

STU

**TERRA**

**SPECTRA**

Planning Studies

Central European Journal  
of Spatial and Landscape  
Planning

1

2014



**SPECTRA**  
Centre of Excellence



**Editor-in-Chief:** Ing. Vladimír Ondrejčka, PhD.

**Executive Editor:** Ing. Vladimír Ondrejčka, PhD.

**Cover Design:** Robert Adamek

**Chairman of Editorial Board:**

Prof. Ing. arch. Maroš Finka, PhD.

**International Editorial Board:**

Assoc. Prof. Li Junxiang (Shanghai, CHN)

Prof. Dr. Isolde Roch (Dresden, D)

Prof. Dr.- Ing. Dietmar Scholich (Hannover, D)

Prof. Dr. Jan Tucny (Grenoble, F)

Prof. RNDr. Florin Žigrai, CSc. (Wien, A)

Prof. Barry Wood (Newcastle, UK)

**Editorial Board STU:**

Doc. Ing. arch. Daniela Gažová, PhD.

Ing. Anna Holmanová, PhD.

Ing. Lubomír Jamečný, PhD.

Mgr. Matej Jaššo, PhD.

Doc. Ing. Zora Petránková, PhD.

Doc. PhDr. Dagmar Petříková, PhD.

Doc. Ing. Daniela Špírková, PhD.

Ing. Kristián Szekeres, PhD.

Doc. Ing. Mária Zubková, PhD.

**Reviewed by:**

Authorized Members of Editorial Board

**Address:**

UM STU - SPECTRA Centre of Excellence EU

Vazovova 5, 812 43 Bratislava

maros.finka@stuba.sk

**Publisher:** STU Bratislava,

SPECTRA Centre of Excellence EU

**Layout and Printing:** ROAD Bratislava, 2014

ISSN 1338-0370



THIS ISSUE

CENTRE FOR THE DEVELOPMENT OF SETTLEMENT INFRASTRUCTURE FOR KNOWLEDGE-BASED ECONOMY, ITMS 26240120002, SUPPORTED BY THE RESEARCH & DEVELOPMENT OPERATIONAL PROGRAMME FUNDED BY THE ERDF.

## Contents:

■ FOREWORD	2
■ STUDIES	
<b>Alexander Tölle</b> SPATIAL PLANNING SYSTEMS IN GERMANY AND POLAND. LESSONS FROM A CROSS-OVER EXAMINATION	3
<b>Peter Wirth, Elena Közle, Pavel Spirin</b> ENVIRONMENTAL SUBJECTS OF PROTECTION IN THE SPATIAL PLANNING SYSTEMS OF GERMANY AND RUSSIA	10
<b>Beata Warczewska</b> SPATIAL PLANNING AT THE COMMUNE LEVEL AND ENVIRONMENTAL PROTECTION IN POLAND: THE LAW AND PRACTICE	16
<b>Naja Marot, Mojca Golobič</b> SLOVENIAN SPATIAL PLANNING 20 YEARS LATER – STILL LOOKING FOR THE RIGHT PATH	25
<b>Gerold Janssen</b> THE ROLE OF THE FEDERATION IN THE SPATIAL PLANNING ACCORDING TO THE FEDERAL SPATIAL PLANNING ACT (SECTION 17 § 1-3 ROG)	34
<b>Günter Hofbauer, Miloš Král</b> BETTER CREDIT RATINGS THROUGH BETTER RELATIONSHIP MANAGEMENT IN MARKETING AND SALES	43
■ REWIEW	
FROM GOVERNING TO GOVERNANCE RECONSIDERED	51
■ UPDATES	
<b>Matej Jaššo</b> FORBES CONFERENCE „COMPETITIVNESS OF BRATISLAVA-VIENNA METROPOLITAN REGION“	52
<b>Lubomír Jamečný</b> UNIVERSITY EDUCATORS FOR SUSTAINABLE DEVELOPMENT (UE4SD)	53
<b>Vladimír Ondrejčka</b> SOCIO-ECONOMIC AND POLITICAL RESPONSES TO REGIONAL POLARISATION IN CENTRAL AND EASTERN EUROPE	55
<b>Attila Tóth, Milan Husár</b> THE INTENSIVE PROGRAMME (IP) ANKARA 2014	58



Central European Research and Training Centre in Spatial Planning - SPECTRA Centre of Excellence of the EU at the Slovak University of Technology belongs to broad family of the spatial planning and research institutes in Europe and benefits from this membership. Thanks to the support of the European Commission several projects located at the SPECTRA Centre of Excellence have promoted its networking and excellence in the collaboration with outstanding academic institutions in Europe and in the World.

In the collaboration with the Leibniz Institute of Ecological Urban and Regional Development in Dresden the SPECTRA CE EU at STU coordinates the Network of Spatial Research and Planning Institutes in Central, Eastern and South Eastern Europe SPA-CE.net. Mutual information exchange, coordination of the research, scientific discussions, preparation of joint research project, exchange of senior and junior researchers have made the SPA-CE.net platform very efficient and relevant for the development of the academic excellence and planning practice overstepping the borders of Central and Eastern Europe.

This issue of the TERRA SPECTRA Planning Studies brings several papers linked to the work of the SPA-CE.net members supporting mutual information exchange and understanding in current topics as the objects of systematic research in the SPA-CE.net and in the same time promoting new generation of professionals – researchers and practitioners from Central and Eastern Europe.

This issue of TERRA SPECTRA Planning Studies also opens the floor for the doctoral candidates from the SPA-CE.net institutes to publish the outputs of their systematic research, information about their research projects, for some of them as the first attempt to mediate their ideas in the form of the published scientific paper.

We believe, this issue brings the opportunity to see the broad scale and potential of the SPA-CE.net network and will also be further motivation for intensive collaboration and exchange to strengthen joint spatial research and spatial planning potential in Central, Eastern and South-Eastern Europe.

**Maroš Finka**  
*Guarantor of issue*





Alexander Tölle

## SPATIAL PLANNING SYSTEMS IN GERMANY AND POLAND. LESSONS FROM A CROSS-OVER EXAMINATION

### Introduction

Any approach to assess the future directions spatial planning will take in Europe, or in its East Central part, requires to take into consideration two major aspects: first, the features of spatial planning on the European Union level, and second, the numerous facets of the existing national planning systems meandering between national planning traditions and some form of Europeanization. This paper is to address the second aspect, and will do so by drawing lessons from a cross-over examination of two Central European countries – i.e. Germany representing a mature spatial planning system in a long-established EU member state, and Poland representing a spatial planning system that had been created in its current form in the run-up to the country’s 2004 EU accession.

This cross-over perspective – meaning to look at one system from the perspective of the other – is chosen to identify differences, and thus to draw conclusions on the different approaches to spatial planning underlying them. This is to contrast with the tendencies to rather levelling such differences by creating parallels between two planning systems in order to make them easier comprehensible. This is understandably done in numerous abstracts, compendiums and glossaries – created to transfer knowledge about respective other national planning systems – elaborated in the course of either transnational European projects (e.g. NORDREGIO, VASAB, COMMUN), or of countless bilateral ventures. Yet this tendency may also be detected in comprehensive studies on national planning systems in Europe, for which the prominent 2007 ESPON study (Farinós Dasí, 2007) is the arguably most influential point in case. Here a clear tendency towards convergence of planning concepts has been detected, concerning both the long-established and the new (2004 and after) EU member countries. i.e. a convergence towards what is called the comprehensive integrated planning approach and the regional economic approach.

From this perspective, for instance the national planning systems in Germany and Poland do not seem to be essentially different from each other: they follow the same approaches, they both have a hierarchy of three planning levels (i.e. federal / national – federal state / voivodeship – communal), and in both cases the commune is constituting the sole planning level on which detailed planning provisions concerning function, use and design of a delimited area may be adopted in the form of local by-laws. To further his case, Farinós Dasí (2007) points at the fact that a clear hierarchy between the planning levels and institutions prevails in the German as well as in the Polish

planning system, which is complemented by a vertical and horizontal coordination between different sectors and levels. In turn the detected differences appear to be of rather minor significance: the Polish system may perhaps be seen as more top-down, and perhaps as having a weaker regional (i.e. voivodeship) level in comparison to the German system with powerful federal states. When not questioning the analytical perspective represented here by this study, one may easily accept the idea of converging national planning systems in East Central Europe and explain evident dissimilarities by the differences between a federal and a unitary state structure, and to some degree by the different levels of maturity of both systems (fig. 1). However this paper wants to look beyond the apparent trend of convergence between an “old” and a “new” EU member country, and thus – by focusing on the differences between the German and the Polish system – display underlying elementary differences concerning the idea, *raison d’être*, and the understanding of spatial planning in the first place.

Poland	Germany
<b>Legal basis of the territorial self-government structure</b>	
1990 Local Government Act And 1998 acts on the reform of territorial administration	1949 German Basic Law
<b>Legal basis of spatial planning on national and regional level</b>	
2003 Spatial Planning and Management Act, replacing the 1994 Spatial Management Act	1965 Spatial Order Act
<b>Legal basis of spatial planning on communal level</b>	
2003 Spatial Planning and Management Act, replacing the 1994 Spatial Management Act	1986 Building Law Code (combining the 1960 Federal Building Act and the 1971 Urban Development Promotion Act)

Fig. 1: Legal basis of the present planning system in Germany  
and in Poland

*Source: Own Compilation*

### Spatial planning versus spatial management

The term of spatial planning has a different connotation in almost every European national planning terminology (Dühr et al., 2010), and the German-Polish example is a



clear point in case here. In Germany, spatial planning (Raumplanung) or (more rarely) urban & regional planning (Stadt- & Regionalplanung) is a generic term for proactively developing a spatial territory – which is why the expression of spatial development (Raumentwicklung) is increasingly used as its synonym.

All those terms have a strong connectivity to activities for integrating different interest as a fundamental design phase in order to provide for sustainable living conditions and minimising spatial conflicts (Ritter 1998, Fürst 2010, Scholich 2010). Creating economic growth and fostering investments are not the dominating motives for planning activities as such, rather the support of development that harmonises economic, ecologic and social functions by balancing of interests (Abwägung der Belange). The obligation to make such a balancing of interests, which comprises of a three-step procedure (collection and identification of interests, their assessment, and their balancing), is a main legal imperative in the German spatial planning system (Peine 1998).

Yet in Poland, spatial planning (planowanie przestrzenne) is seen as a technical activity (in the sense of “preparing plans”) and thus just as the installing phase of spatial economy (gospodarka przestrzenna) – the generic term used here and defined as an “activity spatially organising territorial social systems and designing the spatial organisation, structure and functioning of territorial social systems” (Parysek, 2007, p. 107). The term of spatial economy was originally defined as “an economic theory enriched by a spatial motif” (Parysek, 2007, p. 17), yet over time it evolved into a spatial conceptualisation. The roots of spatial economy in economic science are still visible in the distinction by definition into a practical activity as well as a scientific field looking at the results of this activity, i.e. in other words at the state of spatial management (zagospodarowanie przestrzenne) of a given territory (Dębski, 2001). In turn spatial management – the very term used in the denomination of all legally defined planning documents from national to local level (fig. 2) – is seen as the result of spatial economy. This definition is characterised by an already historically rooted close connection to investing (Kupiec, 2002).

In consequence spatial management – seen as the effect of spatial planning – is about arranging investment schemes in a given territory according to the principles of a rational and functional utilisation of soil and environment. So unambiguously the chosen wording in the Polish planning system is to emphasise a close connection between spatial and economic development. One might feel inclined to argue that the question whether the way of defining spatial planning is putting its emphasis rather on the balancing of interests in space, or on the finding of economic functions for land seems to be a rather rhetorical one, as of course both aspects – integrating diverging interests and facilitating investments – are at the very core of any spatial planning system.

Yet they lead to genuine differences in the way spatial planning is conceived, and this is to be demonstrated here on the example of three key aspects: harmonisation of plans between different planning levels, operational planning tools, and the forms of public participation. This will in each case necessitate first a brief description of the given aspect in both spatial planning systems, which will be based on Ebert et al., 2012, and then an assessment deriving from the cross-over perspective.

## Hierarchy versus Countervailing Influence

The Polish planning system consists of the said three levels (fig. 2), and a planning document outlining spatial organisation principles for the respective whole territory is to be prepared (i.e. the national spatial management concept, the voivodeship spatial management plans, and the communal studies of the conditions and directions of spatial management) whose provisions are binding on an administrative level. These three documents form a clear hierarchical order: The national spatial management concept – even though it has a somewhat ambiguous character in basically constituting a vision document with no binding powers yet at the same time being the binding starting point for the preparation of governmental tasks’ programmes on investments of national importance – is a base for the preparation of the voivodeship spatial management plans, which are to be closely related to the socio-economic objectives defined in the respective voivodeship’s development strategy.

Consequently the voivodeship spatial management plan (and the Metropolitan Area Spatial Management Plan, if such a document – as a detailed part of the plan for the whole voivodeship – had been prepared on voivodeship level for an urban agglomeration on its territory) forms the base of the study of the conditions and directions of spatial management prepared by every single commune. So the relevant provisions of the respective higher planning level are to be included in the plans of the lower level, while the influence on the preparation of higher-level planning documents is reduced to the opportunity to write remarks and suggestions on draft plans. While therefore the role of the communal level – at the “end of the line” of the planning hierarchy – seems to be quite weak, it needs to be pointed out that in practice this is not necessarily the case. For once the conformity of local plans with higher-level plans is established in a consultation process with regional and central government authorities, allowing for negotiations and manoeuvring.

Even more important is however the fact that Polish jurisdiction does not allow taking any provisions of plans other than the commune’s local spatial management plan in consideration when making administrative decisions on third-party interests (particularly granting or refusing planning permissions).



So with the exception of defined government tasks of national importance in effect planning provisions need to be secured by local spatial management plans to have any real spatial impact. This gives the commune a rather pre-eminent position in the Polish planning system (Tölle, 2013). The resulting lack of hierarchy of planning documents in an apparent hierarchical planning system has often been criticised (Jędraszko, 2005; Izdebski et al., 2007), and it concerns also the local planning level itself. The study of the conditions and directions of spatial management as the general plan for the whole communal territory is to define the communal spatial policy, and is to harmonise the commune's local spatial management plans. However the legal framework allows for a broad range of interpretation concerning the question whether a local spatial management plan's provision is or is not in accordance to the study.

Yet an even more serious problem is the fact that again the study must not be used for justifying the granting or refusing of planning permissions. According to Polish planning legislation, a planning permission for any development on land not covered by local spatial management plans is to be granted on the basis of prepared so-called conditions of development and spatial management if the proposed development is similar to already existing building fabric in its vicinity. This regulation – meant to be an exception rule – has in effect opened the door to building development disregarding the study's provisions on a huge scale, particularly in the massive suburbanisation process of Polish cities and towns.

The German planning system however appears to be far less inclined to mingle planning hierarchy with predominance questions. Naturally any document has to mind the provisions of the higher planning level's document, yet in the context of an approach of mutual influence on planning that is to minimise the potential of inter-level conflicts emerging. In structural terms, the German system does not put the emphasis on the three planning levels itself, but rather on the two major planning spheres they represent. This is on the supra-local level the spatial order (Raumordnung) system, comprising of the spatial order planning for the federation (country) and for the federal states as well as – under the name of regional planning (Regionalplanung) – for the latter's territorial parts (called planning regions).

On the local level building development directive planning (Bauleitplanung) comprises of land use planning (Flächennutzungsplanung), also called preparatory building development directive planning, for the whole territory of a commune, and of building development planning (Bebauungsplanung), also called mandatory building development directive planning, for parts of the commune's territory. The planning competencies and tasks of the federation (federal spatial order), of the federal states (state spatial order and regional planning), and of the communes (building development directive planning) are

unambiguously defined. The link between building development planning and spatial order planning, as well as between the two planning levels of the latter, is to be established on the base of the so-called principle of countervailing influence (Gegenstromprinzip), a key term in German planning legislation.

This principle stands for the idea to adapt the spatial development of any single spatial territory to the requirements of the overall territory, and in turn to develop the overall territory in accordance to the situation and parameters of its single parts. This construct is to secure an interdependent relationship between upper and lower planning levels in order to avoid any incoherencies. This principle may result in the obligation to accept precisely defined planning provisions from the upper levels, yet in general the degree of preciseness of planning provisions is growing successively from the upper to the lower levels, with the commune finally defining specific land use and development provisions. A brief look at an example of the wording used may here demonstrate the idea and sophistication of the system (see Zimmermann, 2009): It is of a particular importance whether spatial order guiding principles (Raumordnerische Leitbilder) have become specified in the form of spatial order principles (Grundsätze), or as spatial order objectives (Ziele). Spatial order principles are general values of spatial development defined on the spatial order planning level, and the commune may decide whether and how it wants to integrate these principles into its planning documents. However spatial order objectives, whose definition must have been subject to a balancing of interest procedure in the preparation process, are binding for lower level planning authorities. This hierarchical structure is also continued on the local level of building development directive planning. In consequence, the land use plan for the whole territory of the commune not only unambiguously constitutes the framework for the preparation of building development plans, but its provisions may to some extent even be used to justify decisions on planning permissions concerning land not covered by a building development plan. Here the German planning system distinguishes between the so-called inner areas of a commune, i.e. coherently urbanised areas in which planning permissions may be granted for developments not clashing with the existing urban fabric and use, and outer areas, i.e. non-urbanised land where only a small number of strictly defined building developments are acceptable. Again an example of the chosen wording may demonstrate the sophisticated approach of the German spatial planning system: communal land use plans contain delineations (Darstellungen), while communal building development plans contain stipulations (Festsetzungen).

By contrast in the Polish planning system the term planning provisions (ustalenia planistyczne) describes all kinds of resolutions, conditions, and principles defined in a planning document on any level and without expressing any hierarchies or priorities in any binding sense.

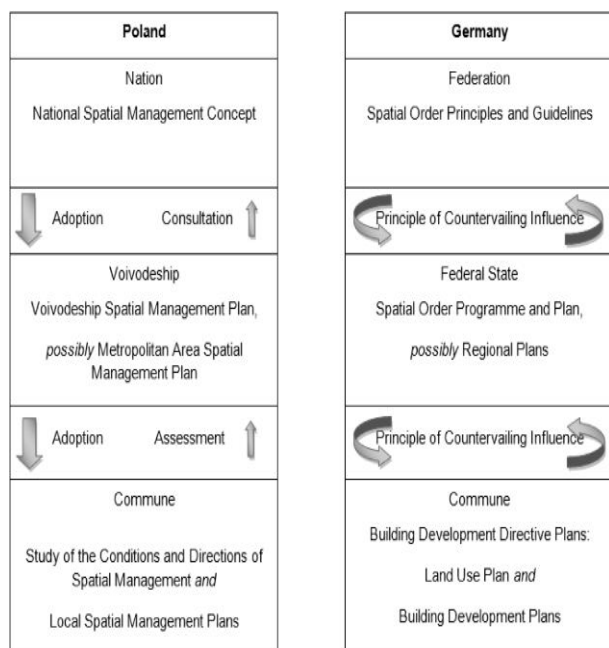


Fig. 2: Structure of the spatial planning system in Poland and in Germany

Source: Own Compilation

## Regulatory versus Operational Approach

The German Building Law Code (that constitutes the legal base for spatial planning on the local level) complements the regulatory planning tools of the building development directive planning according to what is called the General Urban Planning Legislation (Allgemeines Städtebaurecht) by a broad range of operative tools defined by the Special Urban Planning Legislation (Besonderes Städtebaurecht). The latter's legal regulation allow for the preparation of special documents, organisational structures, finance procedures, and enforcement structures in fields such as urban restructuring, urban project development, urban revitalisation, or urban heritage protection.

Examples include the possible designation of a Regeneration Area (Sanierungsgebiet), an Urban Development Area (Städtebaulicher Entwicklungsbereich), an Urban Protection Area (Städtebauliches Erhaltungsgebiet), or a Restructuring Area (Umstrukturierungsgebiet). These legal tools are in turn complemented by funding opportunities, financed by the federation as well as by the single federal states. These urban funds have been aligned thematically and structurally in accordance to the expressed needs of the communes, so this proactive planning section may again be seen as an example of the principle of countervailing influence.

In addition, urban development policies receiving support from EU funds have been integrated into these established planning schemes. In Poland however spatial planning is exclusively understand as development control:

there are neither operative planning tools, nor urban funding opportunities sustaining them. Unsurprisingly, planning experts in Poland have been campaigning and lobbying for more than a decade now for such operative tools, yet the numerous initiatives always grounded to a halt without much notice in the political world.

The most advanced projects have been the 2002 Draft Urban Revitalisation Programmes Act (actually elaborated in a joint project with the German Society for Technical Cooperation), the 2007 Metropolitan Area Act (defining amongst other things planning structures for metropolitan areas), the 2007 Act on Building and Operating Large-Scale Retail Objects, and the 2009 draft reform bill for the Spatial Planning and Management Act (proposing amongst other things a stricter hierarchy between planning documents, the introduction of operational urban development tools, and cooperative participation forms).

With the exception of the act on large-scale retail objects (that actually had become law but then less than a year later been repealed by High Court Decision), none of these draft acts prepared on ministerial level had ever been adopted by the Polish parliament. This strongly hints at the fact that the lack of operational tools in the Polish spatial planning system is rather not to be interpreted as a sign of immaturity of this system, yet as an expression of the understanding of planning of the Polish general public. This assumption may be sustained by a look at another aspect: since 2004, EU funding is available for various aspects of local development, however any application for them requires the existence of respective qualified planning documents on defined operational spatial policies. For the lack of such documents, communes have taken to prepare specific strategic documents, which however tend to be rather poorly integrated into the context of existing spatial management concepts. A typical point in case here is the so-called Urban or Local Revitalisation Programme that is delimitating priority regeneration areas and outlining main objectives. In the light of a lack of experiences, guidelines and financial support so far for urban revitalisation in Poland, most municipalities have confined themselves to delimitating a priority area covering a rather large part of the built-on territory, and to defining an again rather long list of potential key regeneration projects that might qualify for funding (Skalski, 2007). This means in effect a move away from a planned development of inner-city areas that might contribute to the achievement of overall planning objectives on the communal level.

## Formal Participation versus Informal Participative Planning

The regulatory rather than operational character of the Polish in comparison to the German planning system becomes apparent also in an analyse of the foreseen participation structure. Indeed there are proceedings in both cases that quite similar, including the collection of





motions after the announcement that a plan is to be prepared and, in the case of communal plans, the assessment of the observations on a draft plan submitted after that draft had been put on public display – which is to be accompanied by public debates.

This form of participation strictly tied to precisely legally defined forms and time periods applies to the general public as well as to public institutions and neighbouring territorial units. By adopting the planning document the commune council simultaneously approves the way of accepting or turning down observations on the draft. The decisive difference between the German and the Polish system is however the fact that in the case of the latter there are no additional participation structures to complement the said closely defined formal ones, while in the case of the German system these formal structures constitute only the second phase of a two-step public participation process. As outlined by the Building Law Code, this formal participation (formelle Beteiligung) is to be preceded by an early participation (frühzeitige Beteiligung).

The latter concerns the overall planning objectives of a future document, and thus has to be organised even before the definition of any draft provisions.

The intention is to get to know – and possibly also to resolve – any eventual conflicts already at the draft preparing stage. This two-step procedure applies to the broader public as well as to the so-called bodies representing public concerns (Träger öffentlicher Belange), a generic term used to summarise all bodies, institutions and authorities representing public interests. This early participation phase is closely linked to a key element of the German spatial planning system: the preparation of informal communal planning documents neither requested nor defined by the Building Law Code. These documents may include e.g. city development plans, plans for the development of specific territorial parts of the commune, urban framework plans, various types of thematic plans, or project-specific masterplans.

As the preparation process of such documents, which is seen as being as important as the planning outcome itself, is not defined in any way, it may be adapted to specific local conditions and situations, allowing for repeatedly revising plans in the course of open, interactive and feedback oriented planning forms including planning forums, community workshops, charrettes, or urban design competitions. Informal planning documents may have no legal binding force, yet they may become binding to some extent for the communal administration after e.g. having been adopted by the communal council as a policy document. In consequence they may form the base for stipulations to be contained in building development directive plans, and they may also play a decisive role in defining development parameters for land located in the commune's inner area and not covered by a building development directive plan.

## Planning as plan preparation versus planning as integrated process

Based on the observations made concerning conceptualisation, harmonisation between different levels, orientation and community integration of spatial planning in Germany and Poland, one may conclude that this cross-over analysis of two national planning systems allows for an interesting insight into two fundamentally different understandings of what spatial planning is about. Basically in Germany planning is seen as an integrated process leading to a consensus on how to deal with conflicting uses and functions in a given space. The very last step of this multifaceted process of consensus-finding is to transfer its final results into a binding planning document – an uninspiring task rather for legal and administrative experts than for skilful planners.

Yet this preparation of legally binding planning documents is in Poland interpreted as the spatial planning (or better: management) process itself, leaving in practice hardly any room for informal planning or participation forms (fig. 3).

In consequence, the German practice of letting informal planning documents – prepared in cooperative structures – influence spatial development has no equivalent in the Polish system, and the same is true concerning the German way of harmonising plans on different levels according to the principle of countervailing influence, which in the case of Poland is substituted by structures rather based on hierarchies and predominance.

Poland	Germany
<p>Process of Planning =</p> <p>Preparing formal planning documents in order to foster and regulate development</p>	<p>Process of Planning =</p> <p>Establishing a consensus (in the form of informal documents) on how to deal with conflicting uses and functions in a given space +</p> <p>Turning this consensus into legally binding documents</p>
<p>Structures based on hierarchies and predominance</p>	<p>Principle of countervailing influence</p>
<p>Planning legislation to enable control of development (and of authorities); principle of land ownership = right to build</p>	<p>Planning legislation to enable land use in a way to enhance the public good; principle of "property obliges"</p>

Fig. 3: Spatial planning in Poland and in Germany – contrasting juxtaposition of key aspects

Source: Own Compilation

It seems that the general approach towards spatial planning in Poland may be summarised rather prosaically: a land owner may develop his land in whatever way he pleases to, unless there is a bye-law (i.e. a local spatial





management plan) saying otherwise (Tölle, 2013). This apparent interpretation of ownership right to land equalling the right to build on it (Izdebcki et al., 2007) lacks any understanding of using land in a way to enhance the public good (e.g. in the sense of the “property obliges” principle enshrined in the German Basic Law). The resulting complete reduction of planning authorities to the task of preparing legally defined documents in strictly defined formal procedures may be interpreted as a way to strongly protect land owner rights against any “unjust” interference on behalf of public authorities, yet it appears to express a – from the perspective of the German planning system rather flabbergasting – mistrust in the good intentions of regional and local self-government administrations.

Both the unambiguous dominance of land ownership interests in planning decisions and the strong protection against “arbitrary” acts by public authorities may of course be interpreted as being reactions to malicious (not only spatial) planning practices in the socialist past, yet they conflict with any understanding of planning as an integrated process. Integrated planning – in the sense of integrating not only multiple aspects, but also possibly all actors and stakeholders that may be concerned or have an interest – is the planning form that has developed over years in European countries west of the former Iron Curtain, and that has become by now broadly adopted in EU strategy documents. Its key ingredient for success is trust between the involved groups and persons, and notably in the public authority that is to govern this process, yet one may hardly find such thinking reflected in the Polish planning system. In addition, if Polish local authorities do not even have the right to refer to the provisions of their formally adopted plans (unless they have the status of a bye-law) when trying to assure development not conflicting with the objectives of their spatial policy, then there remains hardly any room for the implementation of informal plans possibly elaborated in participative processes.

This in turn is a major hindrance to the constitution of such processes in the first place, as of course the main motivation for any potential non-professional participant is the expectation that the invested time and efforts will yield practical spatial results.

### Concluding remarks

Spatial planning as a societal regulation system with numerous individuals, interest groups, politicians, planners, and legal practitioners as actors and stakeholders is inevitably reflecting the societal acceptance of planning interventions into individual land ownership rights. It appears that in this respect a large divide between the German and Polish planning system exists, and that the implications of this divide are much graver than of any other aspect such as formerly different structures or different degrees of sophistication of the spatial planning

systems. In that the aim of this study has neither been to idealise the German planning system, nor to lament the shortcomings of one national planning system existing in its present state for about a decade against the background of another that had time to evolve for more than half a century. Yet when asking for the role and future of planning in East Central Europe, this German-Polish cross-over analysis allows for detecting a divergence – by now rather unlikely to be bridged by any transformation processes – between these countries and those constituting the old (pre-2004) EU territory.

This divergence may be somewhat disguised by a legislative and structural framework created in accordance to EU requirements, i.e. as a clear prerequisite to get access to EU funding opportunities. Accordingly there seems to be good reason to question any statement that the dynamic of the different national planning systems in Europe “makes the borders between the planning styles fade and creates a cross over planning style” (Farinós Dasí, 2007) when extending the perspective beyond formal structures and focussing on the ideas and understandings behind them. From this perspective, it appears that there is likely to be more than one direction spatial planning in East Central Europe is likely to take.

