Working Paper

The Historical Development of Planning Law in North-Rhine Westphalia with Relevance to Environmental Protection

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1. On the relation between environmental and planning law

Environmental law does not come under the legal domain of solely the Federal or State governments in Germany. A comprehensive statute book on environmental law does not yet exist. Rather, rules and regulations concerning environmental protection are to be found in the various field specific laws, such as those on Nature Protection, Landscape Preservation, Protection of neighboring property against effects from environmental pollution (hereafter referred to Protection from Environmental Impacts), Protection against Radiation, Water Quality Protection, and Solid Waste. Taking into account the basic principle of the equal weight of different categories of law, the task of these laws is to lay down the rules of environmentally friendly behaviour on the part of firms, households, and regional administrative bodies. In the field of environmental law the corresponding Federal laws dominate in so far as settling the underlying issues and providing the basic technical legal apparatus in a uniform manner. This framework is then supplemented and made more specific by Federal and State regulations.

At the forefront of planning law deliberation is reference to the region. Planning law seeks to match and balance different land use claims in regions or regional units. Because of the varied potential and basic conditions of different regions, legislation in this area is under State jurisdiction. Federal rules, such as the Federal environmental planning law and the statute book of Building Law, are limited to setting overall goals and tasks as well as the basic procedural steps. The concrete substantive planning is performed by the State governments, their planning authorities as well as the communes.

In this manner, the respective subject specific environmental laws adjoin the respective regionally specific planning law. It is also important to consider the importance of environmental law in planning law and the regulations of planning law in environmental law. This condition exists because of the basic principle concerning the forbiddance of conflict transfers.

The nature of this connection in exemplified in environmental law by the rules contained in section 50 of the Federal Law on the Protection of neighboring property against effects from environmental pollution (referred to in short form as the BImSchG and hereafter referred to as the Protection from Environmental Impacts Law), according to which planning law requirements must be met as one condition in the authorization of a permit obliged plant. An additional construction permit is then not required. The next step would be to obtain a statement of site permit consultation with the relevant authorities. Only when this statement is positive would a further environmental impact assessment be performed.

Other references to the region (as a concept) are contained in the Rules for Affected Areas and in the Air Pollution Control Plans (sections 44 - 47 of the Protection from Environmental Impacts Law), as well as in the authorization of State legal regulations for special areas. However, the Air Pollution Control Plans contain no binding requirements vis à vis third parties; the plans' essential function is to evaluate

situations, formulate goals, and regulate measures within the official administration. Since the beginning of 1990s visible efforts are being undertaken for the first time to equip the Plans with binding requirements through concrete regulations (not just nonbinding, advisory rules).

The reverse in planning law is to be found in the written considerations regarding environmental protection in respective plans. Accordingly, there are goal formulations in the Federal Regional Development Law of 1965 and, since the 1976 amendment, in the Federal Building Law, where environmental protection features as one of many planning aims such as economic improvement and the supply of living areas. In this case, environmental protection goals do not take precedence over other goals, but rather hold equal weight in planning deliberations.

In addition to overall goal setting, there exists in planning law more concrete linkages to environmental protection. The authorization of commercial plants in different area types (according to the Building Use Regulations) must depend on the potential for emissions to air, water, as well as noise. The Building Use Regulations do not only take into account the area, but also the type of commercial operation. In other words, certain production technologies, because of their emissions grade, will be promoted.

2. On the overall structure of planning law

There are three levels of spatial planning in Germany:

regional planning

sub-regional planning

building site planning

Regional planning is the top level of spatial planning. It is concerned with the spatial distribution of commercial, social and other functions. Goal setting at this level seeks on the one hand to secure the essential basic functions (home, work, recreation) in all regions. On the other hand, environmental planning serves to delimit high density zones that perform particular functions.

