



Documentation Regional development instruments

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

Interreg III B

General Data	
Name of instrument:	Early Public Participation (= vorgezogene Bürgerbeteiligung)
Country / region:	DE
Spatial level:	local
Type:	Voluntary approaches and agreements / cooperation
Subtype:	Conflict prevention and resolution
Description:	<p>In the forerun of formal participation processes, municipalities according to § 3, Paragraph 1 Federal Building Code (BauGB), are required to inform the public of planning projects as soon as they materialise and are roughly checked with other veto authorities regarding their general feasibility (water management etc.). This information has to include planning objectives, planning effects and potential alternatives. This early participation can be carried out in various forms (public announcement, public meeting etc.). Concerns and suggestions raised by the public can feed into further municipal plans that undergo the formal public participation as foreseen in § 3, Paragraph 2 Federal Building Code (BauGB).</p> <p>Early public participation is not required if</p> <ul style="list-style-type: none"> a) the planning project is not in conflict with and requires no changes of the land use plan. b) public participation has already taken place at a regional framework level.
General objectives:	<p>Resolving conflicts at an early stage</p> <p>Incorporating public suggestions and concerns in planning processes</p>
General Objectives keywords:	public participation ; conflict prevention ;
Responsible:	Local authority/Municipal council
Stakeholder Involved:	Private individuals
Stakeholder Involved:	Planners
Stakeholder Involved:	NGO
Stakeholder Involved:	Associations/interest groups
Stakeholder Involved:	Entrepreneurs/businessmen
Reference:	nn
General assessment of	Strength: The underlying consideration is to resolve planning conflicts at an early planning stage, where changes can be more easily implemented. In that respect,

strength and weakness:	<p>the instrument is effective as long as planning alternatives are acceptable for both parties.</p> <p>Weakness: Municipality has very much leeway how to implement this early participation.</p> <p>Instrument does not work in cases where the planning project or its alternatives are not acceptable for either one the parties. E.g. if a part of the population is totally opposed to the construction of a new motorway, early public participation will not contribute to resolving the conflict.</p>
Metadata:	<p>Date of entry: 13/04/2007</p> <p>Contact: Ifuplan, Schleißheimer Str. 156, 80797 München</p>
Implementation	
Legal status:	mandatory for responsible body, BUT NOT for end-user
Extension:	all municipalities
Comment:	<p>In 2004, the law has been amended. According to the amendment, an early participation can also be carried out through a public meeting instead of formal public announcement to accelerate the public participation process. Furthermore, an early public participation stage is from now on required also for housing projects serving an urgent local housing demand (= dringender örtlicher Wohnbedarf).</p> <p>Monitoring is difficult as concerns raised by the public may, but do not have to be included in further planning.</p>
Type of monitoring:	other (see comment)
Preconditions for implementation:	Legal basis § 3, Paragraph 1 Federal Building Code (BauGB)
Period of validity:	Introduced in the Federal Building Code in 1976, amended in 2004
Assessment	
Relevance	
Status:	strong direct relevance
Ranking:	4
Remark:	-
Acceptance	
Status:	municipal administration. Local economy, environmental NGOs, municipal residents, superordinate administrations
Ranking:	5
Implementation	
Status:	-
Ranking:	5
Remark:	-
Feasibility	
Status:	Legislation, political will, participation/support
Ranking:	3
Remark:	-
Effectiveness	
Status:	Direction of effect, acceptability, perpetuity
Ranking:	3

Remark:

Type of effect unclear as objections do not have to be considered