### References

- DĘBSKI, J.*, 2001: **Gospodarka przestrzenna – jej geneza, stan i rozwój** [Spatial economy – its genesis, state and development]. Warszawa, Białystok.
- DÜHR, S., COLOMB, C., NADIN, V.*, 2010: **European spatial planning and territorial cooperation**. Oxon & New York.
- EBERT, S., TÖLLE, A., WADOWICKA, M.*, 2012: **Planung in Deutschland und Polen aus kommunaler Perspektive / Planowanie w Polsce i w Niemczech z perspektywy gminy** [Planning in Germany and Poland from the communal perspective]. Hannover & Poznań.
- FARINÓS DASÍ, J.*, 2007: **Governance of Territorial and Urban Policies from EU to Local Level**. ESPON project 2.3.2, Final report, Part II. Luxembourg.
- FÜRST, D.*, 2010: **Raumplanung. Herausforderungen des deutschen Institutionensystems** [Spatial Planning. Challenges for the German institution system]. Detmold.
- IZDEBSKI, H., NELICKI, A., ZACHARIASZ, I.*, 2007: **Land Use and Development. Polish Regulatory Framework and Democratic Rule of Law Standards**. Warsaw.
- JĘDRASZKO, A.*, 2005: **Zagospodarowanie przestrzenne w Polsce – drogi i bezdroża regulacji ustawowych** [Spatial Management in Poland – the pathways and blind alleys of legal regulations]. Warszawa.



KUPIEC, L., 2002: **Gospodarka przestrzenna**. Tom V: Planowanie i zagospodarowanie przestrzenne [Spatial Economy. Vol. V: Spatial planning and management]. Białystok.

PARYSEK, J. J., 2007: **Wprowadzenie do gospodarki przestrzennej** [Introduction to spatial economy]. Poznań.

PEINE, F.-J., 1998: **Interessenermittlung und Interessenberücksichtigung im Planungsprozeß** [Identification and consideration of interests]. In: E.-H. RITTER, K. WOLF (eds.), Methoden und Instrumente räumlicher Planung. Handbuch, p. 169-185. Hannover.

RITTER E.-H., 1998: **Stellenwert der Planung in Staat und Gesellschaft** [Significance of planning in state and society]. In: E.-H. RITTER, K. WOLF (eds.), Methoden und Instrumente räumlicher Planung. Handbuch, p. 6-22. Hannover.

SCHOLICH D., 2010: **Planungen für den Raum zwischen Integration und Fragmentierung** [Planning for space between integration and fragmentation]. In: D. SCHOLICH, P. MÜLLER (eds.), Planungen für den Raum zwischen Integration und Fragmentierung, p. 173-193. Frankfurt (Main).

SKALSKI, K., 2007: **Programy rewitalizacji w Polsce – bilans, perspektywy, zarządzanie** [Regeneration programmes in Poland – balance, perspectives, management]. In: P. LORENS (ed.), Rewitalizacja miast w Polsce. Pierwsze doswiadczenia, p. 66-91. Warszawa.

TÖLLE, A., 2013: **National planning systems between convergence and incongruity: Implications for cross-border cooperation from the German-Polish perspective**. European Planning Studies, 21 (4), p. 615-630.

ZIMMERMANN, H., 2009: **What is a “Leitbild”? Some Reflections on the Origin and Use of the German Expression**. In: W. STRUBELT (ed.): Guiding principles for Spatial Development in Germany. German Annual of Spatial Research and Policy 2008, p. 3-14. Berlin & Heidelberg.



Peter Wirth  
Elena Közle  
Pavel Spirin

## ENVIRONMENTAL SUBJECTS OF PROTECTION IN THE SPATIAL PLANNING SYSTEMS OF GERMANY AND RUSSIA

### Introduction: the importance of environmental protection in Russia and the role of spatial planning

As the largest country in the world by area, Russia has a global ecological impact on the biosphere and climate. It has 800 million ha of forested land, the largest stock of woodland of any nation, and no less than 22 % of the world's total (UN FAO, 2007). 25 % of global CO<sub>2</sub> is captured in the soils of the permafrost regions of the Siberian taiga and tundra (IPCC, 2001). Lake Baikal alone contains roughly 20 % of the earth's supply of (non-frozen) freshwater, equivalent to all of North America's Great Lakes combined (Moore et al., 2009, p. 405).

In view of these impressive statistics, it is clear that maintaining Russia's diverse ecosystem functions is a basic precondition to ensure sustainable development at a global level. This notion of sustainable development, which encompasses economic, environmental and social objectives in their spatial manifestation, has become the lead concept aimed at improving the quality of life on earth for present and future generations. In particular, sustainable development seeks to reconcile the demands of economic growth, environmental protection and social integration (EU SDS, 2006).

Currently Russia has a fast developing economy characterised by a rising consumption of natural resources, especially by extractive industries, large-scale infrastructure projects and urban sprawl. Mechanisms are needed to reduce the pressure on the country's ecosystem functions. These local ecosystem functions have a direct impact on many global problems such as climate change, the protection of biodiversity and the condition of the world's oceans (cf. Henry & Douhovnikoff, 2008).

One instrument to regulate the consumption of natural resources is spatial planning. This is understood here as the interdisciplinary coordination of policies and decisions with a spatial dimension, including those concerned with the environment, infrastructure and regional economic promotion (Reimer et al., 2014, p. 1). In Germany the common understanding is that spatial planning (Raumplanung) encompasses three tiers of planning: "federal spatial planning, state spatial planning, which includes regional planning, and urban land-use planning (Bauleitplanung). Taken together, these three planning tiers constitute a coherent spatial planning system, [...] distinct from sectoral planning" (ARL, 2008, p. 246).

The Russian territorial planning system also has three levels: federal, "subject" (the Russian mega-regions with varying degrees of autonomy) and municipal. The main documents (territorial planning schemes) are defined by the Urban Planning Code (Gradostroitelnoi Kodeks). The aim is to achieve functional zoning at all levels of planning and in regard to the siting of objects of national, regional and local importance (May & Spirin, 2014).

The focus of this paper is the definition and handling of "environmental subjects of protection" (ESPs) in the planning systems. These subjects are natural goods such as soils, water bodies and the climate, all of which are fundamental for the existence of life on earth. Guiding questions are: How do the planning systems in Germany and Russia deal with ESPs? Which experiences in spatial planning in Germany could serve as an orientation for territorial planning in Russia? What are the future perspectives and options for Russia?

The results reported here are from the German-Russian research and advisory project "Integrating ecological concerns into Russia's territorial planning (EkoRus)", which ran from 2012 to 2014 and was funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. The research work in Russia was supervised by the Ministry of Regional Development. The aim of the project was to find ways to foster the embedding of ecologically oriented approaches into Russian territorial planning. Legal, methodological, and technical aspects of planning as well as conceptual ideas for implementation were considered in the process of knowledge transfer. The authors of this paper were members of a German-Russian expert team that exploited German expertise and experience to generate scientific recommendations for the restructuring of the Russian system of territorial planning. All results are based on a common policy paper (Wende et al., 2013).

### Environmental subjects of protection (ESPs) and their role in the planning systems of Germany and Russia

Human-environment systems (cf. Schanze, 1998) can be adequately characterised by environmental subjects of protection (ESPs) and land-use patterns. While the latter are an expression of human needs and demands on the environment, ESPs represent natural components of our





environment which must be protected for economic, social and ecological reasons, such as surface and ground water, the air, soils, plants, animals as well as landscapes viewed as complex entities. The following two sections give an overview of how the concept of ESP is interpreted in the planning systems of Germany and Russia, beginning with the legal basis before going on to discuss the embedding of ESPs in the planning systems as well as the main tools and instruments of ecological planning.

### THE GERMAN EXPERIENCE

Section 1 of the German Federal Nature Conservation Act (Bundesnaturschutzgesetz) defines the following subjects of protection (cf. Riedel & Lange, 2002, p. 66).

- fauna, flora, biodiversity,
- soils,
- waterbodies,
- characteristic features and beauty of nature and landscapes,
- the climate and air.

These ESPs represent the basic elements of environmental planning in Germany. They are specified and assessed as “natural goods” in landscape planning according to the Federal Nature Conservation Act and also form the framework and benchmarks for environmental impact assessment (EIA) as well as strategic environmental assessment (SEA). In addition, legal provisions to regulate EIAs specify some more subjects of protection, namely “humans and human society” as well as “cultural goods and other real assets”. To avoid confusion, only the above mentioned natural goods are understood as instances of ESP in this paper.

Landscape planning is a key instrument for nature conservation and landscape management in Germany, and as such is legally defined in the Federal Nature Conservation Act. At all spatial levels landscape planning makes an important “long-term contribution to the conservation of natural resources. It not only addresses the narrower areas of particularly valuable protected sites, but also devises strategies for full-coverage, sustainable conservation and long-term development of nature and landscapes” (BfN, 2002, p. 6).

In order to make ESPs more manageable for the purposes of spatial planning, we require a system of methods and procedures for the assessment of the landscape and its individual elements. For landscape planners it is essential to be able to compare the current and target state of the landscape in a specific area (Bastian & Schreiber, 1999, p. 56). Of course, any assessment of landscapes and natural goods largely depends on societal values and goals. Landscape planning in Germany uses a wide range of tools and instruments to manage this task. The adopted methods must be able to capture the structures and functions of ESPs in both qualitatively and quantitatively.

One of the most popular such methods is ecological risk assessment (Bachfischer, 1978; see also Bastian & Schreiber, 1999, p. 367ff., von Haaren, 2004, p. 97ff.). This approach focuses on the vulnerability of ESPs to potential external pressures. Results are presented in the form of matrices (Fig. 1) and maps to illustrate various degrees of risk, e.g. high, mid and low risk. Such categories of risk are easy to integrate in planning processes. In Figure 1 the principle of ecological risk analysis is demonstrated using the ESP soil. On the one hand we have natural soil erosion disposition. Landscapes have a varying degree of vulnerability to soil erosion, determined by features such inclination and soil texture. On the other hand, the mode of land use also plays an important role. Intensive agriculture can create a higher rate of soil erosion than that found in grassland or forests. The level of risk depends on a combination of both factors – the natural disposition to soil erosion and land use (BLU, 2003, p. 9).

		Land use impact (intensification of soil erosion by agriculture)		
		low	mid	high
Natural soil erosion disposition	very low	low	low	mid
	low	low	low	mid
	mid	low	mid	mid
	high	low	mid	high
	very high	mid	high	high

Fig. 1: Result of an ecological risk analysis using the example of soil erosion (BLU, 2003, p. 9)

The results of landscape planning are integrated into comprehensive planning schemes at all spatial levels (Fig. 2). In a first step ESPs and the various forms of land use are analysed. The state and functions of natural goods are assessed as well the land use types, the intensity of land use and the environmental impact. This empirical data provides the basis for conflict analysis and for the definition of an environmental priority concept. Lastly landscape planning provides a system of measures to protect, to develop and if necessary to rehabilitate the environment. This procedure includes a final weighing of ESPs among themselves and against other requirements (von Haaren, 2004).

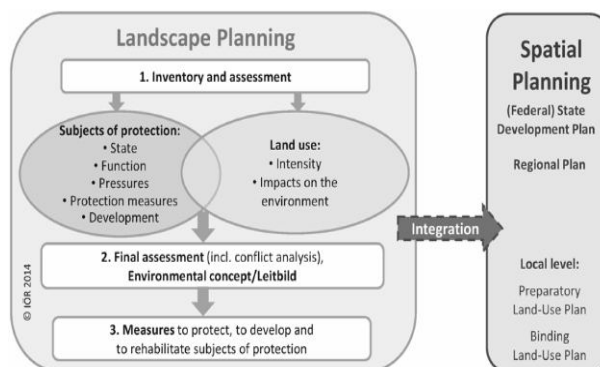


Fig. 2: Integration of landscape planning in spatial planning schemes in Germany (own draft according to Riedel & Lange, 2002, p. 77ff.; von Haaren, 2004, 49ff.; Jessel & Tobias, 2002, 32ff.)



Using this information a system of special tools guarantees the consideration of ESPs in planning schemes. It is usual to define “reserve areas” and “priority areas”, which differ in the strength of their impact on different forms of land use. Reserve areas (Vorbehaltsgebiete) are areas for which special importance is attached to certain (spatial) structural functions or uses in comparison with competing uses. Priority areas (Vorranggebiete) are areas in which priority is given to specific functions or uses which are of special significance for overall spatial structure, and where any other uses with spatial impacts incompatible with the designated priority functions, uses or goals are excluded (definitions according to COMMIN, 2007).

Whereas reserve areas and priority areas are mostly adopted from sectoral planning schemes, spatial planning in Germany, especially at the regional level, has additional tools for the protection and development of ESPs. In sensitive areas, for example where several natural goods overlap, it is possible to designate “green belts” and “green divides”. Both are tools in regional planning to safeguard open spaces. A regional green belt (Grünzug) is a continuous expanse of land reserved for ecological functions or recreational purposes and which cannot be developed for housing or any other functionally incompatible use. Green breaks and divides (Grünzäsuren) are smaller protected open spaces close to settlements that must remain undeveloped for local recreational purposes and in order to break up densely built-up areas (definitions according to COMMIN, 2007).

### THE RUSSIAN EXPERIENCE

In Russia there also exists a system of natural goods. The legal definition of ESP is part of the Federal Law “On Environmental Protection”, which provides the framework for national environmental policy. The following ESPs are specified, thereby aiming to secure a healthy environment, biodiversity, natural resources and ecological safety (Spirin et al., 2013):

- fauna,
- the earth’s surface, soils, sub-soil layers,
- surface and ground water,
- forests and other flora,
- the atmosphere, including the ozonosphere and near-earth space.

While these definitions bear a number of similarities to the German concept (see Fig. 3), at the same time a number of interesting differences and modifications are revealed. In some ways the German perspective can be said to be more comprehensive, for example in viewing landscapes and the natural beauty of landscapes as important natural goods. In other cases the Russian system is richer in content, for example by including near-earth space and sub-soil layers in the ESP list. It is also striking that forests – constituting an entire ecosystem type – are proclaimed to be protected goods. This can be attributed to the large swathes of taiga with low human influence which cover the country.

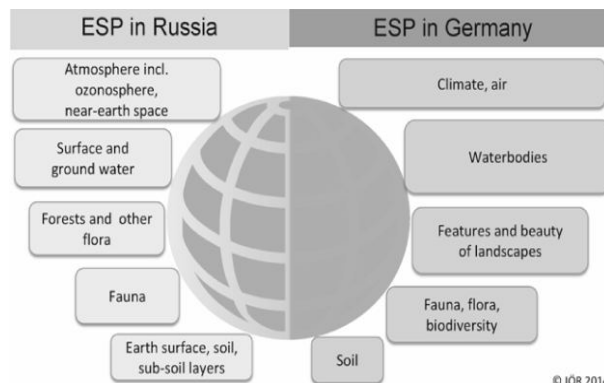


Fig. 3: **Environmental subjects of protection in Russia and Germany** (own draft according to the German “Federal Nature Conservation Act” and the Russian Federal Law “On Environmental Protection”)

Despite the similarities in the legal definitions, basic differences between Germany and Russia become apparent when we take a closer look at the relevance of ESP in planning procedures. Although natural goods are defined in the Federal Law “On Environmental Protection”, there is no downscaling in the planning legislation. A consistent ESP scheme is lacking in Russia’s Town Planning Code. Also no systematic assessment of natural goods is undertaken, with the result that no mechanism exists to consistently integrate ecological concerns into the planning process. Territorial planning in Russia is largely limited to the siting of planned objects such as residential areas and motorways and an examination of their environmental impacts. To this end we find a number of tools to guarantee that environmental concerns are acknowledged in planning processes. The most important tool is the spatial category “areas with land use restrictions”, defined as the following (Spirin et al., 2013):

- Natural protection areas,
- Water protection areas and coastal zones,
- Potable water protection area,
- Forest with protective functions,
- Valuable agricultural land,
- Fishing areas,
- Hunting areas,
- Cultural heritage areas.

All of these protected areas are subject to separate legal provisions within nature protection laws, water law, forestry law, etc. Territorial planning is relatively weak in comparison to the mentioned sectoral influences, and thus highly dependent on governmental regulation. Outside those areas with specific restrictions, it is nearly impossible to ensure that environmental concerns are taken account of. In the end the question of whether environmental issues are acknowledged in territorial planning schemes depends on the responsible person in the administration (Spirin et al., 2013).



## Discussion: options to strengthen ESPs in Russia's territorial planning

In general we can say that ESPs have a strong legal basis in Germany. The assessment and development of natural goods is the task of landscape planning, a key instrument in nature conservation and landscape management. As a rule, landscape planning includes measures to protect and to develop the environment that are integrated into spatial plans at all levels. Furthermore, spatial planning schemes offer special tools to safeguard ESPs.

The situation is rather different in Russia, where the problematic handling of environmental topics such as the protection of ecological goods is characteristic of the subordinate status of territorial planning. Although basic environmental legislation is in place, more specific provisions to regulate the sustainable use of natural resources are lacking. Sectoral planning schemes involving ESPs are governed by detailed regulations, yet territorial planning is unable to balance economic and social aims with environmental goals. This leads to a number of shortcomings regarding the consumption of natural resources, the maintenance of biodiversity, the safeguarding of landscape functions and areas of natural beauty, as well as environmental protection in general.

Having analysed the definitions and understanding of ESPs in Germany and Russia, we can now try to isolate the main problems to be solved in the Russian system of territorial planning. A cursory glance initially reveals only minor differences between the planning systems in their understanding of natural goods. Although there are some clear differences in the definition of natural goods, these disparities cannot be seen as crucial. Also knowledge of Russian planners and planning schemes gained in the EkoRus project made clear that planners are indeed aware of ESPs as well as methods for the assessment of environmental goods. Also the presented territorial schemes are of a high technical quality.

Thus it can be seen that the deficiencies in the integration of environmental concerns in territorial planning in Russia are not due to a lack of definitions and the awareness of planners but rather to weak legislation and implementation. In the Russian Town Planning Code there is no obligation to take account of ecological concerns in territorial planning schemes. Thus ESPs are only captured or assessed in those few cases where the planner undertakes such steps voluntarily. Also an examination of land use conflicts or ecological risk analyses are not foreseen. Instead the Town Planning Code focuses strongly on environmental goods defined in sectoral planning, and on the assessment of single development projects. The ESPs specified in the law "On Environmental Protection" are only relevant to territorial planning in providing a framework for the analysis of

planned projects. In order to strengthen the Russian planning system it is vital to introduce environmental principles into the Town Planning Code.

How could this be achieved in practice? One useful tool to secure individual ESPs in some areas is to specify the territorial category "areas with land use restrictions". However, in Russia there is currently no consistent implementation of ESPs for the country as a whole or for individual planning areas. Furthermore, there is no obligation to consider environmental issues at all levels of territorial planning. Consequently the Russian planning legislation results in a ragbag of environmental inventory and assessment. ESPs outside areas with land use restrictions are not protected against developments of new buildings and infrastructure, regardless of whether they have a high ecological significance or not. Here one vital improvement would be to switch to a system such as in Germany of maintaining an inventory and assessment of natural goods covering the whole territory at all planning levels.

In Germany there also exists a powerful instrument to guarantee a comprehensive assessment and development of ESPs, namely landscape planning. This is tailor-made for the country's framework conditions in which territorial planning has a relatively strong influence on spatial development. Planning in Germany aims at the development of compact settlement bodies and the bundling of infrastructure, while carefully limiting building projects in areas outside of compact settlements. The constitution of an independent "environmental planning" tool as a contribution to territorial planning would be an important step in promoting environmental issues in Russia in general. Furthermore, Russian planners can exploit the experiences made in Germany regarding the integration of landscape planning into spatial planning, as well as making use of their own experiences: In the Soviet Union in the 1970s so-called "complex territorial schemes of natural protection" (TerKSOP) were elaborated as a contribution to territorial planning. These provided a comprehensive inventory and assessment of ESPs, and could today be revitalised and modified according to new framework conditions (May & Spirin 2014, p. 325).

Finally, it is necessary to rethink the relationship between economic, social and ecological issues in planning, and to consider how to better acknowledge environmental concerns. In this regard there is an urgent need for action in Russia. When the results of a future environmental assessment become available, a mechanism will then be needed to integrate the findings into territorial planning schemes and to draw consequences for spatial development practice. Therefore it is recommended that the Town Planning Code be revised to make it obligatory to integrate such data in territorial plans. The new provision should specify a set of ESPs and responsibilities for the approval and control of planning schemes.





## Conclusions: perspectives for a better consideration of ESPs in Russian territorial planning

Based on the results of a joint German-Russian development project on spatial planning, the focus of this paper is on “environmental subjects of protection” (ESPs). We ask: (1) How do the planning systems in Germany and Russia deal with ESPs; (2) Which experiences in spatial planning in Germany could serve as an orientation for territorial planning in Russia; and (3) What are the future perspectives and options for Russia?

We have noted that the similar conception of ESPs in the two countries does not lead to similar results in spatial planning. Of much greater relevance is the role that natural goods play in the planning process. In Germany a consistent system of environmental planning is in place that characterises and assesses ESPs at all levels of planning, weighing environmental concerns with other spatial requirements. In addition to legal regulations in sectoral planning, overarching spatial planning has developed its own instruments to protect valuable natural goods. In Russia, by contrast, territorial planning is primarily socio-economic planning. Environmental goods are only accorded special status in areas with land use restrictions as determined by sectoral planning regulations. Although environmental considerations can exert some influence on the siting of investment projects, in general we can say that territorial planning is a relatively weak tool in which ESPs have a low status.

Thus the consistent use of ESPs in the German planning system constitutes an impressive role model for territorial planning in Russia. In close collaboration with German and Russian partners, a set of recommendations has been elaborated of which the following are the most important:

- ESPs must be incorporated into planning legislation and practice,
- ESPs must be consistently captured for the whole country and implemented at all levels of territorial planning,
- An independent planning instrument “environmental planning” should be created as a contribution to territorial planning,
- Environmental planning should be integrated into territorial planning schemes.

Of course, along with these recommendations we must bear in mind that we are dealing with a sensitive topic. Any advice on policy cannot be simply to transfer an entire planning concept from one system to the other. Instead we have to consider the substantial differences between Germany and Russia in terms of their respective political, societal, legal, organisational and mental conditions. Alongside cultural differences, attention must also be paid to historical sensitivities.

Thus it is vital to comprehend the options and to respect the constraints of the “other party”. This requires not only insight but also sufficient patience when not all ideas are immediately implemented. In closing, three points can be mentioned as reason for optimism. Firstly, territorial planning, including the consideration of ecological issues, has a rich tradition in Russia (TerKSOP and others). Although these schemes have become much less prominent since the early 1990s, there is still a strong awareness of this tradition amongst Russian planners. This awareness should be revitalised and redeveloped. Secondly, the political climate in Russia currently seems favourable to environmental protection. In recent years there has been a number of initiatives to strengthen environmental policy. Thus a statute on the “Basic principles of national environmental policy to 2030” passed by the Russian government in 2012 proclaims a range of strategic objectives including a healthy environment, the preservation of biodiversity and the protection of natural resources for present and future generations (May & Spirin, 2014, p. 321). Last but not least, we note that the Russian Ministry of Regional Development is currently preparing some legal provisions to promote the status of environmental issues in planning. At the final symposium of the EkoRus project in St. Petersburg in May 2014 we were informed of a legislative proposal in the field of marine spatial planning.

## Acknowledgements

The authors would like to express their very great appreciation to the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, the Federal Agency for Nature Conservation (BfN), the German Federal Environment Agency and the Ministry of Regional Development of the Russian Federation (MinReg) for the fruitful cooperation. Our special thanks also go to Heinrich Schmauder (BfN) and Elena Chugujevskaya (MinReg) as the contact persons at the coordinating organisations.

## References

- ARL, 2008: The Planning System and Planning Terms in Germany.* A Glossary. Akademie für Raumforschung und Landesplanung (Academy for Spatial Research and Planning). Studies in Spatial Development Nr. 7. Hannover.
- Bachfischer, R., 1978: Die ökologische Risikoanalyse. Dissertation.* Universität München.
- Bastian, O., Schreiber, K. F., 1999: Analyse und ökologische Bewertung der Landschaft,* Heidelberg-Berlin.
- BfN, 2002: Landscape planning for sustainable municipal development.* Bundesamt für Naturschutz (German Federal Agency for Nature Conservation), Bonn.



*BLU*, 2003: **Das Schutzgut Boden in der Planung. Bewertung natürlicher Bodenfunktionen und Umsetzung in Planungs- und Genehmigungsverfahren.** Bayerisches Landesamt für Umweltschutz, München, Augsburg.

*COMMUN*, 2007: **Promoting Spatial Development by Creating Common Mindscapes.** INTERREG III B project. URL: [www.commin.org](http://www.commin.org) accessed 11.02.2014.

*EU SDS*, 2006: **Sustainable Development Strategy of the European Union - Renewed Strategy.** Council of the European Union. Brussels.

*von Haaren, C.* (ed.), 2004: **Landschaftsplanung.** Ulmer, Stuttgart.

*Henry, L. A., Douhovnikoff, V.*, 2008: **Environmental Issues in Russia.** In: Annual Review of Environment and Resources. Vol. 33/2008. p. 437-460.

*IPCC*, 2001. **Climate Change 2001: The Scientific Basis. Contribution of Working Group I to the Third Assessment Report of the Intergovernmental Panel on Climate Change** [Houghton, Ding, Griggs, Noguer, van der Linden, Dai, Maskell and Johnson (eds.)]. Cambridge University Press, UK and New York.

*May, A., Spirin, P. P.*, 2014: **Berücksichtigung ökologischer Belange in der Territorialplanung der Russischen Föderation (Внедрение экологических принципов в территориальное планирование России).** In: Grunewald, K., Bastian, O., Drozdov, A., Grabowsky, V. (Hrsg.) Erfassung und Bewertung von Ökosystemdienstleistungen (ÖSD) - Erfahrungen, insbesondere aus Deutschland und Russland (**Учети оценок экосистемных услуг (ЭУ) - Опыт, особенно Германии и России**). BfN-Skripten 373, Bonn, p. 320-339.

*Moore, M. V., Hampton, S. E., Izmesteva, L. R., Silow, E. A., Peshkova, E. V., Pavlov, B. K.*, 2009: Climate Change and the World's "Sacred Sea" — **Lake Baikal, Siberia.** In: *BioScience*. 59(5), p. 405-417.

*Spirin, P. P., Mitjagin, S. D., Vargina, T. V.*, 2013: **Внедрение экологических принципов в территориальное планирование России. Отчет по 2 этапу проекта ЭкоРус** (Integration of ecological concerns in Russia's territorial planning. Second report in the framework of EkoRus project). NIIP Gradostroitelstva St. Petersburg (unpublished).

*Reimer, M., Getimis, P., Blotvogel, H.-H.* (eds.), 2014: **Spatial planning systems and practices in Europe. A comparative perspective.** New York: Routledge.

*Schanze, J.*, 1998: **Erkenntnisse aus der angewandten Ökosystemforschung und ökologischer Planung für die Entwicklung von Bergbaufolgelandschaften.** In: Frühauf, M., Hardenbicker, U. (eds): **Geowissenschaftliche Umweltforschung im mitteldeutschen Raum. Beiträge der 3. Tagung zur Geographischen Umweltforschung in Mitteldeutschland.** November 1997. UZU-Schriftenreihe; N. F. 2. Halle (Saale). p. 45-54.

*UN FAO*, 2007: **State of the World's Forests.** UN Food Agricultural Organisation (FAO). Rome.

*Wende, W., Wirth, P., Közle, E., Lappo, A., Spirin, P.*, 2013: **Zum Umgang mit Schutzgütern und Nutzungen in der Territorialplanung der Russischen Föderation (Предложение по обращению с охраняемыми компонентами и видами пользования в территориальном планировании РФ).** 1. Handreichung im Rahmen des Projektes EkoRus. Leibniz-Institut für ökologische Raumentwicklung, Dresden, NIIP Gradostroitelstva, St. Petersburg.



Beata Warczevska

## **SPATIAL PLANNING AT THE COMMUNE LEVEL AND ENVIRONMENTAL PROTECTION IN POLAND: THE LAW AND PRACTICE**

### **Introduction**

Spatial planning in Poland is regulated by the Spatial Planning and Area Development Act of 27.03.2003 [Journal of Laws No. 80, Item 717], which sets out the principles of spatial policy-making by local authorities and government bodies, as well as the scope and procedures in terms of allocating areas for specific purposes (zoning) and establishing the rules for their management and development. The basis for these actions is the adopted spatial order and sustainability. The reference to the principle of sustainable development is primarily provided in the Constitution of the Republic of Poland. Article 5 ensures the freedom, rights and safety of citizens as well as protection of cultural heritage and the environment. Article 74 ensures environmental safety of current and future generations, and supports the activities of citizens to protect and improve the environment.

Management in accordance with the principle of sustainable development is of particular importance in environmentally outstanding areas. Such areas contain unique environmental resources. Proper management of these areas must meet social needs, while ensuring the conservation of biodiversity (Dobrzańska, 2005, p. 11). In order to prevent acts of destruction of habitats of plants and animals, human activity in these areas is limited by legal regulations. The environmental law in Poland consists of several pieces of legislation, such as acts, regulations, decrees, resolutions and decisions. The principles of management in natural areas of outstanding values are regulated by the Nature Conservation Act. This Act establishes forms of environmental protection in Poland. The forms of protection include national parks, nature reserves, landscape parks, protected landscape areas and Natura 2000 sites. In order to manage a national park, nature reserve and landscaped park mandatory conservation plans are developed. These plans are to include provisions for the planning documents at the municipal and regional level.

The protection plan for the Barycz Valley Landscape Park, the biggest landscape park in Poland which was created in 1996, has not been developed so far. Thus, there are no arrangements for spatial planning. Given the fact that the park stretches over the area of 10 communes, one can expect difficulties in coordination between spatial planning and ensuring effective protection of nature and landscape of the area. This problem was chosen as the theme of the research.

