic spin-off (employment and added value) is evident (Gemeente Haarlemmermeer, 2011). Over the years, the vision of selective location policy has changed. The parties still believe that selectivity is important, but they also believe that the current policy does not work well, is not recruiting potential business locations, and ignores the possibility of strengthening the quality of the supply of work locations in the region as an important means of achieving the desired target groups and thus the desired selectivity. The new selectivity policy is based on the cluster strategy (Gemeente Haarlemmermeer, 2011).

These problems were caused, on the one hand, by an unambiguous interpretation of the criteria with the result that the scheme was not applied consistently. On the other hand and above all, parties have concluded that the scheme overshoots its objective: it does not respond sufficiently to the dynamics and opportunities of an internationally oriented market in the Amsterdam Metropolitan Region and sends too negative a signal to this primary target group (Gemeente Haarlemmermeer, 2011).

At the end of 2008, the Meijdam Committee recommended designing a new scheme which does more justice to international market dynamics and at the same time ensures more transparent public assurance. It concerns the use of location developments that better meet the needs and wishes of the market. It is assumed that added (economic) value can be gained from accommodating the clustering of companies (Gemeente Haarlemmermeer, 2011).

On 11 June 2009, the signatories—the Municipality of Amsterdam, the Municipality of Haarlemmermeer, the Province of North Holland, Schiphol Airport and SADC—agreed to the Spatial Economic Vision for the Schiphol Region (REVS) as a building block for the spatial development strategy in which, in their opinion, a more positive approach to selectivity is opted for by enticing the desired business activity to take up residence (Gemeente Haarlemmermeer, 2011). Contrary to the recommendations of previous studies, the selective location policy, the Schiphol commitment, has been abandoned.

A new type of settlement policy has been agreed, in which selectivity is no longer guaranteed by selection criteria in planning documents but by an economic vision (REVS) and a further elaboration of this vision in an economic strategy to be laid down in a covenant (Gemeente Haarlemmermeer, 2011).

Only global criteria are laid down in a covenant; these will, therefore, no longer be anchored in the planning documents and will not be included in the land allocation plan. In relation to the new direction, it was decided to replace the term ‘Schiphol-related’ with the term ‘international orientation’ (Gemeente Haarlemmermeer, 2011). This new term expresses the metropolitan strategy that is central to the REVS and the ambition to strengthen the international competitive position. After all, the metropolitan strategy is not only about the airport, but about a combination of factors, whereby in the Schiphol region it is mainly about the interaction between the airport (international accessibility) and the city (high-quality knowledge, creativity, culture, and facilities) (Gemeente Haarlemmermeer, 2011). Internationally oriented companies find the Schiphol region attractive not only because the aviation network is within reach, but also because the metropolitan climate has advantages.

In the covenant referred to above, ‘international orientation’ is defined as follows: “focusing on or linking companies from the business process to international markets for which the presence of an airport with a network of international connections (passenger and freight transport) in combination with a metropolitan environment (knowledge, creativity, and high-quality labour market) are important terms of employment” (Gemeente Haarlemmermeer, 2011, p5). Nuance in this respect is that companies should be bound to international markets from the perspective of the business process. This means that companies can also be internationally oriented indirectly, through their supply activities in an international chain. All the policies in the form of regional plans and transitional documents were eventually succeeded by the Provincial Structural Vision 2040 (Provincie Noord-Holland, 2010). In the Provincial Structural concept 2040 and the Provincial Spatial Planning Ordinance (Provincie Noord-Holland, 2019), certain areas of land in the plan area have been designated as Schiphol-related business parks. In the Structure Vision for Amsterdam 2040 (Gemeente Amsterdam, 2010) is written that Amsterdam will retain several large-scale business parks outside the A10 ring road, including the business park in the Lutkemeerpolder planning area. They play an important role in the logistical function of the city. In the Lutkemeer area, the development areas for Amsterdam Business Park have been designated as ‘works’ and are therefore classified as ‘large-scale business parks’. The latest municipal and the Provincial Structural Concept 2040 and Provincial Spatial Regulation 2040 do not include any criteria or percentages for Schiphol-related business activities.

The business locations should be reported and evaluated annually to see whether the ambition and course are still the right ones. In planning documents, global, more descriptive criteria can still be included in an explanatory sense, but not in a legal-testing sense. As a result, there will be more flexibility and clout to allow companies to establish themselves (Gemeente Haarlemmermeer, 2011). Letting go of these criteria does not mean that the municipality no longer has the possibility at all to address selectivity in zoning plans. The municipality still has the choice to include the principle of selectivity in the zoning plan (Gemeente Haarlemmermeer, 2011).

Land allocation plan Lutkemeer polder

In 2013, a new land allocation plan was formed for the Lutkemeer polder; as the previous plan already dated from 2002, this plan had to be updated. Updating was necessary because in 2008, the program 'Gardens of West'; was realised of which the Lutkemeer is part, and, in addition, in the new covenant, the global location criteria are laid down, and anchoring in a land allocation plan no longer takes place. The Lutkemeer polder is a very diverse area with influences from the city and Schiphol. The current destinations in the plan area (figure 2) include businesses, housing, agricultural purposes, a cemetery/crematorium (Westgaarde), green space/ecology, water, and waterways (Planviewer, n.d.). And a land allocation plan must always be tested and consistent with national, provincial, and municipal policy. The zoning plan does not include any additional requirements for establishment.

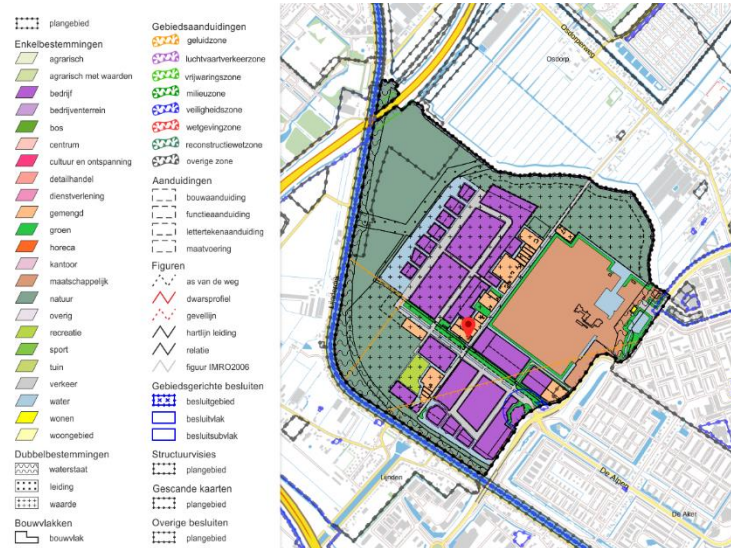


Figure 2: Lutkemeer land allocation plan (Planviewer, n.d.)

Lutkemeer location development

For subarea 3 of the Lutkemeer polder, the Municipality of Amsterdam, SADC, which operates under the name GEM party, signed a cooperation agreement in 2009 with SEKU (Gemeente Amsterdam et al., 2018). SEKU is a private company represented by J. Kist and J. Kuiper, who sold plots of land in the Lutkemeer to the municipality for 7.7 million.

With this sale, the municipality owns all the land in the Lutkemeer. Mainland, a subsidiary of the Kuiper group, had previously purchased the land for 2.3 million euros in 2000 (Dubbelman, 2012). The 8 hectares had previously been purchased for 2.3 million euros and were resold for 8 million euros. Ton Hooijmaijers received money from Jelle Kuiper to 'advise' on this agreement. Hooijmaijers brought the parties together before he became provincial governor on behalf of the VVD and he has not been convicted of this, but an appeal has been initiated (Leeuwen, 2019).

The cooperation agreement includes a development right for SEKU; they receive 33% of the net issuable square meters of land on long leases (Gemeente Amsterdam et al., 2009). The covenant also stipulates that if the building plots are sold below market prices because the municipality wishes to do so to achieve its public objectives, the difference for land exploitation between the (lower) issue price and the market price will be compensated financially by the municipality (Gemeente Amsterdam et al., 2009).

And even if the GEM parties withhold their approval concerning the issue of land in the Plan Area to a prospective end-user submitting a proposal to SEKU, the GEM parties will endeavour to have this prospective end-user established in any business park on another plot of land belonging to SADC or the Municipality of Amsterdam. This is subject to the condition that the prospective end-user who nominates SEKU complies with the target group policy for the Plan Area adopted by GEM CV in this respect. In this case, SEKU will be entitled to purchase the plot of land in question in this other business park from SADC or the Municipality on market terms, and to further develop and realise the property to be developed on it within the applicable local conditions. It is also included that if it appears that contamination is present in the plots of land in the planned area that are owned by the municipality at the time of signing the agreement, as a result of which the plots of land are not suitable for the intended use, the municipality is obliged to carry out the necessary remediation (or have it carried out) at its own expense and risk. In addition, if a positive result is achieved, GEM CV is obliged to pay out 20% of this result to SEKU, but if the development of the Scheduled Use Area achieves a negative result, the losses will be borne in full by GEM CV (Gemeente Amsterdam et al., 2009).

