

Knowledge, Power, Consequences. The Institutions of Austrian Spatial Planning and Their Missing Reach

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Knowledge, Power, Consequences

The Institutions of Austrian Spatial Planning and Their Missing Reach

Abstract

Austrian spatial planning is carried by some forty institutions — from roughly 2,100 municipalities through nine provincial governments, supervisory, measuring and review bodies, to chambers with compulsory membership. This paper maps them with a simple instrument: for each body it asks whether it holds **knowledge** of the overall situation, **power** to decide, and whether it bears the **consequences** of the decision. The result is unambiguous: not a single body holds all three. The great majority hold exactly one. From this follow four separations — those who decide do not coordinate; those who measure do not decide; those who review need a triggering case; those who bear the consequences have no organ. The paper reads this dispersion not as an implementation deficit but as a functioning **buffer of responsibility**, and places it within the risk-disposition asymmetry (ρ/δ).

Keywords: spatial planning · institutional analysis · ÖROK · federalism · dispersion of competence · soil monitoring · compulsory membership · responsibility buffer

1 · The question

The same observation has been made about Austrian land policy since 2002: the target of 2.5 hectares of land take per day is missed. The usual explanations run: lack of political will, municipal fragmentation, entanglement of interests.

This paper tests a different possibility. It asks not who does not want to, but **who could at all**. That is: does the Austrian institutional order contain a body that simultaneously knows what is happening, can decide what should happen, and bears the consequences of its decision?

The answer is the subject of this paper. It is: no.

2 • The instrument: the triad knowledge — power — consequences

Each body is examined on three positions.

K • Knowledge. Does the body hold reliable knowledge of the **overall situation** — not merely of its own remit? A municipality knows its own territory; it does not know how its commercial zoning relates to regional designation as a whole. This position is read narrowly: knowledge here means knowledge of the context in which one's own decision takes effect.

P • Power. Can the body set, prevent or annul a zoning with binding effect? Recommendations, comments and consultation rights do not count.

C • Consequences. Does the body bear the material consequences of the decision — development costs, infrastructure upkeep, soil loss, flood, traffic and climate effects?

The triad is deliberately coarse. Its purpose is not fine measurement but making visible a pattern that a more differentiated account would obscure.

3 • The mapping

Body	K	P	C	Note
Municipal council	–	●	●	decides and bears development and follow-on costs, but does not know the supra-local situation
Mayor	–	●	○	conduct of procedure, building authority; locally embedded
Provincial government, planning dept.	○	●	–	approval reservation and supra-local programmes; does not bear consequences
District administration	–	○	–	sectoral law, selective access
Agrarian authority	○	●	–	land consolidation

Body	K	P	C	Note
Constitutional Court	–	●	–	, agrarian communities, division the only body able to annul a zoning — but sees one only if a case brings it
Provincial administrative courts	–	○	–	right of referral, no design power
Federal Ombudsman Board	–	○	–	standing under Art 139(1)(5) B-VG
Provincial ombudsman (Vorarlberg et al.)	–	●	–	standing without a triggering case, Art 139(1)(6) B-VG — unevenly present across provinces
Court of Audit, provincial audit offices	●	–	–	audits property transactions, development costs, land funds
Municipal supervision by the province	○	○	–	legal and financial supervision
ÖROK (planning conference)	●	–	–	best overall knowledge in the country, no reach whatsoever
Environment Agency	●	–	–	calculates land take,

