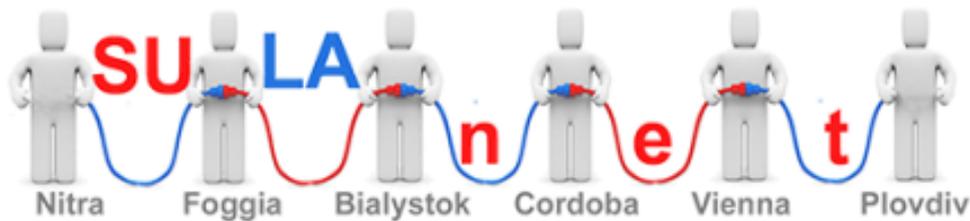


**3<sup>rd</sup> report on Land management in the EU**  
**in the framework of the project**  
**Jean Monnet Networks “Sustainable Land Management in Europe”**  
**“SULANET”**  
**no. 564651-EPP-1-2015-1-SK- EPPJMO-NETWORK**



*June 2018*



*This report is elaborated by 6 European universities- partners of the project Jean Monnet Networks “Sustainable Land Management in Europe”, no. 564651-EPP-1-2015-1-SK-EPPJMO-NETWORK.*

*Partners of the project SULANET are:*

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- 3. University of Bialystok*
- 4. The University of Cordoba*
- 5. University of Natural Resources and Life Sciences*
- 6. University of Agribusiness and Rural Development*

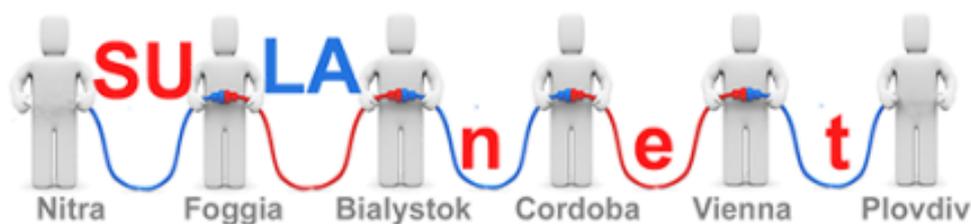
*The objective of this report is to present the current situation in land management in selected EU countries. This third report within the project Jean Monnet Networks “SULANET” focuses on current situation on administrative procedures for withdrawing of agricultural land in partner countries.*

***Results of the report are based on the research tasks of the Jean Monnet Networks project No. 564651-EPP-1-2015-1-SK- EPPJMO-NETWORK “Sustainable Land Management Network“.***

***This report reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein***

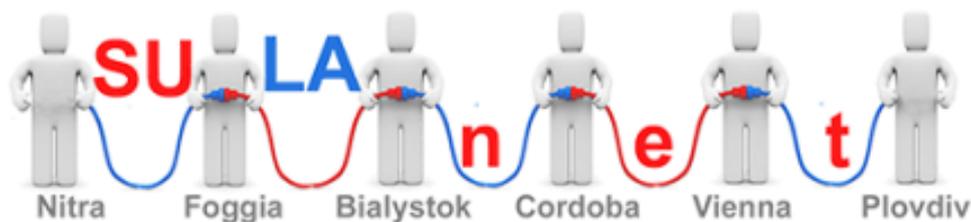


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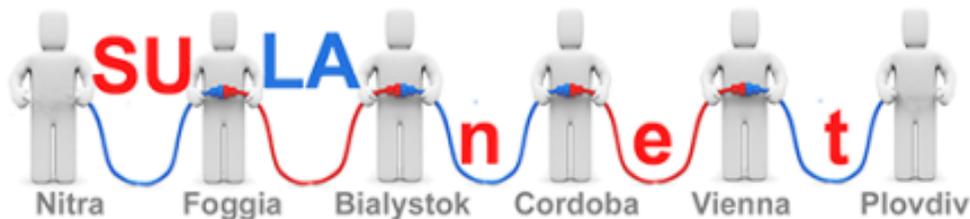


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## **1 Level of the state administration as responsible body in the decision-making about the conversion of agricultural land into non-agricultural land**

### ***1.1 Slovakia***

For non-agricultural purposes, agricultural land may be used only on the basis of a decision on the withdrawal of agricultural land. The withdrawal decision is issued by the authority responsible for the protection of agricultural land within the territorial area of the authority where the agricultural land proposed for withdrawal is situated.

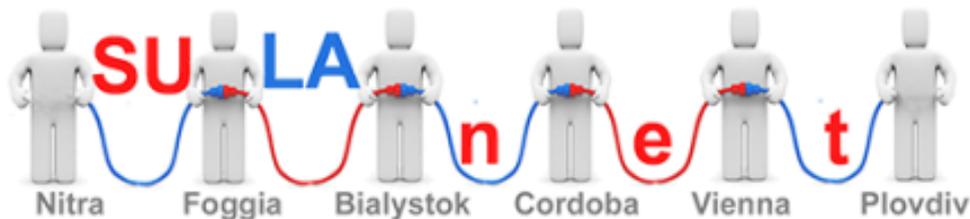
Agricultural land protection authorities are:

- Ministry of Agriculture and Rural Development of the Slovak Republic. The Ministry is the central authority for the protection of agricultural land and issues generally binding legislation on the protection of agricultural land;
- District office at the headquarters of the region. It coordinates the cooperation with the soil service and processes and submits to the Ministry information on agricultural land losses within the territorial area of the region;
- District Office - Land and Forestry Department and Remedies Department. In particular, it decides on withdrawal of agricultural land for non-agricultural purposes, on changing the type of agricultural land, it is the authority concerned and gives an opinion on the protection of agricultural land in proceedings relating to the prevention and remedying of environmental damage on land, deals with offenses and imposes fines on the protection of agricultural land, cooperates with the soil service and monitors and evaluates agricultural land losses within its territorial area at annual intervals.