Legislative corruption

For the legislative corruption in the input face, in the process, there is not an actual conviction because the payments for rules and regulations in the advantages of SEKU were not done to politicians at the time. However, Hooijmaijers became a politician and by the intensive business relationship, SEKU had an advantage in general on the sale and development of the business park. There are privileges in the area of taxation and allocation of public funds to SEKU, a characteristic of legislative corruption in the output face. Other characteristics for legislative corruption in the output face can be seen in the absence of effective legislative measures and programs to curb corruption. They are identified as; the lack of democratic control by insufficiently informed councillors, letting go of the 'Schiphol-related activity' requirement and thereby the monitoring of the functioning of the SADC and not having additional requirements for establishment in the spatial regulations or the zoning plan.

Societal and spatial impacts of corruption in the Lutkemeer case

'Behoud Lutkemeer' protest group

Since 2009, a group of Amsterdammers have been fighting for the preservation of The Buttercup farm in the Lutkemeer (*Behoud Lutkemeer! – Een Platform van Bezorgde Burgers En Organisaties Die Zich Inzetten Voor Behoud van de Open Polder En Het Unieke Akkerlandschap in de Amsterdamse Lutkemeerpolder [BL]*., n.d.; van Vilsteren, 2018; *Red Ecologische Zorgboerderij de Boterbloem*, n.d.), an ecological care farm that is in danger of disappearing due to the construction on the farmlands. In addition, since 2018, this has expanded with the protest group 'Behoud Lutkemeer'. The aim of their campaigning is to make it clear to the municipality that, according to them, "building on the green lutkemeer location is out of date" (BL, n.d.).

The protest group sees the Lutkemeer polder as a special area with an important function for biodiversity, CO₂ storage, local food supply, and green recreation. The protest group sees no need to destroy Amsterdam's last fertile soil for the sake of an industrial estate and they claim that "The

desire to build is motivated by investors, not companies that want to establish themselves" (BL, n.d.). Through various actions, they have attempted to demonstrate that there is sufficient space within Amsterdam's city limits for new construction, upgrading, and intensification of business parks, and that expansion is not (or no longer) necessary. Furthermore, they argue that the construction of business parks is a highly cyclical activity. A dip in the economy, as was the case during the economic crisis in 2008, has a direct effect on the demand for business space, and, even in 2020, there is still a great deal of vacant space, and there is still land available while the expansion preparations to the land have already started (BL, n.d.; van Vilsteren, 2018). But signs of the actual construction or detail plans of the new developments in the area aren't visible or available (Niemantsverdriet, 2020). The protest group has tried to generate a lot of attention for an alternative plan and the cessation of construction activities in the Lutkemeer polder (*Red Ecologische Zorgboerderij de Boterbloem*, n.d.). This has not gone unnoticed in politics either. The Dutch parties Groen Links and PVDA have asked the municipal executive to investigate scenarios in which the social added value, including the care function of De Boterbloem, could be retained next to the business park (Groen Links, n.d.). As a result of the motion, there is now an alternative plan where, in addition to the business park, three hectares of space is available to the care farm and urban agriculture. This plan costs the municipality six million euros, but the Municipal Executive wants to invest this for the preservation of part of the polder and the care farm. To this end, the zoning plan already adopted in 2012 still needs to be amended, and agreements need to be concluded (Groen Links, n.d.). The protest group would prefer that the entire polder remain free of development, and politicians have also looked into this. Still, it is difficult to convince the other partners in the GEM (Province of North Holland, Municipality of Haarlemmermeer and Schiphol Airport) to assume part of the losses and bear the costs, as it will also cost the municipality at least 42 million euros. This is the amount of compensation that would have to be paid to all parties if the agreements were to be dissolved, and the procedural costs have not yet been included (Groen Links, n.d.). And "the decisions of previous colleges and the council cannot simply be reversed" (Groen Links, n.d.); "agreements are already on paper" (M. Doorninck (Spatial Planning, GreenLeft) in Niemantsverdriet, 2020).

The Behoud Lutkemeer protest group has submitted a request to amend the entire allocation plan and has also made an alternative interpretation for the polder. They have claimed that the democratic supervision of the development of the business park has been undermined by abandoning the 'Schiphol-related activity' requirement (adviesburomonster, 2019). This requirement was the basis for the change of zoning plan from agricultural to a functional business park. "Letting go of this requirement deserves democratic reflection" (adviesburomonster, 2019, p2). In addition, the suspicion of corruption is present in the basis of the development of Lutkemeer subarea 3, and this raises fundamental questions about the adherence to the current plans and implementation agreements (adviesburomonster, 2019). And finally, they feel that the current allocation plan pays insufficient attention to the Flora and Fauna legislation and the special ecological importance of this area and the landscape value of the polder (adviesburomonster, 2019). In the interest of the ecological value of the polder, several studies have also been carried out into the Lutkemeer, including by Wageningen University students on assignment from the Science Shop of the Wageningen University (Bos et al., 2019). The action group also argues that the development of Lutkemeer polder into a business park is, in principle, not in accordance with some visions (adviesburomonster, 2019; BL, n.d.).

Vision for and green value of Lutkemeer polder

The use and future spatial development are laid down in various policy and vision documents the filling-in of the area with new functions must be done carefully concerning both quality and quantity (Gemeente Amsterdam, 2008). Careless filling in comes at the expense of the scale and, therefore, the experience. Amsterdam is adhering to the policy regarding the compact city, improving urban functioning through a greater concentration of the functions of living, working, and recreation (Gemeente Amsterdam, 2010).

The Lutkemeer polder is part of the Gardens of West. The vision and aim of the area (around the existing business areas) are to preserve the open polder landscape. The scale of the Lutkemeer polder should remain visible as much as possible (Gemeente Amsterdam, 2008). In the Gardens of West, both the recognisability (cohesion between the four polders) and the experiential value (the identity of the individual polders) must come to the fore (Gemeente Amsterdam, 2008).

The Lutkemeer polder is a clay polder, and this makes the growth of certain crops different to those in other polders possible (BL, n.d). Urban agriculture plays an important role in preserving the polder landscape and making the agricultural history visible (Gemeente Amsterdam, 2016). In addition, the area represents important nature values by setting up an ecological zone on the northern side of the plot within the framework of the 'Groene AS' (Green AS) as seen in figure 3. The Gardens of West includes an area for meadow birds, forest and garden birds, and other animal species—more than 150 species which are protected by law (Gemeente Amsterdam, 2016). Part of the Lutkemeer polder belongs to the Hoofdgroenstructuur Amsterdam (Gemeente Amsterdam, 2016).

The Hoofdgroenstructuur comprises the minimum amount of green that Amsterdam wants to secure, consisting of areas that are valuable to the city and the metropolis. The Hoofdgroenstructuur (main green structure) includes the areas where the functions of green and green recreation are paramount. Housing, work-related functions, road construction, or the establishment of facilities that attract traffic or at the expense of green space are not in line with the objectives of this spatial development strategy. On the contrary, interventions that increase the recreational value and/or nature value or other functions of green space are encouraged. The areas intended for business activity, Lutkemeer 1 and 2, are not part of the main green structure (Gemeente Amsterdam, 2016), as shown in figure 3. Lutkemeer 2 is, however, given a nature value of 3 on a scale of 5 (a value of one is low and a value of five is high) in the latest report 'Natuurwaarden in kaart 2016' (figure 4). This is the same value as the rest of the Lutkemeer (Gemeente Amsterdam, 2016). In 2009, Lutkemeer 1 and Lutkemeer 2 were not assigned a nature value, but in 2002, both Lutkemeer 1 and Lutkemeer 2 were assigned a nature value as shown in figure 5 (Gemeente Amsterdam, 2016).

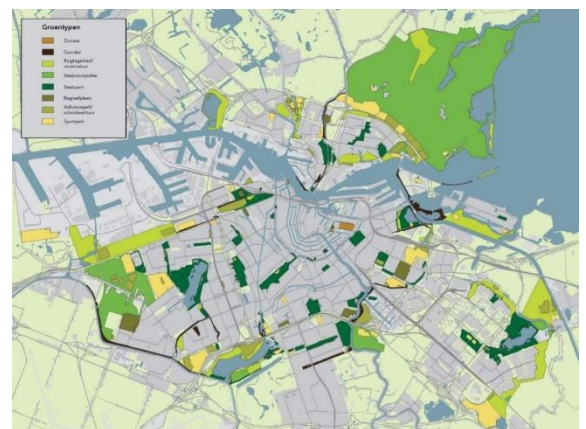


Figure 3: Hoofdgroenstructuur Amsterdam (Gemeente Amsterdam, 2016).