### **Spatial planning in Poland**

The system of spatial planning in Poland gives commune authorities a number of decision-making powers. It is a municipal goal to meet the collective needs of the community [Act of 03.08.1990 on the Local Government, Journal of Laws 1990 No. 16, Item 95], which is done through actions in shaping spatial order, real estate management, environmental protection and nature conservation, as well as water management, health and safety.

The structure of the spatial planning system corresponds to the administrative division; a national, regional and local (county and commune) levels are distinguished. It should be noted that county is not a separate organ of the spatial planning system. The legislature only enables for the studies and analyses in the field of spatial development, and planning instruments developed at this level are not local law. Their findings are not binding in any respect in relation to the acts of other levels of planning (Spatial planning and management. Commentary, 2011, p. 35). While developing the different levels of planning documents, the objectives set in the strategic documents need to be considered. The tool of national spatial policy is the national spatial management concept. It ensures integrity of space management in Poland. It sets out the objectives, conditions and guidelines for sustainable development of the country. The main contents of this concept are as follows: the fundamental elements of the national settlement network, including metropolitan areas; requirements of environmental and historic sites' protection, including protected areas; distribution of social as well as technical and transportation infrastructure of national and international importance; and problem areas, including risk areas (Act on Spatial Planning and Area Development 2003, Art. 47).

The concept is therefore a collection of planning information, or a planning act of forecast character (Spatial planning and management. Commentary, 2011, p. 371), closely linked to economic planning. Therefore, it is neither an act of general application, nor internally binding, with the exception of the arrangements for public investments of national importance. With the need to determine the compliance of voivodeships spatial management plans with the national spatial management concept, coordination of spatial policy of the two divisions of the public administration (national and regional government) is provided.



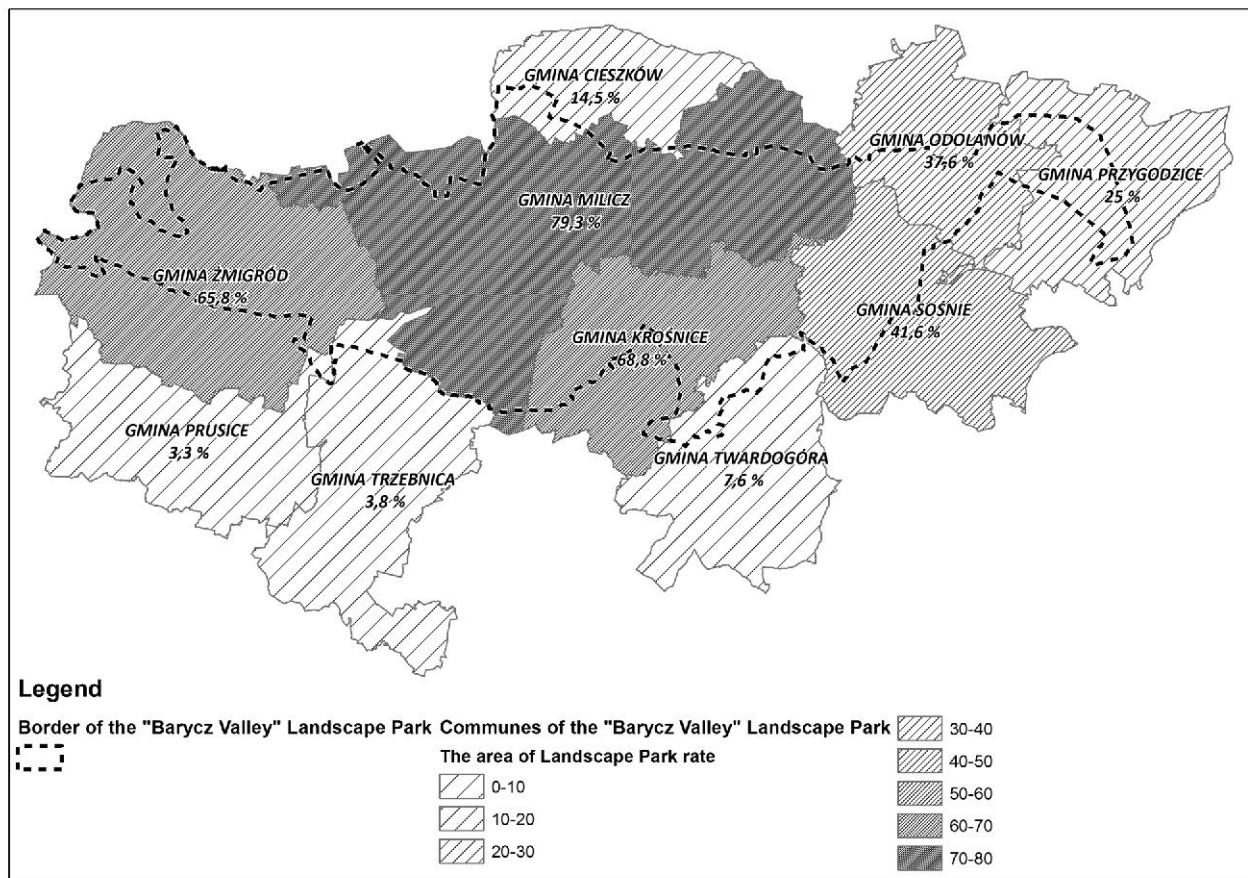


Figure 1 The area of Landscape Park rate. (Source: own study)

Drawing-up of a voivodeship spatial management plan lies in the competences of the voivodeship authorities. Taking into account the findings of the voivodeship development strategy, the plan shall specify in particular the following: the basic elements of the settlement network of the voivodeship; their communication and infrastructural links; system of protected areas (including areas of environmental protection, wildlife, cultural landscape, protection of health resorts as well as cultural heritage and historical monuments); distribution of public investment of regional importance, problem areas, metropolitan areas, support areas, areas of special flood hazard, boundaries of closed areas and their buffer zones, and areas of documented mineral deposits (Act on Spatial Planning and Area Development 2003, Art. 39).

The voivodeship spatial management plan is not an act of universally binding law; it is an intrinsically binding law in the system of public administration (Spatial planning and management. Commentary, 2011, p. 319). Drawing-up of a voivodeship spatial management plan, as well as the local level documents, should be done in accordance with the legal procedure. The findings of the regional - level plan are introduced into local plans. The arrangements in this regard are lead to the Voivodeship Marshal with the Head of a rural commune or the mayor of the urban commune or president of city.

The local spatial management plan is an essential tool for spatial planning and development at the local level. It is a rule of law generally applicable in respect of the following: land use, location of public investments and building conditions in the area (Act on Spatial Planning and Area Development 2003, Art. 4). However, the drawing-up of the local spatial management plan is not obligatory. If it does not exist, the manner and conditions of land management are determined by administrative decisions on conditions of development and spatial management.

The main tool for the implementation of spatial policy requirements by local government is the study of the conditions and directions of the spatial management of a commune prepared obligatorily for the whole area of each commune. The study includes the assessment of the existing conditions (development factors) and spatial policies, including local management rules. The study is not an act of local law; its findings are binding for the commune/municipality authorities when preparing local plans. The study is an act of spatial policy, intrinsically in force in the commune, which sets out the policies of development. Other important functions of this document are as follows: coordination of arrangements of local plans, promotion (display of attractive investment sites) and information (regarding the intentions of the commune authorities). The study and local management plans are prepared by the gmina or town mayor or city president,

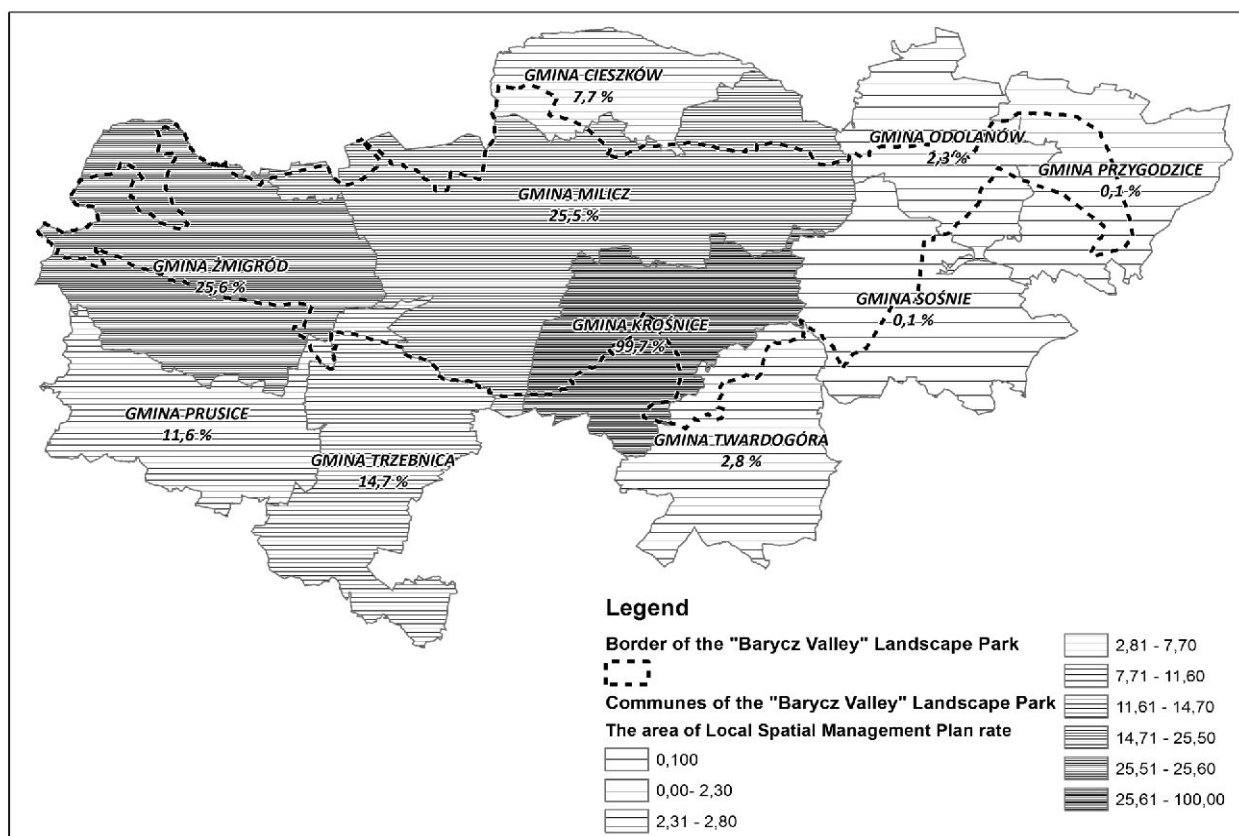


Figure 2 The area of Local Spatial Management Plan rate. (Source: own study)

later adopted by the commune, town or city council. The planning procedure for drawing-up of the study and the local spatial management plan is long and complicated. In practice, the time of preparation of this type of document can last up to a year but sometimes it takes longer.

In 2011, in Poland there were 2515 local spatial management plans, the drawing-up of which took longer than three years.

The coverage of Poland with the local spatial management plans is still unsatisfactory (lower environmental awareness, conscious disobey of law regulations). This applies especially to the areas under strong investment pressure, such as suburban areas, areas of tourist functions and areas of nature conservation. As shown by Komornicki, Więckowski and Śleszyński (2010, p. 71), the coverage with local spatial management plans in such areas is among the lowest, which leads to many conflicts over space and contributes to the loss of outstanding values of these areas (Solon, 2010, p. 88).

Imprecise law on spatial planning, widely criticised in the specialist literature, as well as the conflict between the applicable laws, are the cause of long-term neglect in terms of rational spatial planning and management. The planning situation in Poland is still disordered and many areas of Poland lack local plans (Śleszyński, 2011, 77). Unfortunately, this particularly concerns natural areas of outstanding values.

### Relationship between spatial planning and environmental protection, nature conservation.

The Republic of Poland ensures protection of the environment, guided by the principle of sustainable development, as stated in Article 5 of the Constitution. In addition to environmental protection the responsibility of public authorities is to ensure environmental safety to contemporary and future generations; inform on the status and protection of the environment; and support civic activities for the benefit of such protection.

Conditions necessary for the protection of the environment can be achieved by using appropriate tools (Managing the natural environment 2012, p. 203). Such tools are divided into the following dimensions (after Dobrowolski, 2011, p. 35-37):

- **legal** – laws, regulations and resolutions containing prohibitions and orders, regulations and security measures
- **financial** – fees, environmental taxes, fines, subsidies and environmental funds
- **administrative** – supervision and control, administrative decisions and permits
- **planning** – plans, programs, studies and strategies

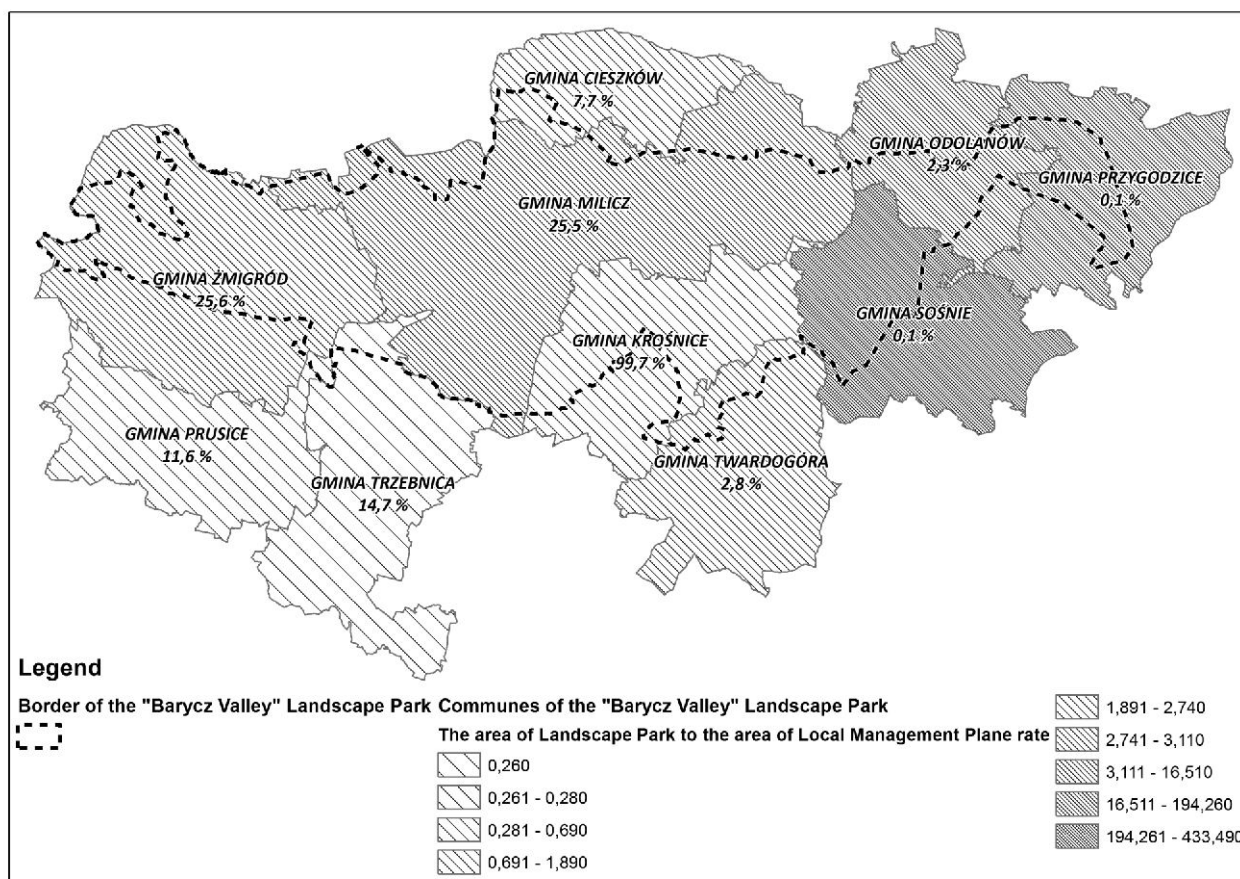


Figure 3 The area of Landscape Park to the area of Local Spatial Management Plan rate. (Source: own study)

- **procedural** – environmental impact assessment, risk assessment and location of investments
- **social** – access to information on the environment and environmental education, public environmental awareness
- **monitoring and controlling** - norms, standards and indicators.

This paper highlights the legal and planning issues linking environmental protection with spatial planning.

The basic act governing environmental legislation is the Environmental Law of 27 April 2001 (Journal of Laws 2001, No. 62, Item 627). In addition, a number of sectional laws are in force, regulating issues of management and protection of environmental resources (protection of soil, air, surface water and groundwater, wildlife and biodiversity; waste management; protection against noise, vibration and electromagnetic radiation). In the implementation of conservation tasks the legislature assigned a special role to spatial planning (Vademecum of Spatial Management, 2005). All planning documents should incorporate the principles of environmental protection and sustainable development.

Pursuant to the provisions of the Act on Spatial Planning and Area Development (Art. 1, Para. 2), spatial

planning and development particularly take into account the requirements of environmental protection, including water management as well as protection of agricultural land and forests. Determining the directions of spatial policy, the conditions resulting from the state of the environment (including wildlife and landscape) and the requirements for its protection should be taken into account.

Requirements to ensure the environmental balance and a sound management of the natural resources are defined in the eco-physiographic study. Such documentation is prepared for the feasibility study of the spatial management plan, local development plan and spatial development plan of the voivodeship, which is to contribute to ensuring the sustainability of basic environmental processes.

The valuable natural areas are subject to various forms of conservation. This issue is regulated by the Environmental Protection Act of 16 April 2004 (Journal of Laws 2004 No. 92, Item 880). Various types of restrictions and regulations of human activity are related to the forms of protection. The most rigorous form of conservation are applied in national parks and nature reserves, moderate ones are applied to natural parks and buffer zones of national parks, while the most liberal ones are found in the areas of protected landscape and buffer zones of areas of outstanding natural beauty (Czaja, Becla, 2007, p. 369).



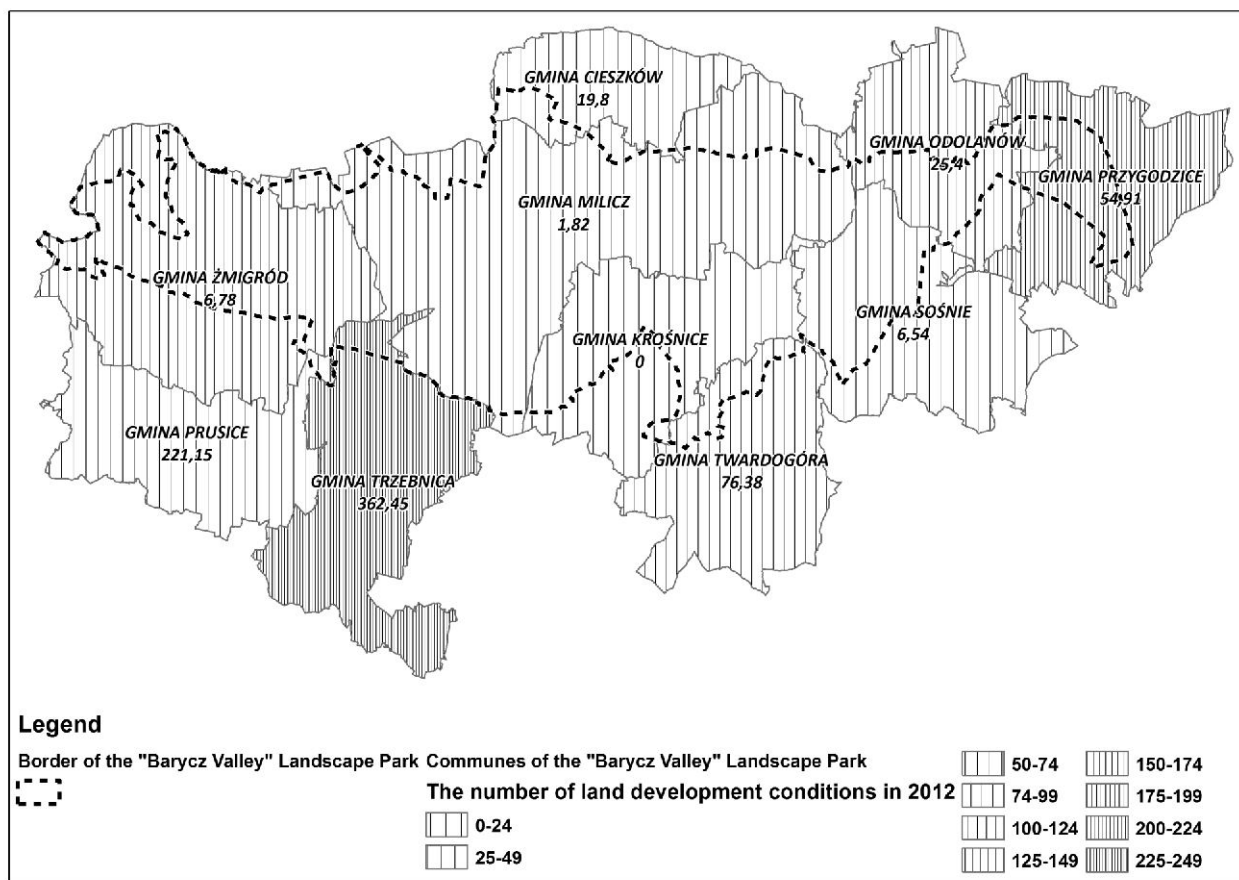


Figure 4 The number of land development conditions decision in 2012. (Source: own study)

They take the form of local laws enshrined in the local legal instruments (local spatial management plan, ordinances and resolutions). In the environmentally valuable areas the managerial competences are often overlapping (director of a national park, regional director for environmental protection, director of a landscape park and commune authorities). Conflicts of interest between the socio-economic development of a commune and environmental protection create clashes and misunderstandings.

Investment activity occurring in areas of exceptional natural beauty is contrasted with the objectives of nature conservation. There is pressure exerted on commune authorities so as they would not prepare zoning plans for the areas of environmental protection (Solon, 2010, p. 88), as it is required by law to obtain a consent of the regional director for environmental protection in case of construction activity. In addition to local spatial management plans, what requires a consensus are studies of conditions and directions of spatial management of a commune, voivodeship spatial management plan as well as spatial management plans regarding internal sea waters, territorial sea and exclusive economic zone. In case of breach of rules of natural conservation, such decision would be negative, which would make it impossible to adopt a planning act.

Necessity to give opinions on any draft of a local spatial management plan and a study of the commune, as well as to agree the draft of the voivodeship spatial management plan with the regional director for environmental protection, indicate that the relationships of spatial planning with the environment are regulated by statute. It should be noted, however, that the refusal to issue an agreement means the inability to adopt a planning document, while the negative opinion is not binding for the signatory body.

In the areas of natural value - protected by law, local authorities retain full decision competences. For the large-size areas, such as national parks, landscape parks and nature reserves, conservation plans developed. It is a document whose findings should be taken into account in the preparation of planning documents at the commune level. If there is a national park within the local plan or the voivodeship spatial management plan, it is required by law (Nature Conservation Act, Art. 10, item 6) to pursue an agreement with the director of the park in the establishments that may have a negative impact on the protection of nature. The same rule applies in the case of a nature reserve (Nature Conservation Act, Art. 13, item 3a), landscape park (Nature Conservation Act, Art. 16, item 7), area of protected landscape (Nature Conservation Act, Art. 23, item 5), Natura 2000 (Nature Conservation Act, Art. 30, item 3) – arrangements are made by a competent regional

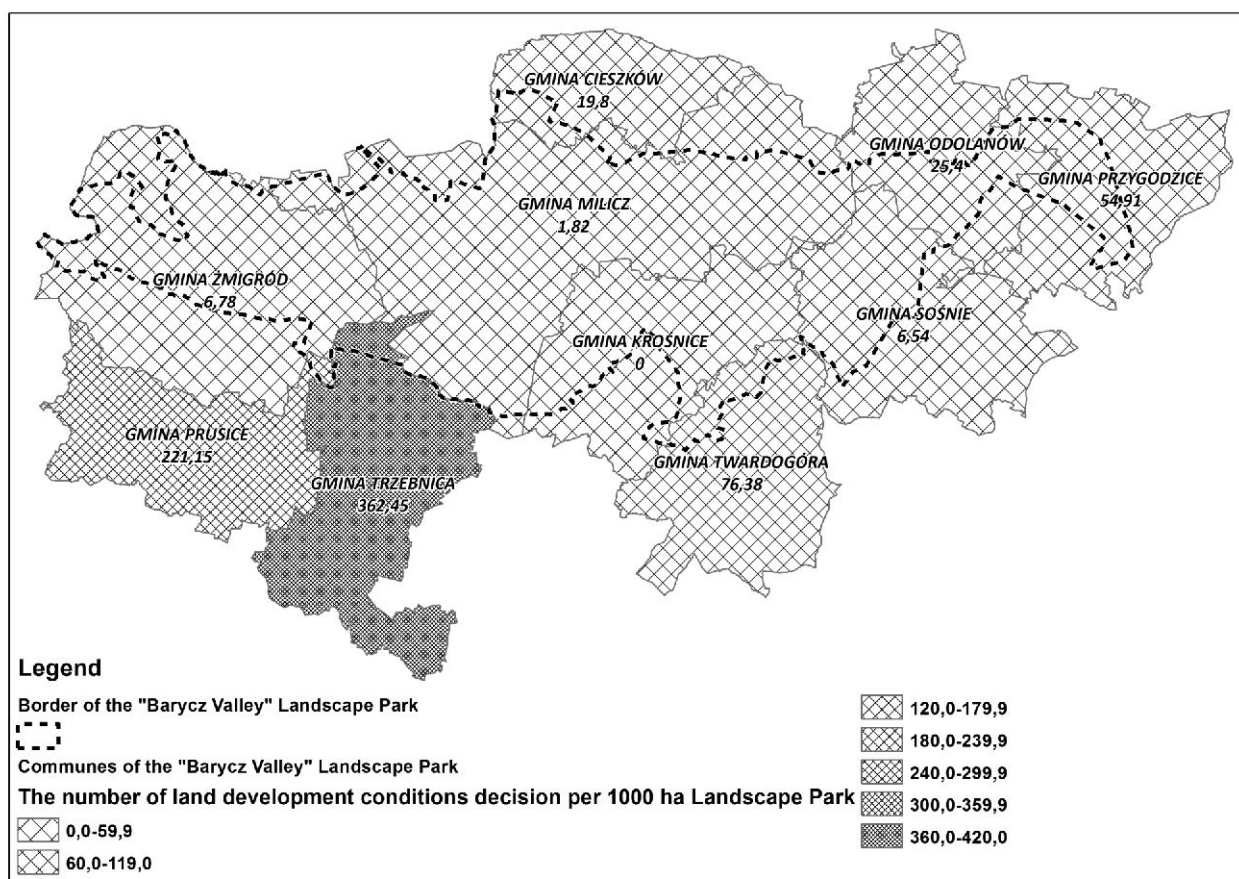


Figure 5 The number of land development conditions decision per 1000 ha Landscape Park. (Source: own study)

director of environmental protection. In addition, for the Natura 2000 areas, draft policies, strategies, plans and programs, as well as investment plans which are not directly related to its protection, require an impact assessment procedure (Nature Conservation Act, 2013). This assessment is required in the cases of lead to, in the course of the realisation of what is included in the documents, a significant impact on the environment, especially on the areas of Natura 2000 (Poskrobko, Poskrobko, 2012, p. 132).

The Act of 3 October 2008 on sharing information about the environment and its protection, public participation in environmental protection and environmental impact assessment (Journal of Laws 2008 No. 199, Item 1227) imposes an obligation to carry out the procedures for strategic environmental assessment, which is required by planning studies at all levels. The procedure includes the prognosis of environmental impact of the plans findings as part of the planning work, and a need to carry out public consultation.

The adoption of any planning act has several effects on the natural environment. Some of them are felt very quickly, others over a long time, many of which are difficult to predict. Therefore, introducing a monitoring plan for the implementation of the findings and their implications as well as drawing up a list of indicators of the desired state are such an important task.

In addition to planning instruments, there are many tools of environmental regulation, such as injunctions and prohibitions, standards, permits, environmental assessments, tests, voluntary agreements, access to information and environmental awareness tools (Environmental law for economists, 2007, p. 26). Most of these tools fulfil a preventive role, implementing the precautionary principle accepted in the European Union (Dobrowolski, 2011, p. 33).

### Characteristics of the “Barycz Valley” Landscape Park

The “Barycz Valley” Landscape Park, created in 1996, covers an area of 87 040 ha and is the largest landscape park in Poland. It has no buffer zone and no conservation plans. Administratively it is located within the Dolnośląskie (in seven communes) and Wielkopolskie (in three communes) Voivodeships. The River Barycz flowing across the park is only 133 km long and has the lowest in Poland average slope of 0.035 %, and the vast basin, which enabled the construction of numerous artificial reservoirs ([www.dzpk.pl](http://www.dzpk.pl)). Already in the Middle Ages the Cistercians founded fish ponds here. The river system was changed



and many canals were built to supply water to the ponds. Fish farming flourished especially in the seventeenth and eighteenth centuries (Spychała 2010, p. 32). However, already in the nineteenth century, due to the emerging water shortage, some ponds were closed. An example is the largest of the Milicz ponds, with an area of 500 hectares, on the area of which the village Młodzianów was founded and German settlers brought. In the twentieth century the Barycz valley was once again a leading producer of carp in Europe. Today, fishing is not dominant in the local economy. Rural communes of the Barycz Valley LP are essentially agricultural. Forest management also develops. In urban-rural communes there are industrial plants and various services – especially in tourism – are provided (Spychała, 2010, 33).

