



URBAN SMS Soil Management Strategy



Soil management approaches within urban planning procedures

Summary of stakeholder consultation February - April 2010

S. Huber & A. Kurzweil
June, 2010





EUROPEAN UNION
EUROPEAN REGIONAL
DEVELOPMENT FUND



URBAN SMS WP3 Action 2 Task 3

Soil management approaches within urban planning procedures

Stakeholder consultation

June 2010



EUROPEAN UNION
EUROPEAN REGIONAL
DEVELOPMENT FUND



Authors: Sigbert Huber (PP3)
Agnes Kurzweil (PP3)

Partner contributions:

Nils Krieger (LP)
Agnes Kurzweil (PP3)
Peter Medved (PP6)
Ivana Galušková (PP9)

Contents

1. Introduction	4
2. Planning Procedures and Approaches	5
2.1 Planning Procedures - Completions	5
2.2 Additional Approaches	5
3. Needs	8
4. Annex	10
4.1 Urban SMS – Bratislava 19th February 2010; Minutes of WP3 stakeholder meeting ...	10
4.2 Questionnaire – Model.....	14
4.3 Questionnaire City of Stuttgart (PP1).....	16
4.4 Questionnaire Environment Agency Austria (PP3).....	18
4.5 Questionnaire City of Celje (PP6).....	21
4.6 Questionnaire Czech University of Life Sciences, Prague (PP9).....	23

1. Introduction

A Synthesis Report as result of the URBAN-SMS project presents an overview of the main planning systems of the partner countries, selected management approaches and the conclusions within a transnational synthesis.¹

The results of the Synthesis Report were presented during the stakeholder meeting in Bratislava in February 2010. The attending stakeholders, mainly from Slovakia, Slovenia, Italy and Germany were asked for feedback and completion.

Additionally a questionnaire was sent out to the partner to interview stakeholder of the different partner countries to get further information and an overview of the needs of the stakeholder, focusing the planning view.

Following feedback is included to this report:

- Feedback of (mainly) Slovakian stakeholder, Bratislava, Feb. 2010
- Stakeholder Interview according to questionnaire – Interviews conducted by the following project partners: City of Stuttgart, D; Umweltbundesamt, Federal Environment Agency, Vienna, AT; City of Celje, SI and University of Prague, CZ. (March / April 2010)

¹ W. Lexer, S. Huber & A. Kurzweil (2010): Existing soil management approaches within urban planning procedures, www.urban-sms.eu

2. Planning Procedures and Approaches

2.1 Planning Procedures - Completions

Completions to the planning systems (as feedback during the Bratislava meeting) were integrated in the Synthesis Report by the partner of the respective countries.

The feedbacks of the stakeholder interviews affirmed – more or less - the descriptions of the different planning procedures and both the vertical and the horizontal planning structures in the different countries (see also the respective interview enclosed - Annex).

Whereas clear regulative are given by the vertical structure (e.g. local plans have to contain regional demands) the coordination of the horizontal structures (coordination between different sectors) should be improved.

2.2 Additional Approaches

Based on the collection of existing soil management approaches in the partner countries (see report 3.2.1) the following approaches were most often named in similar form by consortium partners:

- **Delineation and preservation of high quality soils:**
Strategies target at preservation of high quality soils, in particular such of agricultural land, were identified by six partners from six different countries. The implementation procedures and their relationship towards spatial planning can differ quite strongly between countries. In some countries, the practice is to designate priority areas for agriculture in Regional Spatial Plans in order to prevent them from being built up. However, there are also examples where integration into spatial planning procedures is poorly or not at all developed.
- **Rehabilitation and redevelopment of brownfields:**
Approaches dedicated to identifying, decontaminating and redeveloping abandoned sites were also identified by six partners from six different countries. As mentioned above, implementation may often, but must not necessarily be closely coordinated with Local Spatial Planning.
- **Protection of open and green spaces in urban areas:**
Approaches focused on preserving, restoring or upgrading existing unsealed spaces in urban areas (such as greenery in residential areas, recreation areas, parks, playgrounds etc.) exist in three of the partner territories. Here, soil conservation occurs more or less as a side effect of approaches to improve the quality of life for citizens in an urban environment. But also such indirect approaches contribute to soil protection. Control of achieved effects on soils should be implemented.
- **Soil databases and soil maps:**
Although explicitly mentioned only by three partners, implicitly information and monitoring instruments such as soil databases and maps are a prerequisite for many of the identified approaches and thus highly important. Sufficient knowledge of soil qualities is also a major basis for the Stuttgart Soil Protection Concept. Hence continuation, improvement or establishment of such sources of soil information should be forced, in particular on local and regional level.

