



Bundesministerium  
für Verkehr, Bau-  
und Wohnungswesen

# **Monitoring of urban land-use plans**

## **The implementation of Article 10 of the SEA Directive in the German Federal Building Code**

Dr. Rolf Blechschmidt

**Federal level (*Bund*)**

**16 Federal States (*Laender*)**

**12.353 Municipalities**

**Urban land-use planning**

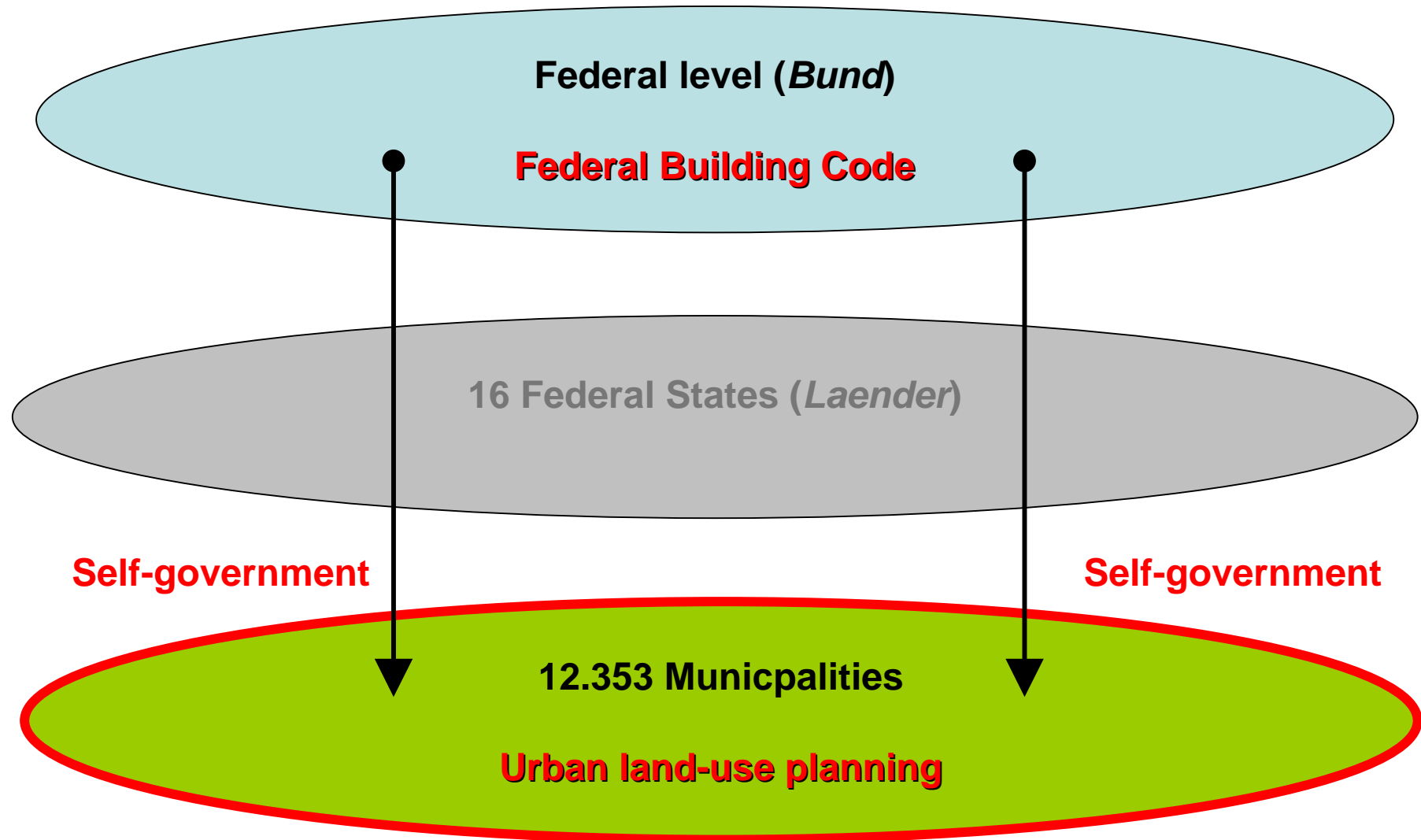
**Federal level (*Bund*)**

**16 Federal States (*Laender*)**

**Self-government**

**Self-government**

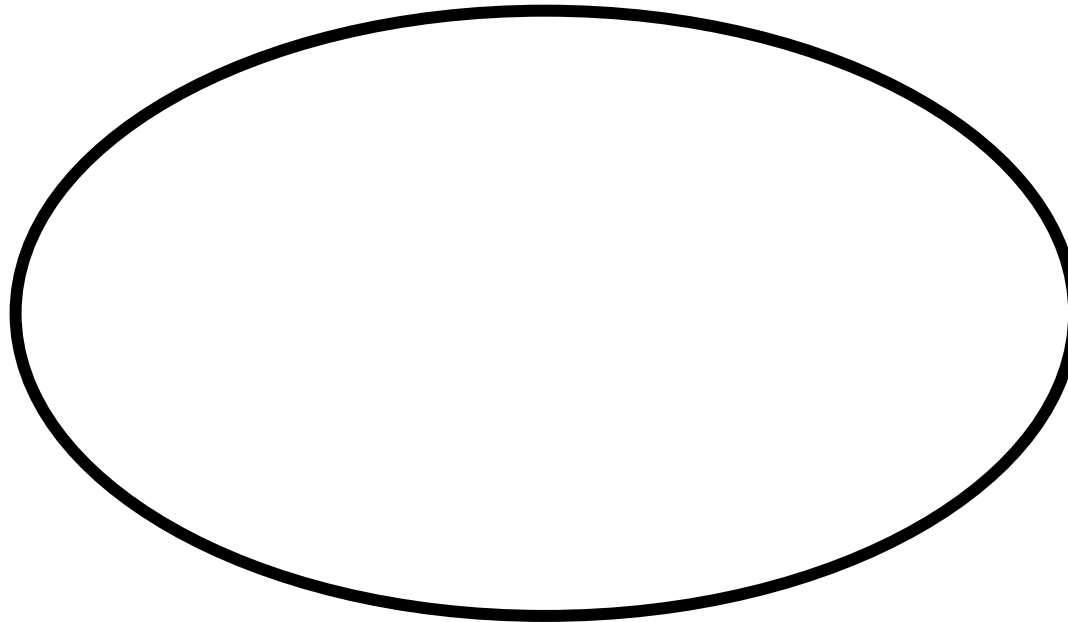
**12.353 Municipalities**  
**Urban land-use planning**