Agricultural land may be taken permanently or temporarily, with permanent withdrawal being understood as a permanent change in the use of agricultural land with a permanent change of land in the cadastre, and temporary withdrawal means a temporary change in the use of agricultural land for a maximum of ten years, with reclamation measures to return it to original state.

### ***1.2 Italy***

Since the beginning of the economic crisis one of the few good side effects has been less soil consumption. From an average 8 square meters each second of soil lost (covered for various use) we have passed to 3 meters each second. Italy, anyway, in the in sixty years has increased soil use, reaching 7.6% in 2016 from less than 3 in 1960. Most of use and cover is due to urban zoning legislation, mainly left to the administration of municipalities, which often have urban plans targeted on demographic trends of several years ago and that therefore allow wider urban development than needed. It must be considered that a vast use of territory is taken by public infrastructure, especially the construction of roads.



Each Region, anyway, has approved a Landscape Plans, under the Code of Historical Heritage. Each Region therefore has its own landscape plan which must be submitted to the Ministry of Historical Heritage and it is aimed to identify the most relevant areas to be protected. Anyway much of power is still left to municipalities, which approve the General Regulation Plan, that had introduction in the Italian legal system during WWII, in 1942, and, even if emended in several parts, it is still the fundamental law on urban planning. The Municipality territory is shared in some zones, each one with specific purposes. Usually the historic center (that in old time it was the area surrounded by the city wall) is the one with a fully preservation. Actually, until the 1967, because many cities that time were not obliged to have a General Urban Plan, there was demolition even of historical buildings. The agricultural area it is someway also preserved, because buildings there should be used only for agricultural activity, under article 2135 of the Civil Code. Vast areas around the cities have been aimed to the Productive Establishments, which in some areas of the rich North have had, in the plains, a huge impact on the territory.

### ***1.3 Poland***

In Poland exist three levels of state or self-government administration, which is responsible in the decision-making about the conversion of agricultural land into non-agricultural land:

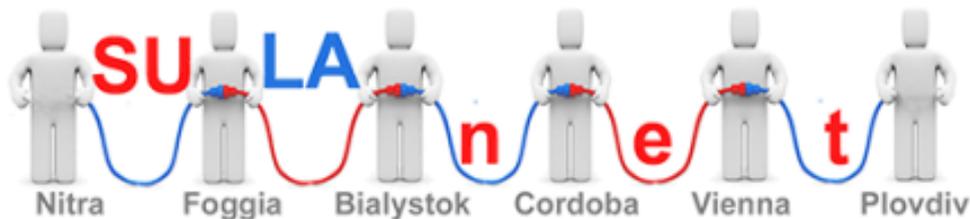
- The starost;
- The marshall of the voivodship - in designated situations;
- The Ministry of Agriculture – in respect of high quality agricultural land (I-III class), if the compact area exceeds 0.5 ha for high quality agricultural land.

The legislator has foreseen several situations in the Act, when the approval of the Minister of Agriculture is not required. It relates primarily to the situation where the grounds are allocated to construction purposes. Because the legislator excludes the grounds located in the area of compact structures from the necessity of obtaining the minister's decision (no less than 5 buildings, between which the greatest distance of neighboring buildings does not exceed 100 m). In addition, the grounds can be allocated to non-agricultural purposes that are located no further than 50 m form the border of the nearest buildable plot or no further than 50 m from the public road. The agricultural grounds with area not exceeding 0.5 ha are also not subject to the protection against allocation to non-agricultural purposes.

The approval of the above institutions is not required in the case of a temporary exclusion (up to 10 years) in the following situations:

- Controlling natural disasters and their consequences;
- Exploring hydrocarbons, hard coal, lignite, iron ores, etc.

What is important - the provisions regarding the limitation of the allocation of agricultural grounds to non-agricultural purposes do not apply to agricultural grounds located



within the administrative borders of cities. However, the provisions on exemption from exclusion of the ground from agricultural production and financial burdens connected thereto do apply to these grounds.