The natural environment of the Barycz Valley LP is extremely rich. Altogether there are 121 natural, semi-natural and synanthropic plant communities. In the Dolnośląskie section forests cover 45% of the park, while in the Wielkopolskie – 38.8% (www.dzpk.pl). They are dominated by pine forests. Equally valuable are natural meadow ecosystems. Within the limits of the Barycz Valley LP there are 42 species of protected plants, including 28 species under strict protection. The fauna includes 34 species of fish (in ponds carp dominates), 13 species of amphibians, 5 species of reptiles, 56 species of mammals (including 29 protected species). However, the area of the Barycz Valley LP is primarily known for its rich avifauna; there are more than 277 species of birds here. Most of the 169 breeding species nest in the ornithological reserve Milicz Ponds (Stawy Milickie).

Due to the extraordinary natural richness the park is covered by a few forms of conservation. Within the landscape park there are four nature reserves, numerous ecological sites, natural monuments and Natura 2000 areas (Ranoszek, Ranoszek, 2012, ). The nature of the Barycz Valley LP is of international significance, and therefore the reserve Milicz Ponds is covered by the Ramsar Convention to protect its wetlands (Ramsar Convention on Wetlands).

The first nature reserve in the study area was established in 1949 on an area of about 600 km<sup>2</sup>. At the same time a series of prohibitions and restrictions were introduced, which contributed to the increase in the number of many species of birds. Unfortunately, the introduced restrictions hampered carp farming intensification and in 1963, due to protests, the protected area was reduced to 5324 ha and a nature reserve Milicz Ponds was created. Over the years other reserves were created: Radziądz (1954), Wzgórze Joanny (1962), Olszyny Niezgodzkie (1987) and Wydymacz (1987).

The Natura 2000 sites cover a large area of the Barycz Valley LP. Special Protection Area (SPA) the Barycz Valley is a mainstay of birds of European importance. In its area there are at least 20 species of birds listed in the Annex I of the Birds Directive, and eight species listed in the Polish Red Book. Special Area of Conservation (SAC) the Barycza Refuge covers a vast marshy valley of the Barycz, which

includes 14 types of protected areas in the Annex I of the Habitats Directive and 14 animal species listed in the Annex II of this Directive. What is important for biodiversity conservation are well developed and preserved forest communities, wet meadows and transition bogs (dzpk.pl). In addition, the Milicz Ponds belong to Living Lakes, an international network of lakes and other water bodies, which brings many benefits to this area in the form of environmental actions and cooperation between local partners (Guziak, 2009, p. 139).

### Diagnosis of spatial planning in the Barycz Valley LP

The share of the park area in the total area of individual communes varies. The landscape park takes the largest area of the Milicz Commune (79.3%), followed by the communes Żmigród (65.8%) and Krośnice (68.8%). There are also communes within which this form of protection takes a small area (Prusice and Trzebnica, 3.3% and 3.8% respectively) (Figure 1). In the communes of Milicz and Żmigród only 25% of the area was covered by local plans, while in other communes much less. Attention should especially be paid to the communes of the Wielkopolskie Voivodeship, namely Sośnie and Przygodzice, where local plans cover only 0.1% of their surface area (Figure 2). It can be concluded that spatial planning in these gminas is virtually non-existent. Such disadvantageous situation for the spatial planning occurs in most gminas of the Barycz Valley LP.

In the context of nature conservation this disadvantage is even more clearly illustrated by the ratio of the area covered by the landscape park in the individual communes to the area covered by local plans. The higher the value, the less favourable the situation is. As the optimum value of this ratio 1.00 was adopted. Besides the Krośnice Commune, the communes of the Barycz Valley LP are not sufficiently covered by local plans. The worst situation is in the communes of the Wielkopolskie Voivodeship: Sośnie, Przygodzice and Odolanów (Figure 3).

Lack of local plans does not indicate a lack of investment. New investments do occur in the communes, however, they are based on administrative decisions (location decision). Only the Krośnice Commune, which has developed local spatial management plans, has not issued any such decision. Other communes sign many planning decisions each year. In 2012, most of such decisions were issued by the communes of Trzebnica (229), Przygodzice (195), Żmigród (119) and Odolanów (116) (Figure 4). The investment on the basis of the location decision may be detrimental to nature and landscape, as it is not subject to arrangements with the relevant authorities. In this situation the managers of the park lose control over what is happening. The decision fully belongs to the local government and, unfortunately, all too often does not taken





into account the requirements and principles of nature conservation.

Another measure is the number of location decisions issued per 1000 hectares of the landscape park. For Poland this ratio is 0.73. Besides the Krośnice Commune, all the communes of the Barycz Valley LP have a higher value of this indicator, which shows the multitude of location decisions issued, and thus the high investment held outside the planning regulations.

## Conclusions

Authorities of the communes of the Barycz Valley LP repeal from establishing a local law in the form of local development plans. An exception is the Krośnice Commune, in which almost 100% of the area is covered by local plans.

Not undertaking planning work does not stem from a lack of investment projects (no investors), as evidenced by the number of location decisions. This situation is due to the attitude of avoiding confrontation (contacts) with the environmental protection services and the reluctance to cooperate. And as a result, there is untapped potential in the protection of natural values using planning tools. Protection is seen as a constraint rather than a need.

Despite the exceptional natural and landscape values and numerous forms of nature protection, the authorities of communes have no concern for the proper management of the analysed area. This results in a number of spatial conflicts and loss of important values for which this form of protection was established (Warczewska, 2013, p. 412).

The Polish planning system (despite its many shortcomings) gives the authorities of the communes effective tools to assist the management process. They can be effective in the protection of natural and landscapes value on the valuable natural areas. However, they first have to be developed and implemented by the communes.

## References

- CZAJA S. & BECLA A. 2007: **Ekologiczne podstawy procesów gospodarowania [Ecologic basis of management]** Wydawnictwo Akademii Ekonomicznej we Wrocławiu. p. 416. Wrocław.
- DOBROWOLSKI G. 2011: **Decyzja o środowiskowych uwarunkowaniach [Decision on environmental conditions]** Wydawnictwo „Dom Organizatora”. p. 332. Toruń.
- DOBRZAŃSKA B. M. 2005: **Obszary przyrodniczo cenne [Areas of Outstanding Values]** In: Zarządzanie turystyką na obszarach przyrodniczo cennych [Tourist management in areas of outstanding values] (ed) B. Poskrobko, Wydawnictwo Wyższej Szkoły Ekonomicznej w Białymstoku. p. 9-24. Białystok.

**Managing the natural environment [Gospodarowanie i zarządzanie środowiskiem]**, 2012: (ed) B. Kryk, Wydawnictwo Naukowe Uniwersytetu Szczecińskiego, p. 367. Szczecin.

GUZIAK R., 2009: **Dolina Baryczy w sieci Living Lakes [The Barycz Valley in the Living Lakes network]** In: Ochrona przyrody w Parku Krajobrazowym „Dolina Baryczy”. Stan obecny - zagrożenia - perspektywy [Nature conservation in the Barycz Valley Landscape Park. Current state - threats - perspectives] (eds) M. Krukowski & A. Drabiński, Uniwersytet Przyrodniczy we Wrocławiu. p. 137-140. Wrocław.

KOMORNICKI T., WIĘCKOWSKI M. & ŚLESZYŃSKI P., 2010: **Pokrycie planistyczne a ruch inwestycyjny [Planning coverage versus investments]**. In: Prace planistyczne a konflikty przestrzenne w gminach [Planning versus spatial conflicts in gminas] (eds) P. Śleszyński & J. Solon, Studia PAN KPZK, Vol. CXXX, p. 40-72. Warszawa.

**Spatial planning and management.** Commentary [Planowanie i zagospodarowanie przestrzenne. Komentarz], 2011: (ed) Z. Niewiadomski, Wydawnictwo C.H. Beck. p. 608. Warszawa.

POSKROBKO B. & POSKROBKO T., 2012: **Zarządzanie środowiskiem w Polsce [Managing the natural environment in Poland]** Polskie Wydawnictwo Ekonomiczne, p. 328. Warszawa.

**Prawo ochrony różnorodności biologicznej [Biodiversity protection law]**, 2013: (eds) M. Górski & J. Miłkowska-Rębowska, Wolters Kluwer Polska, p. 233. Warszawa.

**Environmental law for economists [Prawo środowiskowe dla ekonomistów]**, 2007: (ed) S. Czaja, Wydawnictwo Akademii Ekonomicznej we Wrocławiu., p. 235. Wrocław.

RANOSZEK E. & RANOSZEK W., 2012: **Park Krajobrazowy „Dolina Baryczy”**. Dolnośląski Zespół Parków Krajobrazowych [The Barycz Valley Landscape Park. Landscape Park Complex of the Dolnośląskie Voivodeship]. p. 160. Wrocław.

SOLON J., 2010: **Sytuacja planistyczna na obszarach parków narodowych i parków krajobrazowych [Planning in national and landscape parks]** In: Prace planistyczne a konflikty przestrzenne w gminach [Planning and spatial conflicts in gminas] (eds) P. Śleszyński & J. Solon, Studia PAN KPZK, Vol. CXXX. p. 73-89. Warszawa.

SPYCHAŁA A., 2010: **Funkcja turystyczna Parku Krajobrazowego „Dolina Baryczy” [Tourist function of the Barycz Valley Landscape Park]** Bogucki Wydawnictwo Naukowe. p. 178. Poznań.

ŚLESZYŃSKI P., 2011: **Stan i jakość zagospodarowania przestrzennego w Polsce w świetle badań geograficznych [State and quality of spatial planning in Poland against geographical research]** In: System planowania przestrzennego i jego rola w strategicznym zarządzaniu rozwojem kraju [Spatial planning and its role in strategic management of the national development] (eds) T. Markowski & P. Żuber, Studia PAN KPZK, Vol. CXXXIV. p. 64-81. Warszawa.



**Vademecum of spatial management [Vademecum gospodarki przestrzennej]**, 2005: Kozłowski S., Słysz K., Węglowski M., Wierzchowski M., Zastawniak B. & Zgud K., Instytut Rozwoju Miast. p.463. Kraków.

**WARCZEWSKA B.**, 2013: **Gospodarowanie i zarządzanie zasobami parku krajobrazowego w kontekście implementacji idei zrównoważonego rozwoju. [Management of landscape park resources in the context of sustainable development]** In: *Gospodarka regionalna i lokalna a rozwój zrównoważony [Regional and local economy versus sustainable development]* (eds) Z. Strzelecki & P. Legutko-Kobus, PAN KPZK Studia, Vol. CLII. p. 403-412. Warszawa.



Naja Marot  
Mojca Golobič

## SLOVENIAN SPATIAL PLANNING 20 YEARS LATER – STILL LOOKING FOR THE RIGHT PATH

Over a 20-year period, the Slovenian government consecutively adopted three spatial planning laws, which also resemble approximately 25 types of planning documents that are currently valid. While the first Spatial Planning Act was only the transitional law, the second legislation in 2003 introduced comprehensive and more strategically oriented planning. Although the second law set the firm grounds for the three-tier planning system, the third version of planning legislation steered the whole concept of planning towards the Mediterranean style of urbanism. Contrary to the previous approach, the fourth and latest reform, initiated by the Ministry of Infrastructure and Spatial Planning in 2013, is more publicly open. Facing problems similar to those of other East-Central EU countries and presuming that legislation might only produce results if supported by the assessment of the current situation and by its implementers, the author performed a regulatory impact assessment in 2010, which included six selected criteria. This article focuses on four criteria – comprehensibility, legitimacy, transparency and openness, and sustainability – to show the actual planning culture. The authors argue how all relevant stakeholders should participate in an in-depth reflection on the planning system and decide on the concept they want to adopt, and only afterwards should they come forward with the new legislation proposal. Only such an elaborated approach can yield long-term and sustainable results.

### Introduction

The starting point of this article is Stead and Nadin's (2009, p. 283) position that 'characteristics of spatial planning systems are embedded in wider models of society, and that the notion of planning cultures sits between the two', a fact that has been primarily overlooked in Slovenia. Over more than 20 years, the Slovenian government consecutively adopted three spatial planning laws, mostly without consideration of the actual planning culture. Consequently, around 25 types of planning documents (detailed local plan, municipal land use plans, etc.) are currently valid, which all aim at reaching the same goal: sustainable and efficient land use. While the first law was only the transformation law, introducing the necessary measures to adapt from the socialist to the market-oriented system, the second legislation in 2003 introduced the strategic and comprehensive planning system (Zavodnik Lamovsek, 2003). According to this system, the European Observation Network for Territorial Development and Cohesion (ESPON, 2006) study on the governance of territorial and urban policies placed Slovenia, together with Sweden and the United Kingdom, among the countries with comprehensive spatial planning systems and good horizontal but poor vertical connection between the administrative levels.

Although the 2003 law set the firm grounds for the three-tier planning system, which was supported by professionals and approved by local communities, in 2007, the third version of the planning legislation was adopted (see Figure 1).

Politically motivated legal change steered the whole concept of planning towards the Mediterranean style of urbanism and focused planning where the detailed land use plan became the centre of attention.

Besides the municipalities, the sector representatives and the non-governmental organisations were the next to be displeased with how the legislator proceeded in 2007 (Društvo urbanistov in prostorskih planerjev Slovenije [DUPPS], 2007; Pogacnik, 2007). The solution in 2007 has demanded a lot of effort from policymakers and the accommodation of practitioners to fully comprehend the provisions and act accordingly. Moreover, the act was not specific and targeted towards existing problems, including the lack of public participation and the absence of regional level or lengthy planning procedures. While in the West, planning has been advancing towards deliberative planning (Innes, 1996), Europeanisation and integration of the territorial cohesion concept (Davoudi, 2005; Faludi, 2007), etc., Slovenia is still dealing with basics, often forgetting that the systems are (besides the changing market conditions) also influenced by the European (territorial) policy, which makes the country struggle even more in its transformation process (see Cotella et al., 2011; Adams et al., 2012; Pálné Kovács et al., 2013).

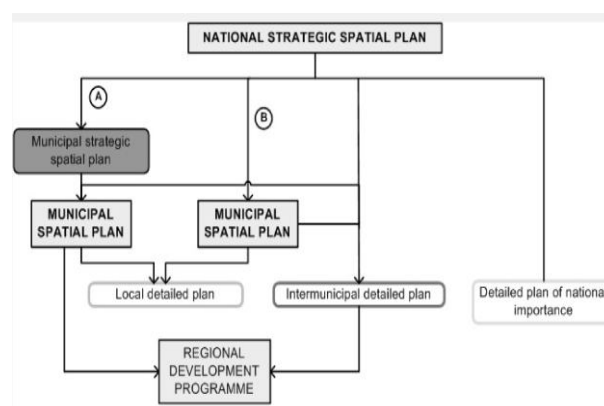


Figure 1. Current Spatial Planning Act (2007).



The Europeanisation of the planning – the processes of construction, diffusion and institutionalisation of formal and informal rules and norms, procedures, policy paradigms, ways of doing things and shared beliefs (Waterhout et al., 2007; Dühr et al., 2010; Faludi, 2010) – has collided with the ongoing process of transformation. One could argue that because of the internal struggles, the overall level of engagement of Slovenian and other Central European (CE) actors in European spatial planning is proportionally lower than that of their northwestern European counterparts, as proven by Cotella et al. (2012). Another factor that significantly tailors the transformation is poor administrative capacity (Hacek & Bačlija, 2009; Marot, 2010b), which was also proven to be typical for the Central European region by Knippschild (2011), who focused on the discontinuity and institutional capacity in the cross-border territories of Germany, Poland and the Czech Republic.

Slovenian representatives are present in several projects to bring together the Central European planning systems, for example, the Spatial Audio Creative Engineering Network (SpACE-Net) or the transnational co-operation project, Planners Network for Central and South East Europe (PlaNEt CenSE) (Tatzberger and Schindegger, 2008). However, the knowledge exchange is limited to terminology and unifying the understanding of specific topics.

To date, less than half (88 out of 211 local entities) of the local communities grant building permits in accordance with the new acts, while the rest still count on the acts adopted according to the law in 1984 (based on a comprehensive approach of integration of different stakeholders and long-term consideration of development needs), which were then later adapted. As Maier (2012, p. 140) argued, for the former socialist countries (which can also be claimed true for Slovenia), there is the problem of the regional level of governance: “Municipalities enjoy wide competencies in local issues, including planning, but often without appropriate resources to fulfil their roles. On the contrary, the regional level was initially suppressed and, after the EU-required introduction of regional self-government, its role still seeks precise definition. Regions in small states may seem particularly redundant. With municipalities being limited by their jurisdictional borders and with weak regions, it is difficult to accomplish coordinated development on the regional level, but this problem has not become an agenda of political debate.”

Though the later issue of the regional level cannot be fully confirmed in Slovenia – there has been an ongoing political debate on the introduction of the regional level (Ravbar, 2004; Pogačnik et al., 2009) – no common agreement has been reached on the solution yet.

In line with the previous practice, the latest political changes in 2013 spur the need to reform the whole system, more comprehensively this time. Already, the fourth reform (initiated by the Ministry of Infrastructure and Spatial Planning in 2013 and compared to the previous attempts)

is expected to be more participative and publicly open. Following the prevailing opinion that legislation is the major cause of the poor performance of the planning system, without even questioning the capacity of the whole system, this research has been conducted to reveal the legislation’s actual role in this system. The research method was built on the method of the regulatory impact assessment introduced in 1995 by the Organisation for Economic Co-operation and Development (OECD, 2005), to be used for more efficient and elaborate preparation of legislation. Furthermore, the method was incorporated into the EU policymaking in 2002 (Council of European Communities [CEC], 2001, 2002).

In light of the topic of this journal’s special issue, this article aims to reveal the role of planning legislation in shaping the planning culture and guiding the actions of all relevant stakeholders. Here, the planning culture is understood as ‘the typical way of working (organizing, deciding, managing, communicating, etc.) during the process of planning, as a result of the accumulated attitudes, values, rules, standards and beliefs shared by the group of people involved’ (CULTPLAN, 2006, p. 11). Since planning culture is a complex concept this article addresses the question of what is the role of actors in the planning system in the preparation and the delivery process of the planning legislation and how their views, actions impact the both procedures. First, the methods of investigation are presented, followed by the results, as structured by the selected criteria. The conclusion suggests the changes to be introduced to transform the system into a more modern and open planning type that can be successfully integrated into the European framework of spatial planning.

## Methods

As stated by Getimis (2012), Reimer and Blotevogel (2012) and Maier (2012), in the research on planning systems, the focus should be on the actors engaged in the system and their interrelations that occur in the planning processes. The latter is partially the sociology of law in the field of investigation. For research purposes, the relations among the actors, the law and the system are structured, as shown in Figure 2.

The research was methodologically supported by the evaluation tool of the regulatory impact assessment (Jacobs, 2007; Marot, 2010b). Six criteria were defined as important for good planning legislation (the general approach to the assessment was adapted to the need of the planning research): comprehensibility, feasibility, effectiveness and efficiency, transparency and openness, legitimacy and sustainability. For the purposes of this article, which focuses on the individual aspects of the planning culture (including understanding, comprehension, adoption of the principles and transparency of the system), the results of the four criteria are depicted as important, as follows:





- **Comprehensibility.** The legislation is clear, simple to understand and user friendly. Definitions and tasks are set unambiguously and do not allow dubious interpretation.
- **Legitimacy.** This is the level to which the authorities and society recognise the planning legislation as legitimate, needed and adequate.
- **Transparency and openness.** The legislation is transparent if the processes of its preparation and implementation include all the actors who should have access to the necessary information and documents, supporting the decision-making process. The final result should be the consensus of all engaged stakeholders.
- **Sustainability.** This criterion addresses one of the main principles of development that aligns with the needs of the present population without hindering the availability of the resources for the next generations.

For each criterion, a set of indicators was defined. The input for the assessment came from different data sources. The existing studies on the Slovenian planning system were limited in number and availability, including the analyses of Blagajne and Šantej (2001) and Ravbar and Bole (2002). Certain data were available through the findings of policy researchers investigating the capacity of Slovenian municipalities (Prebilič and Bačlija, 2013).

After the literature review, the legislative comparative analysis was done for the former and existing planning laws (Zakon o Urejanju Prostora [ZUreP], 1984; ZUreP-1, 2003; Zakon O Prostorskem Načrtovanju [ZPNačrt], 2007). With the triangulation approach, as commonly used in policy analysis (Patton, 1999; Sale et al., 2002; Leech and Onwuegbuzie, 2007; Bowen, 2009), the document analysis was further supported by extensive participative techniques.

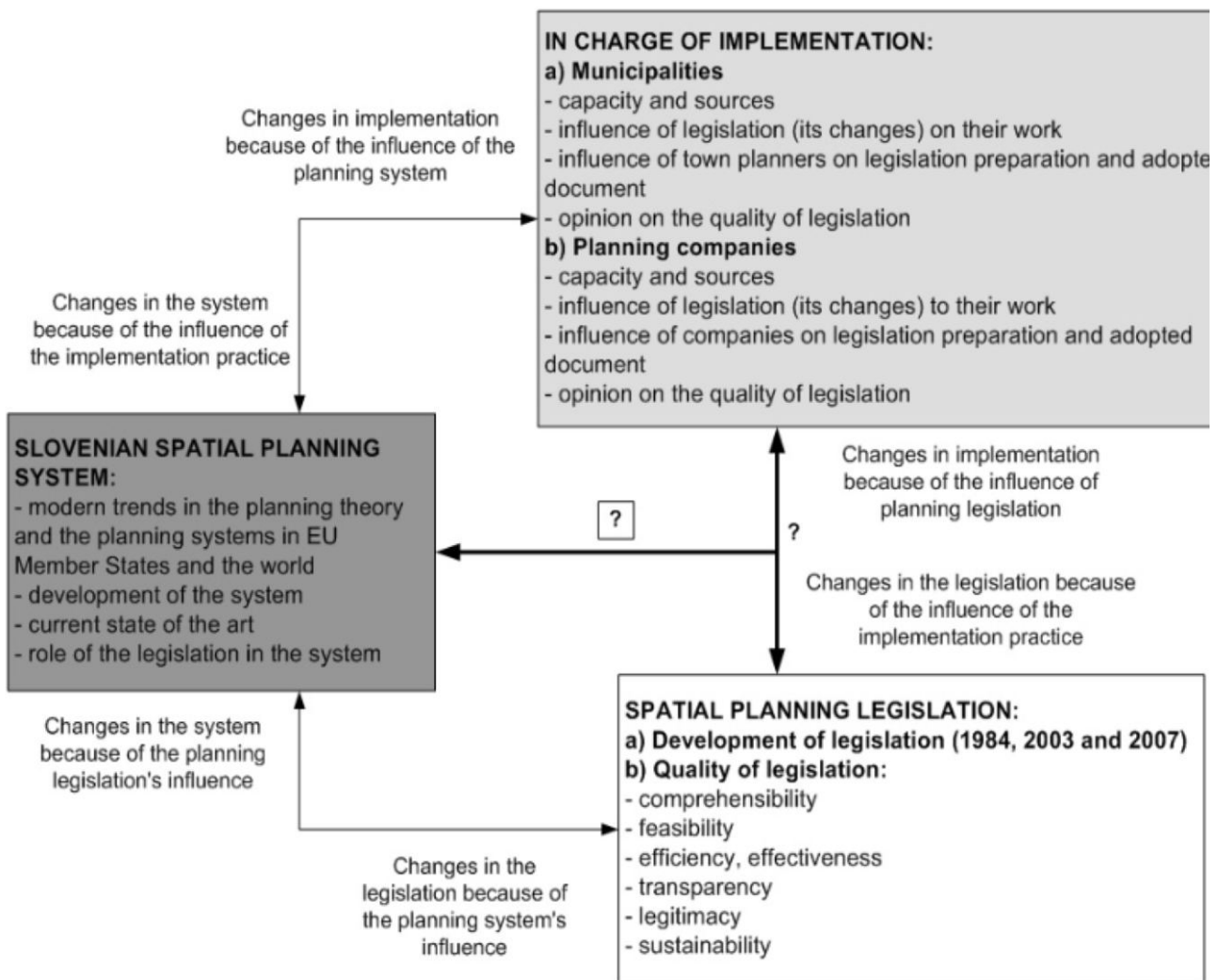


Figure 2. Framing the role of the legislation into the planning system.



First, the representatives of 55 municipalities, out of the 210 responsible for the planning (34% coverage of the area, 45% of the population), answered the written questionnaires. The respondents' functions included a spatial planner, a head of the department(s) for environment and spatial planning, a consultant, and a director of municipal administration or of the local utilities company; on average, they had 10 years of planning experience. Regarding the size and diversity of the self-governmental units, the smallest municipality was 13 km<sup>2</sup>, and the largest was 382 km<sup>2</sup> in area. Their populations ranged from 1246 to 278,314 inhabitants (Statistical Office of the Republic of Slovenia [SORS], 2010). The sample was representative (each municipality had an option to participate) and mostly corresponded to the population (all Slovenian municipalities) with regard to the type of the administration and municipality. Slight differences were noticed in the area, distribution of the population categories and applicability to the legislation condition for the establishment of a municipality.

Second, 11 interviews with representatives of Slovenian planning companies (the entities in charge of the municipal plan preparation) were conducted. The representatives, mostly women, came from 5 out of 12 Slovenian regions. A minor step in the analysis was the observation of the legislative preparation process, which included parliamentary proceedings, public debates and other forms of communication.

All criteria were assessed with different types of exclusive content indicators (see Figure 3) and on a numeric scale of 0 to 4 (0 = 'absolutely does not apply to criterion' and 4 = 'act fully corresponds to criterion'). An expert estimation described whether each indicator – both descriptive and numeric – contributed to the fulfilment of each criterion in a positive, moderate or negative direction.

## Results

In line with the research question, the results are presented for the four criteria of comprehensibility, legitimacy, transparency/openness and sustainability. They are among the factors that condition the process of the planning system transformation.

**Comprehensibility** was used to measure the clarity, simplicity and user friendliness of the legislation content in order to reveal whether the stakeholders understand the substance of the law. To achieve comprehensibility, the terminology and duties of the actors should be consistently defined. The comparison of the two laws' texts, which focused on the articles introducing the terminology, showed their differences. The lists of terms overlapped in less than half of the items (12 terms, to be precise), while the rest of the terms were different, thus changing the comprehension of the spatial phenomena.

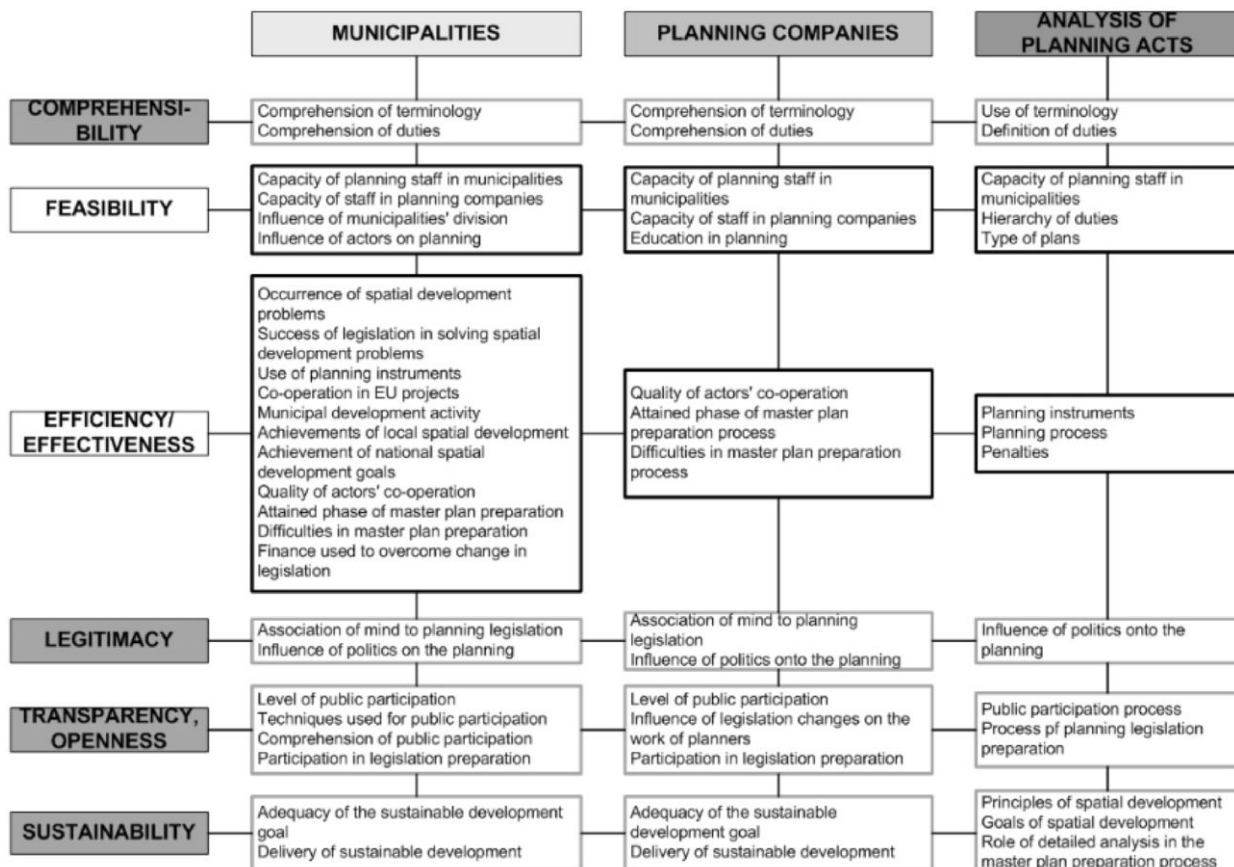


Figure 3. Criteria and indicators to measure the role of planning legislation in the planning system.