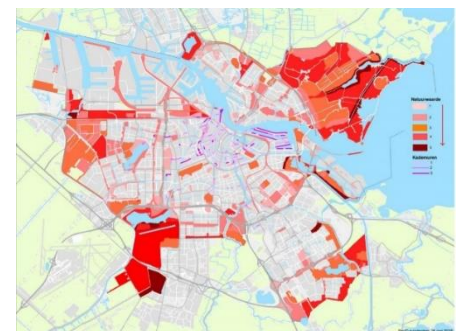


Figure 4: Natuurwaarde Amsterdam (Gemeente Amsterdam, 2016).

Lutkemeer 2 is also included in the biodiversity map (figure 6) from the report, 'Natuurwaarden in kaart 2016'. It has also been assigned a value of 3 out of 5 (Gemeente Amsterdam, 2016).

The biodiversity map shows the total number of species groups protected by the Flora and Fauna Act (mammals, birds, reptiles, amphibians, and plants). Amsterdam also made a partial map of naturalness (figure 7). Naturalness is defined as the degree to which an area is naturally arranged and related to this, the degree of management intensity. Three classes of naturalness have been defined; areas with a low level of naturalness are the residential areas, sports fields, and industrial estates. The areas where nature can take its course have the highest naturalness class. The Lutkemeer polder has a value of 2 on the scale of 3 (Gemeente Amsterdam, 2016).

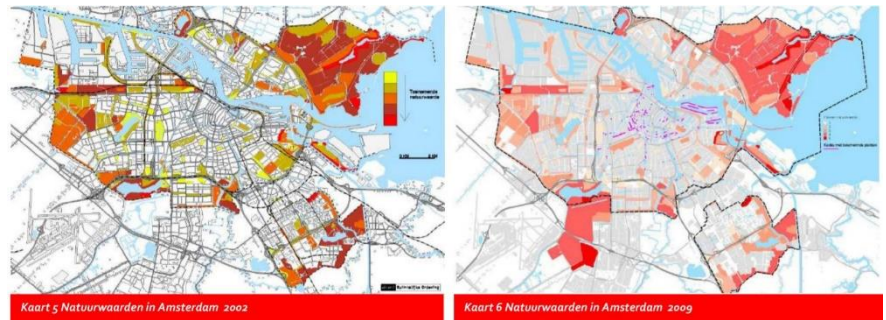


Figure 5: Natuurwaarde Amsterdam 2002 and 2009 (Gemeente Amsterdam, 2016).



Figure 6: Biodiversiteit Amsterdam (Gemeente Amsterdam, 2016).



Figure 7: Natuurlijkheid Amsterdam (Gemeente Amsterdam, 2016).

Behoud Lutkemeer protest group, Biopolder plan

The conflict of interest is based on the reweight of the ecological, landscape, and social values of the Lutkemeer and to let them prevail over the interests involved in the development of the business park. They argue that, in any case, the current allocation plan pays insufficient attention to the value of the subarea as nature in the Nature Network Netherlands and the nature values that will damage the planned developments of the area (adviesburomonster, 2019; BL, n.d.). In 2020, this balance of interests in the area of nature and sustainability will weigh more socially and politically than in 2002, due to the Paris Agreement and the current nitrogen crisis (Natuur en Milieu, 2020; (BL, n.d.). This is why they have come up with an alternative proposal, the Biopolder (adviesburomonster, 2019; BL, n.d.). It gives a different vision of the Lutkemeer polder. The core values are ecology, biodiversity, and climate adaptation. The land is used for what it is intended: sustainable (organic) food production while preserving the historical landscape. As space for renewal in the food chain, local production, and processing that is distributed CO₂-neutrally in the city. All this would be open to the public for education, recreation, and day-care. But not unimportantly, the protest group also indicates that the Biopolder has a broad social support base. The action group wants to show that things can also be done differently with its Biopolder plan (adviesburomonster, 2019; BL, n.d.).

The nature of corruption in the Lutkemeer case

Enterprising management

In 2012, the Schoon Schip research report (van den Heuvel et al., 2012) on the enterprising management of the college, period 2007-2011, the time when Toon Hooijmaijers was active in the spatial domain and the Lutkemeer plans were shaped, was published. The research was guided by 122 reports from citizens, companies, organisations, action groups, and civil servants. It included reports about suspicions of irregularities, possible abuses, suggestions about violations of integrity, and complaints of all kinds, especially in spatial planning. A large proportion of these reports came from the civil service of the province of North Holland. Most of them came from civil servants who suspected that certain things had to be examined or simply that they were not acceptable. The Committee stated that it did not rule on whether there was a conflict of interest, "If there is an actual conflict of interest, it is a matter for the courts" (van den Heuvel et al., 2012, p. 13). There was an actual conviction (of Hooijmaijers) (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015); however, the report shows the circumstances in which Hooijmaijers and the politicians could operate. The report, therefore, deals with the question of whether Hooijmaijers went overboard in a criminal sense. This report is about an assessment of the management's actions. To this end, a fact-finding investigation was carried out, and various interviews were conducted, and his archive documents were reviewed by the committee; all the information was made available to the committee of inquiry by the province of North Holland. With regard to legality and legitimacy, it is the task of good governance to document all actions and decisions so that they are traceable, verifiable, and verifiable. The files on Hooijmaijers that were investigated only often raised more questions than answers by the committee because they did not meet these requirements. Administrative files have to be in order and should simply not lead to such questions. They raised questions which, incidentally, were regularly asked by the civil service in the past and which later gave rise to various reports that initiated this report.

Former deputy Hooijmaijers is suspected, in association with others, of having committed the following offences during his period as deputy: bribery, forgery, and money laundering (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015). Commissioner Hooijmaijers was "an enterprising director" (van den Heuvel et al., 2012, p. 17) who initiated many projects. He wanted to bring these to a successful conclusion in his way. A way that caught the attention of the Public Prosecution Service, but which is not illustrative of the actions of the public administration in the province of North Holland during the Commission's investigation period.

Ton Hooijmaijers, who had gained political-administrative experience as an alderman in Amsterdam, was an entrepreneur and propagated this. He not only had a political and administrative network, but also a network in the private sector (van den Heuvel et al., 2012). The VVD, when headed by Hooijmaijers, was the largest party in the Provincial States of North Holland. The VVD's campaign had as its theme: the VVD as the driving force behind Noord-Holland. Hooijmaijers wanted to make it clear that the VVD set a lot in motion in the previous college, but that not everything had been realised yet. He wanted to continue with the major projects energetically and make even more proposals during the election campaign (van den Heuvel et al., 2012). "He wants to achieve results" (van den Heuvel et al., 2012, p. 37). In Hooijmaijers's college, the emphasis in the program was on the implementation of the policy. "There should be less attention for policy preparation, there are plenty of policy papers, the emphasis should be on the effective implementation of policy" (van den Heuvel et al., 2012, p. 36). During this period, the province of North Holland focused policy attention on various large infrastructural projects. The college members were determined to put the province back on the map and many other projects were being tackled. The province was doing well. The province was relatively prosperous, and it was deployed and invested in various ways (van den Heuvel et al., 2012).

Yet, the balance was missing in the college. In practice, this was shown by the dominant behaviour of Hooijmaijers. As the winner of the elections and the winner of the formation, “he is going to behave too dominantly” (van den Heuvel et al., 2012, p. 39). The management style of the predecessor of Hooijmaijers, Mr. Meijdam, who focused on cooperation and had authority as a basis, had been replaced by the management style of Hooijmaijers, who pulled many strings and who, according to various interviewees, operated on several fronts based on power. In some cases, this even amounted to an abuse of power administratively, within the college; administratively, towards third parties such as municipalities; and also towards civil servants. He did this, for example, by exerting improper pressure on those involved and implicitly and explicitly threatening dismissal (van den Heuvel et al., 2012). The Committee, therefore, also makes an explicit distinction here between the administrative culture within the province of North Holland and the administrative style of Commissioner Hooijmaijers. This style is not exemplary of how the other delegates and the Queen’s Commissioner governed. They acted primarily based on the interests of their portfolio, in cooperation with the civil service. But when it came down to it, former colleagues of Hooijmaijers were not always up to the task. On several occasions, they were powerless in the face of his power (van den Heuvel et al., 2012).