In Germany, the analysis and planning of regional planning issues are taken up by the States. An independent planning authority at the Federal level does not exist. The set of government rules provide only the premises for the elaboration of State planning laws. However, the regional development plans of the States are not legally binding. They only provide the field and scope of action for state involvement.

The focus of sub-regional planning is on zones inside the State. It constructs the regional planning of the State, and therefore is under State jurisdiction. Included in the planning process however are also communes and other societal groups. The legal basis for sub-regional planning is the Federal Regional Planning Law and the State Planning Law.

The task of sub-regional planning is to formulate and to make concrete the sub-regional development planning goals and principles. Its essential function is to regulate between local and super-regional interests as well as sub-regional coordination of communal planning. As with regional planning, the commitment of sub-regional plans for third parties in general not legally binding.

Building site planning requires the concrete, on site preparation and regulation of uses (construction or otherwise) of individual plots of land. This type of planning is carried out by the respective communes under own responsibility. Communal sovereignty in these affairs is guaranteed under the German constitution.

The Building Statute Book (earlier the Federal Building Law) regulates the principal goals and procedures involved in the promotion of siting plans on a national level. In addition to allowing for public participation, it also provides the basis for the two step process of site planning. The pre-prepared building plans for the entire communal area follows in the framework of the promotion of land use plans. The obligatory site planning for the use of the land plot could be defeated in the face of development plans for many small areas in communes.

Communal site planning is subject to legal supervision by the State. It is tested whether it has been properly drawn up and the congruity of its contents with Federal and State legal guidelines. Of importance especially are the land use specifications according to area type as listed in the Building Use Regulation, and the State's plans for development and other policies (such as transport route plans). Other prior binding land use decisions could thus figuratively collide with these projects, such as prior decisions to set aside protected areas (such as nature preservation areas).

Site development plans and their commitments on paper legally regulate the permissible land use of the area in question. They are the therefore the basis for permission to change the development and use of the plot. If no qualified development plans exist, the proposals are reviewed according to the available building site landscape (&& 34 and 35 of the Building Book of Statutes.) Important in the permit process are also the guidelines of the State Construction Rules as well as other relevant State guidelines.

Permits to change the land use (construction or otherwise) of particular proposals with super-regional significance is possible at the state level (& 38 of the Building Book of Statutes). In this case the communes are merely entitled to a hearing. Such permits in planning assessments are related above all to infrastructure projects in transport, solid waste and waste water, which are covered by the respective field specific laws.

The relation between regional planning and sub-regional planning by the States on the one hand and building site planning by the communes on the other hand is not clearly settled. From the orientative principle of higher level planning one could have inferred a clear hierarchical sequence of planning levels. Accordingly, the communal building site plans be developed from the guidelines of sub-regional plans, and these in turn would have to be derived from the goals of regional planning. The rebuttal to this argument is the planning principle that opposes the counter current rule and it implies that above all communal interests are required consideration in regional and

sub-regional planning. The complementing and coordination of responsibilities among the planning levels usually implies having to find consensus.

3. The Development of Regional Planning and Sub-Regional Planning

Sub-regional planning in Germany began with the planning groups in the big industrial regions. The Settlement Association of the Ruhr Coal District (or SVR), founded in 1920, was one of the first such groups. The SVR first undertook the coordination of above all communal infrastructure measures. Moreover, its goal was to achieve, through spatial planning, a carefully considered balance of interests among health, recreation, transport and the economy. The SVR was thus frequently referred to as the real start of regional planning in Germany. There was not as yet a higher level legal regulation of the authority of the SVR, which not only represented communes but also large industrial companies.

After World War II, North-Rhine Westphalia was the only federal State that, having founded the state planning groups in 1936, and having had them suspended in 1944, reinstated these groups. Their task was to develop a reconstruction plan on a sub-regional level. In parallel a law was drafted on the uniform regulation of regional planning and sub-regional planning in the State. In 1950 North-Rhine Westphalia was the first federal state to enact a State Planning Law.