The participative part of the inquiry showed that planning companies and municipalities agreed that the planning act only partially corresponded to this criterion. Only a few municipalities that responded to the questionnaire did not face any problems. In the case of the older legislation in 2003, the score was 36%, and in the case of the 2007 legislation, less than one third (27%) were familiar with its content. The rest of the participants encountered many difficulties with the changed terminology and their understanding of it, which have caused partial inconsistencies with the old municipal plans that are still in use today. The difficulties are evident in Figure 4; among others, they include: unclear division of tasks among the actors (ministries, municipalities, etc.) in the planning system, unclear and complicated legislative text, and problematic translation of the content of the old plans according to the new terminology. The old planning legislation explained the actors' roles better than the newer one from 2007 did, which again generated some difficulties in the process of delivering the legislation. Confusion already occurred in the case of basic terminology, such as how to name a plan (two possible options), the phenomenon of dispersed settlement, the functional parcel of the building, construction lot and others. If this only involved a discussion about naming the phenomena, this could be left for the epistemic community to decide; however, with concrete legal implications and land use rights, it has wider repercussions.

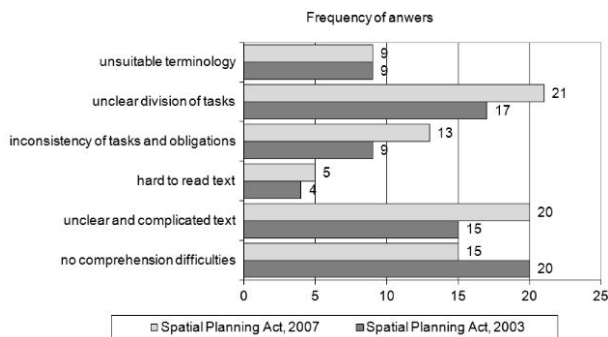


Figure 4. Law comprehension difficulties, as reported by the survey participants.

The participants revealed that they had been coping with the problems by consulting the ministry responsible for spatial planning (which has so far published six explanatory notes), neighbouring municipalities and planning companies.

**Legitimacy** is the most direct criterion to measure how the legislation is perceived by society and what role it plays in the people's value system. The indicators for assessing this criterion were: 1) the nature of the legislative process, 2) association of ideas respondents get when the planning law is mentioned and 3) the political view on the planning legislation and planning as a social/economic activity in general.

Speaking of the first indicator, the 2007 act had been prepared against the will of the professionals, including planners, who were forced under the political will of the ministry responsible for planning; hence, the support for the act had been limited. The actors' integration into the process was minor, comprising less than half of the municipality representatives, thus their discontentment and disapproval. Furthermore, no feedback on the reaction to the stakeholders' comments had been provided, and overall, the consideration of public proposals was significantly low. The change was not supported because over a seven-year period, two laws were adopted, which were reported as difficult to follow. Altogether, the respondents mainly reported negative associations (see Table 1), stating that planning legislation was confusing and complex.

Neutral associations (21)	Negative associations (23)
- Spatial Planning Act (8)	- lengthy procedures of municipal plan preparation and adoption (6)
- municipal spatial plan (5)	- problems, difficulties (6)
- spatial plan, spatial act (3)	- complexity of procedures, bureaucracy (6)
- planning (3)	- constant changes in legislation (4)
- Construction Act (2)	- incapacity, organisational chaos of the government (2)
- municipal detailed plan (2)	- no monitoring
- spatial planning framework (2)	

Table 1. Phrases used to describe planning legislation.

Additional data for the criterion of legitimacy were gathered through the analysis of the political parties' programmes. It is evident that developers were putting a lot of pressure on planners in order to pursue their goals. Therefore, the common feature of the political programmes was that they promised to reduce the procedures to acquire a building permit for a proposed development and simplify it. Although simplification is the usual argument presented in support of the new changes in the legislation, it never materialises in reality. Only a few programmes (mostly of the left-wing parties) are inclined to notice the sustainability principles and encompass goals in accordance with the national spatial planning or regional policy.

One of the parties stated that 'spatial planning and politics should deliver the sustainable development of the municipality together' (Marot, 2010a, p. 168); however, the actual situation does not confirm the claim. On average, spatial planning is not high on the political agenda and presents more of a barrier than true motivation for the politicians. In reality, mayors often influence planners' decisions, meaning that municipal planners have less power to actually tailor the development. Instead, they just execute it according to the prevailing political will.

The legitimacy criterion was only partially met; this time, municipalities evaluated it higher than the companies did. Municipalities are more accepting because legislation defines their work, while the companies that are actually supposed to deliver the content of the act are deemed to be more negative, based on their experience.



The criterion of **transparency** was selected as relevant to support the argument of the poor exchange of information and deliberation in the planning process, including adoption of the legislation. Transparency is not only relevant in the legislative process but is especially important in its implementation. It can only be guaranteed if actors have been provided with all the information and materials available for decision making, and the final result presents the agreement of equally considered opinions of actors. Municipalities and companies assessed this criterion as partially achieved. The planning process was more open in the former legislation, which introduced the instrument of the planning conference at the very start of the process, now only public hearing and public display of plans are scheduled after the supplemented draft of the plan is available already (after approximately two thirds of all the steps in the process).

The level of public participation in Slovenia is low, and in the case of the municipal land use plan preparation, it only reaches consultation (public hearing), the second level on the five-level scale of the International Association for Public Participation (IAP2). Nonetheless, modern public communication techniques are recognised (there is an online interface of adopted municipal plans); public hearings are traditionally announced in newspapers and on billboards.

Some planning companies have introduced alternative techniques to engage local people, such as workshops, public lectures, project councils and others, which compensate for the insufficient capacity of the local communities to carry out the public participation techniques when required. Most advanced municipalities have introduced the supervisory board, which consists of planning experts to support the municipal council and the mayor in case of planning decisions. Another positive example is the preparation procedure of the national detailed plans (large infrastructure projects), innovatively consulting the public from the first phase onwards.

Over the last five years, some public initiatives have arisen, including both the onetime 'association' in the case of not in my back yard effect and the more durable association, officially designated as the non-governmental organisation or the movement. Such is the case of the group called 'For more responsibility towards the territory', which has gained the status of the official spokesperson of civil society in cases when the legislator requires their opinion or in situations for which the group decides that reaction should be given. The group joins university planning schools, planning companies, the research institute representative and other relevant stakeholders. One of their activities also includes positive, yet argument-supported media coverage of the planning. Generally, although public participation is not necessarily practised every day, the survey participants positively comprehended and recognised it as important for democratic solutions and better provision of the territorial development.

**Sustainability** was added to the criteria to cover the territorial dimension of legislation. Planning legislation should support sustainable development, which meets human needs not only in the present, but also for future

generations. Besides the planning law, the environmental aspects are also addressed through the strategic environmental impact assessment and environmental report which according to the Environmental Protection Act (ZVO-1, 2004) represents an account or statement, usually in writing, describing in detail events, situations or conditions pertaining to the ecosystem, its natural resources or any of the external factors surrounding and affecting human life and is part of the planning process. Since planning acts include sustainability and other, principles, as well as define the objectives of the planning system, this criterion was assessed with the highest estimation, equally by municipalities and planners. However, the problem of the inconsistency of the legal provisions with actual practice is noticeable. While politicians preach about the sustainability and rational use of the territory (both also integrated into the policies), their decisions and recent developments (e.g., extensive suburbanisation, continuous degradation of dilapidated areas and absence of modern mobility nodes) do not necessarily support their words. Thus, the criterion is only partly met, because even though the legislation defines the framework for sustainable development well, it fails to deliver it.

## Discussion with Conclusion

In this article, we have tried to reveal the factors that shape the Slovenian planning system in the present and the legislation's role among them. There is greater focus on the important cultural aspects that influence how the planning system is tailored, including the values existing in the system (locally and regionally entrenched traditions of action), acknowledgement of the legislation, participation in the planning processes and others (see also Marot, 2011).

The research has shown similar but more detailed results than those of the study of Maier (2012), who presented the deficiencies of the new member states' planning systems. One such finding is the delay in the application of the sustainability concept, although compared to Poland (Zaucha, 2007; Marot and Cernic Mali, 2012), where the concept is not so widely recognised, Slovenia shows a different pattern. The national policies and non-governmental organisations' alternative policies all include the sustainability concept; the same is true with the national detailed plans for large infrastructure (Golobič et al., 2014). The problem appears to be in the transfer of the principle into politically spurred actions and actual development. While one could argue that this is the result of the lack of human capacity on the local level (Marot, 2010b), the hierarchy of actors and the power relations established in the local communities' administrations strike one as more influential. As defined in the law, municipal planners have little influence on the municipal council's final decision on the land use plan; hence, their professional opinions are often perceived as undesired and unnecessary. Outside municipal administrations, planning





professionals compete with one another, offering their services to municipalities, regions or developers in the market. It depends on the company and the person placing the order, but sometimes, to succeed in competition, they must satisfy the wishes of their clients, who may or may not represent the community's interests (Maier, 2012).

As shown in the ESPON (2006) study, the planning systems of European countries cannot be classified solely on their locations and histories but also depend on the epistemic community of an individual member state. While the Slovenian planning system had been recognised as advanced before the country's independence, a political need to establish the farthest distance possible from its socialist past has hindered more than supported the transition. The planning culture, once derived from the socialist value system and the idea of common goods, has been forgotten and overshadowed by the need to absorb the EU legislation and follow the Western approach to planning.

While in agreement on the conceptual level, the planning community in Slovenia is struggling to transfer this knowledge into practical solutions. As suggested by Pallagst (2006), another solution would be to form a new epistemic community with the CE countries and integrate the common past and historical background into it. This approach might also help the country gain importance, become a more relevant advocate in the EU planning area and set the foundation for the new, post-socialist planning culture.

Networks and events, such as the meeting of the SpACE-Net in Dresden (2013), offer reflections on the planning systems of CE countries and show that although sharing a common past, the countries are taking different paths and are somehow presenting 'the lab' for observing the processes of transforming their respective planning systems. Compared to other countries, in Slovenia, the profession of planners is not so neglected as in Lithuania, for example (Staniunas, 2009); the procedures integrating the environmental aspects into the planning processes are similar to those in the Czech Republic, and the research on planning has been lately supported by the state only to a limited extent, as is the case in Hungary (Pálmai, 2013). A factor that mostly impacts the legitimacy of the whole system is the approach to tackle illegal construction projects. Numerous attempts have been made to find the solution; however, the governments are still inclined towards the legalisation solution. This means that the neighbourhoods that were built without proper infrastructure would gain the same status as the ones in which inhabitants were charged with the full price of the utility provision.

Comparing the countries, we have come to the question of the Europeanisation of planning. Although not governed on the EU level (but steered through environmental legislation), 'many planning systems are undergoing similar types of changes, despite the fact that the underlying model of society and the nature of the planning

systems are quite different' (Stead and Nadin, 2009, p. 283). Therefore, in the legislation preparation process, Slovenia should also focus more on finding the proper solution for the planning system, harmonised with the values, knowledge and territorial potential of the country. For now, led by the EU legislation, the sectors are taking over the territorial dimension of the policies and accepting the decisions that should fall under the discretion of the planning sector.

The research has shown that the new legislation only yields results in the form of the changes in the planning system, if prepared in resonance to it. Additionally, one person's ability to constantly adapt to new changes is limited and should be planned in the system's reestablishment. Therefore, legislators' activities should not only focus on adopting the legislation, but also promote it by various measures, including public relations campaigns on the importance of qualitative territory and sustainable solutions. To conclude, in order to bring Slovenia closer to the most advanced democratic planning systems that integrate various stakeholders into decision making and tailor the space on the basis of the people's needs, as exemplified by the Netherlands (Zonneveld, 2005), the Slovenian system should undergo the following transformations:

- reestablish the vertical co-operation of national, (regional) and local administrations in the case of planning (also argued by Andreou and Bache, 2010);
- reinforce strategic planning;
- integrate the stakeholders (the public and various sectors) further and better;
- invest in improving the stakeholders' capacities in terms of methods, planning instruments, etc.; and
- distance itself from the notion that only change in the legislation can result in the actual change of the planning system and practice.

## References

- Adams, N., Cotella, G., Nunes, R. (Eds.), 2012: **Territorial Development, Cohesion and Spatial Planning: Building on EU Enlargement**. Routledge, London and New York.
- Andreou, G., Bache, I., 2010: **Europeanization and multi-level governance in Slovenia**. Southeast European and Black Sea Studies, 10, p. 29–43.
- Blagajne, D., Šantej, B., 2001: **Študija izvajanja prostorske zakonodaje o urejanju naselij, stavbnih zemljišč in graditve objektov**. Elaborat, Inštitut za pravo okolja, Ljubljana.
- Bowen, G.A., 2009: **Document analysis as a qualitative research method**. Qualitative Research Journal, 9, p. 27–40.



- Cotella, G., Adams, N., Nunes, R.J., 2012: **Engaging in European Spatial Planning: A Central and Eastern European Perspective on the Territorial Cohesion Debate**. *European Planning Studies*, 20 (7), pp. 1197–1220.
- Council of European Communities, 2001: **White paper on European governance**, COM(2001) 428 final. Brussels.
- Commission of the European Communities, 2002: **Communication from the Commission on impact assessment**, COM(2002) 276 final. Brussels.
- CULTPLAN, 2006: **Planning as Culture in Europe**. *Planning Practice & Research*, 21, 395-396.
- Davoudi, S., 2005: **Understanding territorial cohesion**. *Planning Practice & Research*, 20, 433–441.
- Dühr, S., Colomb, C., Nadin, V., 2010: **European spatial planning and territorial cooperation**. Routledge, London and New York.
- DUPPS – Društvo urbanistov in prostorskih planerjev Slovenije, Društvo krajinskih arhitektov Slovenije, UL FGG, UL BF, Zveza geodetov Slovenije, UI RS, 2007: **Skupno stališče o predlogu ZPN-ja za širšo javnost**. Uradni poziv, Urbanistični inštitut RS, Ljubljana.
- ESPON, 2006: ESPON project 2.3.2: **Governance of Territorial and Urban Policies from EU to Local Level**. Final report. ESPON, Luxembourg.
- Faludi, A., 2007: **Territorial Cohesion Policy and the European Model of Society**. *European Planning Studies*, 15, 567–583.
- Faludi, A., 2010: **European spatial planning: Past, present and future**. *Town Planning Review*, 81, 11–22.
- Getimis, P., 2012: **Comparing Spatial Planning Systems and Planning Cultures in Europe. The need for a Multi-scalar Approach**. *Planning Practice & Research*, 27(1), p. 25–40.
- Golobič, M., Marot, N., Bantan, M., Hočevar, I., Hudoklin, J., 2014: **SPRS2030 – Analiza izvajanja v Strategiji prostorskega razvoja Slovenije predvidenih programov in ukrepov**. Sklepno poročilo. (SPRS 2030 – Analysis of implementation of the Strategy of the Spatial Development of Slovenia. Final Report.), Univerza v Ljubljani.
- Haček, M., Bačlija, I., 2009: **The administrative capacity of Slovenian municipalities**. *Lex localis*, 7, 3, p. [307]–327.
- Innes, J., 1996: **Planning through consensus building**. *Journal of American Planning Association*, 62, 4: 460–472.
- Jacobs, S. H., 2007: **Current trends in the process and methods of regulatory impact assessment: mainstreaming RIA into policy process**. In: Kirkpatrick, C., Parker, D. (eds.). *Regulatory Impact Assessment. Towards Better Regulation?* Cheltenham: Edward Elgar Publishing Limited: 17–35.
- Knippschild, R., 2011: **Cross-border spatial planning: Understanding, designing and managing co-operation processes in the German-Polish-Czech Borderland**. *European Planning Studies*, 19 (4), pp. 629–645.
- Leech, N.L., Onwuegbuzie, A.J., 2007: **An Array of Qualitative Data Analysis Tools: A Call for Data Analysis Triangulation**. *School Psychology Quarterly*, 22, p. 557–584.
- Maier, K., 2012: **Europeanization and Changing Planning in East-Central Europe: An Easterner's View**. *Planning Practice & Research*, 27 (1), p. 137–154.
- Marot, N., 2010a: **An Assessment of the Role Spatial Planning Legislation in the Slovenian Spatial Planning System**. Ljubljana, Faculty of Civic and Geodetic Engineering.
- Marot, N., 2010b: **Planning capacity of Slovenian municipalities**. *Acta geographica Slovenica*, 50(1), 131–157.
- Marot, N., 2011: **New planning jurisdictions, scant resources and local public responsibility**. In: *Territorial Development, Cohesion and Spatial Planning: Knowledge and Policy Development in an Enlarged EU*, 46, 178.
- Marot, N., Cernic Mali, B., 2012: **Using Potentials of Post-Mining Regions—A Good Practice Overview of Central Europe**. 2012). *Post-Mining Regions in Central Europe—Problems, Potentials, Possibilities*. Oekom, Munchen, 130-147.
- OECD, 2005: **Guiding Principles for Regulatory Quality and Performance**. Internet: <http://www.oecd.org/dataoecd/24/6/34976533.pdf> (29. 7. 2009). Pallagst, K., 2006: **European spatial planning reloaded: considering EU enlargement in theory and practice**. *European Planning Studies*, 14(2), p. 253–272.
- Pálmai, Z., 2013: **2007-2013: Hungarian Multi-level Governance With or Without Regions?** In: Pálné Kovács, I., Scott, J. & Gál, Z. (eds.) *Territorial cohesion in Europe. For the 70th Anniversary of the transdanubian Research Institute*, p. 455-466.
- Pálné Kovács, I., Scott, J., Gál, Z., 2013: **Territorial cohesion in Europe**. For the 70th Anniversary of the transdanubian Research Institute. Pécs: Institute for Regional Studies, Centre for Economic and Regional Studies, Hungarian Academy of Science.
- Patton, M.Q., 1999: **Enhancing the quality and credibility of qualitative analysis**. *Health Services Research*, 34, 1189-1208.
- Pogačnik, A., 2007: **Urejanje prostora po novem (Ali smo z novim zakonom dobili priložnost za bolj dinamičen in občanom prijaznejši razvoj v prostoru?)**. *Urbani izziv*, 18, 1/2: 118–121. Pogačnik, A., Lamovšek, A.Z., Drobne, S., 2009: **A proposal for dividing Slovenia into provinces**. *Lex Localis*, 7, 393–423.
- Prebilič, V., Bačlija, I. 2013: **Dynamics of administrative capacity in Slovenian municipal administrations**. *Lex localis*, 11, 3, 545-564.
- Ravbar, M., 2004: **Regional development in the regional division of Slovenia**. *Regionalni razvoj v pokrajinski členitvi Slovenije*. *Acta Geographica Slovenica*, 44 (1), 7–24.



Ravbar, M., Bole, D., 2003: **Sistem urejanja prostora. Zaključno poročilo.** Geografski inštitut Antona Melika, Ljubljana.

Reimer, M., Blotevogel, H. H., 2012: **Comparing spatial planning practice in Europe: A plea for cultural sensitization.** Planning Practice and Research, 27(1), 7–24.

Sale, J.E.M., Lohfeld, L.H., Brazil, K., 2002: **Revisiting the quantitative-qualitative debate: Implications for mixed-methods research.** Quality and Quantity, 36, 43–53.

Staniunas, E., 2009: **Remarks on the Features of Lithuanian Planning Culture.** In J. Knieling, & F. Othengrafen (Eds.), International Symposium Planning Cultures in Europe (pp. 139–151).

Statistical Office of the Republic of Slovenia, 2010: **Data on the municipality area and population.** Internet: www.stat.si (14. 3. 2010).

Stead, D., Nadin, V., 2009: **Planning cultures between models of society and planning systems.** Planning Cultures in Europe. Decoding Cultural Phenomena in Urban and Regional Planning. Ashgate, Aldershot, 283–300.

Waterhout, B., Mourato, J., Böhme, K., 2007: **The impact of Europeanization on planning cultures.** In J. Knieling, & F. Othengrafen (Eds.), International Symposium Planning Cultures in Europe (pp. 239–255).

Tatzberger, G., Schindegger, F., 2008: **Challenges and experiences of working for the planners network for central and South-East Europe.** DISP, 172(1), pp. 74–84.

**Zakon o urejanju prostora (ZUreP)**, 1984: UL SRS št. 18/1984, Ljubljana.

**Zakon o urejanju prostora (ZUreP-1)**, 2002: Uradni list RS 110, Ljubljana.

**Zakon o prostorskem načrtovanju (ZPNačrt)**, 2007: Uradni list RS 33, Ljubljana.

Zavodnik Lamovšek, A., 2003: **Prostorsko planiranje na poti k sistemski ureditvi.** Urbani izziv, 14, 1: 15–20.

Zaucha, J., 2007: **Is spatial planning a driver for sustainable development in Poland?** Planning Practice and Research, 22 (3), pp. 463–471.

Zonneveld, W., 2005: **In search of conceptual modernization: The new Dutch “national spatial strategy”.** Journal of Housing and the Built Environment, 20 (4), pp. 425–443.





## THE ROLE OF THE FEDERATION IN THE SPATIAL PLANNING ACCORDING TO THE FEDERAL SPATIAL PLANNING ACT (SECTION 17 § 1-3 ROG)

### Introduction

The world population grows quickly, which goes hand in hand with an increasing demand for space to use for living and agriculture. This requires an effective, future and environmental- oriented spatial planning (Raumplanung) not only in Germany. Land fulfills different functions and is e.g. used for social and economic purposes. To balance and coordinate these functions it is necessary to draw up spatial plans and enhance the cooperation between the federal government and the states (Länder). The Federal Spatial Planning Act (Raumordnungsgesetz, ROG) amended in 2008 plays a relevant role in the realization of these goals.

Especially section 17 ROG caused several changes in the process of spatial planning and the distribution of powers between the federation and the states. This article shall present new regulations concerning the part of the federation in spatial planning.

It will start with some general information about section 17 and go on with the changes of the role of the state in spatial planning. After that it will come to each paragraph in particular as well as to a brief explanation of the offshore wind energy generation and network expansion, before a conclusion is drawn.

### General Information

The German system of spatial planning administration has four levels. All spatial planning in Germany has to consider the EU spatial planning. Based on the EU planning are the various planning levels in Germany: the federal spatial planning (Bundesraumplanung) that contains provisions for state spatial planning; the state spatial planning (Landesplanung) including plans for the territory of a state as well as regional plans covering specific regions in a state; and the regional planning (Regionalplanung) which is spatial planning for subdivisions of states. The last level is the urban land-use planning by local authorities which may be preparatory or binding (Pahl-Weber, Henckel, 2008, p. 38, 41).

All spatial planning is interlinked by the "mutual feedback principle" (Gegenstromprinzip) in accordance with section 1 § 3 ROG. The principle means that local, regional and supra-local planning have to consider and thus influence each others requirements when putting up their planning. Figure 1 illustrates the mutual feedback principle and the planning system in Germany.

Mutual feedback principle

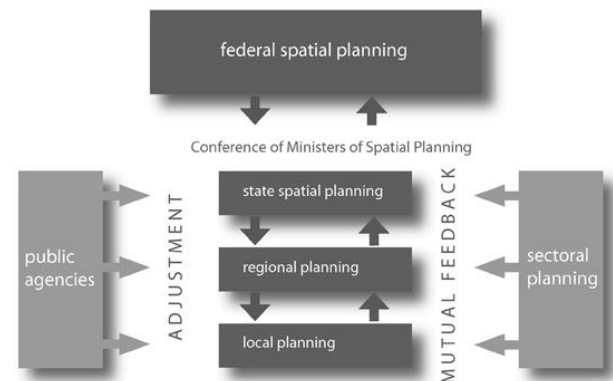


Fig. 1: The Mutual Feedback Principle. (Source: ARL 2005)

Section 1 § 1 first sentence ROG lists planning instruments which are the comprehensive, supra-local spatial plans, cooperation concerning spatial planning as well as the coordination of spatially relevant plans and activities (Runkel, 2010, § 1 marginal no. 56). The spatial plans are the key instruments of spatial planning and shall consider the goals and principles of spatial planning listed in section 2 ROG.

After the federalism reform of 2006, a new ROG was adapted in 2008. The new section 17 the changed the role the federation plays in spatial planning by introducing new paragraphs. The following paper investigates the part the federation has in spatial planning after the new law was adapted.

### Principles of spatial planning In section 2 § 2 ROG

The following passages explain the meaning and the single requirements of section 17 § 1 ROG. In order to create a better understanding of the text and the spatial planning in Germany it is necessary to summarize briefly at least some of the principles of spatial planning which are listed in section 2 § 2 ROG.

The principles are general topics focusing on development, structuring and securing in spatial planning. They are to be considered in discretionary decisions as well as in the process of weighing interests. The states give specific form to the principles or add new ones and adapt them to the requirements of their regions.



The specification shall be according to section 2 in pursuit of sustainable spatial development (Pahl-Weber, Henckel, 2008, p. 227, 228).

In contrast to the goals of spatial planning some principles may be prior to the others in an individual case. In other cases the weighing can be different. So when the principles are mutually there can be a principle with lower priority that steps back behind the others (Deutsch, 2010, p. 1523).

The principles in particular are listed in section 2 § 2 No. 1-8 ROG. Issues named in the section are for example the aim for economical, social, cultural and infrastructure-related balanced conditions in Germany in number one. This number furthermore requires a sustainable economic growth, essential public services and conserving of resources. These functions are to be fulfilled in all regions in Germany.

Number two of section 2 § 2 ROG contains the protection of characteristic diversity of the entire territory and its individual regions. To reach these goals and enable the regions to perform the tasks assigned to them a cooperation between the regions shall be achieved. Thereby the central-place system (Zentrale Orte System) is to be considered, so that the settlement activities have to focus especially on central places. The planning shall protect open spaces and set limits to land take and land use in the open spaces. Number six of section 2 § 2 ROG aims on the spatial guarantee or restoration in account of its importance for the efficient functioning of soils, water balance, flora and fauna and the climate. Economic and social uses of space have to be developed by considering its ecologic functions, natural assets are to be used sparingly and ground water sources are to be protected. Moreover the development of hitherto open spaces shall be reduced and flood risk protection as well as clean air and noise control are to be guaranteed. At last number six requires climate protection and in this regard the securing of conditions for the development of renewable energy and efficient energy use. A concretization of that could be energy saving.

### **Presentation of the content of section 17 and its new planning types**

According to section 17 § 1 ROG the German Federal Ministry of Transport and Digital Infrastructure has the task to give specific form to the principles of section 2 § 2 ROG in a spatial plan for the national territory. In doing so, the spatially relevant plans and measures of the European Union and its Member States are to be taken into account.

The next paragraph contains regulations for cross-state locational concepts, which are concepts for places that are located in different states (länderübergreifende Standortkonzepte) concerning seaports, inland ports and airports.

These concepts form the basis for the Federal Transport Infrastructure Plan (Bundesverkehrswegeplan) that aims to ensure a transport connection of sea-, inland- and airports in Germany. The plan based on section 17 § 2 ROG only has to be drawn up if necessary for the spatial development of the national territory.

The third paragraph obligates the German Federal Ministry of Transport and Digital Infrastructure to draw up a spatial plan for the German Exclusive Economic Zone (EEZ). This plan has no effect on subsequent state planning, it determines the spatial structure in the German EEZ in accordance with international provisions, though (Runkel, 2010, § 17 marginal no. 3). Plans based on section 17 § 3 ROG may contain goals for wind energy generation, shipping, production of raw materials, protection of maritime environment as well as undersea cable and pipelines (Runkel, 2010, § 17 marginal no. 39).

The German EEZ is located in the North- and Baltic Sea between 12 and 200 nautical miles from the coast. It does not belong to Germany's territory, whereas the coastal areas do.

### **The part of the federation in spatial planning: the competences of the federation**

In 2006 the constitution-changing law, that gave new structure to the relationships between German states, authorized the federation to adapt the Federal Regional Planning Act (ROG), which was amended in 2008. Before 2008 the federation had according to the Federal Constitutional Court (Bundesverfassungsgericht, BVerfG), only the competence for framework legislation in two aspects, which are a general competence in article 75 § 1 first sentence No. 1 of the former version of the Basic Law (Grundgesetz, GG), which referred to the spatial planning of the states and a competence for spatial planning in the national territory. Both were based on exclusive unwritten legislative competences (ungeschriebene Gesetzgebungskompetenz) resulting from the nature of the matter. Also the Federal Regional Planning Act in 1965 and 1997 referred to these conditions (Bartram, 2012, p. 33). After the federalism reform the spatial planning became part of the concurrent legislation (konkurrierende Gesetzgebung) according to article 74 § 1 No. 31 of the Basic Law, which means that the states only have the legislative competence unless the federation does not use its right for legislation. The federation settles the fundamental issues of spatial planning, from which the states may derogate, though (Pahl-Weber, Henckel, 2008, p.191).

Furthermore in 2008 the spatial plans based on section 17 § 1 and 2 ROG were introduced. Section 18a of the former version of the German Regional Planning Act was changed. In 2008 a similar regulation about spatial plans in the German EEZ entered into force.



After the federalism reform the federation is authorized to draw up three different types of spatial structure plans: a plan to specify different principles of spatial planning (section 17 § 1 ROG), a plan for cross-state locational concepts for seaports, inland- and airports (section 17 § 2 ROG) and a plan for the German EEZ (section 17 § 3 ROG) (Spannowsky, 2011, p. 22).

