

Assessment from the Netherlands of feedback from stakeholders through the open consultation of the EU Affordable Housing Plan.

29 May 2026

On 24 March 2026, the Commission requested Member States to consider the attached table, which summarises the input from the open consultation on last year's public consultation regarding the EU Affordable Housing Plan, specifically on the topic of simplifying rules and regulations that affect housing construction. Below, you will find the Netherlands' assessment of the points addressed in the table. We like to discuss these issues together with the European Commission and the Member States.

First, we would like to express our support for the Commission's efforts to simplify EU rules and regulations. The Netherlands is a country with limited space, a high population density, and a growing population. To address this, we must accommodate the equivalent of an average mid-size Dutch city's population annually, or about 100,000 people in 2025. With a population density already four times higher than the European average (433 versus 109 inhabitants per square kilometre), this requires us to constantly strike a balance.

In a densely populated country like the Netherlands, the cumulative impact and consequences of EU rules on spatial planning, can be significant. The cumulation of rules and regulations can also add costs and time to permitting processes for housing construction.

A coordinated European approach to housing should address barriers to increasing housing supply by simplifying existing rules and regulations, as well as by assessing the impact of new regulations on sectors such as housing and permitting processes. The Netherlands recognises the importance of our shared European objectives for the quality of the living environment and remains fully committed to upholding them. At the same time, we believe there is an opportunity to strike a balance between various pressing priorities and transitions that all compete for limited space, such as the housing crisis and the equally vital goal of ensuring healthy, safe, and sustainable living environments. Therefore, we need to assess how EU legislation and objectives, both existing and new, affect spatial planning, and how these requirements can be simplified to better facilitate housing construction. And doing so without additional damage to the environment, health and nature. Therefore, we call for independent assessments of the effects of legislation on these sectors. Policy measures targeted at national planning and building legislation should focus on offering support and guidance and on sharing best practices.

In addition to our analysis below, we would like the Commission to propose an overarching framework of guiding principles to support and improve future legislative proposals or revisions, for instance by conducting territorial impact assessments. Specific sectoral legislation can have unintended consequences for other sectors, such as housing construction, and vice versa. These effects should be assessed early in the process of new policy making. The Housing Simplification Package could serve as a starting point for such assessment principles.

1. Environmental Impact Assessment (EIA) Directive (2011/92/EU amended by 2014/52/EU) and Strategic Environmental Assessment (SEA) Directive 2001/42/EC

In general, the Netherlands considers simplification efforts should focus on better alignment and consolidation of existing rules to allow sufficient flexibility for member states to integrate these requirements effectively into their national permitting systems and decision-making processes. The Netherlands also believes that procedural rules should not be complex and should be governed by Member States themselves. We also

share the analyses by several Member States on the issue of fragmentation in environmental assessments regarding various procedural rules. In addition to the feedback below, it should be underlined that discussions on the EIA/SEA Directives should first take place within the context of the ongoing negotiations on the Environmental Omnibus.

We recognise and endorse the need for sector-specific initiatives and fully support the necessary flexibility to reflect the different characteristics and needs of individual sectors. At the same time, it is important that any exemptions or differentiated permitting regimes remain aligned with existing environmental objectives and broader legislative frameworks.

We nevertheless see an increasing trend of fragmentation in existing EU legislation in regard to procedural permitting rules and believe that these procedural rules can be more harmonized. Various exemption requirements do not always align well with existing EU environmental legislation or with each other. These bespoke permitting regimes can introduce additional procedures, creating complexity for national and regional authorities and potentially resulting in delays in permit-granting. Therefore, we would welcome fewer procedural rules on the European level (this should be a national competence) and more uniformity regarding the definitions. This is particularly important in light of the Dutch Omgevingswet (Environmental and Planning Act), which was recently reformed to simplify and integrate procedures. The introduction of fragmented and non-aligned EU procedural permitting regimes risks undermining this streamlined national system and complicating effective implementation in regions. At the same time sector-specific targeted legislation should not be affected.