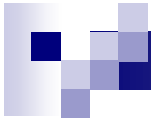




# Land-use plans

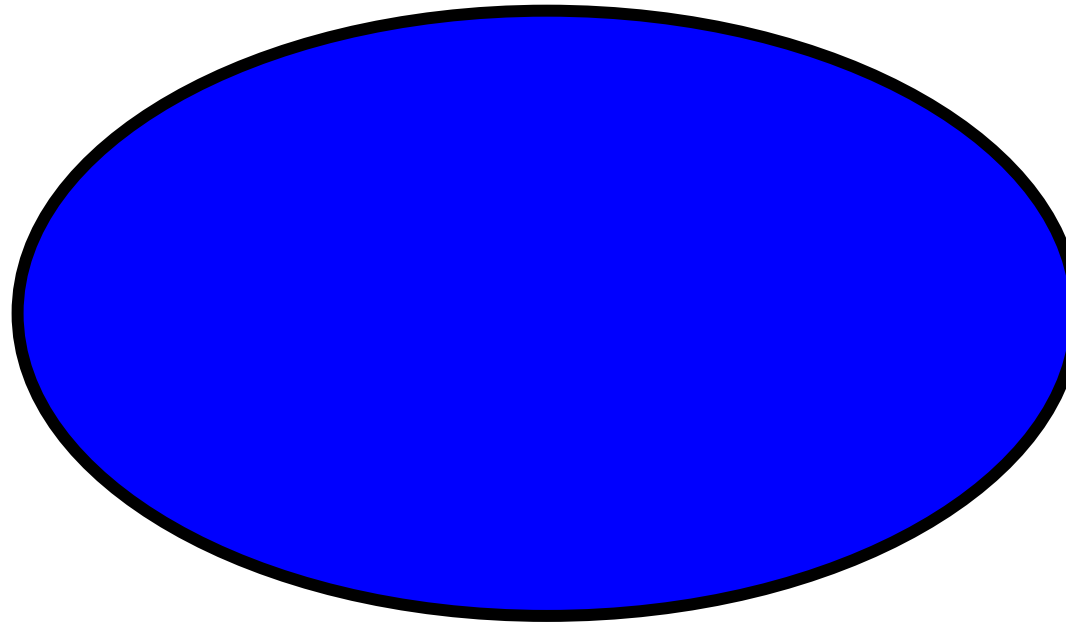
**Territory of a municipality**





# Land-use plans

Territory of a municipality

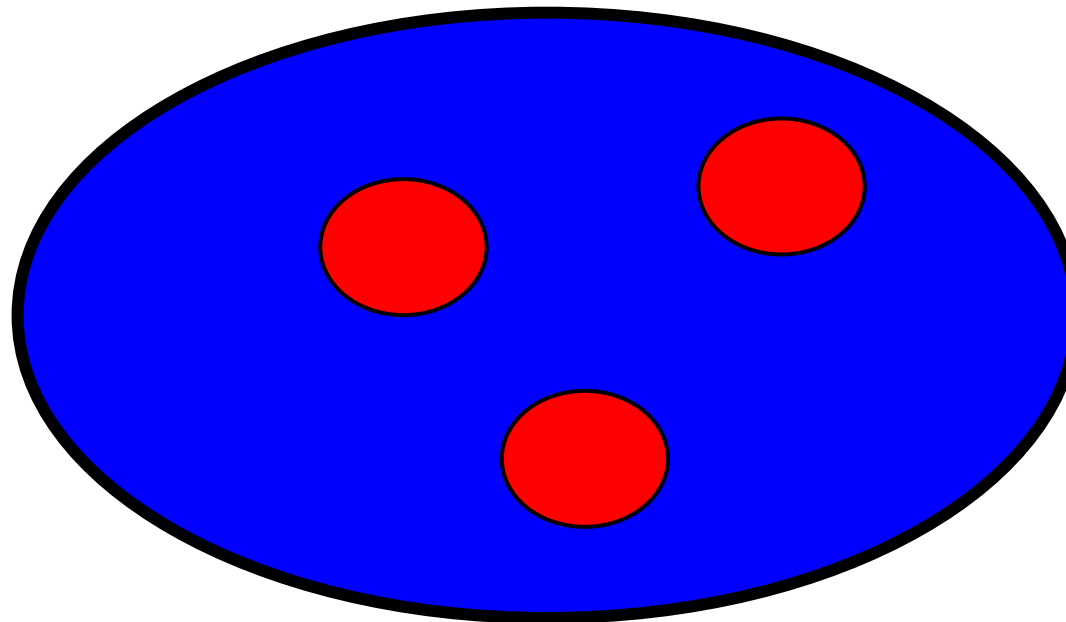


Preparatory  
land-use plan  
(*Flaechen-  
nutzungsplan*)



