

Land use planning in Germany and the European SEA Directive

Thomas B Fischer

Department of Civic Design



THE UNIVERSITY
of LIVERPOOL

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Introduction

- Reflecting on positive and negative aspects in German practice
 - Where can Germany learn, where can other countries learn
- Whilst most procedural aspects of SEA are reflected in plan making itself, many substantive aspects are covered in the landscape planning system
 - Requirements for EA at strategic levels firstly formulated in 1972 (for government regulations); however, subsequently these were not much applied

Table 1: Land use and landscape planning instruments

Planning level	Spatial/land use Planning	Landscape Planning	Scale of maps
<i>Land</i>	<i>Land Spatial Development Plan (Landesentwicklungsplan/-programm)</i>	Landscape Programme (<i>Landschaftsprogramm</i>)	1:500,000 to 1:200,000
Region	Regional Plan (<i>regionales Raumordnungskonzept</i>)	Landscape Framework Plan (<i>Landschaftsrahmenplan</i>)	1:50,000 to 1:25,000
<i>Kreis</i> (informal)	<i>Kreis-development plan (Kreisentwicklungsplan)</i>		
Community, City	Landuse Plan (<i>Flächennutzungsplan, FNP, §1, BauGB</i>)	Landscape Plan (<i>Landschaftsplan</i>)	1:10,000 to 1:5,000
City District (informal)	e.g. city district plan (<i>Bereichsentwicklungsplan</i>)		around 1:3,000
Part of the Community	Master Plan (B-Plan, §1, BauGB)	Open Space Master Plan (<i>Grünordnungsplan</i>)	1:2,500 to 1:1,000

Source: Fischer, 2002; adapted from Bundesumweltministerium für Umwelt, 1993

Table 2: Landscape plan Nauen and the SEA Directive requirements

	Requirement met
TIERING – VERTICAL AND HORIZONTAL	●
Is the assessment focusing on those issues appropriate to the hierarchical level of the plan?	✓
Is the assessment being carried out as part of a wider procedure to avoid duplication within a tiered system of decision making?	⇔
Have existing monitoring arrangements been consulted and utilised to avoid unnecessary duplication?	✓
COMMUNICATION, CONSULTATION & PARTICIPATION	●
Is there public consultation/participation?	⇔
Is there expert consultation?	✓
Have relevant environmental authorities been involved in determining the scope of the appraisal?	✓
Did the consultees receive a draft version of the plan or program and an accompanying Environmental Report (ER)?	✓
Is it clear how the opinions collected in the consultation processes, influenced the preparation of the plan or program?	⇔
Has adequate consideration been given to publication and advertisement of the plan or program once formally adopted?	✓
SUBSTANTIVE – REPORT AND ALTERNATIVES	⊙
Is there an environmental report (ER)?	✓
Does the ER/appraisal section outline the relationship with other plans/programmes?	⇔
Does the ER/appraisal section include baseline data for the state of the environment?	✓
Does it include the environmental characteristics of areas likely to be significantly affected?	✓
Is there information on existing environmental problems and anything relating to areas of particular environmental importance?	✓
Have reasonable alternatives been identified, described and evaluated?	⇔
Does it outline the reasons for selecting alternatives?	⇔
Does it consider environmental protection objectives?	⇔
Does it consider the significant effects on the environment?	✓
Does it include information on mitigation?	✓
Does it include a description of how the assessment was undertaken?	⇔
Is there a description of measures concerning monitoring?	⇔
Is there a non-technical summary of the ER/appraisal section results?	✗
MONITORING	○
Are the significant environmental effects resulting from the implementation of the plan monitored?	⇔
Are the measures envisaged within the monitoring process included within the ER/appraisal section?	⇔
Does monitoring include the identification of progress towards the plan and SEA objectives?	⇔

Extent to which SEA requirements are met

✓ = yes, fully (2) ⇔ = partly (1) ✗ = no (0)

● = 83% ⊙ = 69% ○ = 50%

Landscape plans in Brandenburg

- Around 430 landscape in Brandenburg (2.5 M inhabitants)
 - This is a lot compared with other countries; ie there are very small administrative areas – SEA light???
- Socio-economic impacts remain largely unaddressed; also, no sustainable development strategy
- Policy decisions at Land level might remain unaddressed (hierarchy of towns)

Future formal requirements

- Possibly legal integration of EIA, SEA and assessments prepared under the EU Habitats Directive
- Federal article act with implementation through supplementary articles to existing sectoral legislation

Impact on decision making

- The idea is that no developments are assigned to those areas identified as being sensitive (pro-active approach)
- Authorities confirm a reasonable influence of landscape plan on decision making

Necessary improvements

- Improvements of SEA in land use planning are needed in terms of:
 - The establishment and assessment of all impacts, including in particular health, material and cultural goods, population and biological variety
 - The consideration of international, European and national environmental goals and objectives
 - The explicit consideration of different alternatives
 - For regional plans, the preparation of a separate report and for local landscape plans the preparation of a non-technical summary
 - Full public participation
 - Monitoring