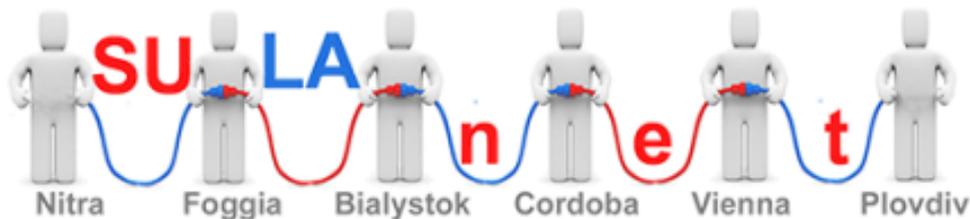
#### ***1.4 Spain***

From a legal point of view, the difference between agricultural and non-agricultural land has no relevance in Spain. According to the Royal Legislative Decree 7/2015, on Land and Urban Redevelopment, there are just two relevant categories of land in Spain: rural land and urban land. It should be noted that rural land cannot be identified with agricultural land. In fact, rural land is a residual category where must be included all the non-urban lands: agricultural, livestock, forest, green or scenic areas, as well as hazardous or risky areas (floodable, seismic zones, etc.) or even areas reserved for the development of urban areas in the future. In other words, agricultural land is referred to areas where the urban development has not (or cannot) take place. On the other hand, urban land can be identified with plots already fully integrated or on the verge of being fully integrated in the urban network, typically surrounded by roads, urban facilities, etc. The conversion of rural land into urban land can only be decided by the public Administration. However, the conversion of agricultural land into non-agricultural land can be freely decided by the owner of the land, insofar it remains rural land. As a result, agricultural land can be converted into forest, fallow, waste land, etc., without any prior public intervention.

According to the Spanish legal system, the competences on urban planning have been conferred upon the municipalities. Thus, each municipality is entitled to decide, within the boundaries of its territory, which plots of rural land (including agricultural land) can be converted into urban land. Nevertheless, the Law prohibits the conversion of certain types of rural land into urban land. So it is with respect to hazardous areas and, more importantly, with respect to areas which had been granted a special protection status because of their environmental, scenic, historical, or archaeological value, etc.

#### ***1.5 Austria***

According to a long time land use monitoring in Austria ranging from 1830 to 1995 (Haberl et al., 2001) about two thirds of the agricultural land which was changed to other land uses was converted to forests and about one third was developed as settlement area (including infrastructure and recreation facilities). So, these are the two major pathways of agricultural land conversion: afforestation and natural succession changed mainly low quality farm land to forests whereas mainly high quality farmland was converted into housing, commercial and infrastructure areas. The decision-making regarding these two path ways of land use change is different.



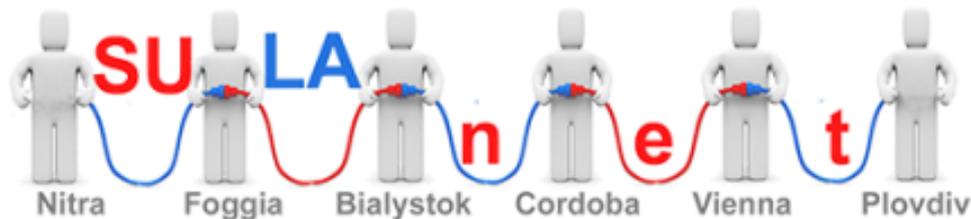
Decision-making about afforestation is subject to forest law (a federal law) which is executed at the district administration level by the forest authority. There is no administrative decision on natural vegetation succession. It is (with very few restrictions) up to the landowner how his/her parcel is farmed. If a landowner decides not to cultivate farming land anymore and leaves it uncultivated it is his/her free decision and does not require permission. Decision-making about housing and commercial development as well as recreation and leisure facilities is subject to the spatial planning authorities (based on state spatial planning laws). Implementation of spatial planning is divided between the states and the municipalities with the states being responsible for planning issues of regional importance. Local planning issues are subject to the municipalities. Decisions about conversion of agricultural land to (traffic) infrastructure are subject to national and state authorities (depending on the respective issue). Decisions on changing agricultural land into extraction sites (e.g. gravel mining) are taken by authorities either on national or on state level.

### ***1.6 Bulgaria***

The conversion of use of agricultural land for non-agricultural purposes is permitted depending on the productive qualities of the land and the objectives of the conversion from the following administrative bodies:

- Committees to the Regional Directorates “Agriculture” - where the requested area is up to 5 ha from the fifth to the tenth category or it is not irrigated, and the land is in the locality of the settlements on the territory of the respective area;
- The Agricultural Land Commission - for other cases.

The Minister of Agriculture, Food and Forests defines the staff of the committees of the Regional Directorates “Agriculture”, which include representatives of the regional structures of the Ministry of Environment and Water, the Ministry of Health, the Directorate for National Construction Control at the Ministry of Regional Development and Public Works, regional administrations, interested agricultural and industry-related branch organizations. A Committee on Agricultural Land is set up at the Ministry of Agriculture, Food and Forestry. The Minister of Agriculture, Food and Forestry is Chairman of the Agricultural Land Commission. The Agricultural Land Commission consists of Chairman, Deputy Chairpersons, Secretary and Members. The Chairperson of the Commission for Agricultural Land shall, by order, nominate the members upon proposal of the respective ministers. Ministers also propose permanent substitutes for committee members from the respective ministry, who are included in the order. The Chairman of the Agricultural Land Commission may include independent experts as well. The Chairperson of the Agricultural Land Commission may, at its discretion, invite representatives of departments, district and municipal administrations and other interested organizations and persons to attend the meeting concerned.