All in all the states still have competence to draw up spatial plans, whereas the federation plays the role of a participating party to the proceedings. The federation still has its rights in accordance with section 5 ROG, which are the participation and the objection.

The spatial plans of section 17 ROG aim to close the gaps in planning, that cannot, even in concern of the mutual feedback principle, be closed by the state planning. This is especially important in view of plans for the German EEZ that does not belong to any of the states. This is why the federation has to set up the plan. The plans of the federation are also necessary for the Federal Transport Infrastructure Plan, in order to achieve a systematic and uniform transport planning (Runkel, 2010, § 17 ROG marginal no. 1, 2).

## **The spatial plans of the federation in detail**

### **THE PLAN IN SECTION 17 § 1 ROG**

In the plan based on section 17 § 1 ROG the Federal Ministry of Transport and Digital Infrastructure may specify different legal principles of spatial planning in accordance with section 2 § 2 ROG (Spannowsky, 2011, p. 15).

This plan can only contain a limited number of aspects, for instance principles of spatial planning. It may not define goals of spatial planning (Koch, Hendler, 2009, p. 117). Its purposes are the concretization of principles of spatial planning, the coordination of measures and planning and the service function. Moreover the plan is to ensure the influence of planning principles in following planning procedures. Even though the spatial planning is mainly task of the states, it is in the competence of the federation to draw up spatial plans for the entire national territory as the states' competence is limited to their own territory (Spannowsky, 2011, p. 15, 16).

The plan based on section 17 § 1 ROG is very similar to a technical advice of an expert. It gives concrete form to the principles of section 2 § 2 ROG for the national territory or a part of it. This plan is a functional plan for only a part of the national territory (sachlicher Teilplan) in accordance with section 7 § 1 sentence 2 ROG. Due to its limited binding effects an assessment of environmental impacts (Umweltverträglichkeitsprüfung) in accordance with section 9 ROG is not necessary (Runkel, 2010, § 17 marginal no.3, 4). The Strategic Environmental Assessment (Strategische Umweltprüfung) is a systematic audit procedure. It provides guidelines for identification,

description and evaluation of impacts on the environment which can be caused by planning and programs. It was introduced by the European Directive 2001/42/EC (Pahl-Weber, Henckel, 2008, p.256). These assessments, which have to be conducted during transport planning, energy strategy planning and urban land use planning, help to identify and reduce the negative effects of planning on the environment in an early stage of planning (Kümper, 2014, p. 74).

The Federal Ministry of Transport and Digital Infrastructure is not required to draw up such a plan, which is to be seen by the use of the word „can“ in section 17 § 1 ROG.

### **COMPETENCES AND LIMITATIONS**

The federation may not conduct any planning decisions for the states. It shall only take into account the current knowledge, forecast new developments and implement them in the plan. So the plan is to exemplify and illustrate the principles listed in section 2 § 2 ROG concerning spatial and temporal aspects. The final weighing of interests is task of the states. Therefore the federal planning may not interfere in the planning of the states by setting concrete requirements or conducting replacement planning. (Runkel, 2010, § 17 marginal no. 7, 8).

#### **Examples of these limitations are:**

Issues that do not concern the entire national territory. They may not be defined by the federation, as it would mean an interference in the spatial planning of the states. An example for competence of the federation is the concretization of flood prevention concerning rivers that flow through more than one state.

Besides the federation may not give a concrete form to all aspects but only a few of them and it has to consider the weighing of the issues for that matter.

Other limitations are the need for the concretization and the prohibition of disproportional measures. Furthermore the federation is not permitted to draw up plans, if the EU has already performed an exhaustive legislation on the topic, if there is no need for the plan or if it contains too many details and therefore interferes in matters of the state (Spannowsky, 2011, p. 54, 55).

Considering these limits there are only few fields left in which the state may give specific form to principles of spatial planning.

1. definition of minimum standards concerning the central place system model (Zentrale-Orte-Modell), whereat central place system means to spatially concentrate the settlement activity (Koch, Hendler, 2009, p.45), to classify settlements by their size and infrastructure and, based on that, to give them different tasks for example concerning services of general interests
2. creation of a free space compound system concerning habitat networks and passages





3. “development of protection of national important critical infrastructures” (Spannowsky, 2011, p. 20)
4. preventive planning concerning flood protection if beyond HQ100 a long-term precaution is required
5. establishment of an integrated traffic system
6. precautionary protection, investigation and production of location-bound raw materials (Spannowsky, 2011, p. 19, 20).

### **THE CONSENT WITH RESPONSIBLE INSTITUTIONS, DUTY INFORM THE STATES AND CONSIDERATION OF EU PLANNING**

In order to increase the acceptance of the plans there are some procedural requirements to be met.

First the responsible ministries have to accept the plan at the beginning of the procedure. That means that the process requires coordination with the ministries. They have a veto position and therefore can prevent the concretization of principles (Spannowsky, 2011, p. 50).

Moreover there is a requirement to consult and inform the higher state authority during the Conference of Ministers of Spatial Planning (Ministerkonferenz für Raumordnung, MKRO) before the plan is implemented, according to section 26 §. 1 and 4 ROG. Therefore the plan shall be discussed in the MKRO. This process step is due to the mutual duty of consideration. Its outcomes are to be taken into account when giving concrete form to the principles of spatial planning. Furthermore before drawing up the plan the spatially relevant plans and measures of the EU and its member states is to be included and the concerned parties are to be consulted if the planning can affect them directly (Spannowsky, 2011, p. 50).

### **PROCEDURE OF DRAWING UP THE PLAN**

The procedure starts when the MKRO accepted the plan. The Federal Office of Building and Regional Planning (Bundesamt für Bauwesen und Raumordnung, BBR) shall perform the preliminary process steps in cooperation with the Federal Ministry of Transport and Digital Infrastructure. Several parties need to be involved during this process according to section 18 ROG. The ministries have to be party to the proceedings whereas the states only have the right to comment on the plan (Spannowsky, 2011, p. 51).

Regulations of section 18 ROG are for example the public display of the plan at least for one month at which everybody is entitled to make recommendations. All required information and documents have to be provided to public bodies that are concerned by the plan.

After these requirements were met, the German Federal Ministry of Transport and Digital Infrastructure adopts the plan. It enters in to force with its publication in the Federal Law Gazette (Bundesanzeiger) (Koch, Hendler, 2009, p. 117).

### **BINDING EFFECT OF THE PLAN**

The legal binding effect of the plan is similar to the binding effect of the principles of spatial planning, which means that the states have to take them into account when drawing up their spatial plans. Therefore the plan is directed at carriers of subsequent planning. (Spannowsky, 2011, p. 16).

It is controversial though, if the state is permitted to define in detail the weight of each singular aspect for the subsequent weighing of interests and the subsequent discretionary decisions. Mr. Runkels opinion is that the plan of the state cannot have the required profundity to define the weighing (Runkel, 2010, § 17 marginal no. 22). On the other hand it might be necessary to lay down such regulations as the plan has a control function and shall determine uniform guidelines for the entire territory. b) The plan in section 17 § 2 ROG

The plan in accordance with section 17 § 2 ROG, which is drawn up by the federation, concerns the cross-state locational concepts for sea-, inland and airports. Despite its impacts on the entire German territory, the content and legal binding effects are limited. Even if it may define principles and goals of spatial planning it cannot include anything apart from provisions about sea-, inland-, and airports. Furthermore the plan has to be required for the spatial development with regard to national and European aspects (Koch, Hendler, 2009, p. 117).

The section 17 §. 2 ROG had been very controversial when the Federal Regional Planning Act was passed. The states argued against it since they wanted to remain independent in the field of transport planning. Critics also argued that cross-state plans drawn up by the federation might lead to a planning that is not market-based and too much influenced by the government. However, as the plan only has legal binding effect on the federal government it does not interfere in the planning of the states in the end (Goppel, 2011, p. 438).

### **Content and connection to the Federal Transport Infrastructure Plan**

Content of plans in accordance with section 17 § 2 ROG should be a stock taking and classification of existing locations such as air- or seaports. Their importance for the German economy shall be assessed then. That step helps to predict the future importance of the location that shall be connected.

Besides the existing infrastructure connecting the locations and the further actions are to be evaluated. This evaluation forms the base for the cross-state locational concepts (Runkel, 2010, § 17 marginal no. 26, 27).

The plan based on section 17 § 2 ROG provides information about the ports in particular that are to be connected. Therefore its aim is to set up a total concept for the transport planning (Goppel, 2011, p. 439).



### Legal binding effects

The plan's binding effect is only to the federation itself concerning the Federal Transport Infrastructure Plan but not to the states. This plan forms the basis for the Federal Transport Infrastructure Plan and has to be taken into account by the Federal Ministry of Transport and Digital Infrastructure. The plan should be drawn up before the production of the Federal Transport Infrastructure Plan, otherwise an adaptation of both of them might be necessary to achieve the goals of the plan (Albrecht et al., 2012, marginal no. 22).

### Need for the spatial development and plan preparation

Section 17 § 2 ROG contains a limit for drawing up spatial plans: they can only be drawn up as far as the spatial development of national territory in consideration of European aspects requires it. The decision about which ports are to be connected is very important for the individual industrial location. Only ports that are connected with other locations, playing a role for the industry, can stay competitive in a globalized environment. The planning for cross-state locational concepts for sea-, inland and airports has also importance for the efficient allocation of public funds which necessitates the coordination of transport planning by states and federation (Albrecht et al., 2012, marginal no. 19, 21).

During the planning process the Federal Ministry of Transport and Digital Infrastructure performs the planning steps itself. The plan is in form of an ordinance. The explanatory memorandum for the plan has to be published. Furthermore a Strategic Environmental Assessment (SEA) in accordance with section 9 ROG is necessary. Furthermore a Strategic Environmental Assessment for Transport Infrastructure Planning at federal level in accordance with section 19b UVPG and the involvement of several public institutions in the process in accordance with section 18 ROG is needed (Koch, Hendler, 2009, p. 117, 118). All of these conditions were introduced as part of the transition of the Directive 2001/42/EC.

According to the Directive 2001/42/EC of June 27 the Strategic Environmental Assessment means that the impacts that planning may have on the environment are to be assessed in several steps. First an environmental report, then consultations and the consideration of the environmental report as are needed. Besides the results of consultation and the provision of information about it are part of the assessment (Pahl-Weber, Henckel, 2008, p.256). Environmental impacts of planning are to be identified, described and evaluated. Public authorities and the general public are entitled to give recommendations on the draft plan and the environmental report. The comments have to be considered in the preparation of the plan. Spatial structure plans for example necessitate an environmental assessment, even those for the German EEZ (Albrecht, 2008, p. 161).

The Directive 2001/42/EC was also transposed into German law by the Act on Environmental Impact

Assessment (Gesetz über die Umweltverträglichkeitsprüfung, UVPG) (Pahl-Weber, Henckel, 2008, p. 38). Section 19b UVPG was introduced by the Act on the Introduction of Strategic Environmental Assessment and Implementation of Directive 2001/42/EG (Gesetz zur Einführung einer Strategischen Umweltprüfung und zur Umsetzung der Richtlinie 2001/42/EG, SUPG) in 2005. It requires a Strategic Environmental Assessment for Transport Infrastructure Planning at federal level. According to the article 2 lit. a) of Directive 2001/42/EC plans and programs covered by the directive are those, which are subject to preparation and/or adoption by an authority at national, regional or local level. The directive includes also plan „which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and which are required by legislative, regulatory or administrative provisions“. Appropriate to section 17 § 5 sentence 2 ROG an environmental assessment in accordance with section 19b UVPG has to be carried out during the process of drawing up the cross-state locational concepts for sea-, inland and airports. It is as well a preliminary step to the Federal Transport Infrastructure Plan which requires an environmental assessment appropriate to section 19b UVPG.

Section 18 ROG containing the involvement of several public institutions in the process refers to and modifies a few of the provisions in section 10 ROG. This section is partly based on Directive 2001/42/EC, that requires the public participation in the spatial planning processes according to its article 6. Section 18 ROG for example governs that the draft plan and the environmental report are placed on public display at least for one month.

### ADVANTAGES OF THE PLAN

An advantage of the spatial plan in accordance with section 17 § 2 ROG is its transparency. Moreover due to the assessment of environmental impacts a balancing of public and private interests is conducted and representatives of the branch of transport can take part in the process. Besides the transport industry has planning security as they know which locations will be connected (Runkel, 2010, § 17 marginal no. 27). The production of a total concept for transport planning ensures the efficiency of the connections that are going to be built. This connection increases the competitiveness (Goppel, 2011, p. 439). c) The plan in section 17 § 3 ROG

### General facts, importance and difficulties of the plan

In contrast to the coastal waters, which are up to 12 nautical miles from the coast, does the German EEZ not directly belong to the German Territory, which is why the state has only limited rights and obligations (Erbguth, 2011, p. 374).

There are some facts that complicate drawing up a spatial plan for the German EEZ: Similar to the planning for land areas there are many different ways to use the sea areas in the German EEZ, that have to be balanced,



The sea areas are used for example for wind energy generation, production of raw materials, shipping and fisheries. Moreover the legislative competence in spatial planning vested in the federation is limited by the United Nations Convention on the Law of the Sea.

The sea is subdivided in three dimensions of maritime spatial planning: the surface, water column and sea bed. The three of them have different protection requirements that are to be taken into account when drawing up the spatial plan (Runkel, 2010, § 17 marginal no. 37, 38).

To coordinate these forms of land use it is necessary to draw up a spatial plan for the German EEZ. According to section 17 §. 3 ROG the Federal Ministry of Transport and Digital Infrastructure is responsible for that plan. This plan shall contain specifications concerning economic activities and scientific research, safety and efficiency of shipping and the protection of the marine environment. Instead of only one spatial plan for the German EEZ, the federation draw up two plans. The first spatial plan for the German EEZ in the North Sea entered into force on 26 September 2009, (AWZ Nordsee-ROV, 22.9.2009, BGBl. I S. 3107) the one for the Baltic Sea on 19 December 2009 (AWZ Ostsee-ROV 10.12.2009, BGBl. I S. 3861).

#### **CONTENT AND GUIDELINES OF THE SPATIAL PLAN FOR THE GERMAN EEZ**

There are several aspects that shall be taken into account in the process of planning. Examples are the advancement of offshore wind energy and shipping as well as an optimal use of space (Runkel, 2010, § 17 marginal no. 38). The plan's content shall be principles and goals of spatial planning for instance concerning shipping, generation of wind energy, undersea cable and production of raw materials as sand. Furthermore there are priority areas for shipping as well as for wind energy generation and undersea cable, which can be used to transport energy from offshore wind parks to the coast (Bartram, 2012, p. 29).

The plan may contain each of the regional planning area categories listed in section 8 § 7 ROG. This are for a fist the Priority Areas (Vorranggebiete), in that a certain kind of use or function is preferential towards others (Pahl-Weber, Henckel, 2008, p. 228). Secondly there are Reserve Areas (Vorbehaltsgebiete), in this areas specific use or function shall get more importance in the process of weighing the interests than others (Pahl-Weber, Henckel, 2008, p. 241). Furthermore there are Suitable Areas for Development (Eignungsgebiet), which means that some areas, that are not covered by a binding land use plan, are declared to be suitable for certain types of developments or measures. Therefore these types of development or measures may only be carried out in these suitable areas (Pahl-Weber, Henckel, 2008, p. 258).

#### **PLAN PREPARATION, SEA AND BINDING EFFECT**

The Federal Ministry of Transport and Digital Infrastructure draws up a draft plan with an explanatory memorandum and an environmental report. This report has to include the environmental objectives for the German EEZ in accordance with no. 1b of the annex to the ROG. The preparation of the plan is performed by the Federal Maritime and Hydrographic Agency (Bundesamt für Seeschifffahrt und Hydrographie, BSH) (Albrecht et al., 2012, marginal no. 53, 54).

The SEA and the public participation in accordance with section 18 ROG are part of the process as well. The methods of performance of the SEA in accordance with section 17 § 5 in connection with section 9 ROG are the same in land and sea areas, as there are no specific regulations for the assessment of planning impacts on the maritime environment (Albrecht, 2008, p. 161). The BSH is responsible for carrying out the SEA and the public participation (Albrecht et al., 2012, marginal no. 53). The SEA is a promising instrument to coordinate the different possibilities to use the sea with special consideration of environmental aspects (Albrecht, 2008, p. 168).

The monitoring of the effects on the maritime environment in accordance with section 9 § 4 ROG in the area of the North Sea of the German EEZ is realized by an international monitoring program.

The Federal Ministry of Transport and Digital Infrastructure performs a consultation with other concerned states. It also has to inform the responsible committee of the German Bundestag.

In the end of the process the Federal Ministry of Transport and Digital Infrastructure weights all concerned aspects and adopts the plan in form of an ordinance (Runkel, 2010, § 17 marginal no. 50-51).

There is no subsequent spatial planning of the states concerning the German EEZ which is why the plan has no legal binding effect on them and is no part of the planning hierarchy (Bartram, 2012, p. 29). The plan only has a legal binding effect according to section 4 § 1 and 2 ROG.

#### **THE TURNAROUND IN ENERGY POLICY AND OFFSHORE WIND ENERGY**

The nuclear disaster of Fukushima in 2011 reminded not only Germany but the whole world of the great risk caused by nuclear power plants. However, this was not the only reason for Germany to phase out nuclear power and advance the turnaround in energy policy (Energiewende) which is supported by 60 % of the Germans (Rolle, Rendschmidt, 2013, p. 68).

Counteractive measures against the climate change have to be taken as well. Germany set ambitious goals concerning the climate change: the emission of greenhouse gas shall be reduced by 2050 to 80 percent of the emission in 1990. The share of renewable energies in total consumption is planned to be increased to 18% (section 1 § 2 and 3 Renewable Energy Sources Act –





Erneuerbare- Energien- Gesetz, EEG). This also creates various problems as the discussion about how to achieve the turnaround in energy policy and how to distribute the high costs. As there is no nationwide framework for the planning concerning energies, it may come to conflicts in the planning of the states if they do not cooperate (Beveridge, Kern, 2013, p. 3, 4, 11). Furthermore it is necessary to expand the storages for energy and provide back-up generation as the amount of energy from renewables fluctuates highly. Important is also the promotion of wind energy (Beveridge, Kern, 2013, p. 8).

Renewable energies, especially wind energy require an expansion of the grid, as wind energy plants are often spread all over the county or even offshore (Buchan, 2012, p. 19). The advantages of offshore wind energy are for example a more powerful wind. Besides the areas which are nearer to the coast are already used for shipping, fishing and other activities (Albrecht, 2008, p.159). The expansion will take a lot of time, because there are many protests of people trying to prevent the federation from building grids near their homes (Buchan, 2012, p. 19) and since the spatial planning process in Germany is very complex. To simplify the planning process the federation passed the Grid Construction Acceleration Act (Netzausbaubeschleunigungsgesetz, NABEG) in which the states gave some of their competences to the Federal Network Agency (Bundesnetzagentur, BNetzA), so that the planning is at least to some extent in one hand (Buchan, 2012, p. 22). However, there are still problems to connect the offshore wind turbines with the grid.

One reason for the deceleration of network expansion was for instance the former version of the Energy Industry Act (Energiewirtschaftsgesetz, EnWG).

According to section 17 § 2a former version of the EnWG, the transmission network operator shall support the plant operator and is required to provide the network connection on his costs, no matter where the plant was built. As a consequence the legislator made the provision to draw up a network plan that lists places for multiple connections. The result of this regulation was that the network expansion still went on very slowly and there arose an uncertainty about the damage claims when the expansion is decelerated (Broemel, 2013, p. 408, 409).

With the amendment of the EnWG there is a right for grid access depending on the capacity needed according to the new section 17 a EnWG. Furthermore the spatial planning process concerning offshore grid expansions changed. Section 17 a EnWG requires a Federal Offshore Plan (Bundesfachplan Offshore), which contains the spatial arrangement of power plants and their connection to the grid (Broemel, 2013, p. 410). In a second step appropriate to section 17 b EnWG the transmission network operators have to draw up an Offshore Network Development Plan (Offshore Netzentwicklungsplan) every year to illustrate the required measures that shall ensure an expansion of grid. The plan contains priority areas for power grids and areas for wind generators. To implement the Offshore Network

Development Plan, section 17 d EnWG postulates a concrete obligation for the network operator to expand the grids to the wind power plants and a right for the operator of the plant to get connected (Broemel, 2013, p. 4011, 412). Moreover the operator of the plant has a claim for compensation based on section 17 e EnWG in case it is impossible to feed energy into the grid due to a defective connection (Broemel, 2013, p. 413). To avoid excessive burdens for the network operator that may arise because of the damage claims, section 17 f EnWG guarantees an equalization of burdens (Belastungsausgleich) (Broemel, 2013, p. 418).

All in all the turnaround in energy policy is a very important issue in Germany and one of its greatest challenges that also might influence other countries by its success or failure (Beveridge, Kern, 2013, p. 6).

### **Guiding principles for spatial development (section 26 § 2 ROG)**

The section 26 ROG contains provisions concerning the political cooperation of states and federation in the field of spatial planning. In the Conference of Ministers of Spatial Planning the states and the federation may develop guiding principles for spatial development (section 26 § 2 ROG) as an informal planning instrument. The MKRO adapted the "Guiding Principles and Strategies for Spatial Development in Germany" (Leitbilder und Handlungsstrategien für die Raumentwicklung in Deutschland) to regulate the cooperation (Pahl-Weber, Henckel, 2008, p. 198). The decisions of the MKRO do not have the same legal binding effect as a contract, but are more binding than recommendations. The ministers themselves have the duty to implement the decisions in the state or area for which they are responsible (Spannowsky, 2010, § 26 marginal no. 2, 5).

Developing the guiding principles is a key element in the cooperation between states and federation in the MKRO. The guiding principles are to create a clear, strategic spatial development concept, so they have the function of a strategic approach or guideline. An advantage of informal planning instruments like the decisions of the MKRO is for instance the chance to discuss controversial subjects and therefore achieve a consensus in an early stage of planning. Nevertheless the informal planning only has a preparatory function for the formal planning and no legal binding effect (Spannowsky, 2011, p. 42, 194).

### **Conclusion**

As the spatial plans of the federation only have a limited binding effect, it is doubtful if the part of the federation in spatial planning really changed after the federalism reform and in which extent.



The plan in accordance with section 17 § 2 ROG that was introduced by the ROG in 2008 only has a legal binding effect on the Federal Transport Infrastructure Plan but not on the states. They still can decide whether to connect ports that are not part of the spatial plan of the federation. Then they have to use their own financial resources, though (Runkel, 2011, § 17 marginal no. 9). That leads to the question how to resolve conflicts between state and federal spatial planning. Furthermore the plan is limited on sea-, inland-, and airports. So all in all the cross-state locational concepts concerning seaports, inland ports and airports cannot be used for an overall spatial planning (Ritter, 2009, p. 433) and does not significantly enhance the role of the federation in spatial planning.

The plan for the German EEZ in accordance with section 17 §. 3 ROG is no part of the planning hierarchy as there is no subsequent state planning. Moreover it has no legal binding effect on the states and its contents are limited. Since the provisions of section 17 § 3 ROG are not completely new but based on the former section 18a ROG (Ritter, 2009, p. 433) the ROG amendment in 2008 does not cause a serious change for the role of the federation in spatial planning. Especially there is no change concerning the distribution of competences between states and federation.

So there is only section 17 § 1 ROG left for the federation to influence the state spatial planning. Since 2008 the federation has the competence to give concrete form to the principles of spatial planning. These principles are to be considered by the states in their subsequent spatially relevant plans and measures, the balancing of interests, discretionary decisions and in the derogation process which in some cases allows the deviation from goals of spatial planning (Spannowsky, 2011, p. 8). Furthermore the concretization may include specifications about the importance of single aspects and can be promoted by spatial planning contracts between carriers of state and federal spatial planning (Spannowsky, 2011, p. 195, 198). So the federation is able to control and standardize spatial planning in the entire territory by giving specific form to the principles listed in section 2 § 2 ROG. However, the states have competence to deviate from provisions of the federation: According to article 72 § 3 Basic Law the states may adopt own state spatial planning acts that differ from the federal law. If the states have their own laws they need not take into account the principles of spatial planning in the ROG or their concretization. As it is not sure if the states will deviate, the plan in accordance with section 17 § 1 ROG can have binding effects on the spatial planning in Germany but it is not completely sure. (Spannowsky, 2013, p. 60).

The guiding principles that may be developed by the MKRO as an informal planning instrument have a preparatory function for the formal planning, but are only binding if the parties stick to it. So they do not significantly enhance the role of the federation. The government in the end only has the chance to influence the state spatial

planning and the planning process in the entire territory by giving specific form to the principles of spatial planning in section 2 § 2 ROG.

To conclude, before 2008 the federation had the competence to give a framework legislation, but since 2008 the spatial planning is part of the concurrent legislation, thereby the states have the competence to deviate from the ROG by adopting their own state spatial planning acts. To prevent the states from using their right to derogate they were involved in the legislative process of the ROG. As a consequence the ROG still is a kind of framework legislation, for one because the states are involved and for another because they do not deviate from the ROG. By that a standardized spatial planning law in Germany can be ensured (Ritter, 2009, 425, 426).

All in all the spatial plans drawn up by the federation coordinate and harmonize spatial planning and control the spatial planning of the states. They are especially important for fields in which the states cannot plan or have no competence. Nevertheless the informal planning instruments can be helpful, if followed by the carriers of planning.

The problem in the spatial plans of the federation is that the states only have to consider them in their planning and even may derogate. A stronger legal binding effect could be preferable especially in view of a better Europe-wide planning of infrastructure whose significance increases constantly.

## References

- Albrecht, J.*, 2008: **Guidelines for SEA in Marine Spatial Planning for the German Exclusive Economic Zone (EEZ) - with Special Consideration of Tiering Procedure in SEA and EIA**. In: Schmidt, M.; Glasson, J.; Emmelin, L.; Helbron, H. (Eds.): *Standards and Thresholds for Impact Assessment*. p.157-170. Berlin.
- Albrecht, J., Janssen, G., Schumacher, A., Schumacher, J., Werk, K.*, 2012: **Raumordnungsgesetz § 17**. In: Albrecht, Janssen, Schumacher, Schumacher, Werk, *Raumordnungsgesetz Kommentar*. p. 176 – 195. Wiesbaden.
- ARL, (Access March 2014): [http://www.arl-net.de/system/files/en\\_mutual\\_feedback\\_principle\\_0.jpg](http://www.arl-net.de/system/files/en_mutual_feedback_principle_0.jpg).
- Bartram G.*, 2012: **Die Ziele der Raumordnung - ein Planungsinstrument im Spannungsfeld zwischen gewachsenem Steuerungsanspruch und verfassungsrechtlichen Anforderungen**. Heidelberg.
- Beveridge, R., Kern, K.*, 2013: **The Energiewende in Germany: Background, Developments and Future Challenges**. In: RELP 2013, p. 3–12. Berlin.
- Broemel, R.*, 2013: **Netzanbindung von Offshore-Windkraftanlagen**. In: ZUR 2013. p. 408 – 420. Baden-Baden.



*Buchan, D.*, 2012: **The Energiewende - Germany's Gamble.** Oxford Institute for Energy Studies, (Access March 2014): <http://www.oxfordenergy.org/wpcms/wp-content/uploads/2012/07/SP-26.pdf>.

*Deutsch, M.*, 2010: **Raumordnung als Auffangkompetenz? – Zur Regelungsbefugnis der Raumordnung.** In: *NvWZ* 2010, 1520–1524. München.

*Erbguth, W.*, 2011: **Maritime Raumordnung.** In: *DÖV* 2011, p. 373–382. Stuttgart.

*Goppel, K.*, 2011: **Programme, Pläne und Verfahren der Raumplanung.** In: *Grundriss der Raumordnung und Raumentwicklung*. p. 435-450. Hannover. 11. Koch, H., Hendl, R., 2009: *Baurecht, Raumordnungs- und Landesplanungsrecht.* Stuttgart.

*Kümper, B.*, 2014: **Zum Anwendungsbereich der Strategischen Umweltprüfung nach dem Urteil des EuGH in der Rechtssache Inter-Environnement Bruxelles.** In: *ZUR* 2014, p. 74–81. Baden-Baden.

*Pahl-Weber, E., Henckel, D.*, 2008: **The Planning System and Planning Terms in Germany – a Glossary.** Hannover.

*Ritter, E.*, 2009: **Das Gesetz zur Neufassung des Raumordnungsgesetzes (ROG 2009): Weiterentwicklung oder beginnendes Siechtum?** In: *DÖV* 2009, p. 425–434. Stuttgart.

*Rolle, C., Rendschmidt, D.*, 2013: **Transition to Renewables as a Challenge for the Industry – the German Energiewende from an Industry Perspective.** In: *Stolten, D. Scherer, V., Transition to Renewable Energy Systems.* p. 67–74. Weinheim.

*Runkel, P.*, 2010: **Raumordnungsgesetz § 1 Aufgabe und Leitvorstellung der Raumordnung.** In: *Spannowsky, Runkel, Goppel, Raumordnungsgesetz Kommentar 2010.* p. 25–77. München.

*Runkel, P.*, 2010: **Raumordnungsgesetz § 17 Raumordnungspläne für den Gesamtraum und für die deutsche ausschließliche Wirtschaftszone.** In: *Spannowsky, Runkel, Goppel, Raumordnungsgesetz Kommentar 2010.* p. 455–483. München.