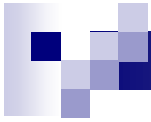
# Land-use plans

Territory of a municipality



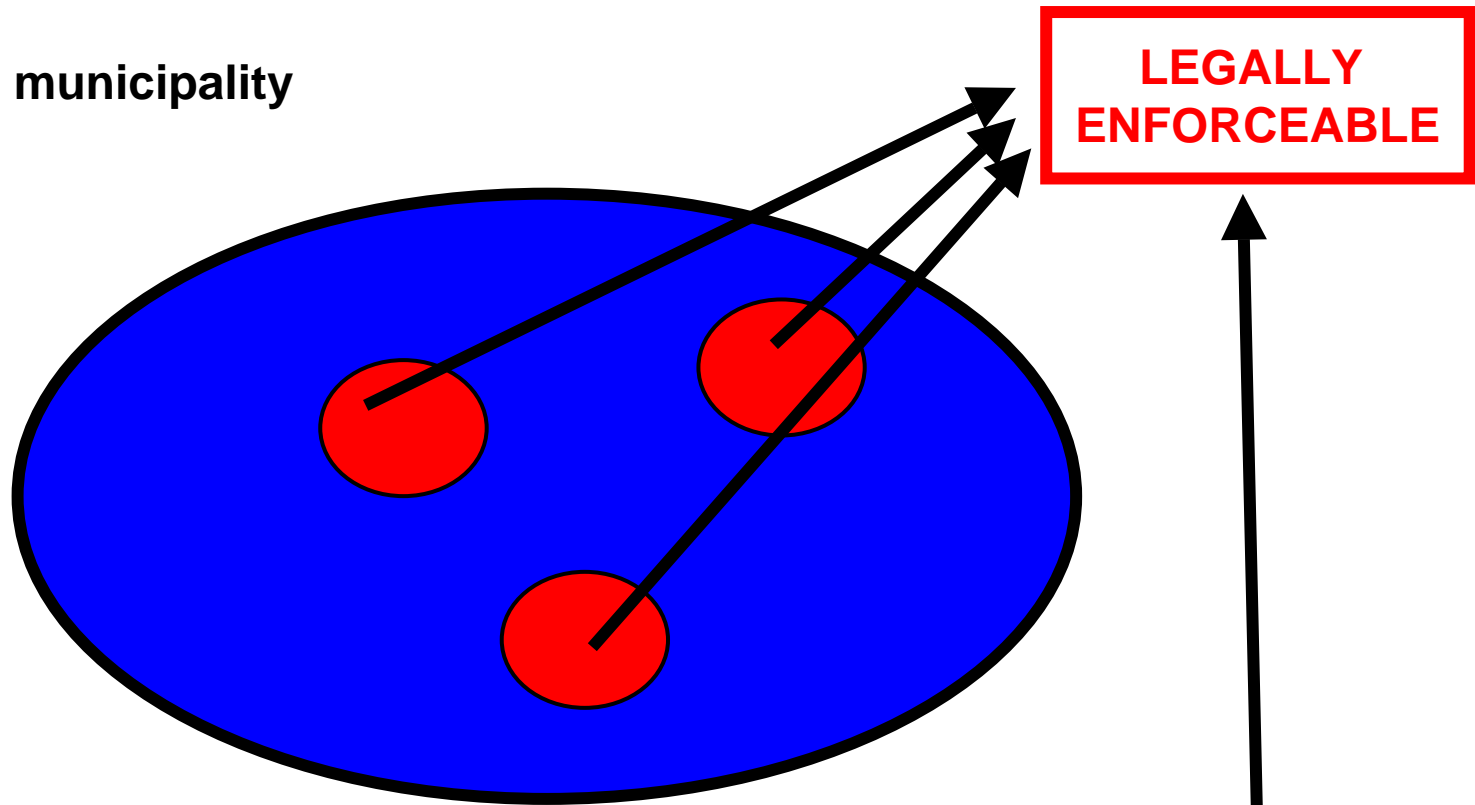
Preparatory  
land-use plan  
(*Flaechen-  
nutzungsplan*)

Legally binding  
land-use plans  
(*Bebauungsplaene*)



# Land-use plans

Territory of a municipality



Preparatory  
land-use plan  
(*Flaechen-  
nutzungsplan*)

Legally binding  
land-use plans  
(*Bebauungsplaene*)

**LEGALLY  
ENFORCEABLE**



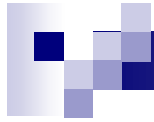
# The concept of implementation

- Urban land-use planning: law of the 24th June 2004 which entered into force on the 20th July 2004 (*Federal Building Code*)
- Other plans and programmes: law of the 25th June 2005 which entered into force on the 29th June 2005 (*Federal EIA Act*)



# SEA of land-use plans

- Basically all land-use plans (preparatory and legally binding land-use plans) are submitted to an SEA.
- Urban land-use plans are exempt of an SEA only on restrictive conditions.
- The SEA of urban land-use plans meets also the requirements of the EIA.



# Competence

- Municipalities are in charge of the monitoring.



# Flexibility

## Article 10, para. 1 of the SEA directive

Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, *inter alia*, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

## Section 4c sentence 1 of the Federal Building Code

Municipalities shall monitor the significant environmental effects of the implementation of land-use plans in order, particularly, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.



# Flexibility

Municipalities shall be in a position to develop an individual monitoring concept depending on the plan respectively, the planning subject and the size of the municipality.