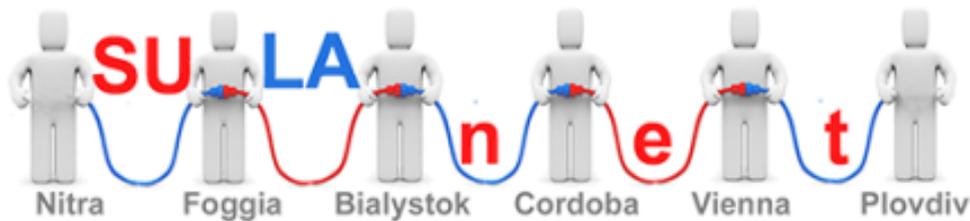
## **2 Administrative procedures for withdrawing agricultural land for non-agricultural purposes**

### ***2.1 Slovakia***

Legal entities or natural persons who apply for permanent withdrawal or temporary withdrawal of agricultural land for non-agricultural purposes are required to submit an application to the competent authority for the protection of agricultural land, i.e. The District Office - the Land and Forestry Department and the Remedies Department, in whose area the agricultural land proposed for withdrawal is located. The application must be accompanied, in particular, by the approved land-use planning by the District office at the headquarters of the region, the project documentation, the basic land identification data and the calculation of the levy for the entire extent of the withdrawal. The District Office - Land and Forestry Department and the Remedies Department will assess the application and will, if it finds that the principles of protection of agricultural land are followed, issue a withdrawal decision. Since this decision is the basis for the change of the type of the land in the cadastre to the other area, the lawful decision will be sent to the competent state administration authority in the cadastral area by drawing up a geometric plan or a copy of the cadastral map, which will permanently remove the areas from the register of the agricultural land and will earmark the change of the agricultural land to the other area no later than 60 days after the decision is taken.

### ***2.2 Italy***

Majority of land use and land cover is due to urban zoning legislation, mainly left to the administration of municipalities. Each Region has approved a Landscape Plans, under the Code of Historical Heritage which must be submitted to the Ministry of Historical Heritage. Landscape Plans must be integrated with the national legislation on protected area (like the Parks) and the European legislation under the Natura 2000. The General Urban Plan has implementation through some more specific administrative instruments, some of whose could be negotiated with private developers. In the last few years big shopping malls have been built in areas not far from cities and such has had also quite an impact on territory. An issue that until a few years ago has been dividing environmentalists and politics was the problem of the alternative energies. While in a first moment many environmentalist associations had welcome such plants, later they realized the devastating cover of territory or view impact by solar panels and windmills. A very sensitive problem, in Italy, is the protection of the coast. Until the Galasso Law there was no protection; since that bill there is the prohibition to build at less than three hundred meters from the sea.



### ***2.3 Poland***

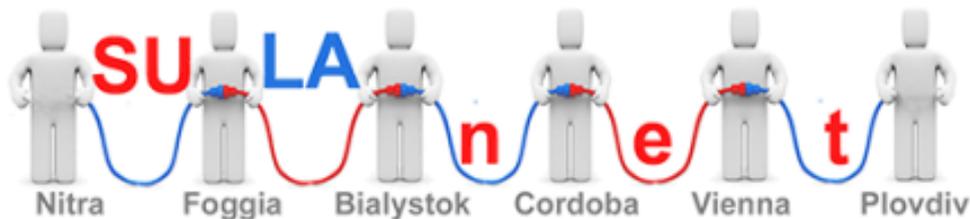
The owner of the agricultural plot, which wants to withdraw them from agricultural use, should submit an application to the poviastarosty competent for the place where it is located. A person who wants to withdraw land from agricultural production should pay an annual fee from the actual withdrawal of land from production. Actual withdrawal means the actual start of non-agricultural land use. The allocation of agricultural grounds, representing agricultural lands, to non-agricultural purposes of class I-III requires the consent of the Minister of Agriculture. In the case of the grounds of inferior quality, the permission shall be issued by the marshal of the voivodship, after obtaining an opinion of the Chamber of Agriculture. A commune administrator (mayor, city president) shall be the party to the proceedings for the withdrawal of the grounds for non-agricultural purposes, and he shall direct the application to the relevant Minister through the marshal of the province. Such actions should be reflected in the local spatial development plan. The marshal of the voivodship supplements the application for exclusion of the grounds for non-agricultural purposes with his opinion, and in certain cases, he can be requested by the Minister to submit an application in several versions presenting different directions of the planned spatial land development.

### ***2.4 Spain***

Given that agricultural land can be freely converted into non-agricultural land (insofar it remains rural land), there is not any administrative procedure for the withdrawal of agricultural land. However, the conversion of agricultural land (as any other rural land) into urban land can only take place if it is decided by means of a public decision. This public decision is a "Land-use plan" (Plan General de Ordenación Urbanística), which is composed of maps showing the areas affected by the plan, the types of use for each of those areas, the provisions ruling those uses, etc. The administrative procedure to adopt a "Land-use plan" is highly technical and complicated. Any citizen is granted the opportunity to express his or her opinion on the draft "Land-use plan" at several stages of the procedure. Even before the official beginning of the procedure, citizens can express their opinion on the objectives, proposals or alternatives to the "Land-use plan". The final adoption of the "Land-use plan" can only be decided by a majority of the members of the local Assembly, after obtaining the consent of the Regional government. However, the Regional government can only carry out a review of legality. Therefore, it only can reject the proposal if it breaches the law.