*Spannowsky, W.*, 2010: **Raumordnungsgesetz § 26 Zusammenarbeit von Bund und Ländern.** In: *Spannowsky, Runkel, Goppel, Raumordnungsgesetz Kommentar 2010.* p. 529–537. München.

*Spannowsky, W.*, 2011: **Forschungsprogramm: allgemeine Ressortforschung,** Forschungsprojekt: Konkretisierung der Grundsätze der Raumordnung durch die Bundesraumordnung.

*Spannowsky, W.*, 2013: **Aufgabe und Kompetenz des Bundes zur Konkretisierung der bundesgesetzlichen Grundsätze der Raumordnung durch einen Raumordnungsplan nach § 17 Abs. 1 ROG.** In: *UPR* 2013, p. 54–60. Heidelberg.



Günter Hofbauer  
Miloš Král'

## BETTER CREDIT RATINGS THROUGH BETTER RELATIONSHIP MANAGEMENT IN MARKETING AND SALES

The credit rating of a company depends very strongly on the successful management of the relationships to customers and suppliers. Within the framework of value orientation and sustainability companies have to focus on the relationship management. This task is executed particularly in the marketing and sales department. The financial figures from the financial report and the balance sheet do not have a satisfactory indication, because these are backward oriented and fixed to the reporting date. Hence it is insufficient to use only these figures for credit rating. In order to include also the potential of the future, the relationships to customers and suppliers as well have to be considered for the evaluation of the creditworthiness. The main variables of the relationship management will be shown in this article, to make them available for the credit check for the banks and for adequate preparation of the companies.

### Introduction

One of the most important challenges in managing successful companies is to reduce risk by creating sustainable and value oriented relationship management. In doing this the value of the company will increase and the credit rating will be influenced positively. A prior task for the management is to care about a transparent reporting of the business related situation and for an open and straightforward communication to the bank as a professional basis for the credit rating. In former times it might have been sufficient to show the balance sheet and the profit and loss statement. But in times of financial crisis and Basel III this is not enough, because these records are backward oriented and fixed (sometimes estimated) with reference to a due date, mostly end of year. Rather than that, it is important to demonstrate the preparedness for future challenges and indicate the sustainability and profitability of the business. In this article the relationships to customers and suppliers as well will be pointed out as an important and existential part of the business.

Table 1 shows specific questions about your company, which have to be answered in a credit rating.

Questions about your company:	
Do you know the factors of success of your company?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have a profitable competitive advantage?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are your processes organized in an efficient way?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you able to achieve planned price levels?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you always get desired credit conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you well prepared for the rating discussion with your bank?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Table 1: Questions about your company

### Background

Banks are obligated to observe bank lending basic rules. Following the Basel III accord the banks have to prove even more strictly the creditworthiness of a company. Because of the financial crisis – the effects are still noticeable – the banks are particularly careful. Subsequently it will be necessary for all companies to substantiate the creditworthiness not only by the means of financial rating but also by structural rating.

Here we see an imperative need for action, especially for small and medium sized companies, to be prepared for these new rules of rating and prerequisites for credit issuing.

S & P Rating Codes	Specification	Idealistic failure quota (%)	Empirical failure quota (%)	Characteristic
AAA	AAA	0,01	0,00	Prime
AA	AA+	0,02	0,00	High grade
	AA	0,03	0,00	
	AA-	0,04	0,03	
A	A+	0,05	0,02	Upper medium grade
	A	0,07	0,05	
	A-	0,09	0,05	
AB	BBB+	0,13	0,12	Lower medium grade
	BBB	0,22	0,22	
	BBB-	0,39	0,35	
BB	BB+	0,67	0,44	Non investment grade speculative
	BB	1,17	0,94	
	BB-	2,03	1,33	
B	B+	3,51	2,91	Highly speculative
	B	6,08	8,38	
	B-	10,54	10,32	
C	CCC	18,27	21,94	-Substantial risks -Extremely speculative -In default with little prospect for recovery
	CC			
	C			
SD / D				In default

Table 2: Rating classes





Well managed companies will get better credit conditions and will be charged with less cost of credit capital. The most important issue in achieving profitability and sustainability is the overall principle of value creation. The relationships to customers as well as to suppliers have a distinguished significance, because those have an outstanding influence on the value creation.

The better the companies are valued with respect to profitability and sustainability, the better the rating and concurrently the better the credit conditions will be. Table 2 (source: Standard & Poor's) shows the various rating classes and their meanings.

### **Problem formulation**

The dependency of a company on customers and suppliers is a severe problem for the rating. Deducted from these relationships we can identify essential factors influencing the creditworthiness. In order to calculate the contained business risk, the banks have to look on these relationships very closely. If a company has an unbalanced dependency, either on the customer or on the supplier side, this can imply a severe crisis. The company can face a loss of a key account customer or a drop out of an important supplier. In any comparable case there will be a crisis with an impact on the rating. This impact will be displayed by a continuous rating, if banks wait until this crisis will be displayed on the financial statements, it will be too late.

Taking this context into account, we strongly recommend to use those indicators and measures, which result directly from the business relationship and which are appropriate to display the impact on the success. Subsequently we have to consider the most important variables for success: customers and suppliers!

### **Problem solving**

The awareness of the valuation and usefulness of the relationships of a company gives more significance to this issue in management. Marketing and sales as well as procurement can contribute to success and can help to manage risk coming up from dependencies. On the other side there are promising potentials in the area of customers and suppliers. These areas can contribute positively to the credit rating, if they are managed well.

#### **Relationships to Customers**

The customer basis and the contained potentials should be analyzed during a credit rating analysis. Potentials as well as risks can be discovered. The better the customer basis is managed, the better the profitability will be. The customer lifetime cycle shows the temporal sequence of the customer relationships and the consequences for the profitability can be derived easily.

A selective approach can be executed and the resources can be targeted directly (Hofbauer/Schöpfel 2010, S. 32).

#### **Customer Life Cycle**

The relationships to customers should be observed over time. There are different phases, which have to be managed perfectly. Here the managers have to balance reasons whether expenses are in a proper relation to estimated customer values. The scope of the relationship management is to create a profitable and long-lasting relationship to promising customers. Consequentially managers have to deploy adequate resources during the right period in order to shape the customer relationships on the long run in a most profitable way (Hofbauer/Hellwig 2012, S. 37). Each single phase of the customer life cycle follows a specific scope. Specific management tasks can be derived out of it.

- Initiation phase: The attention and the interest of potential customers have to be produced. Potentially more valuable customers will be acquired with more investment than less attractive customers.
- The customer loyalty management has to care about the stabilization of the relationships. There is a high impact of this topic, because of the high cost of acquisition, which have to be covered over time.
- Growth and maturity phase: during this phase customers are developed through marketing and sales activities, they are tied to the company, as long as they are satisfied. They do not want to change. The management of the customer satisfaction strengthens the relationships to the customers and stabilizes the customer basis.
- There is an exposure to losing customers, if they are not satisfied. The customers consider to quit the relationship. In this phase marketing and sales have to analyze the reasons for customer satisfaction and have to react with adequate activities.
- In case of quitting the relationship the company has to analyze the reasons. Lost customers can be regained by revitalization management.

Single-edge dependencies are related with high risk. If an important customer breaks away, there will be a lack in the customer basis. This is the reason, why an optimization in the customer basis should be done (Hofbauer/Sangl 2011, S. 512ff).

#### **Knowledge about the customer**

The customer oriented creation of the performance is an essential prerequisite for the success of a company. The offer has to meet the needs, wants and demands of the target market in order to exhaust the potential of the market in an optimal way. The knowledge about the customers is the key for the segment specific targeting of the market.

The customer orientation is supported by the application of modern IT-technologies. So it is possible to analyze the customers and identify the most valuable customers, now and potentially in the future as well. Using



this information the company is able to create a customer specific product, to customize the consultancy and the service. The information management has to be executed in an effective and efficient way in order to minimize the risk of the company. Thus the company is able to tie customers in the long run and to use it as an early warning system in order to detect troubles in the relationships with the customers. Migration to competitors should be avoided. Typical applications are analyses of the target markets, identification of cross selling potentials and adjustments of marketing and sales resources (Hofbauer/Schöpfel 2010, S. 129ff). Typical data of above mentioned categories are displayed in Table 3 (Hofbauer/Schöpfel, 2010, S. 153).

Who are our customers?	What do our customers need?	How successful are we?
Basic data, which describe the customer basis	Data about the needs, wants, demands and the potential	Data about reactions of the markets
<ul style="list-style-type: none"> <li>• demographic data</li> <li>• socio-economic data</li> <li>• segment membership</li> <li>• customer description</li> <li>• customer profile</li> <li>• customer valuation</li> </ul>	<ul style="list-style-type: none"> <li>• needs, wants, demand</li> <li>• bought products</li> <li>• installed base</li> <li>• customer demand cycle</li> <li>• best slot of contacting</li> <li>• cross selling potential</li> <li>• attainable price level</li> <li>• service requirements</li> <li>• other expectations</li> </ul>	<ul style="list-style-type: none"> <li>• sales volume with customer</li> <li>• coverage margin</li> <li>• customer lifetime value</li> <li>• hurdle rate of company</li> <li>• customer satisfaction</li> <li>• customer loyalty</li> <li>• image perception</li> <li>• cross selling volume</li> <li>• sensitivity</li> <li>• advertising elasticity</li> </ul>

Table 3: Typical data about customers

Different data are used to analyze customers. We can distinguish basic data, potential data and reaction data. Basic data deal with the question: "Who are our customers?" Potential data care about the demand of customers and cover the issue "What do customers need?" Finally reaction data show how successful our activities are and what the outcome of our investment is in comparison to our competitors.

### Customer Satisfaction

The topmost scope of customer management in successful companies is customer satisfaction and loyalization at reasonable cost. Only satisfied customers can be developed to loyal customers. Satisfied customers will come again, will buy again, will buy more and even will recommend our products by positive social communication.

A higher profitability of the whole company follows from the end of this functional chain (Hofbauer/Schöpfel 2010, S. 62ff). Table 4 shows a part of a questionnaire about customer satisfaction (Hofbauer/Schöpfel 2010, S. 77).

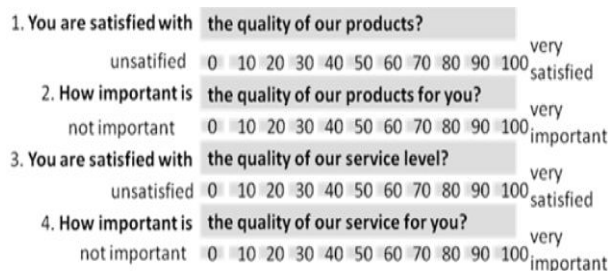


Table 4: Questionnaire about customer satisfaction

On the other side, unsatisfied customers won't buy anymore from that company, they will change the brand and will communicate negatively. This will affect the success of the product. The price level will decline and the company will have to react with higher marketing spending in order to counteract.

The consequence from increasing cost and decreasing sales will be severe reduction of the profitability.

Contrawise the generation of customer enthusiasm is also related with spendings. In order to keep the customer relationship on a profitable level, marketing and sales have to find out what kind of feature or service is valuable to the customer on a specific extent. These issues have to be taken into account when serving the customer (Hofbauer/Hellwig 2012, S. 39ff und S. 344). Customer satisfaction is a determining factor for the success or failure of a company. Because of that it is important and necessary to analyze it on a regular basis. For example the different factors and contributions of satisfaction should be analyzed on a detailed basis, in order to know the measures and levers to create a higher extent of satisfaction.

Typical controlling measures of customers are (Hofbauer/Bergmann 2013, p. 352):

- Customer-Lifetime-Value
- Customer Satisfaction Index
- Customer Concentration Index
- Customer Loyalty
- Share of new customers
- Profitability of customers
- Awareness level
- Hit rate
- Key Account Efficiency
- Day sales outstanding

### RELATIONSHIPS TO SUPPLIERS

Mostly many companies consider the relationships to suppliers as a cost position. But the cheapest supplier is not always the best one. Flexibility, quality and adherence to delivery dates have to be taken into account as well in a balanced procurement management (Hofbauer/Sangl 2011, S. 101ff). As soon as the company recognizes the procurement task as a strategic task, it is possible to enhance the quality of the own products, to reduce the risk and strengthen the competitiveness (Hofbauer 2013).



Within the structural rating, there is also a checkpoint about risk, risk resulting from the dependency of a couple of suppliers.

Such a dependency implies a strong bargaining power of the supplier and leads into a higher price level. Following from this the margin decreases and the profitability is shrinking. On the other side, a breakdown of a customer can lead a company into a severe crisis, when required parts are not delivered. Other risks in procurement markets are fluctuations in prices, currency exchange rates, legal aspects and others. The security of supply of crucial parts has to be assured.

The procurement process has to be managed in an efficient way in order to counteract all these permanent threats (Hofbauer 2013).

### **The Procurement Management Process**

By organizing the integrated procurement in a process oriented way, a company makes sure that all aspects from efficiency to security of supply are considered (Hofbauer 2013 und Hofbauer/Sangl 2011, S. 101ff). These aspects in the relationship to suppliers are value generating and have a relevance for the sustainability, profitability and of course for the rating.

- **Set up and organization:** These issues are the prerequisites for an optimized configuration of the procurement process. Further on appropriate IT systems are very helpful for executing the procurement process. The availability of relevant data of the market and the different suppliers are very important for the value creation and the risk management as well.
- **Requirement management:** This phase starts with the product development. Depending on the depth of added value a decision about “make or buy” has to be made. This decision will be determined by the own capacity and the performance of the supplier market. This selection is also affected by issues of risk management.
- **Analysis of supplier markets:** Depending on the decision to buy a specific part, the buyer has to decide about the right supplier. This analysis is done during the phase of the market analysis.. Existing market structures, bargaining power, dealing with technologies and implementation of innovations are indicators of power and dependencies. These indicators are nonetheless indicators of price setting and risk exposure. For this reason the knowledge is also important for the rating.
- **Preselection:** It is the task of the market analysis to identify capable suppliers. These potential suppliers are collected in the so called pool of suppliers. The preselection is conducted with the use of some criteria like general data (organization, company data, financial situation) and specific, product related data (capacities, quality, cost position and technologies).

- **Qualification:** Potential suppliers have to be assessed in this qualification phase with respect to their performance. The intensity and level of detail depend on the significance of the parts. Potential risks resulting from a supplier’s breakdown should be avoided.
- **Offer management:** In this phase we have to match inquiries with the corresponding offers. Particularly strategic products imply high risk positions for the buying company. Beside an exact forecast of requirement companies should operate precisely market research and risk analysis. Efficient operations help to reduce cost positions and cost level.
- **Negotiation phase:** During this phase all relevant decisions regarding contract type and contents have to be made. Through contractual design it is possible to allocate risk positions. The extent of risk allocation depends on market position, negotiation power and dependencies. Terms of payment and payment agreements have an important impact on liquidity status. Through longer periods allowed for payment we have a better cash position in the company.
- **Order management phase:** During this phase all activities of the purchase order processing have to be executed. These activities of supervision and coordination help to keep quality, time and cost within the limits. Especially in this phase there are several possibilities for cost reduction. With respect to landed cost, cost reduction potentials, ordered volumes, price levels, cost of inventory, capital commitment and cost of financing a company always has to act in the sense of value creation, cost reduction and enhancement of profitability.
- **Utilization phase:** During the utilization phase the company can gather useful data about the performance of the object of purchase. These data are combined and aggregated to a supplier’s assessment and are used for selection and promotion or elimination.

To outline the meaning of the procurement management we can state that this is an important object of research for analyzing creditworthiness between profitability and risk positions. It is also important to identify levers for profitability, quality and availability. Therefore an overall controlling should be implemented within the integrated purchasing process. There are various indicators for success within the whole purchasing management process. These indicators shall be checked by setpoint tracing (Hofbauer/Bergmann 2013, S. 256ff). Different effects and targets could be (Hofbauer/Bergmann 2013, S. 274):

- **Defects – Quality management, inspection and quality assurance**
- **Failing service – Service management**
- **Performance level – Quality checks**



- Handling damage – prevention, checks
- Delayed delivery – Project management, time control, logistics
- Wrong delivery – Delivery control, receiving inspection
- Rise in prices – price control, price index, price levels
- Inventory cost – stock turnover, asset management, tied capital

**Supplier Management**

Using actively the potentials of the supplier markets helps to enhance the performance of the own products with respect to design, technology, quality and cost. All activities, which have to be established, should be done in a sustainable way to obtain a professional Supplier Relationship Management (SRM). This SRM should be integrated in the process oriented procurement management. Partnerships between suppliers and customers will raise the competitiveness and in the end will also increase the creditworthiness by increasing value and minimizing risk (Hofbauer/Mashhour/Fischer 2012).

*Supplier Assessment*

Potential suppliers should be assessed before requesting an offer. This assessment is carried out before placing an order. Hence the supplier evaluation is done on the basis of the effected performance, after the placement of the order during the phase of implementation or usage (Hofbauer/Mashhour/Fischer 2012, S. 51ff).

Table 5 (Hofbauer/Bergmann 2013, S. 260f) shows a selection of performance criteria for the supplier assessment.

Product	Resources	Finance	Relations
<ul style="list-style-type: none"> <li>• product range</li> <li>• quality</li> <li>• price levels</li> <li>• conditions</li> <li>• research</li> <li>• development</li> <li>• technologies</li> <li>• service</li> </ul>	<ul style="list-style-type: none"> <li>• facility</li> <li>• management</li> <li>• staff</li> <li>• factory</li> <li>• machines</li> <li>• capacities</li> <li>• reserves</li> <li>• logistics</li> </ul>	<ul style="list-style-type: none"> <li>• capital</li> <li>• equity ratio</li> <li>• solvency</li> <li>• prosperity</li> <li>• company policy</li> <li>• strategy</li> <li>• resources</li> </ul>	<ul style="list-style-type: none"> <li>• marketing</li> <li>• objects</li> <li>• interests</li> <li>• flexibility</li> <li>• continuity</li> <li>• reliability</li> <li>• consulting</li> <li>• cooperation</li> </ul>

Table 5: Performance criteria for supplier assessment

There are a lot of methods to be applied for the supplier assessment. The adequate methods are chosen depending on the importance and risk of the delivery item. Different methods are:

- Self assessment of the supplier
- Auditing (e.g. on the basis of ISO 9000]
- Assessment (e.g. on the basis of Total Quality Management)

Self assessments through the supplier lead to a quick overview over the supplier. It does not mean a lot of work for the company, but on the other side, the insight is limited. This kind of assessment is done by checklists, which have to be completed by the supplier.

Industrial companies should adapt the self assessment to standard specification ISO 9000. Only suppliers with a certificate of an approved certifier should be selected.

If potential suppliers do not have such a certificate, the company will have to initiate additional procedures, e.g. supplier audit. The company has to assure that the potential supplier is able to fulfill the requirements and to achieve the goals with respect to quality, time and cost.

The supplier assessment, executed by the company, evaluates the whole management system, the assembled products and the processes, which are implemented. A statement has to be evaluated, whether the supplier is able to fulfill all the postulated requirements with respect to management, organization, resources, capacities, qualification, quality, cost efficiency, processes and so on.

Table 6 (Hofbauer/Mashhour/Fischer 2012, S. 66) shows an example of an assessment according to the criteria of the Total Quality Management (TQM).

preconditions	weight	maximum score
management	10 %	100
leadership	9 %	90
policy and strategy	8 %	80
resources	9 %	90
processes	14 %	140
results	weight	maximum score
leadership	9 %	90
customer satisfaction	20 %	200
impact on company	6 %	60
profitability	15 %	150
<b>total</b>	<b>100 %</b>	<b>1.000</b>

Table 6: Supplier-Assessment according to TQM

A comprehensive analysis of suppliers can be realized by assessments. Selected processes are analysed, these processes have an effect on quality and an implication on the general performance and capability.

After the inspection the suppliers have to be classified. The classification is graduated into different qualification levels (QL).

- QL-1-suppliers are qualified suppliers, which are able to provide strategic products. These suppliers are prepared to contract strategic partnerships.
- QL-2-suppliers are qualified suppliers, which are able to meet all requirements of a quality management system according for example ISO 9001.
- QL-3-suppliers belong to the category of approved suppliers, which are selected on the basis of recommendation or expert knowledge, their products and processes meet the commercial requirements.





This classification has an impact on the organisation and development of the business relationship and the degree of collaboration.

*Supplier Evaluation*

The supplier evaluation provides more significant statements than the supplier assessment, because here experienced data about the performance can be used. The selection of the evaluation criteria should be executed in cooperation of all participating departments in the sourcing process (Hofbauer/Mashhour/Fischer 2012, S. 51ff). Table 7 shows possible criteria of evaluation.

This evaluation provides important information at an early stage. So the management can react properly in case of problems and discrepancy. On the basis of these results the suppliers can be divided into different categories, which are a basis for the supplier development at the same time.

responsible department	Evaluation Criteria
materials handling • purchasing	<ul style="list-style-type: none"> <li>• cost analysis: transparency, calculation, cost position, cost engineering</li> <li>• pricing: price trends, price influences</li> <li>• company data: management, organisation, facility, environmental factors, legal form, financial status, profits investment</li> <li>• communication</li> <li>• fair dealing, processing of complaints</li> <li>• service and service levels</li> </ul>
• logistics: scheduling stock receipt inventory	<ul style="list-style-type: none"> <li>• contracts and barter trade</li> <li>• delivery: schedules and volumes, flexibility, changes, special actions, reliability</li> <li>• purchase requisition, change management</li> <li>• transport: carrier concept, means of transport</li> <li>• packing: package size, reusable packaging</li> </ul>
quality management	<ul style="list-style-type: none"> <li>• general quality management and quality assurance</li> <li>• quality of delivery</li> <li>• testing facilities: equipment, laboratory</li> <li>• inspection equipment monitoring</li> <li>• transport protection</li> </ul>
construction	<ul style="list-style-type: none"> <li>• potential of research and development</li> <li>• preparedness of cooperation</li> <li>• applied consulting, know how</li> <li>• potential of innovation and technology</li> <li>• qualification of staff, use of CAx-technologies</li> </ul>
production	<ul style="list-style-type: none"> <li>• machinery in operation: facilities, flexible structures</li> <li>• set-up and production times, cycle times</li> <li>• possibilities: capacity, utilisation, cost efficiency</li> <li>• manufacturing and assembly processes</li> </ul>

Table 7: Criteria for supplier evaluation

*Supplier Development*

The supplier development should be combined with specific measures regarding responsibilities, activities, methods and targets. Potential matters are process flow, logistical problems, quality level, stock holding as well as administrative issues like documentation.

The success of the implementation will be verified by the supplier monitoring. In this phase all the results are monitored in order to get feedback about the effectivity and efficiency of the chosen development measures (Hofbauer/Mashhour/Fischer 2012, S. 84ff).

Typical risks can be avoided by implementing a selective supplier management, thus the creditworthiness will be affected positively.

**Sourcing Strategies**

The sourcing strategies have also to be checked and verified in preparing a rating for creditworthiness. These strategies can be selected by different means: geographically, by the number of potential suppliers and by the required scope of supply and service. All these strategies have advantages and disadvantages as well. So it is important to check and balance the pros and cons whereby the profit, cost and dependency can be affected.

Global sourcing means the development and use of international sources. To go into the international or even into the global dimension requires to be aware of the country specific risks. Political, economical, social and legal risks as well as problems with currency exchange rates, risks in transport modes and quality levels have to be checked very well, before going abroad. But on the other side, there are chances to reduce cost, possibilities to lower unilateral dependencies from domestic suppliers and even opportunities to establish new markets to sell products.

Single sourcing concentrates only on one source, one supplier. In this case, a very intensive relationship is established with this supplier. In concentrating on one supplier the volumes can be aggregated and this results in better prices, but also other advantages in logistics, product quality and reliability can be achieved. Other advantages can be stated in lowering complexity and decreasing capital commitment. On the other side, there won't be any competition any more, if there is just one supplier. Pros and cons have to be checked very well.

Multiple sourcing means to purchase goods from several suppliers. In case of assuring a high security of supply the management should decide on this option.

Modular sourcing gives more responsibility to the supplier. Several parts of the value chain are done by the supplier and he delivers modules for the final assembly.

The contribution of the supplier management is very important for the rating of the creditworthiness. The current and future profitability are affected from the sourcing markets, too. Indicators should be analysed in due time in order to recognize challenges and chances. The various strategies have to be reviewed from an industrial management point of view. To achieve an increase of efficiency and advantage is only reasonable at a calculable degree of risk.



## Discussion

This article shows that relationship management plays an important role for the success of a company. Profitability and sustainability are driven by the arrangement of relationships to customers as well as to suppliers. Balancing advantages and disadvantages, challenges and risks, profit and cost is an important management task. This task has to be verified and executed in a professional way, because these management decisions affect the success of a company. Thus the management system, decision making and the outcome are subject to the credit rating of a company. Checklists are very helpful for managers in order to support all aspects in relationship management.

Table 8 gives an overview of all important topics, which are subject to investigation.

Checklist: Customers and Suppliers		
Customer Relationship Lifetime Cycle	Do you know the value of the customers for your company?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Are customer value and expenses for relationship management balanced?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Is the relationship management executed systematically?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you know the phases of the customer life cycle?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you have elaborated adequate measures for each phase?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Customer Data Base	Do you regularly generate and use customer information, to be able to address to the target market?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you use data based information technology in order to generate customer information?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Customer satisfaction	Do you know all relevant factors affecting customer satisfaction?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you evaluate the figures for customer satisfaction?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you derive appropriate action items from the analysis of customer satisfaction?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Integrated procurement	Is the procurement process installed in a value creating way?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Where do risks and dependencies exist?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you analyse the supply markets consequently in view of economic and technological potentials and chances?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Supplier Management	Do you have installed a preventive risk management for suppliers?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you evaluate your suppliers on the basis of the effectively delivered performance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you derive activities for supplier development from the evaluation?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sourcing Strategies	Are your sourcing strategies substantiated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Are your sourcing strategies combined with a suitable risk management?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Tools	Do you use advanced methods to analyse your customer base (e.g. operational portfolios)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Do you evaluate the outcome and value of procurement activities to control processes efficiently?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Table 8: Checklist for customer and supplier relationships

## Summary

The potentials arising from relationships to customers and suppliers are the basis for the value oriented management and the basis for success. By managing the relationships, these potentials can be identified and deployed. The management should also identify risks and challenges. Stable and profitable relationships are the most important factor for the success of a company. The basic underlying principle is to give value to the customer, in order to receive value from the customer. This principle is applicable in any part of the value chain, in any case of selling and buying.

Particularly in the rating of the creditworthiness according to the new requirements, the assessment beyond the balance sheet will become more and more important. Thus the responsibility of marketing and sales as well as the importance of procurement will increase.

By the use of a professional preparation of the credit rating, companies will be able to:

- identify levers and measures for a profitable adjustment of the company
- communicate a convincing business concept to the bank.

The perfect matching and combination of the factors of success leads to a perfect and satisfying result of the credit rating.

In the future the above mentioned relationships will be even more important as they are actually considered. Well performing companies will get better ratings and as a consequence better credit terms.

## References

- Hofbauer, Günter (2013): **Technisches Beschaffungsmanagement**, Berlin 2013.
- Hofbauer, Günter; Bergmann, Sabine (2013): **Professionelles Controlling in Marketing und Vertrieb, Ein integrierter Ansatz**, Mit Kennzahlen und Checklisten, Erlangen 2013.
- Hofbauer, Günter; Hellwig, Claudia (2012): **Professionelles Vertriebsmanagement, Der prozessorientierte Ansatz aus Anbieter- und Beschaffersicht**, 3. Auflage, Erlangen 2012.
- Hofbauer, Günter; Mashhour, Tarek; Fischer, Michael (2012): **Lieferantenmanagement, Die wertorientierte Gestaltung der Lieferbeziehung**, 2. Auflage, München 2012.
- Hofbauer, Günter; Sangl, Anita (2011): **Professionelles Produktmanagement, Der prozessorientierte Ansatz, Rahmenbedingungen und Strategien**, 2. Auflage, Erlangen 2011.



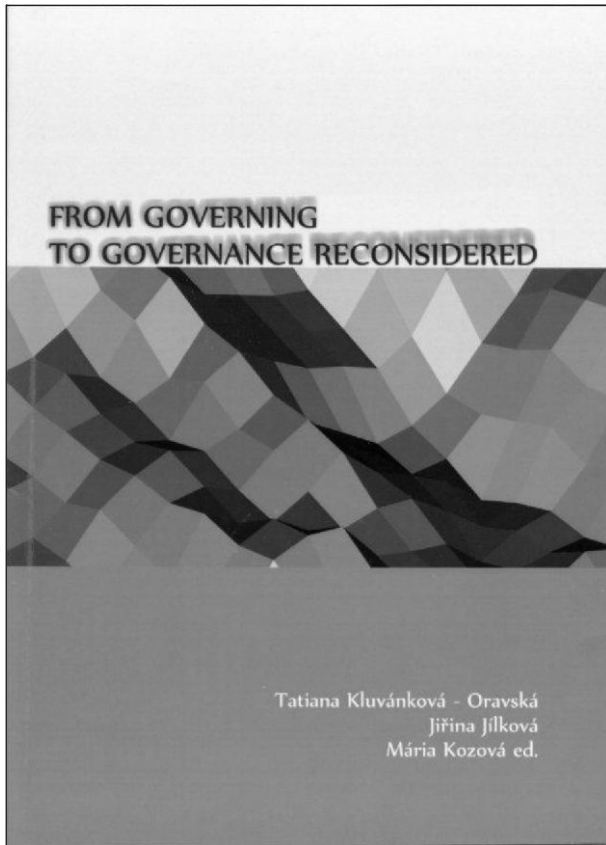
*Hofbauer, Günter; Schöpfel, Barbara* (2010): **Professionelles Kundenmanagement, Ganzheitliches CRM und seine Rahmenbedingungen**, Erlangen 2010.