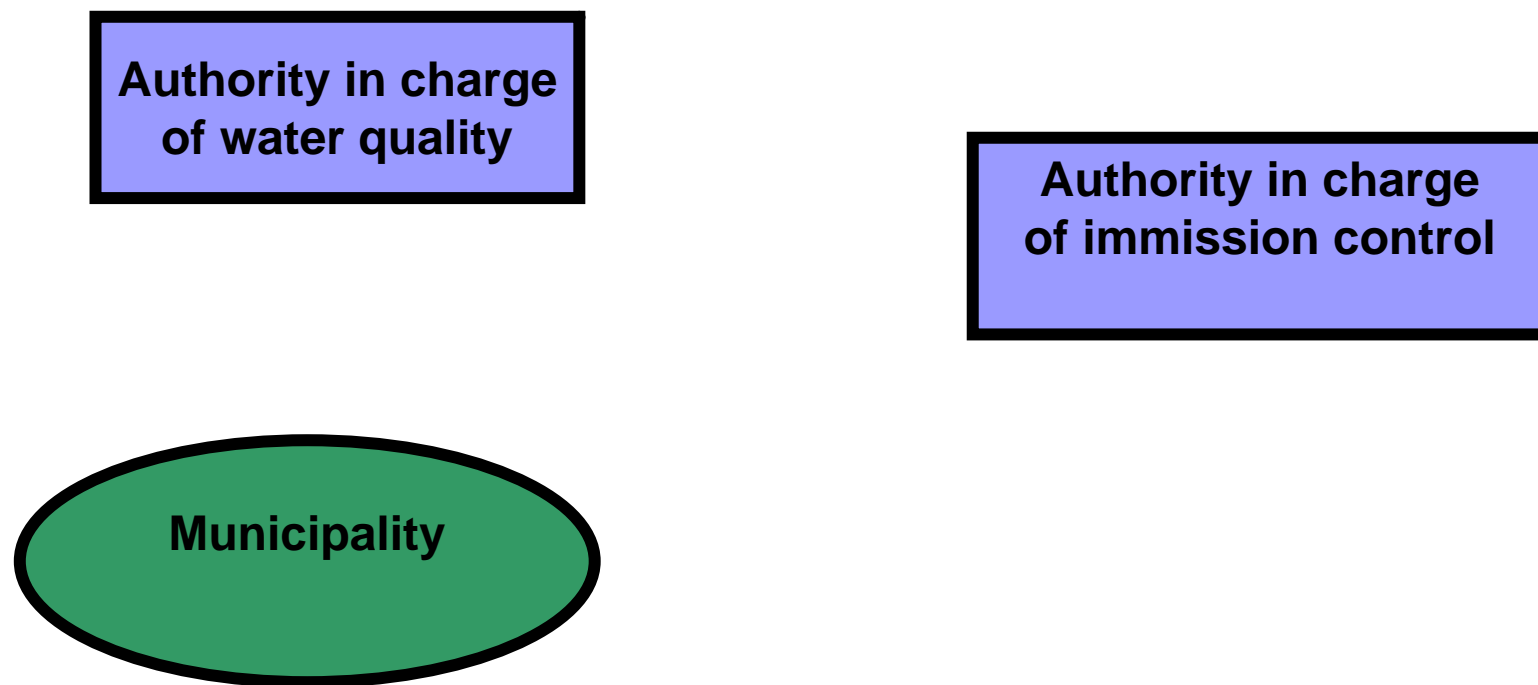
# Obligation of consulted authorities

## Section 4 para. 3 of the Federal Building Code

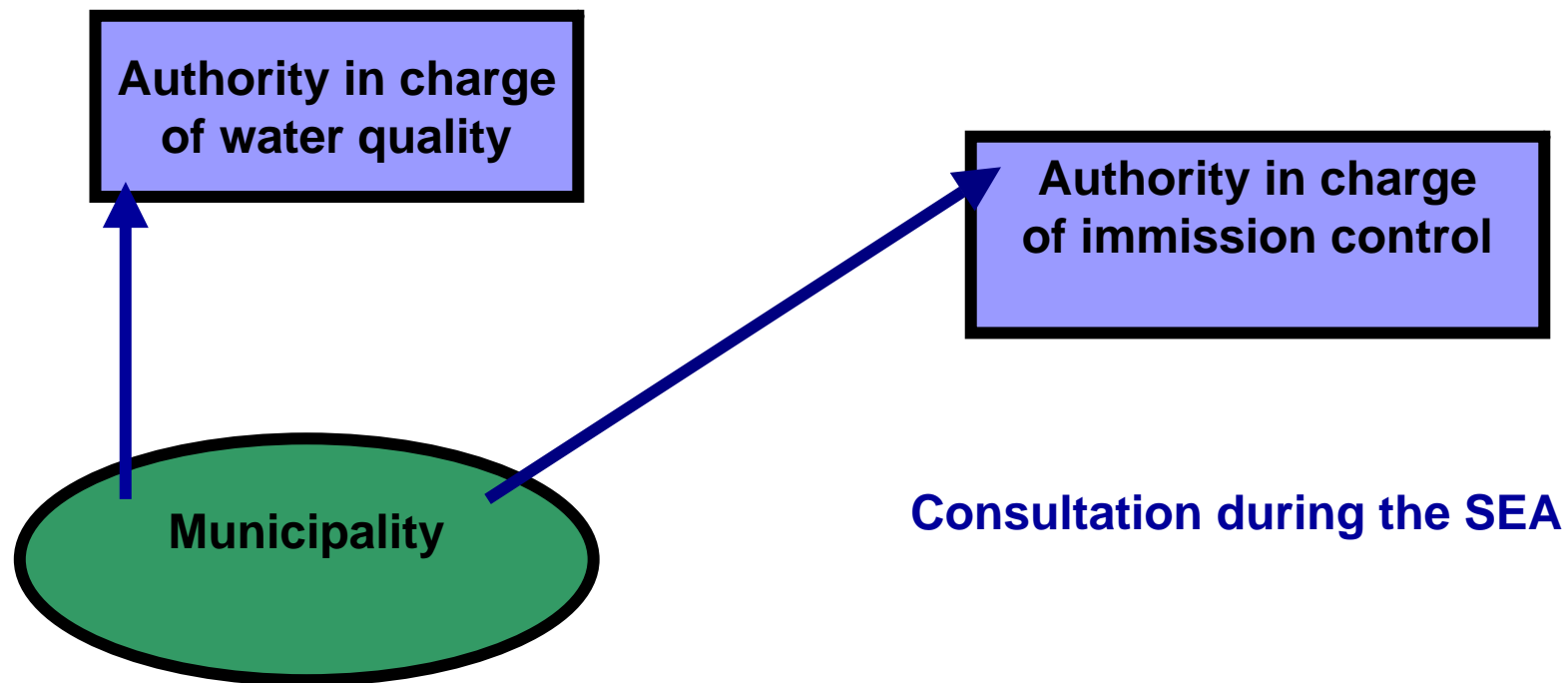
After the adoption of a land-use plan, the authorities *[which have been consulted during the SEA]* shall inform the municipalities if according to their knowledge the implementation of the land-use plan has significant, particular, unforeseen adverse environmental effects.