### ***2.5 Austria***

For afforestation an application to the district-based forest authority is necessary. In most cases these applications are approved by the authority. However, in areas with a high share of forest land (e.g. mountain areas) the application may also be denied for landscape reasons. This can be regulated in special legislation at state level (so-called laws for the protection of



cultivated areas, in German “Kulturflächenschutzgesetz”). The change from agricultural land uses to building and recreation areas is mainly regulated in local land use planning. Local land use plans are issued by the municipalities for a period of five to ten years. They include zones designated for building land based on the suitability of the respective area and the municipal demand for building land within the planning period. Due to a strong protection of forest land by the forest law almost all the land used for building purposes is agricultural land. The municipalities are requested by the spatial planning laws to use agricultural for building purposes in an economic way. Traffic infrastructure projects are issued by national or state authorities often being subject to environmental impact assessment. In the course of traffic infrastructure projects farmland can also be used for environmental compensation measures. In that case land is restored into a “natural” state.

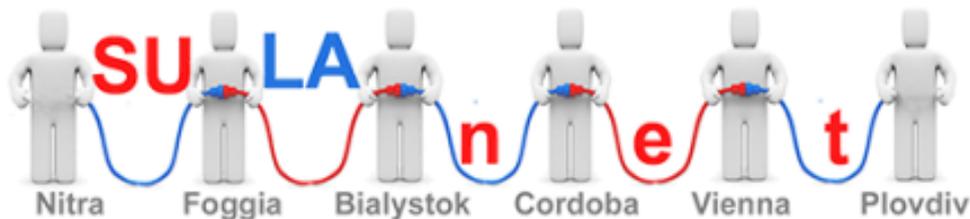
## ***2.6 Bulgaria***

The owners of agricultural land make a request to the Mayor of the municipality to include the land within the boundaries of the urbanized territories or to create new urbanized territories and to change its purpose. The Mayor of the municipality shall submit a proposal within 30 days from the receipt of the application to the commission at the respective Regional Directorate "Agriculture", which shall pronounce with motivated decision within 30 days from the receipt of the proposal. The positive decision is the grounds for issuing a permit for elaboration of a detailed development plan under the conditions and by the order of the Spatial Development Act. Failure to act on time is considered a silent refusal. The explicit or tacit refusal of the Commission may be appealed in accordance with the Administrative Procedure Code. The conversion of agricultural land into non-agricultural land is permitted depending on the productive qualities of the land and the objectives of the conversion from the Committees to the Regional Directorates “Agriculture” and The Agricultural Land Commission.

## **3 Administrative procedures for conversion of agricultural land into another type of the agricultural land**

### ***3.1 Slovakia***

The competent authority for the protection of agricultural land, i.e. The District Office - Land and Forestry Department and the Remedies Department upon the application of the owner or user will issue a binding opinion on the change of the type of land if it is a change of one agricultural type of land to another agricultural type of land. When proposing a change of vineyard to another type of agricultural land, the expert opinion of the Central Control and Testing Institute in Agriculture and the opinion of the relevant territorial self-government



authority, including an evaluation of historical contexts and regional development intentions are required.

### ***3.2 Italy***

The procedure to change the agricultural land type is based on Municipal Urban Planning. In order to modify the land use it is necessary by the Municipality to approve a modification of the General Urban Planning, what is difficult. Anyway public works do not need such change (for example, to enlarge a State Route) and use of agricultural land under the aims of Article 2135 of the Civil Code (for example, agritourism) do not need change of agricultural land type.

### ***3.3 Poland***

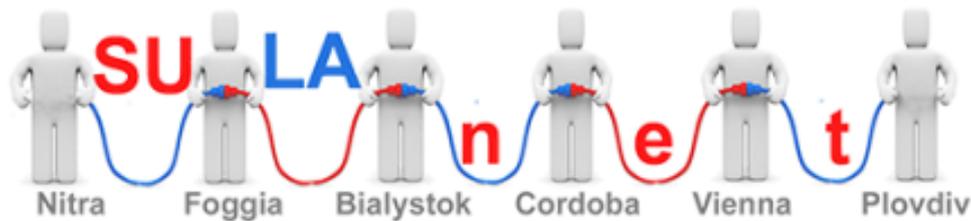
Administrative procedures for conversion of agricultural land into another type of the agricultural land mainly concerns the conversion of permanent grassland to arable land and vice versa. In case of that the farmer plows in or transforms permanent grassland valuable natural lands, in addition to sanctions in the form of reduced payments, he will be obliged to re-transform this area into permanent grassland.

### ***3.4 Spain***

The owners (or tenants) of agricultural land can freely decide to convert it into any other type of non-urban land. Agricultural land can be freely converted into another type of the agricultural land and into non-agricultural land, insofar it remains rural land. However, the conversion of agricultural land as any other rural land into urban land can only take place if it is decided by means of a public decision. Consequently, there is not any administrative procedure for the conversion of agricultural land into another type of the agricultural land.

### ***3.5 Austria***

There are very few limitations for conversion of agricultural land into another type of agricultural land. This decision is basically up to the landowner (farmer). For reasons of climatic suitability the area for growing vineyards is legally defined. Respective land use changes are only allowed within these areas. Some funding programmes also restrict land use changes, e.g. from grassland to cropland.



