Mining and Spatial Planning

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Effects of raw materials production on regional development

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<th>Challenges</th>
<th>Opportunities</th>
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<td>influence on landscape and recreational areas</td>
<td>basis material for building industry</td>
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<td>endangerment of protected animals and plants</td>
<td>regional gross added value</td>
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<td>loss of areas for agriculture</td>
<td>jobs</td>
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<td>noise and dust caused by mining and transport</td>
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<td>effects on groundwater and surface water</td>
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Two (diverging) interests development when developing raw materials production site

- Protection of people and nature
  - high standards of living and of the environment
  - avoid negative effects of neighbouring land use

- Protection of interest of the economy and mining sites
  - no conflicts with neighbours that are sensitive to emissions
  - no conflicts with the protection standards of the nature and the environment (conservation, water protection, etc.)

Principles of Spatial Planning in Austria

- Hypothesis:
  Land use is a product of society, economy, technic, values etc.

- Spatial planning takes action, when spatial development does not meet common goals of society.

- Thus, the goals need to be defined.

- As spatial planning limits land use options of private people, measures need to be justified.

- Spatial planning acts as agent of public interests
Relevant Public Interests Related to Mining and Spatial planning goals

- gross added value and jobs
- environmental protection:
  - short ways for delivering mineral raw materials
- protection of neighbours:
  - separate conflicting land use, definition of buffers
- security of supply:
  - safeguarding usable zones for mining

→ need to prove public interest in planning and permit processes

The Legislative Frame in Austria

- Austria is a federal state: competences divided between central State “Bund” and 9 “Länder” (“Land”)
- mining: competence of the central state (MinROG)
- spatial planning: competence of the “Länder”
- when developing a gravel pit etc. a permission according to the MinROG is required
- no permission according to spatial planning law required
- however, spatial planning is explicitly mentioned in the MinROG as public interest that has to be observed within the approval procedure
Links from MinROG to spatial planning

- link to **land use plan** of the **municipalities**: buffer zones to certain types of land use

- **spatial planning authority of “Land”**: position of a party in the approval procedure
  - has to be heard in in approval process by state authority
  - can bring in public regional development interests
  - can appeal to the highest courts

- transport plans of the municipalities have to be observed

  ➤ A “Land” with a good documentation of public regional development interests laid down in **enacted plans** can better argue in approval process

Links to the land use plan

- 300-m-buffer zone to certain types of land use
  - zones dedicated to **housing** or housing developments
  - **zones for sensitive land use** (e.g. kindergardens, schools, hospitals, retirement homes, churches, cemeteries, children playgrounds, parks, …)
  - **protected areas** (e.g. national park, natural conservation areas)

- local government can reduce the 300-m-buffer

- But: local government must not enact housing zones just for the reason to make mining impossible
Quality of material (sand gravel) according to Mineralrohstoffplan

Rohstoffgeologische Eignung
- 1: beste Eignung
- 2
- 3
- 4
- 5: schlechteste Eignung

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Planning Process - Involvement of
- relevant public administrations
- municipalities
- NGOs
- operators of gravel pits

Goals defining public regional development interests („Land“)
for sand, gravel and stone
- Enabling of raw materials production on sustainable sites to safeguard the supply of the economy and the population with products of the building industry
- Safeguarding the quality of live of the citizens, especially in housing zones and recreation areas
- Protection of environment, landscape and agriculture minimising negative effects on the landscape
Definition of criteria for areas on the regional level

- **Exclusion zones**: new raw materials production developments have to be avoided due to regional planning public interests.

- **Conflict zones**: potential land use conflict. When conflict solved, new raw materials production developments possible.

- **“No Conflict zones”**: areas outside of exclusion zones and conflict zones; new raw materials production developments are possible. However local relations have to be observed.

  - zoning can be used to justify regional development interests in approval process.

Exclusion Zones - Criteria

Criteria are e.g.

- building land
- hazard zones (flooding)
- cultural heritage (UNESCO)
- water protection areas
- National park, natural protection areas, Natura 2000 areas
- Landscape conservation
Conflict Zones - Criteria

Criteria are e.g.
- agricultural land with high quality
- wildlife corridors
- plots with assumed field monuments
- zones for wind power stations
- tourist zones
- local recreation areas

Criteria to meet spatial planning goals

Approval documents checked by spatial planning authority:
Does submitted mining concept meet spatial planning criteria?

- no raw materials production in exclusion zones (would contradict spatial planning goals)
- project proposal in conflict zones needs to prove that the measures are taken to avoid the conflict of interest
- check, whether there is a conflict between transport concept of raw materials production site and the local transport plan of the municipality
Raw Materials Production concept Tyrol

- Goal: environmentally friendly delivery of sand, gravel and stone – max 30 km
- Definition of supply districts
- Limitation of production within supply district due to estimated demand
- Base for experts opinion of spatial planning authority within the mining approval process

Weighting of different public interests

- Spatial planning defines just a part of the bundle of relevant public interests that have to be considered in approval process (e.g. mining, natural protection, forestry, …)
- When submitted concept for raw materials production faces conflicting public interests
  - weighting of public interests by mining authority required
- Considering arguments reflecting public interests is required by the applicant
  - However: the result of a juridical process is not predictable