Part of the solution would be to prioritise the amendment and clarification of existing environmental directives, while leaving sector-specific targeted legislation unaffected. Simplification efforts should focus on improving coherence, streamlining procedures, and ensuring consistency across sectoral legislation, while also allowing sufficient flexibility to reflect differences between sectors and member states' legal systems, provided this remains consistent with existing environmental objectives.

Simultaneously, simplification should not cause conflicts with existing European environmental and nature objectives or obligations under the Aarhus Convention. We need to scrutinise the consequences of any proposed amendments. For instance, changes in a permit-granting process can lead to major consequences for implementation, supervision, and enforcement.

Lastly, regulatory burden does not always stem from the instrument itself, whether it is a regulation or directive, an act, or an implementing decree. In particular, it stems from the level of detail of these rules and regulations. Legislation that prescribes in detail how a result must be achieved (a means-based provision) does not always lead to the most effective results and could impose a heavier burden than legislation that leaves addressees free to choose the most appropriate method of implementation to reach the intended goal.

To conclude, we would like to make a more general remark that we should aim to increase clarity of the EIA and SEA directives, as has been suggested by various Member States, for instance in relation to the scope of 'plans or programmes' for assessment.

2. Nature Restoration Regulation (2024/1991/EU)

Preparations for the implementation of article 8 on urban ecosystems, have raised concerns about tensions between space needed for urban densification, the energy transition and, urban greenery. This follows from targets mentioned in the article and unclarity about definitions, among others.

In addition, the regulation does not offer substantial flexibility to member states to execute spatial planning policies in relation to national characteristics. The Netherlands, for instance, differs from other member states because:

- It has a small surface area in relation to a high density of existing residents.
- It has a growing population and aims to construct 100.000 dwellings per annum until 2035.
- It has a relatively large number of agricultural grasslands (also) bordering built-up areas.

Increasing trend

We share the observation in the public consultation that the obligation to achieve an increasing trend until a satisfactory level has been reached (article 8-2), limits the availability of land in urban areas and cities that is available for construction. This, in turn, increases pressure on prices and availability. We recognize that meeting this satisfactory level can have a major impact on the affordability and pace of housing construction.

Our housing policy aims to renew and densify existing urban areas as much as possible, to preserve green space around cities, towns and suburbs. This increases pressure on available space. The obligation to achieve an increasing trend in urban green space and tree canopy adds to this. The remainder of our housing construction target is being planned outside existing cities, towns and suburbs. Part of these locations are included in the minimum boundaries of the urban ecosystem, creating an additional compensation requirement.

More flexibility could be provided by defining the 'satisfactory level' with reference to the overall goal of improving biodiversity and nature resilience. This would allow a greater focus on improving the quality, rather than just the quantity, of urban green space and tree canopy cover.

Regarding the 'satisfactory level', the Netherlands has shared the following input in autumn 2025 as part of the discussion about the guiding framework that will define the satisfactory level:

- The satisfactory level mentioned in Article 8 should not have negative effects on the objectives of other Articles (e.g. Article 4 and Article 10)
- Consider the differences between Member States
- Consider the relationship between the satisfactory level and the delimitation of the urban ecosystem
- Consider the differences between cities, landscape types and areas within Member States.
- Leave sufficient scope for Member States to define the satisfactory level in their own way.
- Leave room to also define the satisfactory level of Article 8 qualitatively.

Agricultural grasslands

The definition of urban green space within urban ecosystems has a major effect on the restoration task and the scope for compensation. In particular, the inclusion of agricultural grasslands within the definition might not be fitting for the Dutch situation. The definition of urban green space should distinguish between:

1. generally large-scale agricultural grasslands under conventional agricultural use, which have relatively low biodiversity and make only a marginal contribution to a well-functioning ecosystem, and
2. diverse small-scale plots of grassland within and adjacent to built-up areas under extensive management, which often do make a significant contribution to biodiversity, such as herb-rich grasslands.

By excluding the first category within urban ecosystems from what counts as urban green space, would increase space for urban development without, at the same time, increasing the restoration task. Additionally, these grasslands could offer space for new urban green spaces with higher ecological value.

