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Environmental protection requires planning

How planning law can do more to protect climate, biodiversity and undeveloped land

Are investors allowed to erect new shopping centres on greenfield land? Where may they build wind energy systems that serve to protect the climate? When is priority to be given to nature conservation? The authorities of the federal states, cities, and municipalities take recourse to planning law in their decision-making. Planning instruments such as the German statutory code of building and construction serve to protect the climate, biodiversity and undeveloped land, and public offices must make rigorous use of these instruments to that end. "Environmental protection begins at the local level as municipalities are responsible for protecting global climate as early as the land-use planning phase", said the President of the Federal Environment Agency (UBA), Prof. Dr. Andreas Troge, at a symposium co-hosted in Berlin by the Academy for Nature Preservation and Environmental Protection of Baden-Wuerttemberg and UBA. "Municipalities ought to take advantage of the legal means in place and thus help to tackle global problems at the local level. All planners are called upon to do more to protect the environment", said Troge. What cities and towns can do, for example, is to promote efficient combined heat and power generation for the production of electricity and heat, and to include their residential areas in local and district heating supply grids and thus take direct action to protect the climate.

Planning law applied intelligently and more stringently can also put the brakes on land use for human settlements and transport. Experts are debating how to promote urban living by focusing development on existing building stock rather than allocating more and more residential and commercial space to greenfield land. More cooperation between communities would also be welcomed by many at the symposium, as this seemed the only possible way to realise the ambitious goals of the federal government's national sustainability strategy, namely to reduce the current rate of use of new land for human settlement and transport of 113 hectares/day, to 30 ha/day by 2020.

Just ahead of the 9th Conference of the Parties (COP) of the United Nations Convention on Biological Diversity scheduled to be held in Bonn in May 2008, the symposium set the scene for calling for a halt on the loss of biological diversity. Planning law can also prove useful at this juncture, for example by providing greater protection to migrating large or larger animals by

means of instituting "Nature crossings" in the planning phase of federal motorways. Moreover, improved implementation of the regulation of intervention in conservation law might be helpful as it can help significantly to maintain or enhance local biodiversity.

More than one hundred experts in the fields of politics, science, the private and public sectors, and associations gathered to discuss both better implementation of planning law and necessary changes to it. Suggestions and demands were largely addressed to local-level planners, who were advised to set up a registry of brownfields so as to identify urban development potential. Lawmakers are also called upon to integrate more environmental aspects in regulations at the federal and state levels.

The imposition of an obligation to track the potential of brownfields might also help achieve stated aims as well as a clause about climate protection based on the soil protection clause.

The talks held at the *Was kann das Planungsrecht für die Umwelt tun?* symposium are due to be published as a book. The UBA study titled *Umweltschutz im Planungsrecht [Environmental protection in planning law]* can be downloaded from <http://www.umweltdaten.de/publikationen/fpdf-l/3443.pdf>.

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