During the economic crisis around 2008, the province of North Holland had a hard time. This had everything to do with international financial and economic developments, and that public money investments were too risky. Because of the relatively large amount of money that the province of North Holland had outstanding, criticism of the College of Provincial Executive was increasing (van den Heuvel et al., 2012). The criticism was mainly directed at Hooijmaijers, who was responsible for the Finance and Spatial Planning portfolio. Accountants blamed the lack of control and risk management on a combination of, on the one hand, wanting to show decisiveness but, on the other hand, not knowing exactly what financial consequences this could have (van den Heuvel et al., 2012).

Conflicts of interest

Most of the reports to the Committee ‘Schoon Schip’ were specifically related to the subject of spatial planning. The reports received by the Committee included public-private financing, including guarantees and sureties. These reports came from the civil service and were characterised by the involvement of Commissioner Hooijmaijers. These included reports on the SADC files. The reports did not come exclusively, but from the civil service, the necessary reports came under the guise of ‘take a look at them’ or ‘isn’t this striking?’ (van den Heuvel et al., 2012, p. 65) The Commission included this in its investigation under the motto: ‘It does not benefit, it does not harm’ (van den Heuvel et al., 2012, p. 65). Several reports did not come from the civil service, either. It is sometimes very questionable whether irregularities occurred, but it was established that several times the suggestion of irregularities were made (van den Heuvel et al., 2012). In the period on which the study was based, there was a positive atmosphere concerning active entrepreneurship. The province of North Holland has sufficient resources at its disposal and was expressly opening the floodgates. Various public-private partnerships were being set up, participations were increasing, and development companies were being set up. The Commission believed that, particularly during this period, there was too much opportunism, too little thought, and too much risk-taking.

Reports were more about whether or not there was a conflict of interest and possibly corruption. The main focus was on whether it acted in consultation, under the influence, or even under pressure from private parties.

The projects investigated always involved another party with which Hooijmaijers had agreements without always involving the civil service and informing them of the content (van den Heuvel et al., 2012). In the SADC file, for example, Hooijmaijers proposed a takeover of shares in a business park in the Schiphol region. In this case, he already had contacts with both the selling party and the acquiring party, as well as the broker, before the start of the project (van den Heuvel et al., 2012). These

contacts were more intensive and personal than was necessary for an objective assessment of interests. Hooijmaijers' involvement was very much directed towards specific parties and individuals. "Part of the decision-making took place outside the provincial house and outside the official involvement, so that some of the considerations made cannot be reconstructed" (van den Heuvel et al., 2012, p. 85). For example, donations were made by SADC to a foundation, 'Stichting Vrienden van de Mytyl-Tylyl school', of which Hooijmaijers was chairman (van den Heuvel et al., 2012). In the Committee's opinion, these facts provided examples in a context in which it was understandable that an atmosphere of the appearance of a conflict of interest was at least created. Another question asked by the Committee about the appearance of a conflict of interest was the question about the use of relationships. Hooijmaijers had clout and entrepreneurial drive, he was an entrepreneurial director. This characterisation and style of management fit in with the thinking of the government during the period in which Hooijmaijers was a member of the Executive Board (van den Heuvel et al., 2012). When he took office, Hooijmaijers had a large network. This can be an advantage, provided that aspects such as professionalism, appropriate distance, and transparency prevail in their use and consultation. Various reporting agents questioned precisely those aspects. Relations with the real estate sector in particular made it possible for former deputy Hooijmaijers to realise projects on the one hand, but these also made him vulnerable. Whether consciously or unconsciously, Hooijmaijers became increasingly involved and entangled in a network in which people passed the ball to each other. While the commission never condemned, the court did convict him of money laundering (Rechtbank Noord-Holland, 2013; Gerechtshof Amsterdam, 2015). Under Hooijmaijers, according to the committee, a semblance of corruption and conflict of interest had flourished. Hooijmaijers did not act in a business-like manner and did *not* "make sufficient separation between business and private life" (van den Heuvel et al., 2012, p. 94). "Hooijmaijers's actions are at the very least unwise" (van den Heuvel et al., 2012, p. 98).

Conclusion of Schoon Schip: governance culture

According to the committee, there was no completely diseased administrative culture; the administrative style of former deputy Hooijmaijers was that of a former executive who made use of an extensive network of relations. He portrayed himself as untouchable and was intimidating. All this led to various irregularities. The investigation showed that almost all directors had no direct involvement in irregularities. But according to the committee, this did require considerable nuance because, in the opinion of the Committee, management board members should have observed that the conduct of their colleagues, particularly that of Hooijmaijers, did not meet the standards of good management (van den Heuvel et al., 2012). The Management's deviant behaviour, for example, lacked the requirements of integrity, transparency, and professionalism and frustrated the possibilities of and need for democratic control and accountability.

The nature of corruption

The nature of corruption is reflected in the following individual characteristics; Ton Hooijmaijers personal perspective drive and work attitude was that of an entrepreneur, who portrayed himself as untouchable and was intimidating. By his attitude, his dominant behaviour and management style he had personal influence on the spatial policy. This even amounted to an abuse of power administratively, within the college, towards third parties such as municipalities, and also towards civil servants. This was also made possible by his personal contact. He made use of an extensive network of relations. He operated on several fronts based on power, he was increasingly involved and entangled in a network in which people passed the ball to each other. In addition, decision-making took place outside the provincial house and outside the official involvement. All this led to various irregularities.

Organizational corruption characteristics are reflected in the lack of control and risk. The monitoring and reflection were not in order. Also, in the organisation and the VVD program at the time there

was a positive atmosphere concerning active entrepreneurship, much opportunism, and the will to achieve. This don't reflect standards of good management. Besides the values, goals, conduct and manners and most important the influence of the administration, and the bureaucratic policy objectives lacked the requirements of integrity, transparency, and professionalism and frustrated the possibilities of and need for democratic control and accountability.

Discussion

The grey area of the dark side of an active land policy

Various decisions and considerations were made in spatial planning and the Lutkemeer case. Planners have great social responsibility (Beckman, 1964). Spatial planners have the task of balancing the equity and material well-being with considerations of diversity and participation to foster a better quality of life (Fainstein, 2011). Decisions have different layers, and planners strive to make decisions which come as close as possible to the desired results. This assumes that there are good (white) and bad decisions (black). Only right and wrong are not so black and white, just like corruption. Yes, Ton Hooijmaijers has been convicted of crimes related to administrative corruption in court, but in the spirit of the times and the environment and looking at the legislative side of corruption, there are big questions concerning whether good or bad decisions were made. In the reports of Karssing et al., there was a “potential conflict of interest”. It is always difficult to say whether decisions are right or wrong; it is always the proximity of right or wrong. In this grey area where decisions are made, corruption can occur, but perhaps just as important for making good decisions in spatial planning is the “appearance of corruption”. Legislative and bureaucratic forms of corruption in spatial planning are mainly tied to the stage at which planning regulations are formed or reviewed (Chiodelli & Moroni, 2015). There are agreements on paper about the ambition and plans of the business park, and according to Spatial Planning Alderman Marieke van Doorninck, you have to meet them, and they are independent of the corruption case (Niemantsverdriet, 2020). Several instances in the Lutkemeer case stand out when it comes to the grey area of politics and decision making and the appearance of corruption, the lack of active land policy construction of the municipalities with the SADC, and the entrepreneurial politician Ton Hooijmaijers and his administrative corruption case. It also seems that in the Lutkemeer, corrupt rules and regulations and privileges in the area of allocations took place which cannot all be attributed to Hooijmaijers. The lack of (legislative) measures and the independence and proper functioning of the judiciary and administration system is an important aspect for legislative corruption; in this aspect, the ‘Schiphol-relatedness’ and the deal with SEKU come to the foreground.

Appearance of a conflict of interests

In this specific case, the Lutkemeer case, the municipality purchased the land but established SADC in this active land policy construction for its implementation and realisation. SADC was initially primarily a collaboration between the municipality of Haarlemmermeer, the municipality of Amsterdam, Schiphol Airport, and the province of North Holland and, as such, could also initially be seen as a public-public collaboration. SADC realises the actual developments, allowing the municipalities and the other government parties to concentrate on their public task and set clear frameworks. These frameworks have therefore been drawn up by the province for the location development of the business parks around Schiphol. In the case of the municipality of Amsterdam, it is, therefore, a disguised active land policy; the municipality has the land, but the realisation is done by SADC and supervision of the SADC is exercised by the shareholders, the municipality of Amsterdam, the municipality of Haarlemmermeer, the province, and Schiphol. A variety of opportunities for corruption are built into land-use and building regulatory systems (Chiodelli & Moroni, 2015), as is seen in the SADC construction. Many local authorities have their own public land companies, which can almost be seen more as a private company (Priemus & Louw, 2003). These companies buy land before the relevant land-use plans have been authorised by the local council. The SADC construction shows that over the years, Schiphol cannot be seen entirely as a public authority but more as a private one, which makes this cooperation more of a public-private partnership and not a public-public. Besides, the two main reasons for pursuing an active land policy are: the municipality’s

monopoly on the sale of building land is an important financial aspect of Dutch spatial planning, and second, the control the municipality can have over spatial development. With the SADC construction, these two have been handed over.

