



## Mining and Spatial Planning

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## Effects of raw materials production on regional development

### Challenges

influence on landscape and recreational areas

endangerment of protected animals and plants

loss of areas for agriculture

noise and dust caused by mining and transportation

effects on groundwater and surface water

### Opportunities

basis material for building industry

regional gross added value

jobs



## Two (diverging) interests development when developing raw materials production site

### ▶ Protection of people and nature

goals:

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

### ▶ protection of interest of the economy and mining sites

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

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## Principles of Spatial Planning in Austria

- ▶ Hypothesis:  
Land use is a product of society, economy, technic, values etc.
- ▶ Spatial planning takes action, when spatial development does not meet common goals of society.
- ▶ Thus, the goals need to be defined.
- ▶ As spatial planning limits land use options of private people, measures need to be justified.
- ▶ Spatial planning acts as agent of public interests

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## Relevant Public Interests Related to Mining and Spatial planning goals

- ▶ **gross added value and jobs**
  - ▶ **environmental protection:**  
short ways for delivering mineral raw materials
  - ▶ **protection of neighbours :**  
separate conflicting land use, definition of buffers
  - ▶ **security of supply:**  
safeguarding usable zones for mining
- ➔ **need to prove public interest in planning and permit processes**


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## The Legislative Frame in Austria


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

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 **Links from MinROG to spatial planning**

- ▶ link to **land use plan** of the **municipalities**:  
buffer zones to certain types of land use
- ▶ **spatial planning authority of “Land”**:  
position of a party in the approval procedure
  - has to be heard in in approval process by state authority
  - can bring in public regional development interests
  - can appeal to the highest courts
- ▶ transport plans of the municipalities have to be observed

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

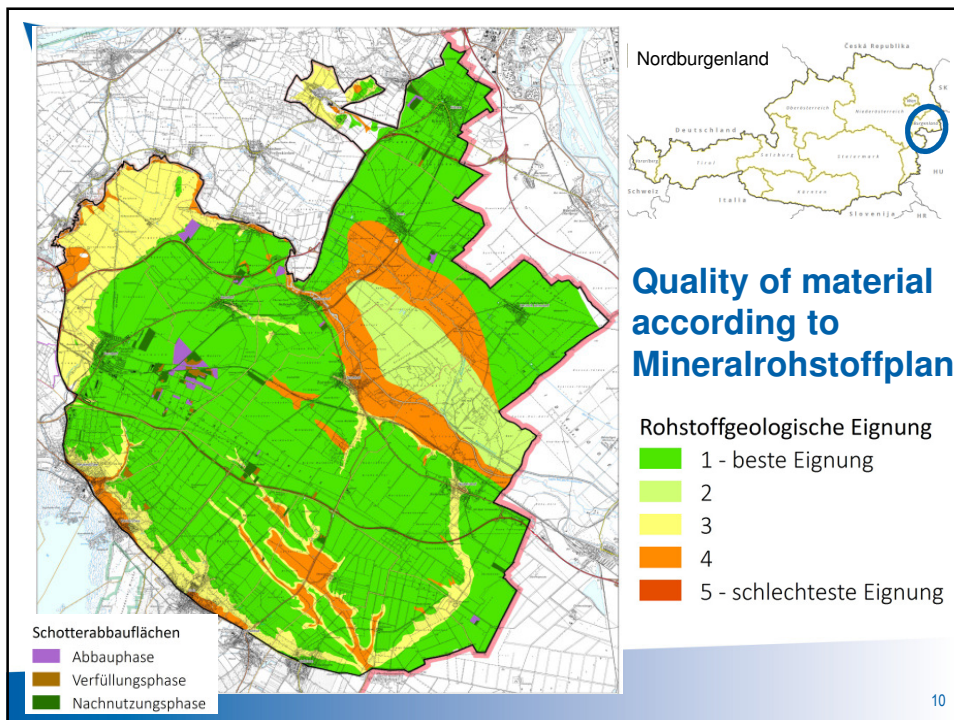
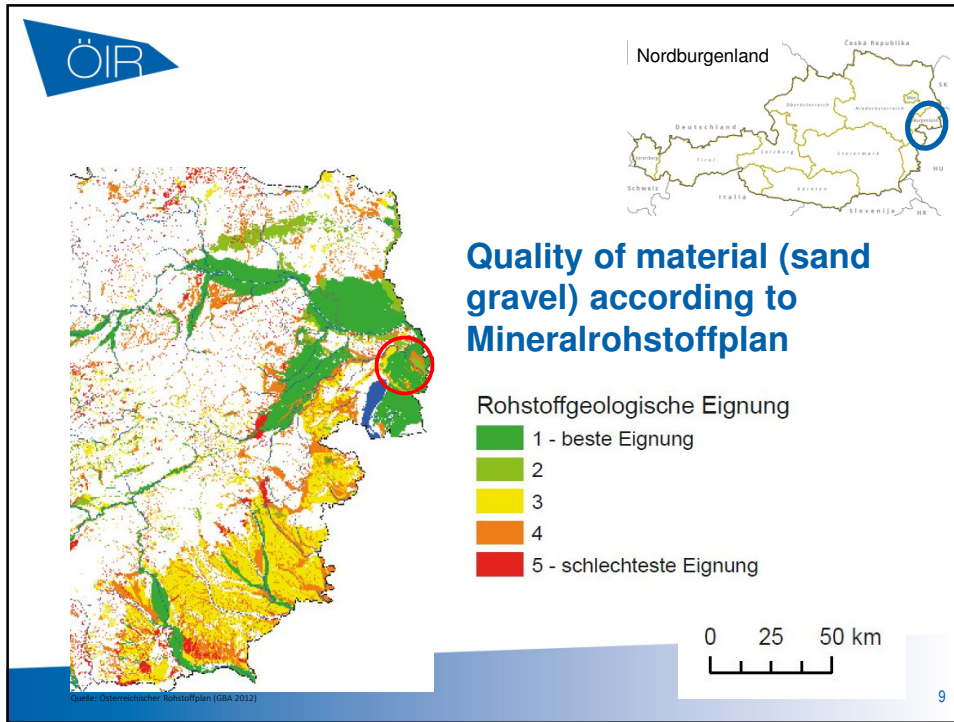