In the stakeholder consultation the experts were asked if those soil management approaches were applied, what is their relationship to the planning procedures and which additional soil management approaches are applied in their city or region.

Germany / Stuttgart

Most approaches are applied in the city of Stuttgart but not yet in the region. One exception is the rehabilitation and redevelopment of brownfields which is applied in the region, too (project RESIM).

Stakeholder reported one additional instrument: Analysis plan and management concept for sealed areas (sectoral plan “Bodenversiegelung in Stuttgart” scale 1:10,000) as an informal planning instrument. This instrument has no legally binding function but is an instrument to raise awareness.

The instruments are part of the political discussion and decision process in spatial planning, but there is a lack of evaluation. Additionally there is a lack of strategies to promote inner urban development and for example to realize green corridors

Austria

In Austria the protection of open and green space by “green zones” are applied in all federal states with different purposes (green area, recreation area, retention areas, mountainous areas, playground...). Most, but not all Federal States delineate priority areas for agricultural purpose.

In general there is no unique method to define and integrate soil quality in planning procedures, furthermore the availability and quality of soil databases varies between the different Federal States. The redevelopment of brownfields is supported only by a small number of Federal States.

Additionally following approaches were mentioned by stakeholder

- **“Contract within Regions (Regionsvertrag)”**: one federal state experiences on a new instrument, a contract between communities of a region. This contract should regulate the cornerstones of regional development such as green space planning.
- **“Policy of Promoting Soil Conserving Building Land Development”**: One federal state promotes communities to develop instruments or strategies to avoid soil sealing (e.g. master plans).
- **Coordination Platform**: One federal state faces the problem of a very high share of transport areas (e.g. parking areas). Therefore they initiated a platform of the spatial planning and transport sector to coordinate common instruments and measurements, inter alia to avoid soil sealing.

One federal state is working out a **soil function map**, which includes soil quality amongst other criteria (further development of these maps is not fixed yet).

Soil monitoring systems: two federal states report regularly soil aspects. It is to mention, that these federal states have a special soil protection act or concept and are therefore legally bound to report soil aspects.

Slovenia

According to the feedback of Slovenian stakeholder soil is subject of EIA and SEA but not handled in a sufficient, systematic way. Soil conservation gets considered by forcing inner city development in some cities and regions. A big problem Slovenian stakeholder have to face is that there are long term spatial documents where big areas of land are predicted for building, mostly agricultural soil of high quality.

Czech Republic

In Prague a new municipal plan is under development, which includes assessment of impacts on sustainable land development.

Additionally to the two approaches of protected agricultural soils and nature and landscape protection, described in the Synthesis report, the protection of forest land is regulated by Act No. 289/1995 Coll. on forests.

Slovakia

The protection of agricultural soil of high quality is given by the law on soil protection, described in the synthesis report.

Soil and soil quality is considered in EIA/SEA, but there are no criteria defined how to integrate soil.

Concerning brownfields there is no systematic way how to handle contaminated areas or old industrial areas for further development.

3. Needs

Better basic data: soil data are available in a different quality (differs on the one hand from federal state to federal state, on the other hand from region to region in some federal state); one feedback was, that there should be a national wide standard, amongst other to have a basis for a national wide comparison.

Better information and awareness raising about the special soil aspects and soil quality

Better information about the special soil aspects in the three scales of municipal urban planning level (the landscape plan, the local green structure plan and the green design plan)

More information about soil quality for inner urban development projects and strategies for redevelopment and renewal of open spaces with high quality soil, in Stuttgart for example special soil information for all sites of Sustainable Management of Building Areas Stuttgart (NBS)

For implementation of the spatial planning instruments there is the need of **more soil awareness** of the different stakeholder: decision maker, communities, land owner, etc.

The information about the complexity of soil and soil functions should be **better comprehensible** for all groups (politicians, planner,...) as decision makers need a simple form of information

Implementation of instruments: there are enough planning instruments considering soil, but there is a lack of implementation. Further effort has to be done into the implementation of the spatial planning instruments.

Protection is given, but **development and stimulating strategies** are needed: The instruments of the past concentrate on the protection of soil. For the future the development of green areas should be focused. Focus should be laid on strategies which stimulate the protection of soil and open areas.

Urban soil conservation guidelines and limitation of maximum soil loss: Two types of urban development exist: dense urban structure and open space with soil protected areas or sprawled structures. Guideline defining percentage for density (e.g. 25% sealed); in the region/state on yearly level could be made with prior precise calculation of percentage of all soil types and its quality and definition of maximum targeted loss in next 10 (30) years and then divided per year.