New building requirements

The Nature Restoration Regulation may lead to new building requirements to ensure compensation (such as green roofs) which are not mandatory in some Member States. It takes time to implement these requirements, and they result in additional construction costs. In the Netherlands, green roofs are not part of the Building Decree ('Besluit Bouwwerken Leefomgeving') or the Environmental and Planning Act Decree ('Besluit Kwaliteit Leefomgeving'). We therefore agree that implementation of the regulation may need new building regulations, which in turn could result in additional costs for housing construction.

Permitting time and assessments

To conclude with the suggestion from the open consultation that the obligations from article 8 might lengthen permitting time and that additional ecological assessments might increase construction costs. We do not expect this to happen in the short run. Up to 2030, article 8 is fully quantitatively defined.

Force majeure situations

In addition to the EU's analysis, we would like to express our concern regarding the non-fulfillment of the obligations referred to in Article 8 when large-scale force majeure occurs due to fires or unavoidable habitat transformations in urban ecosystems. This can lead to such significant degradation that cannot be compensated for in a timely manner. Article 12 'Restoration of forest ecosystems' justifies this situation of force majeure. We would be pleased to hear from the Commission on how this is handled in the case of Article 8.

3. Soil Monitoring and Resilience Directive (2025/2360)

The Netherlands considers the land take mitigation principles (article 12) as not being a result obligation, but rather a (workable) instrument to encourage well-considerate land use.

We do share the observation that the status of the 'Zero Net Land Take by 2050'-target is unclear. This target is not being operationalized in the Soil Monitoring Directive or the Nature Restoration Law. Yet, it is mentioned in the considerations of the Soil Monitoring Directive and in specific communication¹.

4 and 5. Birds and Habitats Directive (2009/147/EC and 92/43/EEC)

The government works on a coherent set of measures to solve the nitrogen crisis and to improve perspective for economic activities that are experiencing negative consequences of nitrogen. The input below is a response from a housing construction perspective to several points raised in the open public consultation.

Overall, the effects of nitrogen on housing construction have turned out to be smaller than previously assessed². Yet, negative effects have been reported: an estimated 9% of new dwellings might not receive a permit as a result of nitrogen.³ In addition, some projects in the surroundings of Natura2000 natural reserve areas might not even have

¹ For instance: [Net land take in cities and commuting zones in Europe | Indicators | European Environment Agency \(EEA\)](#)

² E.g. SEO, Stikstofuitstoot en stikstofbeperkingen. Wat is de schade?, July 2025.

³ EIB, Nieuwe stikstofregels. Gevolgen voor de woningbouw, March 2025, p. 12.

been considered.⁴ A multitude of the number of stalled projects is moreover confronted with costs and delay as a result of mandatory assessments.

The majority of projects is moreover faced by mandatory assessments, resulting in costs and delay. These assessments cost an average €2000 per newly constructed dwelling, excluding costs of measures taken. Assessments cause delay as well, for instance due to a lack of ecologists. The total costs of nitrogen issues for the housing sector (caused by assessments, permits, delay and failure) have been estimated at € 600m for the years 2025 – 2030.⁵

Exemptions for Imperative Reasons of Overriding Public Interest

We share the observation that greater flexibility is needed to make exemptions to respond to emergencies and other urgent significant matters under the Habitats directive, such as housing construction.

Exemptions can be granted on the basis for Imperative Reasons of Overriding Public Interest (article 6-4, Habitats Directive). These have generally been accepted by Dutch courts, due to a high demand for affordable housing and a scarcity of construction sites. However, requirements for compensatory measures haven't proven to be a hurdle to effectively exempt housing projects that risk adverse effects on Natura 2000 caused by nitrogen emissions, for instance because of difficulties in acquiring the land needed for compensation or having all parties committed for a lengthy compensation process. In particular, the timeline and requirements of compensation have proven to be difficult to meet, because compensatory habitats should be of the same quality as the habitats that are at risk of deterioration. This is challenging when this takes more time than an average development, (e.g. compensating deterioration of a decades old beech forest) or when compensation must happen on other locations due to a lack of space.