### ***3.6 Bulgaria***

Administrative procedures for conversion of agricultural land into another type of the agricultural land are not applicable in Bulgaria.

## **4 Reasons for the agricultural land withdrawing**

### ***4.1 Slovakia***

Agricultural land may be used for construction purposes and other non-agricultural purposes only in the necessary cases and to the extent justified. In the proceedings on the change of the agricultural type of the land, the authority of the protection of agricultural land is obliged to ensure the protection of the best quality agricultural land in the cadastral area according to the code of the bonitated soil-ecological units specified in the special regulation and vineyards. The reasons for withdrawal of agricultural land for non-agricultural purposes include Housing and Civic Amenities, Industry, Transportation, Mining, Wind Power Plants and Other Purposes.

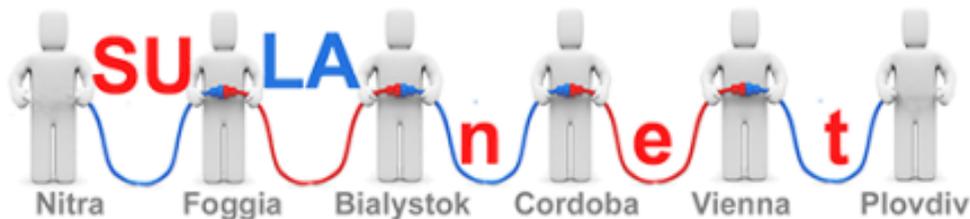
### ***4.2 Italy***

In Italy since the beginning of the economic crisis it is recorded less soil consumption. Urban plans are targeted on demographic trends and that therefore allow wider urban development than needed. The vast use of territory is taken by public infrastructure, especially the construction of roads. The role of the Ministry of Historical Heritage is to identify the most relevant areas to be protected, however much of power in the field of urbanization is still left to municipalities.

An issue is also the alternative energies. A national legislation declared that small alternative energy plants should be considered agricultural activity and therefore possible in the agricultural areas of municipalities. At the moment the legislation has been changed the energy is no longer purchased at higher political price, but there is only a tax relief.

### ***4.3 Poland***

The dominant direction of exclusion of agricultural grounds for non-agricultural purposes in Poland is their allocation to the housing development (in 2015 about 1700 ha – 82% of total number withdrawal agricultural land). This applies mainly to rural areas located in the proximity of large urban centers. Considerable area of land is excluded for the purposes of industry and the surface mining land in use. When the owner of the agricultural land, wants to withdraw it and use for non-agricultural purpose, he should submit an application to the



competent powiat starosty and pay an annual fee from the actual withdrawal of land from production.

#### ***4.4 Spain***

Reasons for the agricultural land withdrawing in Spain change depending on the region:

- On the coastal strip and around the big cities in inland areas, agricultural lands have been largely replaced by urban lands. Those areas have been under a considerable demographic pressure and have increased their population at very high rates during the last decades;
- On the inland rural areas, on the opposite, agricultural lands have been abandoned as a consequence of the continued rural migration. As a result, the agricultural lands surrounding those villages have been replaced by forest or low brush areas;
- Finally, in a much a lower degree, the declaration of protected natural areas has forced the abandonment of agricultural practices within them.

#### ***4.5 Austria***

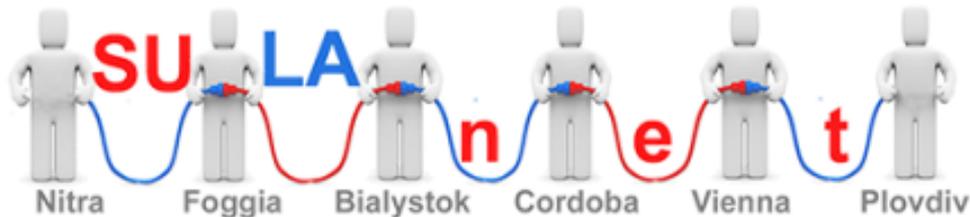
The main reasons for withdrawing agricultural land consist in:

- Poor land quality for agricultural cultivation (soil quality, slope, climatic conditions) combined with no options for selling the land leads to afforestation as the remaining possibility to gain incomes;
- Afforestation for protective forests in alpine areas;
- Protection of forest land by the Austrian forest law restricts change of forests to building land;
- Land demand for housing, commercial, industrial and recreation areas;
- Land demand for (traffic) infrastructure;
- Land demand for environmental compensation and river restoration;
- Extraction sites (especially gravel mining).

#### ***4.6 Bulgaria***

Changing the designation of agricultural land for non-agricultural purposes may be allowed for:

- Construction of sites of the technical infrastructure within the meaning of the Spatial Development Act;
- Creating new or expanding construction boundaries of existing urbanized areas (settlements and settlement formations);



- Establishment or extension of the boundaries of separate regulated land plots outside the construction boundaries of existing urbanized areas (settlements and settlement formations).

## **5 Measures for agricultural land protection**

### ***5.1 Slovakia***

The tools used to ensure the protection of agricultural land, the regulation of which is contained in Act No. 220/2004 Coll. on the Protection and Use of Agricultural Land and on the Amendment of Act No. 245/2003 Coll. on Integrated Prevention and Control of Environmental Pollution and on Amendments to Certain Acts, as amended by later legislation, are:

- Consent to the withdrawal of agricultural land;
- Levies;
- Principles for the protection of agricultural land;
- Fines.

