

SPATIAL PLANNING POLICY IN CONTEXT WITH NATURE RISK MANAGEMENT IN AUSTRIA

Kanonier Arthur¹

The abstract will give an overview of the actual spatial planning discussion in Austria after the floods in the last years on all administrative levels (national, regional and municipal). It deals with modified legal regulations and corresponding planning activities in practice, which does not follow the regulations in the law in a lot of cases.

The floods in 2002 and 2005 in Austria showed that the risk for settlement areas increased considerably within the past few years. The limited settlement areas, especially in the Alps, which are being used more and more intensively, are opposed to more severe and more frequent damages due to the change of climate.

With this background mainly activities in the spatial planning sector will be of central importance as preventive measures. In Austria a complicated system of the distribution of powers is laid down in the Federal Constitution of 1929, which divides legislation and administration between the federal government and the Laender. So in Austria spatial planning is a task that is very much split up from the point of view of responsibility. It is important to point out that in Austria the Federal Government does not have the competence for comprehensive spatial planning activities. Comprehensive spatial planning is the responsibility of the states, but it is restricted by sectoral planning measures of the federal government. Basically the spatial planning laws preview hierarchic planning instruments for the putting into practice of planning goals, which cover diversified plans on supra-local level, which are binding to the local development planning.

Primarily protection will be realized by circumspect spatial use by excluding endangered areas from development if at all possible. In this connection mainly the communities are challenged to keep endangered areas free from building projects. Especially land use plans have to determine in essence the restricted use of properties in a municipality. Due to their intended goals to describe the most rational use of land for the whole territory of the municipalities the land use plans have to be based on sufficient and reliable information in context with nature risks.

Regional planning will also have to lay down more and more corresponding – limiting – measures. Based on the spatial planning laws, where the planning goals in relation with nature risks were updated in the last years, the state government has to implement spatial planning programs on supra-local level with legally binding regulations for nature risk areas. These plans will have to be combined with active measures, for instance the determination and procedure of protective measures to eliminate danger. These activities however, do not fall into the planning competence of the Laender.

Special challenges will result from measures concerning valid determinations of building land as well as buildings in endangered areas, especially because the possibility to intervene for

¹ Dr. Arthur Kanonier, Assistant Professor at the Vienna University of Technology, Faculty of Architecture and Spatial Planning, Institute of Law.

existing buildings is quite limited. Due to an increase of endangered areas measures will have to be combined in the future which will result in improved safety for existing buildings. In this connection it is essential to combine all relevant decision-makers on municipal, regional and national levels, the sovereign measures, especially the distribution of grants for protecting buildings, must be agreed upon. Last but not least the appreciation of problems concerning natural dangers must be increased within the population, as the desire for building land in endangered areas remains high.

Keywords: spatial planning, administrative levels in Austria, legal regulations