

Preservation of agricultural land

Summary of the report of the Parliamentary Control of the Administration for the attention of the National Council Control Committee

11 June 2015

Overview

The Federal Constitution and legislation require land to be economically managed and that an adequate area of land be reserved for agricultural purposes. Nevertheless, arable land continues to be lost. Against this background, the Control Committees of the National Council and the Council of States mandated the Parliamentary Control of the Administration (PCA) to examine possible steps to ensure the preservation of arable land. On 3 April 2014, the responsible FDHA/DETEC sub-committee of the National Council Control Committee (CC-N) reached a decision on the precise orientation of the evaluation.

This evaluation on the preservation of arable land by the Confederation comprises four parts. First, the loss of arable land was to be quantified and described on the basis of land-use statistics. Second, the legal bases of the Confederation were to be evaluated. Third, the Confederation's supervision of cantonal agricultural land protection was to be examined. Fourth, the implementation of measures to protect arable land was to be evaluated in the context of the Confederation's own infrastructure projects. The PCA carried out the first two parts of the evaluation itself. External specialists were commissioned to carry out the third and fourth parts.

Overview of the results

The legislation fails to ensure adequate protection of agricultural land, especially crop rotation areas, i.e. the most productive agricultural land. Specifically, the law only vaguely defines the land that is to be designated for crop rotation. As a consequence, the cantons have designated different types of land for this purpose. Since it is not always clear for the Confederation which areas of land have been designated for crop rotation by the cantons and how these areas change, its scope for intervention is limited. Furthermore, in the case of federal infrastructure projects (roads, railways, etc.) that involve requisitioning agricultural land, protection of such areas is of relatively little importance.

Ineffective protection of arable land in federal legislation

In Switzerland, arable land is lost primarily to new housing projects. Federal legislation provides little protection to arable land. This becomes particularly clear when it is compared with protection of other kinds of land, such as moorland and forest, etc. In the latter case, there are much more specific statutory protection targets, which means that protecting such land is accorded more importance when weighing up the various interests in the context of specific projects. Currently, there are no concrete targets or instruments for the protection of arable land, with one excep-

tion: a minimum area for rotational crop land is required, which the Federal Administration set in the crop rotation area sectoral plan in 1992 and distributed to the cantons.

Problematic bases for the protection of crop rotation areas

With the aim of ensuring the protection of their best land, the cantons identified their best-quality land with the help of federal enforcement aid at the beginning of the 1980s. The results served as the basis for the Confederation's crop rotation area sectoral plan. Since the quality of the best land varies significantly among the cantons and the process of determining land quality was carried out using different methods, the cantonal crop rotation area inventories are only partly comparable. In addition, many cantons have not yet completed mapping their land according to quality, which explains why the Confederation cannot reliably estimate the area and quality of rotational crop areas protected by the cantons. As arable land is becoming increasingly scarce but its protection is gaining greater importance in public opinion, it is essential that the cantons maintain their minimum designated areas. The protection of the best-quality land is however made more difficult by the fact that cantonal inventories are only comparable to a limited extent and land mapping is incomplete. The Federal Administration could have made its requirements more uniform through the enforcement aid to the crop rotation areas sectoral plan and through supervision. The two full-time positions that the Federal Office for Spatial Development (ARE) has made available for this purpose are not enough to address these problems.

Passive federal supervision

The Confederation's supervision of the use of crop rotation areas by the cantons is primarily based on the reports submitted by the cantons on changes to the location, extent and quality of crop rotation areas. Not all cantons report the changes as foreseen, however. Furthermore, the reporting procedure is not standardised. In the case of cantons that do not conscientiously meet their obligations to provide information, the Federal Administration cannot make use of its powers to intervene, in particular with the official complaint procedure. When reviewing cantonal structure plans, ARE generally requires that the preservation of crop rotation areas be included in the balancing of interests in the context of projects, and, in the event of the inclusion of crop rotation areas in projects, that there be an obligation to compensate if the cantonal minimum is not maintained. In those cases investigated in the evaluation, the cantons generally complied with these requirements. However, one canton failed to expressly mention the balancing of interests in the structure plan, whereupon the Federal Council did not reject the plan, but merely demanded that the omission be rectified in the next adjustment of the structure plan.

Low importance for arable land in federal projects

The Confederation's infrastructure projects (roads, railways, military installations, etc.) are managed by the relevant federal offices, which are responsible in particular for ensuring the cost-effective implementation of political decisions and the efficient operation of the infrastructure concerned. ARE, which has overall responsibility for arable land, is generally only included at the plan-approval stage. By this stage, however, fundamental decisions on the choice of projects have been taken and thus the impact on arable land is already determined. Although cooperation between

the federal offices in this procedure has improved in the last few years, the Confederation does not yet live up to its model function in the context of certain issues of arable land protection because ARE is consulted so late in the process. In the overall deliberations of the federal offices responsible for infrastructure, the issue of arable land carries relatively little weight.

The fact that some sectoral plans are missing and others incomplete exacerbates the sometimes inadequate protection of arable land in the Confederation's infrastructure plans.

The full report is available in German, French and Italian (www.parlament.ch).