According to the study by Karssing et al. (2005ab), the various responsibilities and powers of control of SADC were regulated, but councillors were insufficiently informed to make effective use of the possibilities for adaptation and intervention. Lack of information led to a lack of confidence in the added value of the cooperation with SADC because the purpose of the cooperation and the choice of the method of cooperation were unclear. Cooperation requires openness and trust, as does the quality of democratic control. On the contrary, the researchers found a great lack of trust (Karssing et al., 2005a; Karssing et al., 2005b). The SADC construction was under question because of the transparency of decision-making, public accountability, and the potential conflicts of interest and the appearance of these.

The municipality has different interests in cooperating with SADC. They are a party with a business interest in good location development. But they are also protectors of public interests. Because the municipality participates in the SADC, there is a potential conflict of interest, according to Karssing et al. (2005ab). Moreover, the lack of control and various decisions do give the appearance of a conflict of interest.

Conflicts of interest occur when, in a situation, with a view to self-interest, no objective, independent and pure assessment of interests has been or are being made, and this has also been condemned in court. This happened in the Hooijmaijers case; however, the Schoon Schip report (van den Heuvel et al., 2012) does refer to the 'appearance' of a conflict of interests. This may be the case if the impression is created that (private) interests are playing a role in the wrong way in the balancing of interests or the decision-making process so that it is not possible to determine whether an objective, independent, and pure balancing of interests has been made. It is possible (there is a potential conflict of interest), but it is not (yet) possible to establish whether something has gone wrong. The semblance of a conflict of interest can partly be removed by transparency, and the semblance of a conflict of interest plays a major role in public discussions (van den Heuvel et al., 2012). Looking back at what can be identified as corruption, two main categories were identified, legislative and administrative corruption: practices such as bribery, extortion, nepotism, and misuse of public money in public administration and the judiciary. This applies to the conviction of Ton Hooijmaijers.

Entrepreneurial politician

Hooijmaijers has always denied that he was corrupt or that he had been bribed (Kuiken, 2012). He always said that he did the advisory work before he was a deputy, and that companies knew that he only gave advice. He argued that he was able to make a good moral judgment at his discretion and always acted according to the standards of integrity of management. He called himself a moral man who also acted morally in his work. Moreover, Hooijmaijers claimed that his actions stemmed from a genuine belief in the idea that the government should have a very accommodating attitude towards the business community. He felt that many people did not understand the provincial organisation and its culture (Van der Boon, 2013).

Hooijmaijers was an entrepreneur from the private sector who also wanted to function as an entrepreneur within the public sector and who did not completely reject his private interests (van den Heuvel et al., 2012). Hooijmaijers wanted to breathe new life into the province and put the province back on the map with many projects. He was successful in this, and his non-official way of acting evoked a lot of criticism while he also evoked appreciation and admiration that he got things done (van den Heuvel et al., 2012). Hooijmaijers only strayed further and further away from the usual standards. He sought space and the limits in regulations and acting as a delegate and put results above all else. His management style was characterised by an extensive network of property developers, real estate entrepreneurs, real estate brokers, and relations with other entrepreneurs,

politicians and those in the financial sector. He carried out his relations without the knowledge of the civil service and conducted negotiations without his knowledge. Hooijmaijers also had the mentality of a man who gets things done when realising projects, preferring not to be hindered by rules, procedures, and difficult civil servants (van den Heuvel et al., 2012). To achieve his goals, he put increasing pressure on fellow administrators and civil servants where necessary, and according to the report, Hooijmaijers had an intimidating style, which had become stronger and more dominant over the years. Because of the success he had experienced, he believed he could afford anything and was less and less strict with the rules (van den Heuvel et al., 2012).

The 'double hats problem' can give the appearance of a conflict of interest through his dealings with relationships and his network of entrepreneurs. Chiodelli (2018) also sees "the reserved information" as a cause for corruption. According to the Schoon Schip report, Hooijmaijers had favoured business relations, maintained relations from the past for preferential treatment, and (attempted to) influence business relations to enforce decision-making procedures (van den Heuvel et al., 2012). He also provided (advisory) services to some private parties and, acting in his capacity as a member of the public administration, brought (private) parties into contact, thereby influencing area development decision-making procedures by accepting promises and exerting pressure on colleagues and providing or sharing secret or, at least confidential, documentation for the benefit of business relations (van den Heuvel et al., 2012). It was also the case that Hooijmaijers was in charge of a combination of portfolios: Spatial Planning, and Finance. A member of public administration who wears two hats and is responsible for both spatial planning and finance, which are indisputably linked to each other, can create the risk of (the appearance of) a conflict of interests, and situations can arise in which decision-making within public administration is not beyond doubt (van den Heuvel et al., 2012). The administrative corruption related to Hooijmaijers came about during his time as a politician. He was not just a pawn that could be replaced in the bureaucratic system; he was a prominent and leading politician. He was a politician, and many planning decisions are of a political nature. However, "corruption can only occur when a politician or a public official has the opportunity to use his/her authority and power selectively" (Chiodelli & Moroni, 2015, p. 444).

Tied covenant

The green aspect for the Lutkemeer and the ecological value of the Lutkemeer are partly discussed in the vision for the gardens of the West and the protest group 'Behoud Lutkemeer' argues that the development of Lutkemeer polder into a business park is in principle not in accordance with certain vision documents. Particular elements that are found to be important in vision documents such as the nature value are not reflected in a set of requirements in the policy. The eventual creation of a spatial policy and zoning plan for Lutkemeer was largely driven by an economic vision. A covenant rather than a planning embedding was chosen. For this covenant, the spatial-economic starting points and objectives have been laid down in the Spatial Economic Vision. This also includes the detaching of the 'Schiphol-relatedness' on the advice of the Meijdam Committee. The advice had significant conflicting points: more market-oriented, more flexibility, and more power to serve the dynamics of the international business community and to strengthen the competitive position, but also better public assurance. There is a conflict here because while flexibility, speed and simplicity are suggested, legal sustainability, care, and legal certainty are implied (Municipality of Haarlemmermeer, 2011). Legal research has shown that the proposed regulations conflict with the legal requirements for a zoning plan and that the solution would then lie in the implementation of much stricter and more (legally) concrete criteria (Municipality of Haarlemmermeer, 2011). In 2009, the parties led by the VVD in the province did not want to go down that path because it would unnecessarily juridify the establishment of businesses in the region. The Management Forum chose to formulate an alternative that remained 'in the spirit' of the advice of the Meijdam Committee. Instead of anchoring the agreements in zoning plans, it was decided to anchor them in the form of a

covenant. (Municipality of Haarlemmermeer, 2011). In the zoning plan, this led to the abandonment of the 'Schiphol-relatedness', something that is precisely contrary to SGB0 2003 advice, in which it was suggested that a better and more unambiguous definition of Schiphol-relatedness in the zoning plans would be better informed and advised by the Municipal Executive and that the assessment of Schiphol-relatedness would not be based solely on the recommendations of the SADC. Whereas the covenant first addressed the issue of greater transparency, the covenant only made it vaguer. Checking against zoning plans is not only a statutory task of the municipality but, in this case, also offers the municipality the opportunity to monitor the functioning of SADC. This has created a form of authority that is related to the interpretation of the planning regulations: some of these standards allow a margin of discretion because, in this case, they are incomplete and not clear about the location policy (Chiodelli, 2018). These planning systems are particularly vulnerable to corruption because they exclude traditional forms of land-use planning and anchoring and allow a discretionary and differentiated allocation of significant economic resources (Chiodelli, 2018). This form of potential conflict of interest is reflected in the deal with SEKU.

Risky agreement

The municipality purchased the land for subarea 3 of the Lutkemeer itself. There are various accusations that land speculation also seems to have taken place here. Mainland, a subsidiary of the Kuiper group, already had relations with Hooijmaijers at earlier stages.

The municipality uses its public power, money and trust to acquire the land and uses the profits to finance other tasks and projects for the general public, this is a form of (output) legitimacy (Needham et al., 2018). It is possible that developers may sell their property, even for a lower price, with the claim for the building rights of the side (Priemus & Louw, 2003). This construction-claim contract often has a public/private cooperation for the development of the site. The land was purchased by Mainland in 2000 for 2.3 million euros (Dubbelman, 2012) and was later sold to the municipality for 7.7 million euros. SADC, together with the municipality under the company GEM, is responsible for the export and delivery of the land. The cooperation agreement includes a development right as well for SEKU; they will receive 33% of the net square meters of land to be leased (Gemeente Amsterdam et al., 2018, p. 1-3). The municipality, together with SADC, therefore, does not control all the issues itself.