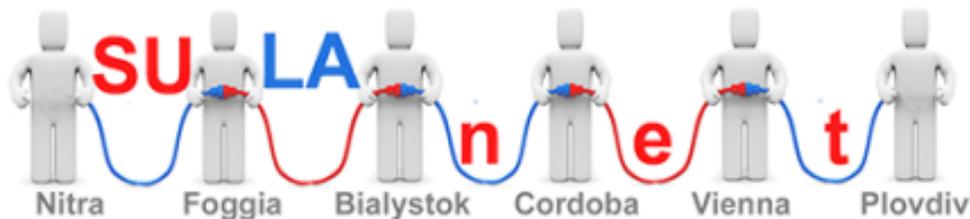
However, the protection of agricultural land is also contained in other laws such as the Nature and Landscape Protection Act, the Land Planning and Building Regulations Act, etc. Other economic instruments than levies and fines, in particular taxes, fees and payments, also serve to protect agricultural land. They are applied in two main payment groups, namely payments for environmental pollution and payments for the use of natural resources.

### ***5.2 Italy***

Land protection is regulated by urban zoning legislation. Nowadays demographic trends allow wider urban Development than needed. Very important measures for agricultural land protection in Italy are the General Regulation Plans approved by municipalities. This plan had introduction in the Italian legal system during WWII, in 1942. In several parts, it is still the fundamental law on urban planning. There are also the Landscape Plans approved by each region. This plan has to be under the Code of Historical Heritage and has to be submitted to the Ministry of Historical Heritage. Then, it must be integrated with the national and the European legislation.

### ***5.3 Poland***

In Poland there are two main groups of tools for the agricultural land protection: legal and economic. In legal tools we can include above all the Act on the protection of agricultural and forest grounds dated February 3, 1995 as amended (Journal of Laws 2017, item 1161).



Agricultural land has a special meaning and this act plays a crucial role in its protection. Polish system of protection of agricultural land consists of more protective regulations, for example spatial development, acts on protecting environment and nature, specialized sectoral laws etc. However, economic tools include: fees, fines and taxes.

#### ***5.4 Spain***

There are not direct measures for agricultural land protection in Spain. Nevertheless, some regional Assemblies have recently begun to adopt laws protecting traditional ways of life. As a part of this protection, these laws also protect traditional agricultural lands.

One of the most recent and outstanding examples is the Law 5/2018 on the protection of the “Horta of Valencia”, a natural area in the region of Valencia largely defined by its traditional crops (oranges, vegetables and rice) and irrigation systems. The law allows the regional government to grant special protection status to areas included in the “Horta of Valencia”. Agricultural lands within those areas cannot be converted into urban lands. In addition, landowners in those areas can be given special aids and grants to restore abandoned lands and to resume traditional agricultural activities.

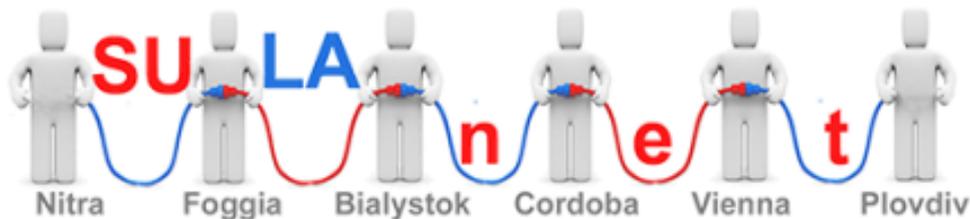
#### ***5.5 Austria***

Six out of nine Austrian states provide possibilities for zoning agricultural priority areas in regional land use plans (based on spatial planning laws). Agricultural priority zoning aims at an integration of agricultural qualities (soil, inclination, climatic aspects) into regional planning processes and at preventing the conversion of high value agricultural land into building land. The municipalities are not allowed to zone building land in agricultural priority areas displayed in the respective regional land use plans. Thus agricultural zoning represents a counter-strategy to the widespread procedure of dealing with agriculture as a residual area in spatial planning processes. In the field of protection of agricultural land against afforestation an application to the district-based forest authority is necessary.

#### ***5.6 Bulgaria***

The protection of agricultural land from damage is supported and regulated by the state through:

- Ensuring owners and users of agricultural land with the necessary information. The Ministry of Agriculture, Food and Forests maintains an information system on agricultural soil resources;
- Providing tax and credit preferences, e.g. when applying the mandatory restrictions on the use of agricultural lands and the anti-erosion agrotechnics;



- Limitation of activities leading to damage to the environmental functions of the soil cover according to the Agricultural Land Conservation Act;
- Prohibition of actions damaging the ecological functions of the soil cover, e.g. the use of pesticides, mineral, liquefaction and microorganisms as well as of biologically active substances which have not received biological and toxicological registration by the specialized commissions and councils of the Ministry of Agriculture, Food and Forestry, the Ministry of Health and the Ministry of Environment and Waters.