The highest State planning authorities were consequently settled in the heads of ministries. The State planning groups were made the concrete forces of State planning. In addition to the two State planning groups of Rhineland and Westphalia, the SVR was also made into such a group. The members of these State planning groups could be sovereign cities, State administered areas, heads of regional administrative bodies and furthermore also representatives of industry and other societal groups.

For the regions Westphalia, Rhineland and that of the Ruhr Coal District plans for development were deliberated and set up through the planning communities in agreement with the State authorities. At this time there was no national development planning. At the request of the planning communities, area specific development plans could be declared in part or in toto legally binding by the State planning authorities in so far as the land use in question had more than just local implications.

In 1962, the new edition of the State Planning Law for North-Rhine Westphalia lead to a greater sophistication and scientific orientation of State planning. The procedural channels were extended with the introduction of a new planning level, the district planning authorities. This planning level is separated from the regional administrative bodies and is placed in the hands of State construction authorities.
At the same time, a State Planning Committee was set up in the highest State planning authority, which is now in the Ministry for State planning, House building and Public Works. However, the three planning communities remained forces of State planning. These groups were also able to set up additional counsel in the form of special

planning committees. In comparison with State planning in other Federal states, North-Rhine Westphalia clearly had more decentralized development planning.

In 1962 a noticeable augmentation took place in the use of planning instruments. In addition to the regional development plans, a tool of the State development programme was introduced. The area development plans for the entire region covering the three planning groups were expanded through the possibility to set up land safeguarding plans for certain areas. In the framework of the land safeguarding plan, obstacles could be placed in the face of changes to regional planning (Alteration Barriers), and petitions to build could be deferred.

The 1965 Federal Regional Development Law hardly changed conditions of State planning in North-Rhine Westphalia; the Federal law allowed the States room to arrange their own planning affairs. The new edition of the State planning law in North-Rhine Westphalia in 1972 lead to a stronger legal character of State planning through the concretization of procedures and planning instruments. One of these concretizations concerned the evolution of a planning rule, according to which in certain cases of overwhelming super-regional significance, State planning can order the communes to change their Building site plans. Other Federal States do not have such a rule in planning. The planning rule, and the same for the Alternation Barrier in the framework of land securing plans, were seldom applied in the planning praxis of North-Rhine Westphalia. However, the possible threat of a planning rule or an Alteration Barrier significantly strengthened the position of state planning vis à vis the communes.

Following 1989 there were no fundamental changes to the legal framework conditions of State planning in North-Rhine Westphalia. The administrative assignments of the highest planning authorities did change frequently however. In the end they were merged into one ministry of state planning and environmental protection, as is the case in most Federal states.

4. Planning Commitments with reference to Environmental Protection in North-Rhine Westphalia

Environmental protection always featured as one of important goals of regional and sub-regional planning in North-Rhine Westphalia. In the fifties and sixties viewpoints on health protection, neighbor protection, and nature protection were in the foreground of planning considerations. The goal of an overall reduction in pollutant emissions first gained acceptance at the end of the seventies.

However, environmental protection is not an over-dominating planning goal but rather is counted equally in the "catalog" of planning goals. This formal catalog, which also includes economic improvement or the creation of living areas, has not fundamentally changed over the years, even though legal regulations have only become tighter.

The task of the planners was and still is, with respect to the region, to avoid possible conflicts among different goals or at least to minimize their counter effects. Because of this, there is hardly a historical banking of points from a formal legal framework

perspective of beneficiary and noisome impacts on the environmental in making present considerations. Much more dominating are the concrete decisions from the balancing of goals in planning praxis and the situational reference in question. Formal regulations, for example administrative guidelines, are put into effect if clarifications in the planning process are necessary.

Traditionally, the most significant environmental protection conflict in planning praxis results from the limited regional capacity to support both commercial and residential land uses. Such conflicts have occurred in jurisdictional accounts since the beginning of this century. In the concrete permit praxis the balancing process between commercial and residential uses already play an important role before corresponding specifications in development and building site planning are formally put on the table.