Regular monitoring and evaluation: better monitoring system or evaluation of open space- and soil consumption in the city as a basis for further strategic decisions of the politicians is needed (for example as part of NBS status report)

Expectations / needs concerning the soil manager guide

- financial/economical incentives should be incorporated: what are the options for decision makers
- monitoring system for continuing / for success; indicators of sustainability; common indicator for involved cities (success)
 - possible indicators: ratio of new inhabitants vs. land consumption
 - define threshold for indicator
- concrete objectives agreed with the politicians
- quality: soil function should be defined
- think in different scales – different proposals for different scales in the report
- external costs of change of land use could be integrated
- should be no additional costs for politicians
- motivate decision makers to use the management system

4. Annex

4.1 Urban SMS – Bratislava 19th February 2010; Minutes of WP3 stakeholder meeting

Part 1: Needs for soil management in urban planning (9:00 – 12:30)

Participants: stakeholders from Germany (Nils Krieger), Italy (Stefano Brenna, Marco Fabbri, Pietro Gargioni) and Slovenia (Robert Spendl, Jasim Tahir), Franco Ajmone-Marsan, Mattia Biasioli, Sigbert Huber, Agnes Kurzweil, Peter Medved, Marco Parolin, Bettina Schug, Ales Volf

Summary - Needs

Sigbert Huber from the Environment Agency Austria presented different needs of soil protection in relation to urban planning: general, conservation, evaluation and action needs. The attending stakeholders from Germany, Italy and Slovenia were asked about the importance of the different needs for their region and about the experience on consideration of soils in spatial planning.

1. Scientific and practical needs

Following questions were discussed:

- Which of the presented needs do you see in your city / region?
- Which needs are important, which not?
- Are there other needs?
- How can these needs be fulfilled best?
- Do you have practical experience on consideration of soils in spatial planning?

Slovenia

Situation/Problems:

In Slovenia some planning-guidelines have been considered (e.g. up to 40% possible to seal (housing); even more up to 80% for industries or for business in central areas). Corridors are foreseen, but were built up in the last years. There are goals for soil protection, but there is a strong conflict of interests of different groups (e.g. housing, industry,...) as well.

One problem is that in the 70/80ies the cities were planned considering that they will grow. So agricultural land was dedicated to building area, which was not built up for a long time, in the last years more and more farmer intent to build houses, 40 % of land can be built, that means brutto a factor of 1,2, considering 3 floors.

Soil in legislation:

In 80ies categorization in 7 quality-classes (exists) were defined, only for agricultural land>> spatial planning and soil protection are 2 different “worlds” in Slovenia; soil protection: construction is forbidden except in special accepted cases.

Data:

Spatial data are available for everyone, but it is needed to get public awareness and to have the opportunity to get known how the effects of spatial planning are.

Measures / experience / good practice:

Brownfields in Celje: how to convince new builders to build there; more money needed to prepare the land

Needs:

There are data available, but decision makers need a simple form of information
Urban soil conservation guidelines are needed. Two types of urban development exist:
dense urban structure and open space with soil protected areas or sprawled structures;
Guideline: which type is better to have; percentage for density to be defined (e.g. 25%
sealed)

Italy

Situation/Problems:

Milano has small green areas, green belt around: how to connect >> strategy, law
needed

Main needs: soil conservation, but agriculture is a weak sector, not strong enough to
have a position

Agriculture should be competitive and stop urban sprawl, but land owners leave
agriculture, get builders; urban development mainly in the 70/80ies

Data:

enough data are available

Measures / experience / good practice

It is not realistic to have price in connection to quality as market fixes the price, cannot be
influenced according to regulations; exception: forestry land: paying for users possible –
regional law (1 – 5 Euro per ha)

Initiative in Lombardy: taxation of investments in brownfields; costs for provision of
services can be subtracted

Lombardy: compensation included in new law: project needed

The need for compensation of land previously used as agriculture; in Milano started as
experiment for compensation of same land in surrounding – but no regulation (degree)
exists; to meet all the needs of controlling bodies (also environmental bodies) is
necessary

Needs:

Provide information simpler;

Germany/Stuttgart

Situation / Problem:

One theme in Stuttgart: Green areas inside the brownfield areas: how to connect them;

Very important to avoid soil consumption; overview for politicians/cities how to use
brownfields; there is a lot of potential (in all European cities)

Stuttgart: all 3 years report about running development; how many potentials are left,
how many are developed; register of brownfields; in last 10 years amount of brownfields
stayed the same (though developed, new brownfields,...)>> enough for further
development; problem: mobilization of the potential

Different taxes of brownfields / non-brownfield are considered, but not regulated yet.

