

Ecological Compensation Measure

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Legislative (Germany)

In Germany, all building and land use regulations stem from Federal laws, including the Federal Building Code (Baugesetzbuch) and the Federal Nature Conservation Act (Bundesnaturschutzgesetz) which require municipalities to develop land use plans and regulations which safeguard sustainable development, natural functions and landscapes. Any “intervention” (i.e. development) that impacts nature within urban areas requires compensation. The “Intervention Rule” is the decision making process that municipalities use to apply these principles.

Interventions generally include buildings, paving, changes to an area’s drainage pattern, the removal of vegetation and the like. Municipalities create their own classifications for interventions in their land use plans and also define acceptable compensation measures within their localities.

Once it is determined that a proposed project will result in an intervention, the developer and the municipality work through the following series of questions with the goal of limiting or avoiding the intervention if at all possible:

1. Can the intervention be avoided through designing the project in a different way?
2. If not, can the project be designed in a manner that minimizes the intervention?
3. If the intervention cannot be minimized, can it be compensated for on site, such as by adding green space or using a green roof to management stormwater runoff?
4. If not, can the lost value of the natural system impacted be replaced elsewhere?
5. If not, at the municipality’s discretion, the developer must either provide financial compensation equal to the lost value of the natural system or the project cannot be approved. Any financial compensation provided will be used by the municipality for nature conservation.

Resources

Ngan, Goya. “Green Roof Policies: Tools for Encouraging Sustainable Design”, Landscape Architecture Canada Foundation, 12/2004.

“The nature, which we have on our roofs, is a piece of earth that we have killed so that we could build a house on the spot”

F. Hundertwasser

