



Documentation Regional development instruments

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Bavarian State
Ministry of the
Environment,
Public Health
and Consumer
Protection

Interreg III B

General Data	
Name of instrument:	Soil conservation article in Federal Building Code (= Bodenschutzklausel im BauGB)
Country / region:	DE
Spatial level:	national
Type:	Laws and regulations
Subtype:	Laws
Description:	Introduced in 1987, the Soil Conservation Article in § 1, Para. 1 of the Federal Building Code stipulates that land and soil is to be treated economically and with consideration, sealing of new land is supposed to be limited to the necessary extent. The article contains a quantitative and a qualitative aspect. The quantitative aspect requires municipalities to utilise inner-urban development potentials before zoning greenfield areas, while the qualitative aspect is committing municipalities to take precautions in view of a soil conserving execution of building and construction as well as in view of appropriate compensation measures.
General objectives:	Quantitative and qualitative soil conservation
Responsible:	Local authority/Municipal council
Stakeholder Involved:	Planners
Stakeholder Involved:	Private individuals
Stakeholder Involved:	Entrepreneurs/businessmen
Reference:	Jörissen, Juliane / Coenen, Reinhard (2007): Sparsame und schonende Flächennutzung. Studien des Büros für Technikfolgen-Abschätzung beim Deutschen Bundestag 20. Berlin.
General assessment of strength and weakness:	Strength: Supports the primacy of inner-urban development over greenfield development as well as economical modes of construction in term of land consumption (density, architecture) by increasing the effort necessary on behalf of project developers and municipal authorities to justify greenfield development. Weakness: Does not constitute a legal primacy of inner-urban development. The decision between inner-urban and greenfield development is still in the realm of the municipal planning authorities.
Metadata:	Date of entry: 15/05/2007 Contact: Ifuplan, Schleißheimer Str. 156, 80797 München
Implementation	
Legal status:	mandatory for responsible body, BUT NOT for end-user

Extension:	all municipalities
Type of monitoring:	none
Preconditions for implementation:	Requires legal framework in the Federal Building Code as well as appropriate implementation by local and regional authorities.
Best practise example (1):	Rejection of the building permit for the extension of the ski area "Mutterer Alm - Axamer Lizum" in Austria on the basis of the Soil Conservation Article of the Alpine Convention
Period of validity:	since 1987
General comment:	<p>Statements on soil conservation can also be found in various other documents such as:</p> <ul style="list-style-type: none"> - Alpine Convention Protocol on Soil Conservation: Chapter 1, Article 1, Objective 3 - German Spatial Planning Law (= Raumordnungsgesetz) §§1(2), 2(2,3,8) - German Federal Nature Conservation Act (= Bundesnaturschutzgesetz) §§1,2 (1,3,12) - various planning and construction laws and decrees on federal state level
Assessment	
Relevance	
Ranking:	5
Acceptance	
Status:	superordinate authorities, NGOs
Ranking:	2
Remark:	Difficult acceptance and implementation by municipal authorities, private individuals and local economy
Implementation	
Ranking:	5
Remark:	As part of the legal framework, it is implemented in every German municipality
Feasibility	
Status:	Legislation, political will
Ranking:	4
Effectiveness	
Status:	direction of effect, type of effect, perpetuity
Ranking:	4