



Amsterdam Centre for Environmental Law and Sustainability

Marlon Boeve

Sustainable urban development; the integrated approach

Lessons to be learned from the Marine Strategy Framework Directive



Outline

- Sustainable urban development
- Legal challenges
- Possible solutions



Central question

- What chances does European legislation offer for integrated approaches to achieve sustainable urban development?



Sustainable urban development

- Focus:
 - Intensified use of limited urban space
 - High-density development
 - focus on the redevelopment of existing urban sites
 - mixed-use of space

- Goals:
 - minimize urban sprawl in order to limit the environmental impact outside the cities
 - Minimize mobility by car
 - Economic development
 - Liveable cities



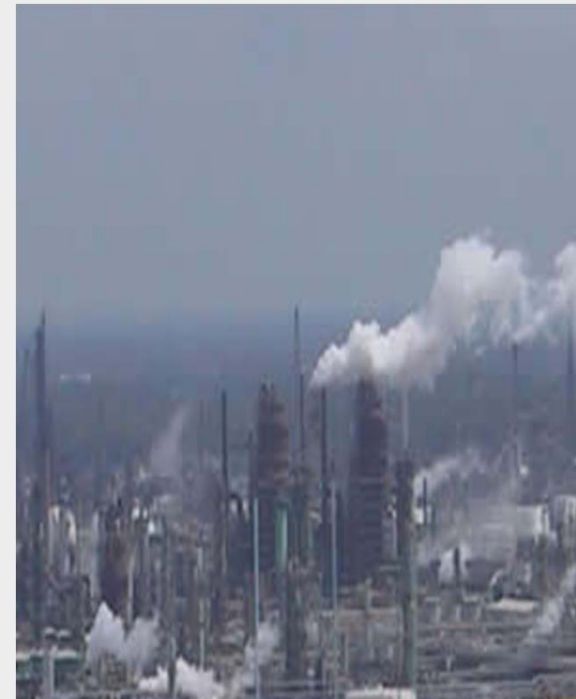


- Consequence of intensified use of restricted urban area: accumulation of possible environmental issues such as noise and air pollution.
- Environmental issues can not be solved by placing distance between 'environmental sensitive objects' and 'environmental intrusive activities' through zoning



Challenges in legal instruments

- Environmental quality standards:
 - Strict
 - Spatial planning decisions can affect achievement of environmental quality standards
 - Complex (e.g. different legal background, different scope of protection, multi layer governance)
- Existing pollution rights of establishments
- No proper integration of environmental law and spatial planning





Current solutions

- European level: Policy (Thematic Strategy on the Urban Environment)
 - Integrated approach :
 - Coordination between different policies, cooperation between different levels of administration
 - local plan, voluntary
 - EU provides assistance based on best practices and financial support

- National level: experiments in law
 - Integrated approach:
 - Legally binding integrated plan or programme
 - Aims at sustainable spatial and economic development



- Assessment 6th Community Environment Action programme shows:
impact Thematic Strategy on the Urban Environment insufficient



Possible explanations

Reviewing relevant directives (e.g. noise, air quality) shows:

- Insufficient linkage between directives
- Obligations directives:
 - Require a programmatic, but *sectoral*, approach
 - Environmental (minimum) standards set at EU-level, at national level or none
→ can lead to friction
 - Not always a deadline for meeting the objectives
 - No specific attention for spatial and economic development (liveable city)



Marine Strategy Framework Directive (2008/56)

- Comparable:
 - aim: promoting sustainable use of the seas and conserving marine ecosystems
 - geographical scope of application: region
 - mixed use of space

- Establishing framework:
 - Contribute to coherence between different policies, agreements, legislative measures
 - Ensure integration of environmental concerns





Lessons to be learned from the MSDF – positive elements

- Provides for a *compulsary* integrated approach
- Improves coherence between different policies and legal measures (e.g. spatial planning measures)
- Complements other directives (for instance when a deadline is lacking)
- Role of competent authorities more clear
- Explicit role for social and economic development
 - Assessment of current status of the sea
 - Programmes of measures
- Programmes of measures have to be operational within a year



Concluding remarks

- Specific EU legislation on sustainable urban development?
 - Mimic the Marine Strategy Framework Directive?

- Hurdles:
 - defining vague concepts
 - Procedural framework for coherence and coordination, no substantive integration of different policy areas → actual impact depends on member states
 - Environmental quality improves?
 - Difficulties to address existing rights remain