Soil in legislation:

Indicator: 20 % of site should be green field >> ecological effects (fauna,...); objective is
to keep the quality in brownfields (building plan which is binding)

Data:

Already 10 years ago exact knowledge about climatic effects was available. Soil quality:
information is available in Stuttgart

Measures / experience / good practice:

See situation

2. Discussion of structure of draft Soil Manager Guide

Question: what is expected/needed by the stakeholders

- financial/economical incentives should be incorporated: what are the options for decision makers
- monitoring system for continuing / for success; indicators of sustainability; common indicator for involved cities (success)
 - o possible indicators: ratio of new inhabitants vs. land consumption
- define threshold for indicator?
- concrete objectives agreed with the politicians
- quality: soil function should be defined
- think in different scales – different proposals for different scales in the report
- external costs of change of land use could be integrated
- should be no additional costs for politicians
- motivate decision makers to use the management system

Part 2: Soil management approaches and urban planning procedures (14:00 – 16:15)

Participants: stakeholders from Germany (Nils Krieger), Italy (Stefano Brenna, Marco Fabbri, Pietro Gargioni, Chiara Paoletto), Slovakia (Zoltan Bedrna, Ondrej Ferenci, Maria Kozova, Latanua Simoncinova, Rozalia Szallayova, Stanislav Tokos) and Slovenia (Robert Spendl, Jasim Tahir), Franco Ajmone-Marsan, Atuzynski, Pavol Bezak, Mattia Biasioli, Petra Blümlein, Martin Hozlar, Sigbert Huber, Siegmund Jaensch, Josef Koren, Agnes Kurzweil, Artur Lopatka, Peter Medved, Marco Parolin, Bettina Schug, Grzegorz Siebielec, Jaroslava Sobocka, Andrea Steniska, Tomasz Stuczynski, Ales Volf, Gerd Wolff, Andrea Zelioli

Summary

Sigbert Huber from the Environment Agency Austria presented the goals and activities of the WP3 “Soil management approaches within urban planning procedures” and the results of the collected urban planning instruments and policies respectively existing soil management approaches that are applied within urban planning procedures. During presentation especially the Slovakian stakeholders, but also the Italian and Slovenian were asked to give feedback and to explain their planning experience.

The main feedback from Slovakian and international stakeholders:

- Vertical structure of spatial planning (sheet no. 6 of the presentation): In Slovakia there is more than one level of territorial organization (regional, national level). This will be added to the synthesis report by the Slovakian PP.
- Planning cycles (sheet no. 7): if there are relevant changes, the planning cycles are shortened.
- In the preparation phase of a planning procedure public participation is foreseen and usually takes place.
- Coordination on planning level: The local plan has to consider the respective regional plan and the national plan as well. It would be better to involve more the local

stakeholders and their needs. More consideration of the local feedback at the regional and national level was requested. Not sufficient is the horizontal planning coordination, for the Slovakian and the international stakeholder as well.

- In Slovakia soil (and soil quality) is considered in EIA/SEA. But there are no criteria how to integrate soil.
- Delineation and preservation of high quality soils
 - o Slovakia: In Slovakia 9 classes are defined; the best four classes of territory are protected. Regional agricultural bureaus give permission to use agricultural soils.
 - o Lombardy: Data of soil quality are available but not binding. It is not sure if they are used for the dedication of agricultural zones.
 - o Poland: In the year 1999 a soil map was worked out for Warszawa with 700 profiles – but these data were lost.
- Brownfields:
 - o Slovakia: there is no systematic way how to handle contaminated areas or old companies areas for further development, different treatment from case to case.
 - o Poland: it is determined by the market if a land gets built or not – contaminated area is no priority for this decision. There is only a weak overview where brownfields are (level of NUTS3). Owners also do not want to know, where brownfields could be, as they would have to recultivate them. Risk assessment could open the door for more use of brownfields.
 - o Italy: no specific planning instrument – except for abandoned lines of railway.

4.2 Questionnaire – Model

URBAN SMS WP3 Action 2 – Questionnaire on Soil Management and Spatial Planning

Objective

During the URBAN SMS meeting held in February in Bratislava a stakeholder workshop took place. In the second part the results of a collection of existing soil management approaches and their relationship to spatial planning levels and procedures was presented. Furthermore the relation to sectors, land use categories and soil threats concerned was analysed. Together with the stakeholders the situation in the partner countries and their differences were discussed.

As only a few stakeholders from Germany, Italy, Slovakia and Slovenia participated at the workshop further information we ask you to inform us about existing soil management approaches in your city/region, their links to the spatial planning system and their suitability and transferability to other regions. Furthermore we want to know your needs for new approaches and coordination of spatial planning.