The Dutch government has added some suggestion to improve flexibility of this exemption on the Habitat Directive in its letter to the Commission (8 October 2025), such as an adjustable timing for compensation or allowing for substituting non-priority habitats with priority habitats for offset purposes.

Thresholds based on categories and/or size of plan

From a housing perspective, we share the suggestion for a threshold for small projects based on nitrogen emissions. Based on the amount of nitrogen emissions, most housing construction projects can be considered as small.

The "no reasonable scientific doubt"-standard

We share suggestions made in the public consultation to look into the "no reasonable scientific doubt" standard (article 6-3 Habitats Directive and case law). The Commission together with Member States should assess to what extent this standard increases the administrative burden for housing construction.

Species protection

From the perspective of both housing construction and the energy transition in the built environment, we share most observations regarding species protection. Species protection influences both renovations in the existing housing stock and new construction projects. Obligatory assessments are costly and can cause delay. To illustrate, assessments related to species protection cost an average 1.100 euro for every social rental apartment (excluding measures taken).⁶ We should explore opportunities in rules and regulations to find innovative solutions such as e-DNA scans

⁴ An assessment by Colliers suggested that this considers 7,5% of the total housing production until 2030, [Colliers | Nederland mist 23.000 woningen door stikstofuitspraak](#)

⁵ EIB, *Nieuwe stikstofregels. Gevolgen voor de woningbouw*, March 2025, p. 14, 23.

for bat presence, that allow us to deliver on housing construction and the energy transition, while upholding our goals on species protection. Also, the presence of protected species is sometimes used as an argument to stall housing projects in appeal procedures.

In the existing stock, risks of harming bats in cavity walls hamper insulation measures that play an important part in policies to increase energy efficiency in the built environment in the Netherlands. Cavity walls ('spouwmuur') consist of two parallel walls, separated by an empty airspace. These were the standard of Dutch construction between the 1920s and 1970s. Insulating these airspaces is a cost-effective way to improve the energy label of a large amount of the Dutch housing stock.

Bats often reside in these cavity wall, hampering insulation measures, because the individual species and their nests are protected under the Habitats Directive (article 12). Innovative techniques, such as e-DNA scanning for bat presence, have already lowered costs for assessments from several thousand to several hundred euros. However, these techniques cannot yet be applied to larger estates or projects. This can delay large-scale energy retrofitting projects by up to two years. And once bats have been located, costly measures need to be taken. More flexibility is needed to mitigate negative effects, without lowering the level of protection or incurring adverse impacts on populations. In order to accelerate permit procedures from a perspective of species protection, the Netherlands is in favour of a population-based approach and is investigating working with 'species management plans', that is: granting permits for specific species and developments in a specific area, instead of , instead per individual dwelling or project. This lowers costs and permitting time for projects Although the first results are promising, there are many hurdles left: assessments that are needed for species management plans are expensive and there are a scant few ecologists to conduct these assessments. We also see resistance against species management plans in court.

6. Water Framework Directive (2000/60/EC)

A thorough legal and expert analysis of the ruling by the Flemish court (as mentioned in the annex) is needed in order to assess how the ruling might set a precedent for the annulment of permits for construction project due to negative effects on water quality. However, we are not certain that this will be the case.

A recent revision of the Water Framework Directive has broadened the interpretation of the legitimate exemptions, so that temporary effects of a project may not be classified as 'deterioration of water quality' and a distinction has been made between new discharges of substances and the relocation of substances already present in the environment. It would be useful if the Commission could utilise the process of the Housing Simplification Package process to confirm that this also applies to temporary effects caused by housing construction projects.

7. Waste Framework (2008/98/EC)

In building regulations, requirements are set for on-site waste separation into different fractions. Signals from the market indicate that this requirement does not cause problems, due to the high costs associated with not separating construction waste streams.

It should be noted that the Waste Framework Directive itself does not set specific criteria for the status of construction specific waste. The WFD already provides the possibility to classify reusable components as not waste (see art. 6). As applicable to all secondary materials, developing EU-wide end-of-waste criteria for construction and demolition materials could determine whether a material is waste or not.