## **6 The most important measures for protection of the agricultural land acreage**

### ***6.1 Slovakia***

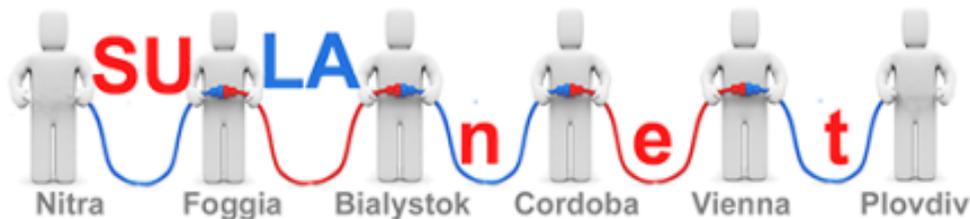
For the protection of agricultural land, emphasis is placed on protecting its properties and functions, ensuring its sustainable management and agricultural use, protecting its environmental functions such as biomass production, filtration, neutralization and conversion of substances in nature, maintaining the ecological and genetic potential of living organisms in nature, to protect its areas against unauthorized use for non-agricultural use, to observe the procedure for changing the type of land and the procedure for its withdrawal for non-agricultural purposes, and ultimately to penalties for violation of obligations in the field of its protection. The owner or user of agricultural land is obliged to protect it from degradation, erosion, compaction, hazardous substances and control the balance of soil organic matter. In addition, anyone who proposes to use it for non-agricultural use is obliged, inter alia, to pay levy from the permanent withdrawal or temporary withdrawal of the highest quality agricultural land in the cadastral area according to the code of the bonitated soil-ecological units and the vineyard.

### ***6.2 Italy***

Urban zoning legislation, mainly left to the administration of municipalities. Much of power is left to municipalities, which approve the General Regulation Plan.

Landscape Plans, under the Code of Historical Heritage. Each Region has its own landscape plan. This Regional act must be integrated with the national legislation on protected area and the European legislation under the Natura 2000.

Act on Protection of the coast The Galasso Law prohibited to build at less than three hundred meters from the sea. Unfortunately many public roads, especially railroads, are often very close to the coasts, also for the geo-morphologic problem of Italy which sees the sea in several parts not far from hills and mountains where public infrastructure are more expensive and more technically difficult to build.



### **6.3 Poland**

Agricultural land is one of the basic components of the environment. Due to its special meaning to production, investment, as well as ecology, agricultural land requires effective and balanced legal protection. To be effective, applicable legal solutions have to be comprehensive and systemic. Currently, in Polish legislation, crucial protective role is played by the Act on agricultural and forested land protection of 3 February 1995 (consolidated text, the Journal of Laws, 2017, pos. 1161, as amended.). It should be noted, however, that legal solutions forming Polish system of protection of agricultural land go far beyond the framework of this Act. Protective regulations can also be found in legislation applicable to, among others, spatial development, regulations focused on protecting environment and nature, as well as in specialized sectoral laws related i.al. to functioning of mining industry, and conducting strategic public investment.

### **6.4 Spain**

There are no measures for the protection of the agricultural land acreage in Spain.

### **6.5 Austria**

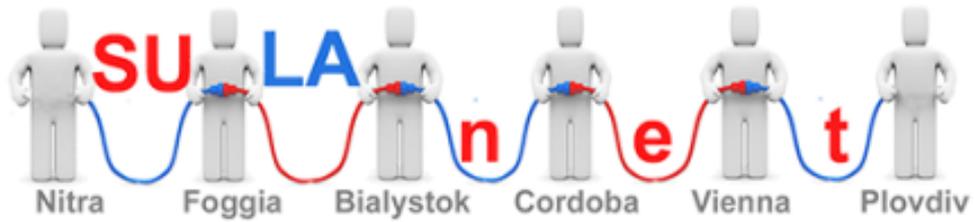
Agricultural priority zones: protection of agricultural land for reasons of agricultural production (e.g. food security) and for various non-productive functions of agriculture. Zoning agricultural priority areas is based on spatial planning laws. Its aim is integration of agricultural qualities such as climatic aspects, inclination, etc. into regional land use plans and at preventing the conversion of high value agricultural land into building land.

Limitation of afforestation: protection of agricultural land for the reason of providing diversified landscape images. Because of strong protection of forest land in legislation almost all the land used for construction purposes is agricultural land. Land use monitoring in Austria shows us that from 1830 to 1995 about two thirds of the agricultural land which was changed to other land uses was converted to forests and about one third was developed as settlement area. Mainly low quality farm land was changed to forests whereas mainly high quality farmland was converted into housing, commercial and infrastructure areas.

### **6.6 Bulgaria**

Owners and users of agricultural land are obliged to protect them from erosion, pollution, salinisation, acidification, swamping and other damages and to maintain and enhance their productive qualities.

The Ministry of Agriculture, Food and Forestry provides the owners and users of the agricultural land with official information on its qualities, functions, the mandatory



restrictions on its use, pesticides, the irrigation water quality, anti-erosion crop rotation for the territories threatened by erosion, suitable soil treatment systems and equipment. The Ministry has the right to impose mandatory restrictions on the use of agricultural land at established according Agricultural Land Conservation Act. The Ministry prescribes forest-meliorative and hydro-technical measures to protect the soil cover from water and wind erosion.