We kindly ask you to answer the following questions.

Questions

What is your situation regarding spatial planning system, instruments and procedures?

Answer:

Are the most named soil management strategies also applied in your city / region?

Most applied strategies already identified can be seen in the attached presentation

Answer:

What is their relation to the spatial planning system?

Links to concrete planning levels and instruments, how do they work in practice (effectiveness, consistency across vertical hierarchy)

Answer:

Which different soil management strategies are applied in your city / region?

Answer:

What again is their relation to the spatial planning system?

Links to concrete planning levels and instruments, how do they work in practice (effectiveness, consistency across vertical hierarchy)

Answer:

Is there a need to better integrate soil management into spatial planning? What need of further approaches, optimisation of planning instruments or links between existing ones do you see?

Answer:

4.3 Questionnaire City of Stuttgart (PP1)

Stakeholder: Nils Krieger, retired member of City of Stuttgart

What is your situation regarding spatial planning system, instruments and procedures?

The formal planning instruments on the municipality level require the soil analysis on three different scales:

- land use plan and the landscape plan (scale 1:10000 /1:5000)
- local development plan and the local green structure plan (scale 1:1000 / 1:500)
- building permission plan and – in special situations - green design plan (scale 1:500 / 1.100)

There are additional informal plans and instruments:

- urban development strategy plan for the long term spatial development (STEK) with some aspects for soil protection (scale 1:25000) and some impulse projects
- Strategy for sustainable inner urban development (NBS = Nachhaltiges Bauflächenmanagement Stuttgart)
- Stuttgart, scale 1:5000 with detail plans for development sites 1:2500)
- Management concept for sealed areas (sectoral plan scale 1:10000)

Most important is the effective horizontal coordination between planning department and environmental department with an integrated approach to urban planning

Are the most named soil management strategies also applied in your city / region?

- Delineation and preservation of high quality soils: applied in the city (BOKS), not yet in the region
- Rehabilitation and redevelopment of brownfields: applied in the city (s. NBS) and in the region (project RESIM)
- Protection of open / green spaces in urban areas: applied in the city , for example green corridors in the land use plan as part of an ecological network system
- Soil databases and soil maps: applied in the city (BOKS), not yet in the region

What is their relation to the spatial planning system?

- Part of the political discussion and decision process in spatial planning, lack of evaluation, lack of strategies to promote inner urban development and for example to realize green corridors

Which different soil management strategies are applied in your city / region?

- Analysis plan and management concept for sealed areas (sectoral plan “Bodenversiegelung in Stuttgart” scale 1:10000) as an informal planning instrument

What again is their relation to the spatial planning system?

- Raising awareness, no legally binding function

Is there a need to better integrate soil management into spatial planning? What need of further approaches, optimisation of planning instruments or links between existing ones do you see?

- Better information about the special soil aspects in the three scales of municipally urban planning level (the landscape plan, the local green structure plan and the green design plan)
- More information about soil quality for inner urban development projects and strategies for redevelopment and renewal of open spaces with high quality soil, in Stuttgart for example special soil information for all NBS-sites
- Regular evaluation of open space and soil consumption in the city as a basis for further strategic decisions of the politicians (for example as part of NBS status report)

4.4 Questionnaire Environment Agency Austria (PP3)

Stakeholder: Telephone interviews with employees of the spatial planning departments of the federal state governments (7 of the 9 Austrian federal states; except Vienna and Salzburg, which are integrated in the Synthesis Report) carried out March/April 2010.

1) What is your situation regarding spatial planning system, instruments and procedures?

In Austria spatial planning is remit of the nine federal states. Each federal state has its own spatial planning act. Planning procedures are (exception Vienna as federal state) similar to each other and described in the transnational synthesis report (example Federal State of Salzburg). In principle there is a division between federal state level with a State Spatial Development Programme and Sectoral Programmes, a regional level with regional development programmes and the local level with a local development programme, land use / zoning plan and the building regulation plan. Regulations of a regional development programme are legally binding for the local level.

2) Are the most named soil management strategies also applied in your city / region?

- **Delineation and preservation of high quality soils**

Priority Areas for Agriculture: most (but not all) Federal States delineate priority areas for agricultural purpose. These zones are fixed in regional spatial development plans, which have to be considered during local planning. That means for instance, areas, which are fixed as priority areas for agriculture need not to be accounted to building area in the land use plan. In most cases soil quality is one of the used criteria to define these areas. There is no unique method for definition and for integration of soil quality.