The usual response strategy in this conflict until the end of the seventies comprised attempts to separate spatially commercial and residential uses. The distance between commercial and residential areas had to be so large as to leave out of the question a direct intrusion of noise and air emissions from commercial operations on residential areas. Disturbing commercial operations either in or in the direct vicinity of residential areas should in legal planning terms also be out of the question.

This planning principle found defeat above all in the small area building site planning of the communes. New commercial areas were as a result of the consideration of meteorological and climatological conditions, mostly relegated outside of the hitherto settlement plots. The legal basis for this commitment was contained in the corresponding regulations of the Federal Building Law of 1960. For North-Rhine Westphalia, a State planning decree concretized the allowable and required measures in building site planning and the permit for project proposals. They refer above all to protective measures being supplementary add-ons (Ceiling the emissions, retaining the emissions, etc.).

North-Rhine Westphalia took on a special pioneering role in Germany in the evolution of guidelines for the spatial separation of commercial and residential uses. State planning decrees on the commitment of distances between commercial and residential areas in building site planning were issued in 1972. A national singularity was the so called distance list. In this list the minimally protective distances to be maintained for specific industrial uses were concretely laid down. USA and USSR plans and commitments from the sixties were seen as role models.

The realization of these planning goals and planning guidelines were extremely difficult in the State's conurbation zones. Especially problematical was the situation in the Ruhr area due to its extraordinary history of industrialization. It was characterized by the problematic of small areas and the dense agglomeration of industry and households. Strongly emitting large plants and extended living zones were located in immediate vicinity of one another. From an examination of the entire conurbation, it was concluded that because of the poly-centralized settlement structure of the Ruhr area within the core communes, there were hardly any (pollutant) dispersal zones available for industrial use that were sufficiently distant from residential and recreation areas.

At the level of communal site planning, it often was the case because of the dense agglomeration problem, planning of the hitherto settlement areas by higher authorities frequently led to a graduated layering of the commercial areas. Areas hitherto committed to industrial use became commercial areas, and commercial areas became mixed areas. Thus the potential allowable scope of emitting (disturbing) industry and commercial operations was gradually restricted. In many cases the pollutant effects of the existing commercial operations were so large, that any potential for a balance of interests in the framework of a formal development plan was not taken as in the least possible. In 1970, 70% of the local commercial enterprises in North-Rhine Westphalia did not have any official planning safeguarding. This means that these commercial locations were not part of any qualified development plan having identified it as an industrial or commercial zone.

In both cases (with and without a development plan) the hitherto commercial land use (on account of the safeguarding of continuance of use in planning law) was not directly affected by the official limitations. Only when fundamental modernization measures and investment for expansion became an issue for these enterprises did they feel the bite of the sharper environmental requirements. However, when it came down to individual decisions regarding construction permits, many waivers were doled out and conditions negotiated.

The Ruhr's singular environmental problems, coupled with its dense agglomeration condition, had not been successfully tackled by State regional development or State sub-regional planning. Consequently, the State initiated the Entwicklungsprogramme Ruhr (Development Program Ruhr) which was conceived on the basis of the SVR's established area development plans. Providing impetus for the program were the economic difficulties caused by the crises in the coal and steel sectors and the textile industry as well as by the recession of 1967. The goal was to cushion the burden of structural change through safeguarding and improving occupational opportunities. The enactment of the Development Program was coordinated by several institutions. These included a mixed approval committee (Federal and State participation), a central coordination unit (State, communes) and an inter-ministerial working group (different subject specific ministerial departments). The Development Program Ruhr consisted of 8 main headings: welfare protection, investment help, transport networks, colleges, providing recreational areas, city landscapes, information, and the maintenance of air and water quality. The catalog of measures for air quality anticipated that the lessening of environmental impact of over 100 named companies could occur through plant shutdown, refitting and redirection. The Program costed about 130 million German marks (in 1968 prices). North-Rhine Westphalia made available 40 million German marks as direct state subsidies for the enacted of Program measures. In addition, low interest loans were granted.