Also, in the event of a loss in the difference for land exploitation between the (lower) issue price, the municipality must financially compensate SEKU and, in the event of a profit, 20% must be distributed to SEKU. In addition, some other conditions have been included. If the municipality refuses to accommodate a recommend company which did meet the condition, the condition that is vague and no longer described in the zoning plan, the company should be housed somewhere else by the municipality. The profit gained by an active land policy has become a substantial form of income for many Dutch Municipalities (Buitelaar 2010). This can be an incentive for the municipality to develop sites in such a way as to make a profit, possibly at the expense of unprofitable developments, especially if the loss also has to be compensated to a third party. This does not reflect the municipality's monopoly on the sale of building land and the important financial aspect of the active land policy, nor does it reflect the total control that the municipality can have over spatial development through an active land policy. In an active land policy, land ownership can be used in such a way that the social and financial return outweighs the costs and risks involved. If, however, as a municipality, you hand this over, you no longer control the risks yourself.

Good governance

Cases such as Hooijmaijers are regarded as incidents, while they raise a broader question about how civil servants should act, how enterprising civil servants should be and how they should represent the public (Trouw, 2012, 2013). The Schoon Schip report exposes the actions of Hooijmaijers and mainly says something about the management style of Hooijmaijers, and not necessarily about the management culture itself. "But the behaviour of a director is not only determined by the personal characteristics of the individual director but also broadened or limited by his or her surrounding directors and management culture, the management portfolio, and the time spirit" (van den Heuvel et al., 2012, p.125). Municipalities and governments have rules and integrity declarations in which the awareness of conflicts of interest is leading, and in which the judgment of the outside world can also be important for the proper functioning of a government organisation.

Rules of good governance have been drawn up, in the Dutch code for good public administration drawn up by the 'Ministerie van Binnenlandse Zaken en Koninkrijksrelaties' (2009). The principles of good governance consist of seven main pillars: openness and integrity, participation, proper contact with citizens, purposefulness and efficiency, legitimacy, learning and self-cleansing capacity, accountability. Four criteria of good governance are important for the clear assessment of the 'semblance of a conflict of interests' (van den Heuvel et al., 2012). First, legality: government action must be based on and comply with a (basic) legal rule or (provincial) regulation; moreover, policy must have been prepared and implemented following prescribed processes, and decisions must have been taken in accordance with applicable procedures and based on allocated powers. The second point is legitimacy: transparency of procedures and decisions, a clear allocation of responsibilities, and a convincing basis for decisions. The third point is the general principles of good governance, and the fourth is integrity. Looking at the 2012 Code of Conduct of the Province of North Holland (Provincie Noord-Holland, 2013), there are a number of additional assessment criteria that a well-functioning (democratic) administration must meet: independent judgement; transparent separation of public and private: personal property (land, real estate, financial interests); interest in businesses and organisations with which the province has business relations; no nepotism, family or friendship relationships with service providers or business to the organisation itself; disclosure of ancillary positions; no ancillary positions that pose a risk to the integrity of the political office; avoiding the appearance of favouritism or conflict of interest; handling information with care; not using information obtained in the performance of the office for one's own benefit; not accepting gifts, services or facilities that could impair the independence of the directors; and not engaging in private activities or accepting discounts on private property from relations of the organisation itself.

Ton Hooijmaijers cannot only be seen as the cause of potential conflicts of interest and corruption. Yes, he was convicted of corruption and did not follow most of the rules of good governance. Only good governance requires contradiction and mutual respect; rules of good governance could and should have pointed to injustices. Corruption can only occur when a politician or a government official has the ability to selectively use his authority and power (Gardiner, 1985). Also, in the spirit of the times during Hooijmaijers term in office, market forces and enterprising management were prized and directors were influenced by this; a factor mentioned for having corruption in the area of public activity was when the pressure to perform was high in the organisation (de Graaf & Huberts, 2008). Power and control are desirable to achieve policy objectives. Power alone, however, is a (democratically) acquired instrument and is only of limited use and effectiveness in a democratic constitutional state if a control system works. Directors must organise contradictions and must be corrected by fellow directors (van den Heuvel et al., 2012). Directors can act outside the procedures, but the legitimacy of their actions and the assessment of their actions are always key.

Many planning decisions are of a political nature and often also taken out of a discretionary power (Chiodelli, 2018). Planning decisions are often procedurally correct, but the motive behind the decisions taken is difficult to ascertain. The degree of corruption and potential conflicts of interest depends on the integrity, honesty, and openness of politicians, civil servants, entrepreneurs, and private individuals and the control of decision-making (Chiodelli, 2018). Also, directors' choices and decisions are usually subject to limitations; however, as seen with the 'Schiphol-relatedness' and also in other areas of land use, these are becoming increasingly blurred or are disappearing (Chiodelli, 2018). When the essence of good governance cannot be achieved—a lack of openness and integrity, participation, proper contact with citizens, purposefulness and efficiency, legitimacy—and when spatial effects are linked to the appearance of conflicts of interest and corruption, people will make themselves heard and protest against the plans because they do not feel that they have been heard and find the process unfair (*BL*, n.d.; adviesbureau monster, 2019). This doesn't give the feeling that they are heard, and it doesn't ensure the best possible living environment, the key to spatial planning.

Conclusion

Full extent of corruption

Document analysis is, for triangulation, often used in combination with multiple qualitative research methods. At least two sources of evidence are normally expected to be used in qualitative research (Bowen, 2009). Initially interviews with key persons were selected as second research method; however, those involved, politicians and the SADC were not willing to talk and discuss the practices of the Lutkemeer polder. Part of the conclusion for this is the difficult circumstances surrounding the COVID-19 crisis. Going on location was and still is not possible and also everyone has to work from home and travel was and still is limited. Everyone was busy making the switch in order to be able to work from home as good as possible. As a result, other priorities have been set. Nonetheless, first and foremost, it is not easy to assess the full extent of corruption on this case. The main reason for this is that corruption covers its tracks by its nature (Chiodelli & Moroni, 2015). But refusing to talk and open up is only more reason to think that things are not right. Openness and transparency are important. Democratic control requires openness and trust, and the principles of good governance consist, among other things, of openness and integrity, participation, and proper contact with citizens. The degree of corruption and potential conflicts of interest depends on the integrity, honesty, and openness of politicians, civil servants, entrepreneurs, and private individuals as well as the control of decision-making (Chiodelli, 2018).

Because it was difficult to do interviews to key-informants on corruption; Francesco Chiodelli stated that research into corruption is often based on document analysis. However, there are not reliable data at urban scale on such phenomenon as corruption, especially specific in an active land policy. This is way a qualitative research method was needed for the document analysis. According to Francesco Chiodelli; qualitative research is much more effective in showing the specific functioning of corruption in the urban field of an active land policy itself. Most important documents used in the qualitative document analyse were the official document for investigation and judicial documents. These documents are very complete and detailed, they are provided with interviews and often access to all corporate documents. This provide often much more a detailed story of any story you can get from interviews. The documents provided with information I could not get access through the traditional qualitative methods. This also ensures that the analyse better ensure the overall extent of the case. The principle of impartiality made it possible to discuss contemporary political corruption in relation to political processes and their transparency, allocation of rights and resources, questionable practices, and decision-making in politics. This research does not provide all the answers to the questions with regard to a lack of political integrity; however, it is important that these questions do not have to be asked and that there is an effort to ensure public integrity, openness, and responsibility. Corruption seriously undermines the legitimacy and credibility of the political and institutional system, undermines general confidence, reduces the efficiency of bureaucracy, and affects the allocation of public resources, which do not ensure the best possible living environment, which is the main objective of spatial planning.

Corruption in an active land policy

Sub questions case study

'How can corruption be identified in an active land policy'?

Often with the term corruption, the use of “could be seen as corruption” is used, and this indicates that corruption is a normative concept and can change historically and in the course of politics and society over time. Corruption is therefore, best understood in context. Kurer (2005) described two angles of corruption: administrative and legislative. The former politician Ton Hooijmaijers was involved in an administrative corruption case in the Lutkemeer. The administrative corruption is characterised by Mr Hooijmaijers' nepotism in the development of the Lutkemeer business park, bribery and the laundering of money obtained as a civil servant and the misuse of public money by forging documents. Hooijmaijers wanted to function as an entrepreneur within the public sector and who did not completely reject his private interests. He strayed further and further away from the usual standards. He sought space and the limits in regulations and influenced business relations to enforce decision-making procedures.