Green zones or areas: Similar to priority Areas for Agriculture, “green zones” (they are named different in the respective federal state) are fixed in the regional development plans. Objective is more or less the protection of landscape, biodiversity, natural resources, recreation areas etc., and the protection of soil is one of the positive side effects. Similar to the agricultural priority areas building in these zones are generally not possible (without exceptions).

SEA – Strategic Environment Assessment: Changes or the development of programmes and plans have to integrate a SEA. Soil is one of the protection subjects which have to be analysed.

Soil Quality – Recreation Areas: One federal state experiences to protect abandoned agricultural areas for local recreation use. As these areas are nearby a city and pressured to become a building area these green areas should be protected considering soil quality (as nature protection is no argument).

- **Rehabilitation and redevelopment of brownfields**

Some Federal States support the redevelopment of brownfields by special funding. The common feedback of the Stakeholder was that the redevelopment is regulated by the market.

- **Protection of open and green spaces in urban areas**

In general the protection of open and green spaces in urban areas is regulated by the **local planning procedures**, especially the local development plan and land use plan. In the local development plans “green areas” can be allocated (these areas are named differently in the federal states), either for agricultural purpose or for open space. Within these areas building is forbidden or restricted. Additionally zoning classification in **regional development plans** shall avoid building in green areas (e.g. green zones around within a city)

“**Contract within Regions (Regionsvertrag)**”: one federal state experiences on a new instrument, a contract between communities of a region. This contract should regulate the cornerstones of regional development such as green space planning.

Protection of open space for retention and mountainous areas: one federal state actually plans to integrate new zones into regional planning instruments.

- **Soil databases and soil maps**

The availability and quality of soil databases varies between the different Federal States. Some federal states take the federal soil taxation maps (“Bodenschätzungskarte”), some federal states did some study to get a good basis to delineate Priority Agricultural Areas.

One federal state is working out a **soil function map**, which includes soil quality amongst other criteria (further development of these maps is not fixed yet).

Soil monitoring systems: two federal states report regularly soil aspects. It is to mention, that these federal states have a special soil protection act or concept and are therefore legally bound to report soil aspects.

3) What is their relation to the spatial planning system?

Most instruments are applied by regional or local planning. In contrast to the local spatial development instruments regional planning instruments are mostly regulated by discretionary clauses in the spatial planning acts of the Federal States.

4) Which different soil management strategies are applied in your city / region?

- “Policy of **Promoting Soil Conserving Building Land Development**”: One federal state promotes communities to develop instruments or strategies to avoid soil sealing (e.g. master plans).
- **Coordination Platform:** One federal state faces the problem of a very high share of transport areas (e.g. parking areas). Therefore they initiated a platform of the spatial planning and transport sector to coordinate common instruments and measurements, inter alia to avoid soil sealing.

Contractual Spatial Planning / Management of Building Area: One federal state reported good experience with the management of building area. With this instrument – regulated in the spatial planning act – zoned building area has to be built within 5 years. Since installation of this

instrument the hoarding of building area could be reduced successfully. Predominantly positive is the experience of another federal state with building area contracts (contractual spatial planning, described in Synthesis report chapter 3.3.4).

One federal state additionally protects green space via a (new) “**Playground act**”, which should motivate communities to create open space for children playground and natural areas.

5) What again is their relation to the spatial planning system?

Promotion activity for conserving soil, the coordination platform and the playground act have no direct relationship to the planning system and are not regulated by spatial planning laws. The management of building area or contractual spatial planning is regulated by the spatial planning act and located on the local level.

6) Is there a need to better integrate soil management into spatial planning? What need of further approaches, optimisation of planning instruments or links between existing ones do you see?

In principle there are following opinions:

- **Implementation needed:** there are enough instruments but there is a lack of implementation. Further effort has to be done into the implementation of the spatial planning instruments.
- **Awareness raising needed:** for implementation of the spatial planning instruments there is the need of more awareness of the different stakeholder: decision maker, communities, land owner,... The information about the complexity of soil and soil function should be better comprehensible for all groups (politicians, planner,...)
- **Protection is given; development and stimulating strategies are needed:** The instruments of the past concentrate on the protection of soil; for the future, the development of green areas should be focused. Focus should be laid on strategies which stimulate the protection of soil and open areas.
- **Better basic data needed:** soil data are available in a different quality (differs on the one hand from federal state to federal state, on the other hand from region to region in some federal state); one feedback was, that there should be a national wide standard, amongst other to have a basis for a national wide comparison.

4.5 Questionnaire City of Celje (PP6)

Stakeholder: University of Ljubljana, Ministry of the Environment, RC Planiranje (company preparing SEA, EIA, spatial plans)

What is your situation regarding spatial planning system, instruments and procedures?