*Hofbauer, Günter; Bergmann, Sabine* (2008): **Optimales Rating für KMU**, So überzeugen Sie Ihre Bank, Erlangen 2008.

*Hofbauer, Günter* (2008): **Bankenkrise, Finanzkrise, Unternehmenskrise? Durch Strukturrating die Zukunftsfähigkeit verbessern**. In: Going Public, Juni 2008, S. 68-69.



**FROM GOVERNING  
TO GOVERNANCE RECONSIDERED**



**ISBN 978-80-561-0066-0**

**VERBUM**

vydavateľstvo Katolíckej univerzity v Ružomberku  
Ružomberok 2013, 97 p.  
Námestie Andreja Hlinku 60, 034 01 Ružomberok  
<http://ku.sk>, [verbum@ku.sk](mailto:verbum@ku.sk),  
tel. +421444304693 kl. 308

Zostavovatelia

Tatiana Kluvánková – Oravská  
Jiřina Jilková  
Mária Kozová, eds.

The publication has been created within project Multi-level Governance of Natural Resources: Tools and Processes for Water and Biodiversity Governance in Europe "GoverNat." It is a joint effort of CETIP Network – Centre of Transdisciplinary Studies ([www.cetip.sk](http://www.cetip.sk)), Catholic University of Ružomberok, Slovakia and Purkyňe University in Usti nad Labem, Czech Republic and the Faculty of Management, Comenius University Bratislava. The publication is produced by SPECTRA Centre of Excellence for the Settlement Infrastructure Development of the Knowledge Based Society (no. 26240120002) supported by the Research & Development Operational Programme funded by the ERDF, that has recently been established as CE SPECTRA – joint research group of the Slovak University of Technology and Slovak Academy of Sciences.

This is a reconsidered edition of the original publication From Government to Governance? New Governance for Water and Biodiversity in an Enlarged Europe, published in Alfa Printing in April 2010. This book reflects previous publication and expands into the area of socio-ecological systems such as natural and urban commons. The main focus of this publication is to RECONSIDER existing research of the Europeanization of environmental and urban governance and specifically, the evolution of new governance and decision-making styles in the socio-ecological area of the enlarged EU. It concentrates on those characteristics and processes of decision-making where actors from various policy and management levels and with different stakes and power interact with evolving institutions and respective ecosystems. Moreover the book indicates research challenges of present and future years.

The book itself consists of two parts. Part I is divided into four chapters reconsidering environmental governance in central Europe. In particular it focuses on the area of natural and urban governance. Two chapters of the Part II concern future research challenges to be addressed in forthcoming years.

*Veronika Chobotová*





Matej Jaško

## FORBES CONFERENCE „COMPETITIVNESS OF BRATISLAVA-VIENNA METROPOLITAN REGION“



The Spectra Centre of Excellence and FORBES Slovakia organized on Wednesday, 30th April 2014 at 16.30 in Park Inn Danube Hotel the regular Business Leaders Club under the headline „Competitiveness of Bratislava-Vienna Metropolitan Region“. Key speakers of the roundtable discussion were Prof. Maroš Finka (Spectra, Centre of Excellence), Prof. Rudolf Giffinger (TU Wien) and Dr. Peter Gero (Hamburg). The event delivered an invaluable and intensive discussion on various topics related to the spatial, economic and social development of the Bratislava-Vienna metropolitan region.

Vienna-Bratislava metropolitan region is situated in one of the principal historical, cultural and infrastructural cross-points in Europe and is an integral part of numerous sector networks. It is a place, where both the problems as well as the opportunities after the removal of iron curtain had been appeared in utmost visible way, representing two interlinked trends and their beneficial effects on the development and growth in united Europe: the lowering of the importance of national barriers with the forthcoming integration of national, regional and local economies, and on the other hand the emergence of new development poles in the form of functional regions that cut across administrative borders. Despite of externalisation of several strategic projects (CENTROPE) as well as recent

business initiatives (Twin City), this metropolitan region is still facing numerous challenges regarding its competitiveness and competitiveness of business organizations localised within its territory.

This is the reason, why Spectra, Centre of Excellence and FORBES Slovakia introduced the platform for the discussion on relevant needs and opportunities of further development of the Vienna-Bratislava metropolitan region - an example of premium locality for investments and entrepreneurial activities. Main scopes of the discussion were the following highlights:

- Vienna-Bratislava metropolitan region – potentials and barriers for entrepreneurial activities
- Institutional structures for start-up entrepreneurship of young innovative companies – further development of trans-national support of innovation (CENTROPE TT)
- Competitiveness of Vienna Bratislava metropolitan region within the network of European regions (results of ESPON POLYCE Project)
- Identity, image and marketing tools: analysis of CENTROPE and Twin City concepts
- Shifts and changes within the process of suburbanization, real estate and general business landscape
- Bratislava masterplan and the impact of cross-border cooperation on it, role of the borderline municipalities (Hainburg, Kittsee, Berg) and the „4th quadrant“ in spatial development of Bratislava region.

### Quotes from the discussion:

*„The cooperation between Vienna and Bratislava must be focused and aimed on the needs of both cities. Each party has to define its priorities, its positioning in the competition of the European cities and regions“.*

*(Prof. R. Giffinger)*

*„We have similar political systems. But we are witnessing some contradictions between economy and politics. The political cooperation lags behind economic drive“*

*(Prof. M. Finka)*

*„The common interests and goals must be articulated and promoted by other relevant actors, e.g. media, professional chambers, cultural bodies etc.“*

*(P. Gero)*

*„Sometimes it is not the best strategy to strive to be competitive on the global level. Our key recipients are the inhabitants of the Bratislava-Vienna metropolitan region.“*

*(Prof. R. Giffinger)*



Lubomír Jamečný

## UNIVERSITY EDUCATORS FOR SUSTAINABLE DEVELOPMENT (UE4SD)

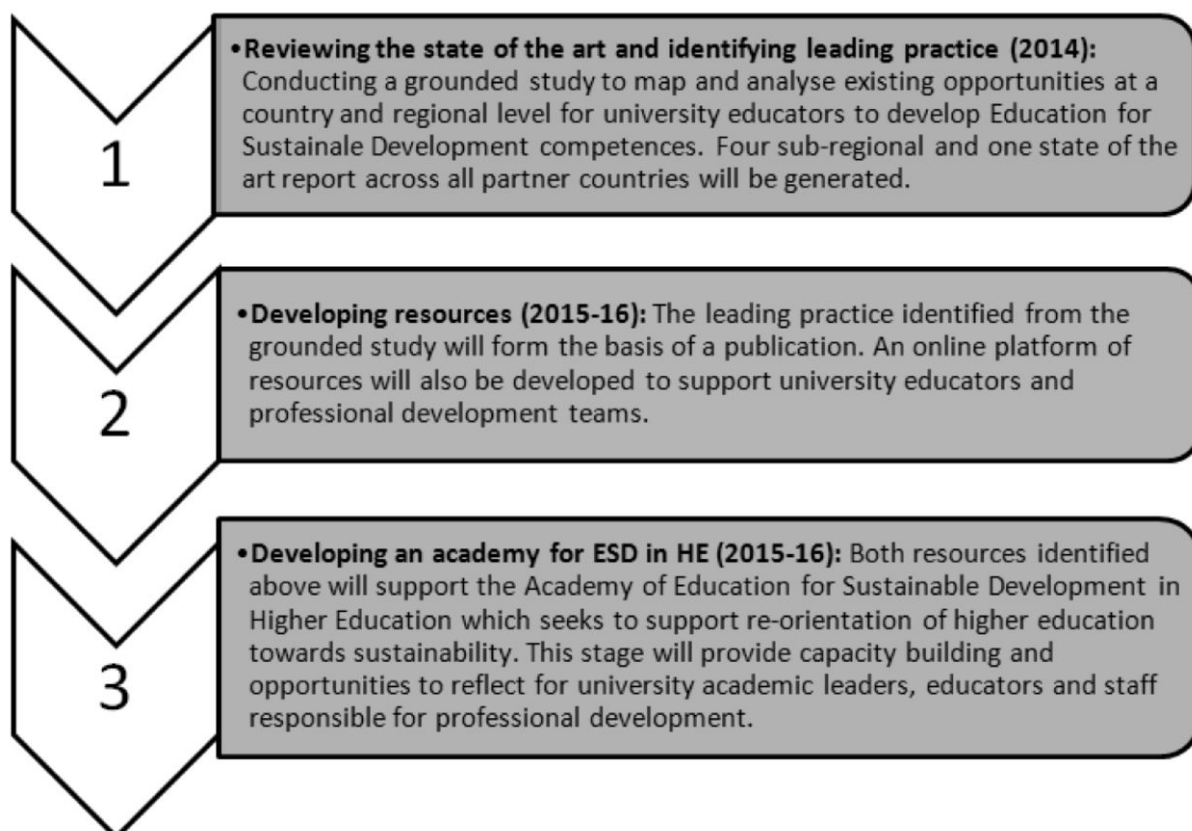
The **UE4SD Consortium** of 55 partners from 33 countries across Europe is seeking to reorient higher education curriculum to address sustainable development. The 3 year-project, will focus on support for teaching colleagues, to enable them to prepare students, regardless of their courses or specialisation, to understand and apply their professional and global responsibilities in sustainability. The project includes plans for university staff to develop professional competences and the academic leadership capabilities linked to Education for Sustainable Development.

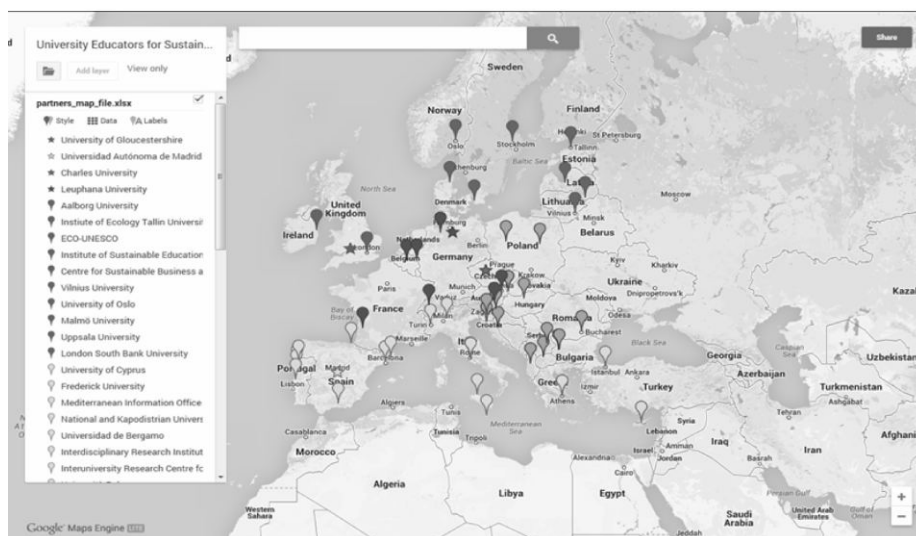
UE4SD seeks to establish a **leading expert group in Education for Sustainable Development competences** in higher education in Europe and will create a platform to combine and share the expertise of network partners so that they can inform policy and practice well beyond the life of the project. Its activities are closely associated with COPERNICUS Alliance – the European Network of Higher Education for Sustainable Development.

### Why Education for Sustainable Development?

Sustainable development has been identified as one of the greatest challenges that our societies are facing in the 21st century. Unsustainable practices are increasing social, economic and environmental inequalities; worsening the impact of environmental degradation; and limiting quality of life. It has been recognised that our education systems are critical to achieve sustainable development goals as they equip learners with the knowledge, skills and attitudes needed to re-orient social structures and systems.

The UE4SD project has been created to specifically support teaching and learning for sustainability at the higher education level. The HE sector is critically positioned to address sustainable development as it prepares the future generation of professionals, challenges dominant paradigms and produces ground-breaking research. However, there is evidence suggesting that re-orienting the





higher education curriculum towards sustainable development still needs guidance and support, if universities are to contribute to a more sustainable future.

## The Project

UE4SD is funded by the European Commission under the Life Long Learning Programme – Erasmus Academic Networks. It commenced in October 2013 and will be involving 55 partners in 33 countries (see map) during its three year duration. As a lead partner, the University of Gloucestershire (UK - North Hub), works very closely with three core partners: Autonomous University of Madrid (Spain – South Hub); Charles University (Czech Republic – East Hub); Leuphana University of Luenenburg (Germany, West Hub). SPECTRA Centre of Excellence at the Slovak University of Technology in Bratislava is a UE4SD partner and will be sharing and comparing professional experiences with other partner institutions, seeking to drive curriculum change for sustainability through a focus on Education for Sustainable development capabilities.

## What are the project contributions?

The project will contribute to re-orienting higher education towards sustainable development through three key deliverables:

## What frameworks inform the Project?

The project draws upon the UNECE Education for Sustainable Development Competence Framework developed in 2012. The competences were generated following a three year process involving experts from across the UNECE region. It provides a valuable focus to UE4SD network activities which seek to support the development of university educators for sustainable

development. Weblink to the UNECE Competence Framework: <http://www.unece.org/environmental-policy/areas-of-work/education-for-sustainable-development-esd/about-us/themes-and-resources/educator-competences-for-esd.html>

The UNESCO Global Action Programme on Education for Sustainable Development identifies whole-of-institutional change as a priority for education systems. This project is informed by the work of UNESCO which specifically calls for the strengthening of capacity building and professional development of educators, trainers and other change agents to become learning facilitators for Education for Sustainable Development.

Weblink to the UNESCO Global Action Programme: <http://www.unesco.org/new/en/unesco-world-conference-on-esd-2014/esd-after-2014/global-action-programme/>

## What outcomes is the project seeking?

- Establish a leading expert group in Education for Sustainable Development competences in higher education in Europe that can inform policy and practice in this area.
- Promote understanding of the connections between Education for Sustainable Development, quality enhancement and professional development.
- Provide guidance, support and resources to enhance the capacity development of educators.

## Are you interested in the UE4SD project?

For further information, please contact us and visit our website!

Email: [ue4sd@glos.ac.uk](mailto:ue4sd@glos.ac.uk)  
Web: <http://www.ue4sd.eu>



Vladimír Ondrejčka

## SOCIO-ECONOMIC AND POLITICAL RESPONSES TO REGIONAL POLARISATION IN CENTRAL AND EASTERN EUROPE

SPECTRA Centre of Excellence EU at the STU has become the project partner in the Marie Curie ITN project “Socio-economic and Political Responses to Regional Polarisation in Central and Eastern Europe” (RegPol<sub>2</sub>). The project centres on new patterns of regional disparities between metropolised regions and the remaining parts of Central and Eastern European countries (CEE) countries. Such spatial pattern have become a striking feature of the current settlement system of these countries and have lately fuelled concerns about further polarisation and the peripheralisation of non-metropolitan regions. Patterns of regional polarisation, however do not remain restricted to CEE, but can be found throughout the European Union, albeit at different degrees. As such, there is an EU-wide high demand for professionals able to deal with the spatial implications of these issues. This holds true all the more so as balancing spatial development has been a major goal of European Regional Policy. Against this background, RegPol<sub>2</sub> trains 16 young researchers for careers in academia, public administration, NGOs and the private sector.

The project network draws on expertise from academia and private sector specialists from 7 different countries and 8 scientific disciplines used to working in interdisciplinary and multinational contexts. Next to new training capacities at European level and an increased employability of ITN fellows, the project aims at improving regional policy instruments by raising capacities of politicians, public and private sector policy makers related to issues of regional polarisation. Research training is organised in 3 work packages which comprise individual, albeit strongly interconnected research projects. Each project includes intersectoral secondments providing trainees with occupational links while at the same time strengthening the interface between academia and the private sector. Local training will be supplemented by network-wide events enabling strong collaboration between the partners. Training includes transferable skills as well as theoretical and methodological units.

RegPol takes research gaps relating to the intensifying regional polarisation in CEE as its starting point and defines three major research topics:

- (1) to understand the evolution, (re-)production and persistence of core-periphery relations in CEE,
- (2) to identify and compare policy responses to regional polarisation at different scales, and
- (3) to identify patterns of adaptation as well as strategies and potentials to overcome disparities.

To tackle these topics, the network is organized in sub-teams working in strongly interconnected work packages (WP). Each WP draws together five to six individual projects of the recruited researchers jointly working on the three research topics. Three teams will work on the evolution, (re-)production and persistence of core-periphery relations (WP1), the governance of core-periphery relations (WP2) and on forms of socio-economic adaptation, strategies or potentials to overcome the disparities (WP3).

The project has 8 full project partners from 8 different European countries:

- **Leibniz-Institute for Regional Geography (IfL):** IfL is the only non-university research institute for geography in Germany. IfL is also Lead partner.
- **Slovak University of Technology in Bratislava–SPECTRA Centre of Excellence (STU):** STU is the leading school for spatial planners and the leading research institution for urban and spatial planning in Slovakia.
- **Geomedia LLC (GEO):** Geomedia is a consulting and training centre providing services to public, private and the third sector.
- **Social Impact (SI):** The non-profit social impact GmbH (formerly iq consult) is an agency for social innovation since 1994.
- **International Advisory Centre for Municipalities (MEPCO):** MEPCO is a joint venture of the Dutch VNG International and the Czech Union of Towns and Municipalities.
- **Research Centre for Economic and Regional Studies, Hungarian Academy of Sciences (RCERS):** RCERS is part of the only full-time research institute network in Hungary.
- **Universitatea Babeș-Bolyai, Facultatea de Geografie (UBB):** UBB is a teaching and advanced research university, one of the top ranked universities in Romania, according to the Romanian Ministry of Education rankings.
- **University of Tartu, Department of Geography (UT):** The Department of Geography of the University of Tartu is the largest geographer’s environment in Estonia carrying out wide range of interdisciplinary research.

The expertise capacities of the project are supported by 5 associated partners.

- **Eurofutures Finland Ab (EUROFUTURES):** Eurofutures Finland is a small private enterprise acting in applied research within European urban and regional development and spatial planning.





- **North-West Regional Development Agency (NW-RDA):** Founded in 1998, NW-RDA is in charge with elaboration and implementation of the regional development plan and a regional innovation strategy for Northern Transylvania.
- **University of Economics, Prague, Department of regional studies (UEP):** Department of regional studies at the UEP offers interdisciplinary courses integrating economists, geographers and sociologists.
- **University of Szeged, Department of Social and Economic Geography (USZ):** The USZ is one of the leading training and research centres in Hungary.
- **Verband Deutscher Gründungsinitiativen (VDG) (National Association of German Start-Up Support Initiatives):** Founded in 2004, the VDG is now an association of more than 50 start-up support Initiatives, among them iq consult (IQ). The VDG aims to promote entrepreneurship, to optimise entrepreneurial support and to shape framework conditions. Since 2007 the VDG runs an accreditation scheme for start-up advisors.

SPECTRA invites 2 young researchers from the Czech Republic and Germany. The supervisors of young researchers will be Prof. Maroš Finka and Assoc.Prof. Tatiana Kluvánková-Oravská.

The research focused on topic “Fuzziness and softness in spatial patterns of regional policies” will be led by Prof. Maroš Finka. The aim of the research is dealing with the ongoing integration processes in the EU, and in CEE in particular, that have led to a “fuzzification” and a softening of existing territorial and functional borders when it comes to the formation of new regional policies (e.g. for metropolitan areas). The project aims at understanding the challenges resulting from this development in terms of new interpretations of peripherality, the creation of new spatial patterns (e.g. through clusters) and the adaptation of new institutional systems. The study studies regional examples in Slovakia, Czech Republic and Germany.

Assoc.Prof. Tatiana Kluvánková-Oravská will supervise the topic “Multilevel governance for balanced development between core and peripheral spaces”. Multilevel governance is seen as a promising approach for the development of European metropolitan areas. However, up to now only little is known about the conditions which allow for successful cooperation between actors from the core region and the surrounding areas that aim at balancing out

regional disparities. In this respect, project will analyse innovative approaches in multilevel governance in the Slovak Republic, the Czech Republic and Germany.

Important part of the project are “the Reg Pol Schools”. The RegPol Schools will be 5-6 days long events where thematic sessions and workshops can be attended by external graduates with own projects related to regional polarisation.

The first “Introductory RegPol event” will be held in Bratislava organized by SPECTRA from 3rd November to 7th November. The topic is “Basic Understanding on core-periphery relations in Central and Eastern Europe: Implications for research and methodology”. This event will be devoted to introduce the young researchers to the network’s partners, content and objectives and to get know each other. Planned elements of the event are:

• **Keynote lectures:**

**Policies of boundaries and identities:** *prof. Merje Kuus*, University of British Columbia.

Merje Kuus is Associate Professor of Geography at UBC. She is a political geographer whose work concentrates on geopolitics and policy processes in transnational settings. Her current research investigates geopolitical knowledge production inside modern bureaucracies, or what might be called political geographies of expertise.

**Consuming Europe: Core-periphery relations through the prism of consumption and marketing:** *prof. Ulrich Ehrmann*, University of Graz.

His professional focus is on economic geography, geographies of production and consumption, didactics of geography and economics, relation of market, society and environment science, regional geographies of Southeastern Europe and regional development and rural studies.

• **Sessions:**

Doing a PhD in social science-based spatial research, Shifting Peripherality, Foundations of recent polarisation processes in CEE, Policy objectives regarding regional development and measures to reach them in the EU and CEE are only same topics of session. These will be presented by representatives of project partners.



• **methodological and transferable skills training:**

For young researchers are prepared training in following problematic: literature management, introductory training on quantitative regional indicators, experiments in social and political science research, methodology for interdisciplinary sciences, statistics etc.

For more detailed information about project RegPol2 please visit

[www.regpol2.eu](http://www.regpol2.eu).





Attila Tóth  
Milan Husár

## THE INTENSIVE PROGRAMME (IP) ANKARA 2014



Attendants of IP 2014,  
Source: Adam Abdullah

### Introduction

The intensive programme (IP) Ankara 2014 as a part of the EU LLP/Erasmus Programme was hosted for the second time in the Middle East Technical University in Ankara, Turkey in cooperation with Department of City and Regional Planning in Turkey and others partners from the European Spatial Development Planning network (ESDP network) between April 23rd and May 3rd, 2014. Slovak University of Technology in Bratislava was represented through lecturers from the Institute of Management: Prof. Ing. arch. Maroš Finka, PhD. and Ing. Lubomír Jamečný, PhD and two of its students (Ing. Attila Tóth and Bc. Milan Husár) from the Institute of Management who worked in working groups consulted by foreign teachers from universities from all over the world on suggestions for solution of traditional city center - Citadel and urban transformation area - Dikmen Valley in Ankara. There were

three to four working groups for each site and these were working on a range of issues, from economic and social sustainability to governance issues in their respective sites.

The Slovak students engaged especially in the issue of development of city in context of environmental sustainability, livability and resilience of the urban area and in issue of improving the governance in terms of the needs of various stakeholders. Actual work was preceded by several site visits and during the course of their work students did interviews with various stakeholder groups (residents, retail owners, municipality officers, real estate agent) and additional site visits to get to know the area well enough to come up with proper suggestions and proposals. Interesting contribution was presentation of results by Newton (Newton, 2012) that monitored elements across 140 capitals city and explored the relationship between environmental sustainability of cities and the livability from 2009 data.



According to the results of this bivariate analysis, livability of cities is often being achieved at the expense of environmental sustainability. Based on these results, we are (as planners) capable of building on these ideal models (with high livability and by lower levels of consumption of natural resources) for others cities, not only for the Citadel and Dikmen Valley in Ankara.

As for the group elaborating a document regarding governance issues in Citadel area, their objective was to produce a proposal based on hypothesis that if the current trends of commercialization, gentrification and displacement continued, the community would be destroyed and the area would be changed forever.

Therefore, they were looking for a model of governance aiming at converging the trends above and by combining ideas from theories of governance, resilience and transition management, they elaborated a proposal of how such model could function.

Both students were successful with their suggestions and after presentations of their results received a certificate of attendance. Benefits for them are many skills obtained through working in groups with students from different countries and academic and practical backgrounds as well, deepening of knowledge and many new friends from abroad.

## References

*Newton, Peter W.* 2012. **Socio-Technical Challenges for Twenty-First Century Cities**. London, UK : Journal of Urban Technology, Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK, Newton, Peter W., 2012 30-January. Journal of Urban Technology. 81 - 102 pages.





**Authors:**

**Maroš Finka**, Prof. Ing. arch. PhD., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*maros.finka@stuba.sk*

**Mojca Golobič**, Prof. Dr., University of Ljubljana, Biotechnical Faculty, Department of Landscape Architecture, Jamnikarjeva 101, 1000 Ljubljana, Slovenia  
*Mojca.golobic@bf.uni-lj.si*

**Günter Hofbauer**, Marketing and Industrial Sales Management, Technische Hochschule Ingolstadt – Business School/Germany  
*Guenther.hofbauer@thi.de*

**Milan Husár**, MSc., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Milan.husar@stuba.sk*

**Veronika Chobotová**, MSc., PhD., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Veronika.chobotova@stuba.sk*

**Lubomír Jamečný**, MSc., PhD., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Lubomir.jamecny@stuba.sk*

**Gerold Janssen**, Prof. Dr. jur., Weberplatz 1, Leibniz-Institut für ökologische Raumentwicklung e.V., 01217 Dresden  
*G.janssen@ioer.de*

**Matej Jaško**, MSc., PhD., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Matej.jasso@stuba.sk*

**Elena Közle**, Leibniz Institute of Ecological Urban and Regional Development, Weberplatz 1, D-01217 Dresden  
*P.wirth@ioer.de*  
*www.ioer.de*

**Miloš Král'**, Department of Banking and Financial Markets, University of Economics, Katowice/Poland  
*Milos.kral@ue.katowice.pl*

**Naja Marot**, Dr., University of Ljubljana, Biotechnical Faculty, Department of Landscape Architecture, Jamnikarjeva 101, 1000 Ljubljana, Slovenia  
*Naja.marot@bf.uni-lj.si*

**Vladimír Ondrejčka**, MSc., PhD., The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Vldimir.ondreicka@stuba.sk*

**Pavel Spirin**, Dr., NIIP Gradostroitelstva, Uliza Torschkovskaja 5, RU-197342 Sankt Petersburg  
*Pavelsp@list.ru*  
*www.niipgrad.spb.ru*

**Alexander Tölle**, Dr., Collegium Polonicum Słubice, German-Polish Research Institute, ul. Kościuszki 1, PL-69-100 Słubice  
*A.toelle@amu.edu.pl*  
*www.cp.edu.pl*

**Attila Tóth**, MSc.,š The Slovak University of Technology, Institute of Management, Vazovova 5, 812 43 Bratislava  
*Attila.toth@stuba.sk*

**Beata Warczewska**, Dr., Grunwaldzka 53, Department of Spatial Management, Wrocław University of Environmental and Life Sciences, 50 -357 Wrocław  
*Beata.warczewska@up.wroc.pl*

**Peter Wirth**, Dr., Leibniz Institute of Ecological Urban and Regional Development, Weberplatz 1, D-01217 Dresden  
*P.wirth@ioer.de*  
*www.ioer.de*

---

**Next Issue:**

The next issue of Journal TERRA SPECTRA:  
Real Estate Management

# terra SPECTRA

1/ 2014

## ■ STUDIES:

**Alexander Tölle**

SPATIAL PLANNING SYSTEMS IN GERMANY AND POLAND.  
LESSONS FROM A CROSS-OVER EXAMINATION

**Peter Wirth, Elena Közle, Pavel Spirin**

ENVIRONMENTAL SUBJECTS OF PROTECTION IN THE SPATIAL PLANNING SYSTEMS  
OF GERMANY AND RUSSIA

**Beata Warczewska**

SPATIAL PLANNING AT THE COMMUNE LEVEL AND ENVIRONMENTAL PROTECTION IN POLAND:  
THE LAW AND PRACTICE

**Naja Marot, Mojca Golobič**

SLOVENIAN SPATIAL PLANNING 20 YEARS LATER – STILL LOOKING FOR THE RIGHT PATH

**Gerold Janssen**

THE ROLE OF THE FEDERATION IN THE SPATIAL PLANNING ACCORDING  
TO THE FEDERAL SPATIAL PLANNING ACT (SECTION 17 § 1-3 ROG)

**Günter Hofbauer, Miloš Král**

BETTER CREDIT RATINGS THROUGH BETTER RELATIONSHIP MANAGEMENT  
IN MARKETING AND SALES

## ■ REWIEW:

FROM GOVERNING TO GOVERNANCE RECONSIDERED

## ■ UPDATES

**Matej Jaššo**

FORBES CONFERENCE „COMPETITIVNESS OF BRATISLAVA-VIENNA METROPOLITAN REGION“

**Lubomír Jamečný**

UNIVERSITY EDUCATORS FOR SUSTAINABLE DEVELOPMENT (UE4SD)

**Vladimír Ondrejčka**

SOCIO-ECONOMIC AND POLITICAL RESPONSES  
TO REGIONAL POLARISATION IN CENTRAL AND EASTERN EUROPE

**Attila Tóth, Milan Husár**

THE INTENSIVE PROGRAMME (IP) ANKARA 2014