8. Ambient Air Quality 2024/2881

In the Netherlands, building is only permitted when projections show that after completion of the project, it can be expected that there will be no exceedance of

the limit values as specified in the Ambient Air Quality Directive. A recent impact analysis of the revised air quality norms, reveal that up to 46.000 planned dwellings (about 5.6 % of the total planned dwellings) in the Netherlands until 2040 are at risk, unless additional mitigation measures are being taken to improve local air quality. These effects are concentrated in several densely populated areas that are characterized by lots of economic activity, traffic, and high construction targets.

The Netherlands aims to comply with the obligations of the Directive, which are needed to ensure a healthy living environment for the growing population. This can be reached by taking sufficient measures at the national and local scale. Based on the Directive, delay of attainment is only possible under strict conditions. The Implementing Act on Article 18 of the Directive will specify to what extent measures can be viewed as reasonable and proportionate and when a possible delay could be justified. The Netherlands will take the importance of housing into account when we apply Article 18 and draw up one or more Air Quality Roadmaps.

In addition, agreed EU legislation and policies that have a positive effect on ambient air quality, such as new European vehicle emission standards or the Industrial Emissions Directive (IED) should be allowed to deliver. Improvement of air quality is to a large extent dependent on already agreed standards included in this legislation. Watering down policies developed for decreasing polluting emissions will result in less improvement of air quality in densely populated areas, and therefore might delay or stall housing projects.

9. Energy Efficiency Directive

N/A.

10. Energy Performance of Buildings Directive

We see a need for better harmonization with other frameworks, such as CO2 calculation methodologies for buildings linked to the EPBD. It is considered problematic that, despite omnibus proposals aimed at aligning indicators such as the Primary Energy Demand from the EU Taxonomy with the EPBD, insufficient follow-up has been given to ensure consistency between frameworks. In addition, the Construction Products Regulation requires, for example, category 1 datasets for GWP calculations, while harmonised databases are not yet available. This complicates implementation, and effectively shifts the burden to market parties. Harmonisation should be ensured first, before introducing binding requirements. This sequencing is not sufficiently reflected. We would like to suggest that harmonisation should precede mandatory requirements.

For a next revision, a more systematic quality check upfront would be advisable: a review of legal coherence and general feasibility. This would be more time-efficient.

11. Construction Products Regulation (2024/3110)

We share the concerns about feasibility and affordability of the CPR for SMEs, as well as the call for a pragmatic framework for reporting the environmental performance of construction products. Attention is also rightly drawn to the disproportionate administrative burden caused by the 'worst case-approach' for declaring the environmental performance of construction products under the revised CPR. This is a measure that could be simplified without undermining the objectives of the legislation and could facilitate its implementation.

The Netherlands supports calls to harmonise background databases. Currently, multiple databases are used for assessing the environmental performance of construction products. This causes significant differences in calculated results, creates an uneven playing field and causes complications in (public) tenders.

The input from the public consultation moreover calls to “transfer responsibility for moderate and proportionate renovations from financial institutions to property owners”. We cannot wholly assess the meaning of this remark, as this is outside the scope of the CPR.

12. Eurocodes and harmonised technical standards

The Netherlands does not recognise remarks from the public consultation. A separate regime for social housing is neither considered necessary nor desirable.

The public consultation mentions simplified seismic designs. Earthquakes in the Netherlands follow their own dynamics and procedures and are, for now, not addressed through the Eurocodes.

We see the overall concern of a continuous increase in requirements, resulting in more stringent structural designs. This is an issue that can, technically, already be influenced through the National Annex and the Environmental Decree ('Omgevingsregeling').

13. Public Procurement Directives

Not applicable for the Dutch context, as the public sector does not build or own residential buildings.

14. Capital Requirements Regulation and Directive

Housing construction in the Netherlands is barely publicly funded, so European budgetary rules do not pose a barrier to housing development. We therefore do not recognise the suggestion that high interest rates are deterring households from buying homes. The number of transactions is currently high despite, higher interest rates. Additionally, higher rates often translate into lower prices of homes and increased use of mortgage interest deduction. We do not share the observation that easing capital requirements will increase housing supply, because it will also raise housing prices, and capital requirements are not a significant inhibiting factor in constraining housing supply.