In the Lutkemeer, corrupt rules and regulations and privileges in the area of allocations have also taken place which cannot all be attributed to Hooijmaijers.

The active land policy construction with SADC, the abandoning of ‘Schiphol-relatedness’, and the deal with SEKU are examples of the lack of legislative measures and the independence and proper functioning of the judiciary and administration system, which can be seen as important aspects for legislative corruption.

The active land policy construction with SADC is under question because of the transparency of decision-making, public accountability, and the potential conflicts of interest and the appearance of them. Important is the opportunity to monitor the functioning of SADC by the ‘Schiphol-relatedness’ Checking against zoning plans is a statutory task of the municipality, but in this case, also offered the municipality the opportunity to monitor the functioning of SADC. This was possible due to the ‘Schiphol-relatedness’, only the various zoning plans use different definitions, and these descriptions deviate from each other in the past. In 2003, the SGBO had already advised that the definitions relating to Schiphol relatedness should be updated and that accountability for the test and the instruments used should be made more transparent

Five years later, however, there was a detaching of the ‘Schiphol-relatedness’ on the advice of the Meijdam Committee. The advice had conflicting points because, while flexibility, speed, and simplicity are suggested, legal sustainability, care, and legal certainty are implied. The solution would then lie in the implementation of much stricter and more (legally) concrete criteria (Municipality of Haarlemmermeer, 2011). However, it would unnecessarily juridify the establishment of businesses in the region. So, a choice was made to formulate an alternative covenant that remained ‘in the spirit’ of the advice of the Meijdam Committee. This led to the abandonment of the ‘Schiphol-relatedness’ in the zoning plan, something that is precisely contrary to the earlier advice of the SGBO in 2003. Checking against zoning to monitor the SADC is thus no longer possible. In addition, with the lack of democratic control by insufficiently informed councillors and not having additional requirements for establishment in the spatial regulations or the zoning plan. This all can be seen as legislative corruption in the output face because of the absence of effective legislative measures and programs to curb corruption.

The active land policy construction can also put under question in the Lutkemeer case because the municipality did not have total control and all the financial benefits as is seen in the deal with SEKU.

This deal does not reflect the municipality's monopoly on the sale of building land and the important financial aspect of the active land policy, nor does it reflect the total control that the municipality can have over spatial development through an active land policy, or that they control the risk themselves. SEKU had an advantage in general on the sale and development of the business park. There are privileges in the area of taxation and allocation of public funds to SEKU, a characteristic of legislative corruption in the output face.

'How does corruption in an active land policy have a spatial and societal impact'?

The main objective of spatial planning is to ensure the best possible living environment. Corruption seriously undermines the legitimacy and credibility of the political and institutional system and undermines general confidence. A group of Amsterdammers has been fighting for the preservation of The Buttercup farm and the openness and nature of the Lutkemeer. The conflict of interest is based on the reweight of the ecological, landscape, and social values of the Lutkemeer and to let them prevail over the interests involved in the development of the business park. The Behoudt Lutkemeer protest group has submitted a request to amend the entire allocation plan and also made an alternative interpretation for the polder. The request is to reweight the ecological, landscape, and social values of the Lutkemeer and to let them prevail over the interests involved in the development of the business park. This is, therefore, the starting point of the Behoudt Lutkemeer protest group.

The green aspect for the Lutkemeer and the ecological value of the Lutkemeer are partly discussed in the vision for the Gardens of the West. Particular elements that are found to be important in vision documents such as the nature value are not reflected spatially in a set of requirements in the policy. A dip in the economy, as was the case during the economic crisis in 2008, would have a direct effect on the demand for business space. Even in 2020, there is still a great deal of vacant space, and there is still land available while the expansion plans have already started. However, there is still no sign of the construction or detail plans of the new developments in the area. The lack of openness created a lack of trust in the politicians and spatial plans. There are fundamental questions about the adherence to the current plans and implementation as well as the undermining of the democratic control of the supervision of the development of the business park through the letting go of the 'Schiphol-relatedness' requirement which was the basis for changing the zoning plan. When the essence of good governance cannot be achieved—a lack of openness and integrity, participation, proper contact with citizens, purposefulness and efficiency, legitimacy—and when spatial effects are linked to the appearance of conflicts of interest and corruption, people make themselves heard and protest against the plans because they do not feel that they have been heard and find the process unfair.

'What is the nature of corruption in an active land policy'?

De Graaf and Huberts's investigation (2008) showed that corrupt officials often have a strong personality, like Hooijmaijers. The nature of corruption is reflected in the individual characteristics of Ton Hooijmaijers. He portrayed himself as untouchable and was also intimidating. Hooijmaijers was a business official who knows how to get things done, and who uses pressure to operate independently and uses its network against the formal limits of authority. His drive and work attitude were that of an entrepreneur. There was also mention of abuse of within the college, administratively, towards third parties such as municipalities, and also towards civil servants. This was made possible by his use of an extensive network of relations. He operated on several fronts based on power, he was increasingly involved and entangled in a network in which people passed the

ball to each other. In addition, decision-making took place outside the provincial house and outside the official involvement. All this led to various irregularities and corruption.

The corruption in the active land policy cannot all be attributed to the individual characteristics. Organizational corruption characteristics were reflected in the lack of control and risk. In Hooijmaijers's college, the emphasis in the program was on the implementation of policy. Also, in the VVD program at the time there was a positive atmosphere concerning active entrepreneurship, much opportunism, and the will to achieve. The monitoring and reflection were not in order. Political institutions play an important role in guaranteeing and facilitating a good work and legal climate. Values, goals, conduct and manners and most important the influence of the administration, and the bureaucratic policy objectives lacked the requirements of integrity, transparency, and professionalism and frustrated the possibilities of and need for democratic control and accountability. When there is an imbalance or when the rules are not entirely clear, like in the active land policy construction with the SADC, the system can be abused. Corruption can namely only occur when a politician or a government official has the ability to selectively use his authority and power (Gardiner, 1985). Board members and other government employees should have observed that the conduct of their colleagues, particularly that of Hooijmaijers, and constructions and agreements did not meet the standards of good management and good governance.

Main question

'How does corruption occur in an active land policy'?

The 'double hat problem' in an active land policy has ensured that there was the possibility to act corrupt by a civil servant. Through the dealings with relationships and a network of entrepreneurs outside the government there was nepotism in the development and bribery. In addition, there was laundered obtained money and the misuse of public money because of forgery. Corruption in the active land policy has been made feasible, on the one hand, by the personal characteristics of the civil servant but, on the other hand made possible by the ability to selectively use his authority and power because there was a lack of good governance. The lack of transparency, inadequate foundations for policy decisions, inadequate documentation, and an active land policy construction that lacks active democratic control have led to the occurrence of corruption.

Academic relevance

Scientifically explaining corruption

Not much is known about the nature of corruption in high-income countries and conceptual corruption is difficult because corruption is an evaluation of an event. Corruption is therefore researched in context. All the data comes from a specific case in the Netherlands. This means that the nature of corruption in this study is first of all and only about that case. The details of the context of the corruption case can be put forward and contribute to the scientific knowledge about the nature and occurrence of corruption, in specific in an active land policy planning system. The Lutkemeer case can be seen as an example, one contribution to the scientific knowledge of corruption research. According to Stefano Moroni corruption is a difficult field of research, almost everything can help. Nonetheless, single case studies are important in them self but are also important because the help to make corruption elements and aspects more generalizable. There are not yet reliable data at urban scale on such phenomenon as corruption according to Francesco Chiodelli. It is difficult, almost impossible according to Francesco Chiodelli, to do a quantitative study of corruption. This detailed cases study and other case studies in addition can contribute to

the scientific knowledge to make corruption elements and aspects more generalizable. Another under-reported topic is the prevention of corruption. In order to design effective anticorruption policies more studies and data collection toward corruption has to be done and analysed.

In this case study, characteristics of different forms of corruption are linked and generalised to get a better understanding of corruption, especially in an active land policy. According to the literature on corruption in the public domain, various factors can contribute to the spread of corruption. Some of them relate to socio-cultural characteristics and personal characteristics in context. Some others relate to the (internal) dynamics of (personal) networks and organisations. In the organisation and structure of the public sector there are also factors related to the opportunities, incentives and disincentives for corruption

Certain characteristics of corruption are inherent to the foundation of our government systems, which therefore contribute themselves to various aspects of our planning system to encouraging corruption. For instance; there was still the discussion in the literature as to whether organisational misconduct such as corruption is caused by personal characteristics and decisions or by bad organisational and public factors (de Graaf & Huberts, 2008). The case study of the Lutkemeer shows that neither the individual nor the organisational and social perspective alone fully explains corruption. Democratic control, or the lack of it on both the individual and the organisation, is perhaps even more important for explaining corruption.