Repe, University of Ljubljana: I am as University teacher involved in this part as researcher, mainly involved on soil research topics as scientist, collaborating with Ministry of Environment and Spatial Planning with preparation of studies.

MOP (Ministry of the Environment): We propose Decrees, Acts, other legislation regarding to environment and spatial planning. Through sectoral planning soil is included into 2 main Acts (environmental, spatial). But we know indicators of soil importance when sealing it are not sufficient. We do our best to solve this problem.

RC Planiranje (a company preparing SEA, EIA, spatial plans): we are involved into planning system as institution which prepares spatial documents, SEA, EIA based on contractors wishes/demands and legislation on other side. We try to prepare the best solution that our legislation allows. But especially with SEA and EIA is with soil topic quite tricky as detailed indicators for soil loss/replacement are not exactly stated and soil loss can be described more or less only descriptive.

Are the most named soil management strategies also applied in your city / region?

All agree much work will be needed on this thematic to apply current (and hopefully new one) strategies into regular work.

What is their relation to the spatial planning system?

Due to our legislation soil related topics should be covered in some aspect, at least in EIA, in aspect of soil loss also in SEA. But in real procedures soil in EIA, SEA is not covered systematically, just mentioned in most cases. In spatial planning procedures not much related to soil conservation is done as not enough inner city development, care of soil loss when planning is done although main spatial act sets guidelines for planning.

Which different soil management strategies are applied in your city / region?

In some cities/regions inner development is in process although much more can be done on this theme. The main problem is many municipalities have in long term spatial documents still many areas of land predicted for building, mostly on the best agricultural soil. To prepare a detailed spatial document and start building on this land with no barriers (old houses, old and inappropriate infrastructure to new requests, possible pollution of soil) is much easier and cheaper for investors (also for municipalities which get new areas where they can collect new taxes for build land) because there is no validation of soil functions as a market instrument or at least taxes for land use change. As consequence of this and Slovene small cadastre grid – many small parcels owned by residents - there is much pressure on changing agricultural land in lowlands and on the other hand on south orientations of hilly areas into building land.

What again is their relation to the spatial planning system?

No real connection in practise. There is still much work and arising of awareness of soil functions in the ecosystem within responsible institutions, planners, city councillors, mayors to be done.

Is there a need to better integrate soil management into spatial planning? What need of further approaches, optimisation of planning instruments or links between existing ones do you see?

Yes, definitely there is a need to better integrate soil management into spatial planning. In the first place all set real implementation of Acts, Decrees in real planning procedures, bigger and more detailed set of indicators regarding soil function for EIA, SEA evaluations, for use in spatial planning processes. Perhaps a limitation of maximum soil loss in the region/state on yearly level could be made; with prior precise calculation of percentage of all soil types and its quality and maximum targeted loss in next 10 (30) years and then divided per year. At least in Slovenia also better monitoring system should be established.

4.6 Questionnaire Czech University of Life Sciences, Prague (PP9)

Stakeholder: Ing. Šulcova, representative of City Development - Authority Prague

What is your situation regarding spatial planning system, instruments and procedures?

Spatial planning instruments and procedures are given by Act no. 183/2006 Coll., on land use planning and the building. Urban planning authorities proceed in step with respective authorities protecting public policy in accordance with specific legal regulations – it is from soil protection point of view e.g. Act No. 114/1992 Coll., on nature and landscape protection; Act No. 334/1992 Coll., on protection of agricultural land resources; Act No. 289/1995 Coll., on forests. The force is carried out in the matter of urban planning by municipal, regional and ministerial authorities. Regions make *The Principles of Territorial Development* based on the document *Spatial Development Policy of the Czech Republic* that states principles of republic urban planning. Municipalities provide Planning documentation and Territorial and regulating municipal plans. Planning analytic materials and territorial study find out and evaluate a territory state and development. Actualization is every 2 years. Urban plan (setting – concept – proposal) is done based on these materials. Urban plan gives the conditions for economical using of built areas and proceeds protection of non built areas. Municipal council makes urban plan after verification of non contrariety to principles of territorial development, regional planning documentation and approaches of respective authorities.

SEA and EIA is in accordance to degree of Sustainable development impact assessment part of all phases of urban planning processes (according to Act No. 100/2001 Coll. on Environmental Impact Assessment).

Are the most named soil management strategies also applied in your city / region?