Capital requirements should be effective and efficient considering their purpose to ensure stability of mortgage credit providers and the financial system. We consider that the evaluation report of the Commission will shed light on this and should be based on thorough qualitative and quantitative evidence. Deviating from risk-based capital requirements without strong evidence of the need to do so, or without strong evidence of negative side-effects, will undermine the long-term provision of credit to the housing market.

15. EU Taxonomy

Overall, the Netherlands shares the analysis from the public consultation and supports simplification of the Taxonomy. This can contribute to more effective and affordable financing for sustainable housing projects. At the same time, there are differing views on the concrete design and implementation of the proposed measures. Below, we will focus on several specific aspects of the consultation feedback.

Social housing

The feedback suggests recognising social housing as sustainable, even when not all DNSH criteria are fully met. From the perspective of cost efficiency and scaling of construction, the Netherlands considers it preferable to apply a uniform standard rather than introducing exemptions for social housing. Such exemptions risk creating inconsistencies and may require later correction, which would likely result in higher costs.

Do No Significant Harm criteria

Proposals to simplify the Do No Significant Harm (DNSH) principle, and to reduce the number of criteria, should align as much as possible with national legislation and

regulatory frameworks (e.g. environmental impact assessments). Current DNSH criteria are often complex and require detailed documentation. Referring to existing national systems can reduce the need for separate verification at EU level. At the same time, enforcement differs significantly between Member States, which makes it challenging to establish a single uniform approach at EU level.

Alignment between Taxonomy and EPBD

The Netherlands notes that different concepts and frameworks continue to overlap and, at times, conflict, which complicated harmonisation. The Netherlands therefore proposes that the objectives and framework of EPBD IV should, when relevant, take precedence over the Taxonomy. Also, references to EPBD IV should be used instead of developing additional parallel frameworks in Chapter 7 of the Taxonomy. Taxonomy definitions should be consistent with those used in EPBD IV.

In several elements of the revision, inconsistencies remain, for example where the Taxonomy refers to EPC A, while EPBD IV refers to ZEB. In addition, the definition of PED does not align with the EPBD IV concept of energy demand.

Lowering requirements below NZEB (-10%)

The Netherlands does not support the proposal to reduce DNSH criteria for new buildings by allowing performance up to 10% below national NZEB standards in order to reduce costs. While it may generate short-term savings, it risks higher costs in the longer term. Lowering the baseline would make it more difficult to achieve the objective of zero-emission buildings by 2050 and is likely to result in additional investments or higher costs for end users at a later stage. The Netherlands therefore proposes maintaining the current level of ambition, aligning with EPBD IV, and referring to national legislation for the detailed implementation of DNSH criteria.

One EU-level standard

The Netherlands does not support differentiated regimes for different groups. The guiding principle should be a single EU-level standard with a common language. This would allow, for example, industrialised housing production to be assessed once under the EU Taxonomy, provided compliance with EPBD IV and other requirements is ensured. This supports standardisation and scaling.

Renovations and green finance

The DNSH criteria for the renovation of existing buildings have already been removed from Chapter 7 of the Commission proposal and efforts have been made to improve integration. The Netherlands considers it desirable that when a renovation reaches a certain performance level (e.g. ZEB-ready), financing of the entire building can be classified as green, rather than only the renovated part.

In practice, financiers are currently incentivised to focus on buildings that already perform relatively well (A/B labels), whereas incentives for upgrading poorly performing buildings are more limited. In case a sustainability loan (e.g. €20,000) is used to upgrade a building to EPC B, only that specific investment is considered green. The Netherlands would prefer that where such an investment enables compliance with, for example, insulation standards, the entire financing could be classified as green. This would also better reflect a phased approach (e.g. if a district heating network is introduced at a later stage, allowing the building to connect and ultimately reach ZEB status). Such an approach would incentivise financial institutions to link interest rate reductions to deep renovation steps towards defined performance levels, making the improvement of the worst-performing buildings more attractive and financially viable.