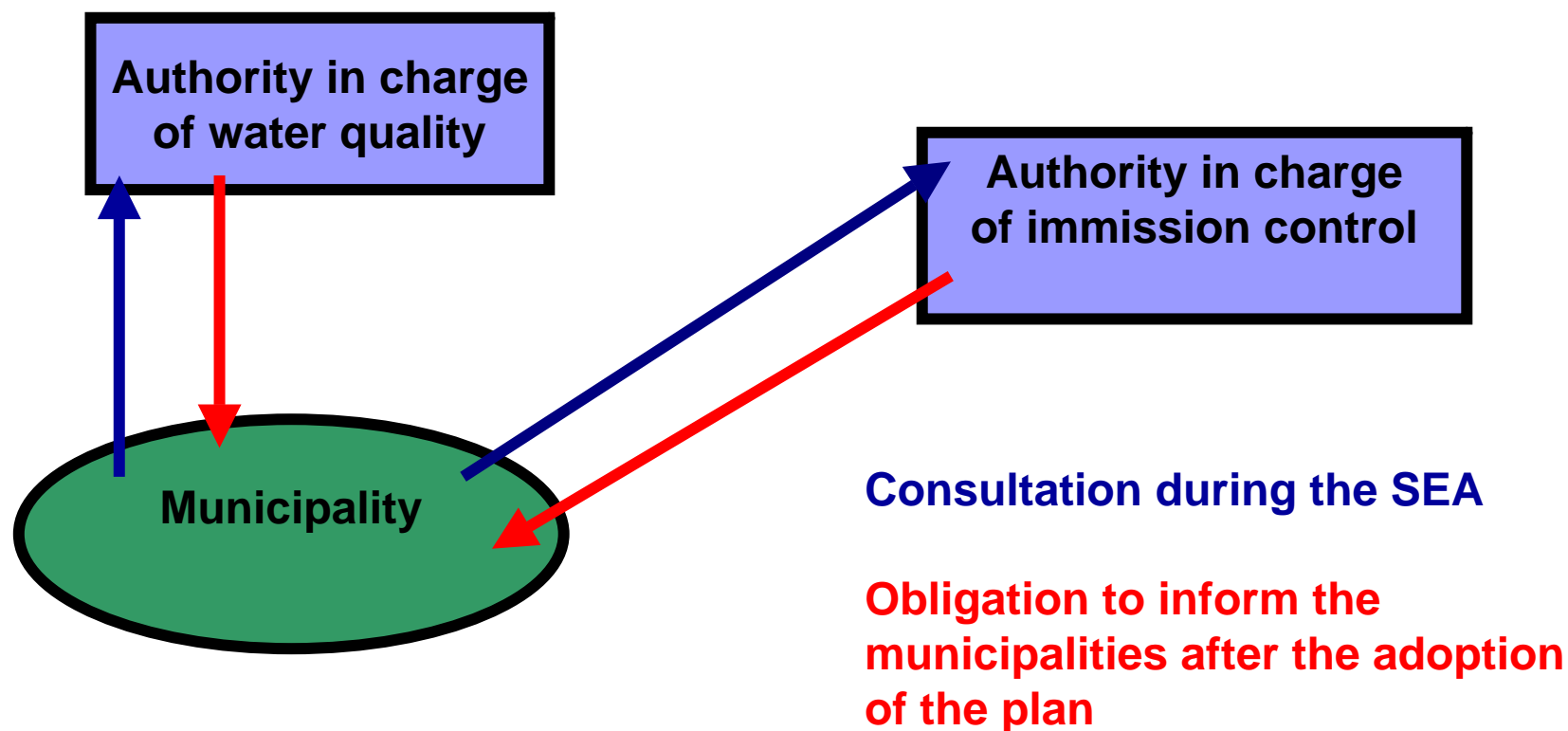
# Obligation of consulted authorities



# Obligation of consulted authorities



# Obligation of consulted authorities





# Monitoring concept

- The monitoring concept envisaged has to be described in the environmental report.
- By this, the monitoring concept is subject to the scrutiny of the public and the environmental authorities.



# Subject of monitoring

- Monitoring focuses on the unforeseen adverse effects.
- No repetition of the SEA.



# Remedial Action

- Section 4c of the Federal Building Code does not constitute an obligation to undertake remedial action.
- If remedial action is necessary, the obligation for it follows from other regulations.



# **Research Project**

**„Monitoring and Urban Land-Use Planning“**



**Krefeld**  
inhabitants:  
238,000

**Munich**  
inhabitants:  
1,281,000

**Guetersloh**  
inhabitants:  
96,000

**Krefeld**  
inhabitants:  
238,000



**Jena**  
inhabitants:  
102,000

**Munich**  
inhabitants:  
1,281,000

**Guetersloh**  
inhabitants:  
96,000

**Krefeld**  
inhabitants:  
238,000

**Ostfildern**  
inhabitants:  
33,000



**Guestrow**  
inhabitants:  
31,000

**Jena**  
inhabitants:  
102,000

**Munich**  
inhabitants:  
1,281,000



# Research Project

- **Efficient utilization of existing environmental monitoring systems.**
- **Efficient utilization of existing environmental information systems.**



# Research Project

- **Utilization of subsequent EIAs.**
- **Timing and frequency of monitoring.**
- **Documentation of the results.**
- **Utilization of the results of monitoring for future plans.**