Prague City Hall (Prague municipality) is producer of urban plan in Prague territory. It confirms Prague city council and process City development - authority Prague. The Development plan of Prague is a valid document at present. It is approved by municipal council decree on 9.9.1999, its binding part was declared by generally binding Decree of the city of Prague No. 32/1999 Coll., as amended by provision of general character No. 06/2009, by which a change Z1000/00 of Development plan of Prague is provided, with efficiency from 12.11.2009. The concept of new municipal plan is hold at present. It is processed based on principles mentioned in previous answer, including assessment of impacts on sustainable land development.

What is their relation to the spatial planning system?

Prague specificity is, compared to other regions, enormous pressure on building up of open areas, because space with enough new open land aroused by binding of peripheral seats with agricultural character to Prague city. This fact together with relatively low price for soil exemption from ALR makes pressure on building up of those areas and their commercial usage. Speculative purchase of land can contribute to change of municipal plan. High ratio of soils included in I. and II. protection categories hinders to the trend in Prague territory, especially in northeast, southwest and southeast (Uhříněves, Kolovrat – the exemption is there in conflict with Act No...). It stands to reason that the requirements on ALR protection cannot be realised absolutely at metropolitan city territory, because consequential protection would make realisation, especially of house building, in some city parts impossible. Lands are too lucrative in Prague territory so as to stay lying waste and the pressure on its usage is too large. It is up to ALR protection authorities to face the pressure.

Which different soil management strategies are applied in your city / region?

Agricultural land represents 42 % from total Prague territory. App. 15 000 ha of agricultural soil is out of built up area. App. 5 800 ha of these soils are classed into I. protection category, what means significant exceeding of average republic values (I. protection category 22 %; I. and II. protection category 41 %; I. protection category 40 %; I. and II. protection category 51 % in Prague territory). These values point to outstandingly high agricultural soil quality.

Agricultural land is protected by Act No. 334/1992 Coll., on protection of agricultural land resources. Soil is classed into five soil protection categories. Soils from I. protection category are possible to exempt from ALR in exception conditions e.g. land ecological stability recovery, eventually for line building of cardinal importance. Soils included in II. protection category are exempted conditionally and they are only conditionally developed. Soils included in III. – V. protection categories are usable for development (Guideline to the Department of Forest and Soil Protection of Ministry of the Environment of the Czech Republic from 1. 1. 1996 File No. OOLP/1 067/96 on soil exemption from ALR).

Nature protection is regulated by Act No. 114/1992 Coll., on nature and landscape protection. The act regulates components of territorial system of ecological stability so as not to be built; significant landscape elements protection; furthermore e.g. regulates the way of soil management in natural parks and protected areas especially.

Forests and forest stands protective zones including are protected by Act No. 289/1995 Coll., on forests.

What again is their relation to the spatial planning system?

All building activities and changes of functional areas utilization is judged according to municipal plan conformity. The public is involved into municipal plan concept approval process as well as public initiatives.

All buildings, activities and technologies are reviewed in EIA process. EIA process runs before project permitting and their realizing. Authority need not decide about project permission without EIA process conclusion. EIA process is not subject to administrative procedure and final approach has only commendatory character. Authorities respect the approach in most cases.

Is there a need to better integrate soil management into spatial planning? What need of further approaches, optimisation of planning instruments or links between existing ones do you see?

Decree of the city of Prague No. 32/1999 Coll., on binding part of the urban plan of development area of city of Prague makes duty to keep guiding part of municipal plan, by witch an area utilization degree is established, as well as greenery coefficient expressing minimum rate of greenery area in development areas.

Municipal plan classifies Prague territory into developed and undeveloped areas. Between undeveloped areas belong to nature, landscape and greenery areas, cultivated parcels including arable soils, water sheds, dry polder, raw material mining, urban significant areas and resting places.



URBAN SMS Soil Management Strategy



This paper belongs to the following section of URBAN SMS work plan:
WP3 Soil management concept / 3.2 Framework for soil management /
this report was originally not planned as separate document. It is
contributing to the output 3.2.2

www.urban-sms.eu

Contact details of project partner commissioning / responsible for this paper:



Sigbert Huber, DI; Centre for Soil & Land management;
Umweltbundesamt, Environment Agency Austria; Spittelauer Lände 5; 1090
Wien; AT; sigbert.huber@umweltbundesamt.at

Other URBAN SMS Partners contributing to this paper:

Nils Kriger (external expert), City of Stuttgart, Department for Environmental Protection, DE

Agnes Kurzweil, Umweltbundesamt GmbH, AT

Peter Medved, City of Celje, SI

Ivana Galušková, Czech University of Life Sciences Prague, CZ



This project is implemented through the CENTRAL EUROPE Programme co-financed by the ERDF.



The paper in hand reflects the author's views and the Managing Authority of the INTERREG IV B CENTRAL Programme is not liable for any use that may be made of the information contained therein.