While the Development Program Ruhr focused on the improvement of the environmental situation in the Ruhr, other state planning was busy delimiting the region. For example, in the framework of the State development plans VI of 1978 concentrated activity zones were laid down for the relegation of land intensive big industrial projects and power plants. Environmental protection figured as essential criteria in the selection process. Only locations that had hitherto low air pollution

records and could satisfy all distance requirements were promoted. In the Ruhr, the traditional location of large industrial operations, such concentrated activity zones had not been relegated.

By the end of the 1970s, the overall reduction of environmental damage gained significance in the objectives of the planning praxis. Solely to spatially isolate strongly emitting commercial enterprises was not seen as sufficient anymore. Especially in communal building site planning, concerns to reduce the impact level of noise and air pollution were expressed. In the textual arrangements on development plans for industrial and commercial areas, stiffer concrete emissions or impact standards were set as well as their corresponding evaluation and measurement methods

The standards, evaluation methods and measurement processes deviated in some ways from those in national regulations such as in the Protection from Environmental Impacts Law. Usually it was a question of stronger environmental norms. These arrangements by communes in North-Rhine Westphalia were safeguarded through a State planning decree in 1976, which required building site planning and official planning permits to stipulate better than Best Available Technology if the protective distance was not maintained. In the later revision of the Federal Construction Law of 1976, possibilities to arrange for lower pollutant readings in building site planning were taken up as well.

In the jurisdiction of this matter it turned out that higher environmental quality standards, higher than those forseen in the Technical Instructions Air (TA Luft), were not allowable without particular spatial referencing. In comparison,, arrangements were made to make legally effective an extended application of impact standards on, with reference to the Impact Protection Law, non permit requiring plants.

In light of the economic difficulties faced by industrial conurbations and especially those of the Ruhr, concern mounted in the 1980's to safeguard industrial production opportunities in high density agglomerations. Regulations on the remediation of contaminated industrial lands were developed. Moreover, in cases of conflict, case specific solutions tried to allow both continued production as well as improved environmental conditions. The Town Planning Contract is one instrument in this attempt, and it also offers the possibility of compensation arrangements. In the framework of such contracts it was possible to agree that the construction of a new industrial plant could mean that old plants at other sites would be taken out of operation.

During the same period, there were parallel legal developments to restrict the possibility of introducing stricter than existing environmental protection norms. In 1982 North-Rhine Westphalia clarified in a planning decree that Impact Standards were not to be included in building site planning deliberations. Unaffected however remained emission restrictions. In the same year the revised Distance Decree introduced special rules for dense agglomerations. Moreover with the transfer of the Federal Building Law to the Building Statute Book in 1986, it became much more difficult to deviate from Federal and State Laws on Environmental Protection. Only in special town planning situations (for example Resorts with especially good quality

air) were stricter standards than those in the Federal Protection from Environmental Impact Law and the corresponding Technical Instructions Air still possible.

5. Concluding Assessment

The ever increasing ecological structure of spatial planning in North-Rhine Westphalia, in conjunction with the evolution of the Protection from Environmental Impacts Law fundamentally contributed to the improvement of the environmental situation in the Ruhr.
One can see in the historical progression of planning law and praxis the momentum to reduce environmental damage in the Ruhr on three levels especially:

1. Through the existing legal uncertainty in light of non compliance with the protective distances (and sometimes not legally safeguarded industrial and commercial areas) a pressure was mounted on emitting industry and commercial plants in the Ruhr.

2. Through the large scale relegating of industry and commercial plants to regions outside the high density areas of North-Rhine Westphalia, which involved both fewer environmental impact limitations and sufficient gap areas. This policy opened up the potential for spatially transferring emitting production processes outside of the Ruhr area.