Societal impacts

Hedging risks

Municipalities still want to pursue an active land policy (Camps, 2020). Municipalities still value the active land policy because it enables them to manage the project more efficiently and effectively; the project can be managed more directly (Camps, 2020). Active land policy with the 'double hat' of the municipality places a high demand on the transparency and legitimacy of a municipality's actions. However, an active land policy is best applied when there are good reasons to do so and when there is a major social interest or a high probability that the pre-investment will be recouped and the risks have been hedged. Corruption, or the appearance of corruption, which includes the lack of transparency, inadequate foundations for policy decisions, inadequate documentation, and an active land policy construction that lacks active democratic control, can lead to resistance, and less acceptance of, spatial plans. The judgment of the outside world can also be important for the proper functioning of a government organisation. This puts pressure on the functioning of a good and transparent spatial planning system.

Attending to the risky elements of integrity, the appearance of corruption and the (lack of) democratic control to prevent corruption in the Dutch active land policy is important for the efficiency and legitimacy of the functioning of a good spatial planning system, certainly because "The Dutch active land policy is often presented as a role model for other countries" (Buitelaar, 2010).

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Appendix

1. List of relevant documents analysed for corruption in an active land policy:

Policy documents:

Titel	Institution (author)	Type of document	Year
Bestuursforum Schiphol en samenwerkingsovereenkomst SADC	Gemeente Haarlemmermeer	Policy document: Memorandum from the board of directors and councillors	2005
Convenant Selectief Vestigingsbeleid Schipholregio	Gemeente Haarlemmermeer	Policy document: Memorandum from the board of directors and councillors	2011
Samenwerkings overeen komst Deelgebied 3 Lutkemeer	Stadsdeel Osdorp, gemeente Amsterdam, Schiphol Area Development Company SEKU	Policy document: Final concept document for decision making	2009
Ontwerp Structuurvisie Amsterdam 2040: Economisch sterk en duurzaam.	Gemeente Amsterdam	Structural vision	2010
Structuurvisie Noord-Holland	Provincie Noord-Holland	Structural vision	2010
Provinciale Ruimtelijke Verordening Provincie Noord-Holland	Provincie Noord-Holland	Provincial ordinance	2019

Bestemmingsplan Lutkemeer	Gemeente Amsterdam	Allocation plan	Last update 2013
De Tuinen van West Programma van eisen	Gemeente Amsterdam	Program Requirements	2008
Natuurwaarden in Kaart	Gemeente Amsterdam	Policy document: Nature values	2016

Research and advice reports:

Titel	Institution (author)	Type of document	Year
Ondernemend bestuur Over de bestuurscultuur van de provincie Noord-Holland 2003 – 2011	prof. dr. J.H.J. van den Heuvel, prof. dr. mr. M. Pheijffer RA, prof. dr. J. de Vries	Commissie Operatie Schoon Schip research rapport	2012
Verzoek wijziging bestemmingsplan Lutkemeerpolder	Adviesbureau Monster	advisory report, commissioned by protest group behoudt lutkemeer.	2019
Een reflectie op regionale samenwerking Het Bestuursforum Schiphol 'nieuwe stijl' en SADC	Nyenrode Business Universiteit, Karssing, E., Van Luijk, H., & Wirtz, R.	Research report	2005
Een zaak van belangenmanagement De participatie van gemeente Haarlemmermeer in BFS en SADC	Nyenrode Business Universiteit, Karssing, E., Van Luijk, H., & Wirtz, R. .	Research report	2005
Gemeente Haarlemmermeer en Schiphol Area Development Company. SGBO	SGBO (Onderzoeks- en Adviesbureau van de Vereniging van Nederlandse Gemeenten). Smallenbroek, A. J. H., & Hak, J.	Advice and research report	2003

Court documents:

Titel	Institution (author)	Type of document	Year
Veroordeling Ton Hooijmaijers	Rechtbank Noord-Holland	Decision court	2013
Hoger Beroep Ton Hooijmaijers	Gerechtshof Amsterdam	Appeal Decision court	2015

Background information and Lutkemeer protest group:

Titel	Institution (author)	Type of document	Year
Het morele gezicht van de overheid: waarden normen en beleid	Vrije universiteit Amsterdam: J.H.J. van den Heuvel, L.W.J.C. Huberts, S. Verberk	Academic Book	2002
Nederland fraude- en corruptieland? De omvang, achtergronden en afwikkeling van corruptie- en fraudeonderzoeken in Nederlandse gemeenten in 1991 en 2003.	Vrije universiteit Amsterdam: Huberts, L., Hulsebosch, H., Lasthuizen, K., & Peeters, C.	Academic research report	2004
Achtergrond bij de zaak Boterbloem: een hoofdpijndossier van GroenLinks over vastgoed en corruptie	van Vilsteren, B	Article, down to earth magazine	2018
Polder weg voor bedrijven: 'Gemeente is nietsontziend'.	NRC, Niemantsverdriet, T	Newspaper article	2019
<i>Dat bedrijf komt er, corruptie of niet.</i>	NRC, Niemantsverdriet, T	Newspaper article	2020
'Slordige polderadministratie' of een klappertje?	Volkskrant, Dubbelman, G.	Newspaper article	2012
Politicus, vastgoed en tegenprestatie	Volkskrant, Rengers, M., & Schoorl	Newspaper article	2013
Hooijmaijers: mijn zaak is een politiek proces.	Volkskrant, Rengers, M., & Schoorl	Newspaper article	2013
A Platform of Concerned Citizens and Organisations dedicated to Preserving the Open Polder and the Unique Landscape in Amsterdam.	Protest group Behoud Lutkemeer!	Website, blog	n.d.
Many asked questions about the lutkemeer	Groen links	Political party Amsterdam website	n.d.
Red ecologische zorgboerderij de Boterbloem	Zorgboerderij de Boterbloem	Website, blog	n.d.

2. Interview Francesco Chiodelli

Summarized handwritten notes

Date interview: 30-7-2020

Place: skype meeting

Time interview: 16:01

Length interview: 38 min

How to analyse corruption in land use planning a where to look at, open discussion and interview

Corruption land use planning > integrity issue, opportunities development and land uses.

Ideal of the rule is abandoned, lack of technical guidelines and rules > decision of political nature

- Corruption damage legitimacy/credibility political institutions and undermines general trust

Anti-corruption, transparent negotiation and good governance

Investigation, issues of corruption in the planning domain, analysis of a case

1. Reserved information, difficult to get information, documents main source
2. Planning decisions abused, politics, reconstruct corrupt decisions (why and how corrupt, plans and activities/persons).
3. Who has the power to change, on which level, personal or institutional change
 - Bureaucratic, legislative corruption
 - Corrupt person easy to replace however legislative corruption is an undermined issue
 - In and exit point system, weak point system

The study has to light up various types of corrupt practices that prevail in the field of spatial planning

See also: Chiodelli, F. (2019). The illicit side of urban development: Corruption and organised crime in the field of urban planning. *Urban studies*, 56(8), 1611-1627.

3. Interview Stefano Moroni and Francesco Chiodelli (2)

Personal communication; transcribe notes

Personal communication: Stefano Moroni (SM) and Francesco Chiodelli (2) (FC2)

Date interview: 23-9-2020

Place: Research Gate messages

(SM) your questions are really crucial ones.

(SM) As you know, in working on corruption the point is that "data" are in themselves hidden. So the real point is not how many data you can have, if they are quantitative or qualitative, etc. The real issue is to be very clear on how you found them and how you use them. Don't worry too much about "evidences" (in this case they will be inevitably partial and fragmented, and they will come from many sources); simply be very rigorous in explaining how and why you found/use them.

(FC2) Yes, it is difficult to do interviews to key-informants on corruption; hence, text analysis is the main source. By experience, I can say that, if you can access the official documents of an investigation, such documents are very complete and detailed - much more detailed of any story you can get from interviews. They are composed by thousands of pages of interrogations (which are as interviews) and wiretaps (which are fundamental, and provide you with a kind of information you cannot access through traditional qualitative methods). Hence, in many cases, judicial documents are the main research sources, that you have only to complement by some interview (if you can and like)

(FC2) I always use qualitative methods for my research. The main reason is that there are not reliable data at urban scale on such phenomenon, so that it is very difficult (let's say, impossible) to do a quantitative study of corruption. Then, I think qualitative research is much more effective in showing the specific functioning of corruption in the urban field.

(SM) my idea is that EVERYTHING can help in this difficult field of research. Single case studies are important not only in themselves but also for generalizable elements/aspects.