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 **Links to the land use plan**


- ▶ 300-m-buffer zone  
to certain types of land use
  - zones dedicated to **housing**  
or housing developments
  - **zones for sensitive land use**  
(e.g. kindergardens, schools, hospitals, retirement homes,  
churches, cemeteries, children playgrounds, parks, ...)
  - **protected areas** (e.g. national park, natural conservation areas)
- ▶ local government can reduce the 300-m-buffer
- ▶ But: local government must not enact housing zones just for  
the reason to make mining impossible

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**Planning Process -  
Involvement of**

- ▶ relevant public administrations
- ▶ municipalities
- ▶ NGOs
- ▶ operators of gravel pits

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**Goals defining public regional  
development interests („Land“)  
for sand, gravel and stone**

- ▶ Enabling of raw materials production on sustainable sites to safeguard the supply of the economy and the population with products of the building industry
- ▶ Safeguarding the quality of life of the citizens, especially in housing zones and recreation areas
- ▶ Protection of environment, landscape and agriculture minimising negative effects on the landscape

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**Definition of criteria for areas on the regional level**




- ▶ **Exclusion zones:** new raw materials production developments have to be avoided due to regional planning public interests
- ▶ **Conflict zones:** potential land use conflict. When conflict solved, new raw materials production developments possible
- ▶ **“No Conflict zones”:** areas outside of exclusion zones and conflict zones; new raw materials production developments are possible. However local relations have to be observed.

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

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**Exclusion Zones - Criteria**




**Criteria are e.g.**

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

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**Conflict Zones - Criteria**

Criteria are e.g.

- ▶ agricultural land with high quality
- ▶ wildlife corridors
- ▶ plots with assumed field monuments
- ▶ zones for wind power stations
- ▶ tourist zones
- ▶ local recreation areas



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**Criteria to meet spatial planning goals**


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

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




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## Raw Materials Production concept Tyrol



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



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## Weighting of different public interests

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

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