3. The communes could, while considering each project permit case individually, put through the required addition of new equipment to lower emissions of either existing or new plants when modernizing or expanding.

Spatial planning took on a more elaborate role in legalities regarding Protection from Environmental Impact. These duties on the one hand concerned the concrete spatial origin of an emissions source. Above all the affected area's "handicaps" were considered. On the other hand in the planning praxis in part also environmental improvements could be put through with regard to existing emission sources. Although a basic principle for the protection of old plants also existed in planning law, the total assessment could be much more flexible than in permit granting processes concerning Protection from Environmental Impacts.

In the enactment and implementation of regional strategies concerning economic modernization and ecological recovery, two elements of planning law came to be seen as necessary:

- the high level of consensus building in the development of planning goals and their enactment strategies

- the orientation and balance of interests in individual cases

In the spatial planning process the balancing of major interests already takes place in the foreground of concrete planning decisions. It also thus makes sure at the earliest

possible point in the process that a high level of complementarity between the goals of economic strength and the improvement of the environmental situation will be achieved. At the level of sub-regional planning, consensus building was promoted above all through the SVR, in which all important societal groups of the respective area were represented. To arrive at a consensus at the level of building site planning, the nationally regulated extensive public participation is to be greatly noted.

In the framework of the given planning regulations there still remains considerable manoeuvring room in order that in legal planning case decisions efficient general solutions can be found. The inherent potential conflict in individual cases between the economy and the environment can in such a process be resolved early through the balancing of the specific interests involved and in the effects the process has on development goals. This type of conflict case has shown that it is extremely helpful if the necessary adjustment processes are mitigated with state resources - as in the example of the Development Program Ruhr.

6. The Chronology of Planning law in North-Rhine Westphalia

Regional Development Planning and Sub-regional Planning

1920: Founding of the Settlement Association of the Ruhr Coal District (SVR) with the goal of strengthening the economy and improving the living conditions of its inhabitants (Gesetzsammlung, S. 286)

1936: Appearance of State planning groups in all areas of the Reich. The SVR was made into one of these planning groups.

1944: The State planning groups were suspended.

1945: Only in North-Rhine Westphalia were the State planning groups, including the SVR, reintroduced.

1950: North-Rhine Westphalia issued the first State planning law in the country. The goal of the State planning is to match planning with social, cultural and economic requirements of development (Gesetzes- und Verordnungsblatt NW, S.41)

The forces of state planning are the State planning groups. The SVR receives the same status as the planning groups of Rhineland and Westphalia (Gesetzes- und Verordnungsblatt NW, S. 141)

1957: Administrative agreement between North-Rhine Westphalia and the other Federal states with the national government on the congruity and accord of development and regional planning (Konferez fuer Raumordnung).

1962: A new State planning law is issued. It sought a more sophisticated and finer organization structure for State planning. The instruments of State planning were

elaborated through area development programs, land safeguarding plans and a plan alternation barrier. (Gesetzes- und Verordnungsblatt NW, S. 229)

1965: The Federal development law was passed. It was the framework law for the nation in State planning.

1968: Setting up of the Development Program Ruhr 1968 until 1973. The goal is among others a clear improvement of the environmental situation in the Ruhr.

1974: In the law on State development in North-Rhine Westphalia the following was committed: the goal of development and regional planning is among others the measurement of sufficient gap areas between emitting plants and residential areas (Gesetzes- und Verordnungsblatt NW S. 96).

1975: The new edition of the State planning law. It intends among other aims to concretize the legal intervention possibilities of State planning in communal building site planning. A Planning Rule was introduced and was a nation wide singularity (Gesetzes- und Verordnungsblatt NW, S. 450).

1978: In the framework of State development plans VI, State areas are committed for large industrial projects and energy production which have special super-regional significance.

Building site planning

1938: The association presidents of the SVR issue the Building Police Regulation on the regulating of construction project allowability (sonderbeilage zum Amtsblatt der Regierung Arnsberg, Stueck 52).

1957: Declarations on the type and size of building use are included in the Building Regulation (former Building Police Regulation) of the SVR, as they are also later included in the Building Use Regulation of the Federal government. (Gesetzes- und Verordnungsblatt NW, S. 1).

1960: In the first standardized regulation of Building site planning, the Federal Building Law and the Building Use Regulation are drawn up. The goal set for Building site planning is among others to balance the interests of the economy, nature protection, and health.

1965: A group ministerial circular directive was issued on taking environmental impact into account in Building site planning and in permits for projects in North-Rhine Westphalia. In both cases, in order to reduce the damage of environmental impact, homes and commercial work areas should be separated in so far as this is possible.

1972: Ministry for Work, Health and Welfare release a circular directive on the setting down of gap areas between commercial and residential uses in Building site

planning. The distances should be measured so as to minimize the effects of noise and air pollution (Ministerialblatt NW).

1974: Renewed circular directive of the Ministry for Work, Health and Welfare in North-Rhine Westphalia on the necessary gap areas between commercial and residential areas in Building site planning. A distance list was created in which the minimum distances from homes for individual plants were set (Ministerialblatt NW, S. 992).

Group circular directive on taking environmental impact into account in Building site planning and in permits for projects. Sanction for non compliance with the minimum distances required emissions standards to be stricter than those guaranteed by best available technology (Ministerialblatt NW, S. 234).

1976: Circular directive of the Interior Ministry of North-Rhine Westphalia on the clarification that Building site plans do not have to do more than is required by local environmental political goals if these are regulated already by State and Federal laws.

A new edition of the Federal Construction Law with stronger structural emphasis on environmental protection goals. It is grounded in the site development plans' ban on use of air polluting substances.

1982: Group ministerial circular directive on the setting of Environmental Impact standards in site development plans in North-Rhine Westphalia. Including Environmental Impact standards in site development plans was not permitted. However, the emission rules remained (Ministerialblatt NW, S. 1366).

Circular directive of the Ministry for Work, Health and Welfare in North-Rhine Westphalia on regulating gap areas between commercial and residential areas. Special rules for high density agglomerations were declared useful and permissible (Ministerialblatt NW, S. 280).

1986: Transfer of the Federal Building Law to the Statute Book of Building Law. The possibilities to include emission standards in building site plans that went beyond the regulations in the Environmental Impact Protection Law were clearly restricted.

A selection of relevant literature

Benkert, W.: Die raumwirtschaftliche Dimension der Umweltnutzung. In: Finanzwirtschaftliche Forschungsarbeiten, N.F. Heft 50, 1981.

Boeddinghaus, G.: Einfügung störender Handwerksbetriebe in eine umgebende Wohnbebauung. In: Umwelt- und Planungsrecht, Heft 9, 1992.

Boisserée, K.: Örtliche Umweltstandards? - Nochmals zur Verbindlichkeit von Emissions- und Immissionsgrenzwerten in Bebauungsplänen. In: Umwelt- und Planungsrecht, Heft 11-12, 1983.

Brösse, U.: Ausgeglichene Funktionsräume oder funktionsräumliche Arbeitsteilung durch Vorranggebiete als Alternative Konzepte für Regionalpolitik und Umweltpolitik? in: Zeitschrift für Umweltpolitik, Heft 1, 1978.

Bunzel, R. u.a.: Städtebauliche Verträge. Schriften des Deutschen Instituts für Urbanistik, Berlin 1995.

Dreyhaupt, F.: Luftreinhaltung als Faktor der Stadt- und Regionalplanung, Köln 1971.

Dreyhaupt, F.: Standortplanung als Mittel zur Erfüllung des Vorsorgegrundsatzes im Umweltschutz. Haus der Technik, Vortragsveröffentlichungen, Nr. 389, 1976.

Fiebig, K.-H. und A. Hinzen: Umweltschutz und Industriestandorte. Planungskonzeptionen und Rechtsinstrumente, Berlin 1980.

Fürst, D. und E.-H. Ritter: Landesentwicklungsplanung und Regionalplanung: ein verwaltungswissenschaftlicher Grundriß, Düsseldorf 1993.

Gehrmann, W.: Abwehrrechte emittierender Gewerbebetriebe gegen heranrückende Wohnbebauung. In: Umwelt- und Planungsrecht, Heft 10, 1982.

Hanstedt, W.: Luftverschmutzung in den Ballungsgebieten und begrenzte Möglichkeiten für die Raumplanung. In: Energiewirtschaftliche Tagesfragen, 1965.

Hennecke, U.: Raumplanerische Verfahren und Umweltschutz. Beiträge zum Siedlungs- und Wohnungswesen und zur Raumplanung, Bd. 40, Münster 1977.

Holleben, H. v. : Die Festsetzung von Emissions- oder Immissionswerten in Bebauungsplänen. In: Umwelt- und Planungsrecht, Heft 2, 1983.

Hübler, K.-H.: Großräumige Vorranggebiete als Gegenkonzept zu ausgeglichenen Funktionsräumen. Beiträge zum Siedlungs- und Wohnungswesen und zur Raumplanung, Münster 1977.

Kistenmacher, H.: Der Beitrag der Regionalplanung zum Umweltschutz. In: Der Landkreis, Heft 1, 1977.

Klemmer, P.: Institutionelle Hemmnisse und wirtschaftlicher Niedergang: Immissionsschutz und altindustrielle Regionen. In: Müller, J.H. (Hg.): Determinanten räumlicher Entwicklung, Schiften des Vereins für Socialpolitik, N.F. Bd. 131, Berlin 1983.

Malchus, V. Frhr. v.: Synopse der Regionalplanung in den Bundesländern der Bundesrepublik Deutschland. In: Daten zur Raumplanung. Teil B: Überfachliche raumbedeutsame Planung, Hannover 1983.

Paetow, S.: Zum Verhältnis von Fachplanung und Bauleitplanung. In: Umwelt- und Planungsrecht, Heft 9, 1990.

Porger, K.-W.: Immissionsschutzwerte in Bebauungsplänen: Rechtsgrundlagen, Planungserfordernisse, Festsetzungsmöglichkeiten, Wiesbaden, Berlin 1995.

Schlarmann, H. und W. Erbguth: Zur Durchsetzung von Umweltbelangen in der räumlichen Planung: eine Untersuchung zum rechtlichen und administrativen Instrumentarium. Beiträge zum Siedlungs- und Wohnungswesen und zur Raumplanung, Bd. 76, Münster 1982.

Schmidt-Aßmann: Umweltschutz im Recht der Raumplanung. In: Salzwedel (Hrsg.): Grundzüge des Umweltrechts, Berlin 1982.

Schulze-Fielitz, H.: Rechtsfragen der Durchsetzung von Luftreinhalte- und Lärmminderungsplänen. In: Umwelt- und Planungsrecht, Heft 2, 1992.

Stell, K.: Bedeutung und Funktion industrieller Raumordnung im Zeichen der Lösungsversuche zur Reinhaltung der Luft in Industriegebieten, Tübingen 1960.

Tettinger, F.: Auswirkungen der Umweltschutzgesetzgebung auf die regionale und sektorale Industrieentwicklung am Beispiel des Ruhrgebiets. Beiträge zur Umweltgestaltung, Bd. 14, Dortmund 1980.

Weyl, H.: Organisationsform der Regionalplanung in der Bundesrepublik Deutschland, Essen 1987.

Weyreuther, F.: Umweltschutz und öffentliche Planung. In: Umwelt- und Planungsrecht, Heft 2, 1981.