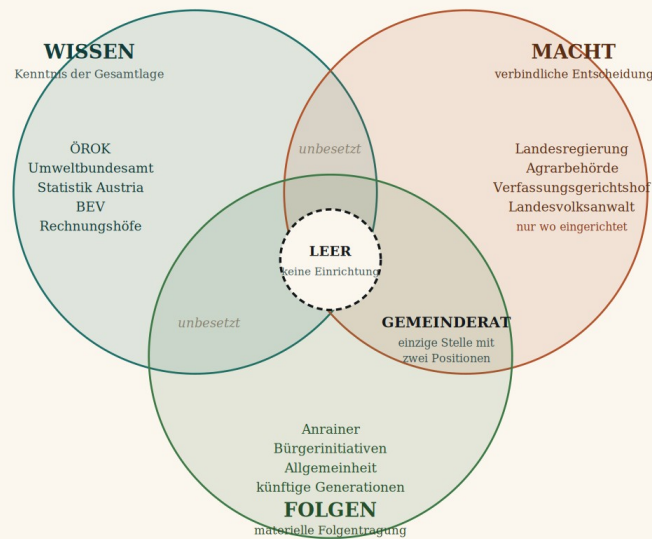
Body	K	P	C	Note
Austria				sealing, building-land reserves
Statistics Austria	●	–	–	registers, agricultural prices, building and dwelling register
Federal Office of Metrology and Surveying	●	–	–	digital cadastral map, land register data — geometric basis of every zoning boundary
GeoSphere Austria	○	–	–	subsoil, hazards, raw materials
Federal ministry (BMLUK)	○	–	–	soil strategy, impulse papers, no zoning competence
Chambers of agriculture	○	–	–	compulsory membership, right to comment
Economic chambers	○	–	–	compulsory membership, right to comment
Chambers of labour	○	–	–	compulsory membership, housing-cost perspective
Association of Municipalities, of Cities	○	–	–	consultation right under the consultation mechanism
Provincial	○	○	–	party status

Body	K	P	C	Note
environmental advocates				in sectoral proceedings, varying reach
Environmental organisations	○	–	–	own calculations, no standing against zoning plans
Citizens' initiatives, neighbours	–	–	●	bear consequences, without standing and without an organ
General public, future generations	–	–	●	soil loss, climate, flood and infrastructure effects

● = position held · ○ = partial or indirect · – = not held

Abb. 5 · Wissen, Macht, Folgen — und wo sie in Österreich liegen

Unterpaper U6 · keine Einrichtung hält alle drei Positionen · Stand August 2026



Die Gemeinde ist nicht die Schwachstelle des Systems, sondern seine höchstintegrierte Stelle: die einzige, bei der Entscheidung und Folgentragung zusammenfallen. Dass ihr das Wissen über die Gesamtlage fehlt, ist der Kern des Befunds. Gemeindescharfe Vergleichsdaten liegen erst seit Dezember 2025 vor — 23 Jahre nach der Zielsetzung von 2002.
U6 · Institutionen-ohne-durchgriff v0.1 · Syntagma Forschung Wien · CC BY 4.0

Figure 1: The triad of knowledge, power and consequences, and its distribution across institutions

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3.1 The pattern

Of the bodies mapped, **not one** holds all three positions.

- **K without P and C:** ÖROK, Environment Agency, Statistics Austria, surveying office, audit offices. Five bodies with the best overview and no decision power at all.
- **P without K and C:** provincial government, agrarian authority, Constitutional Court, provincial ombudsman. Four bodies that can act with binding effect without bearing the consequences.
- **C without K and P:** neighbours, citizens' initiatives, the general public, future generations. Those bearing the consequences, without any institutional position.
- **P and C, without K:** the municipal council. It is the only body with two positions — and it lacks precisely the one that would enable a decision making sense beyond its own boundary.

The municipality is therefore not the weak point of the system but its most integrated position. It is the only one where decision and consequence coincide at all. That it of all bodies lacks knowledge of the overall situation is the core of the finding.

4 • The four separations

4.1 Those who decide do not coordinate

The zoning decision rests with roughly 2,100 municipalities. The body with the best overview — the Austrian Conference on Spatial Planning (ÖROK) — is a coordination forum resting on agreement between the federation, the provinces, the associations of cities and municipalities and the social partners. It has **no power of direction and no power to make law**. Its instruments are recommendations, a monograph series, an atlas and a monitoring programme.

This is not a design flaw. ÖROK was created to coordinate what cannot be consolidated constitutionally: spatial planning is a matter for the provinces under the general clause of Art 15(1) B-VG, and local planning lies within the municipality's own sphere of competence. No federal planning act exists. ÖROK is the institutional answer to a distribution of competence, not its cause.

The consequence is nonetheless sharp: **all knowledge about Austrian land development sits with a body that may decide nothing.**

4.2 Those who measure do not decide

The Environment Agency, Statistics Austria and the surveying office generate the data. None of them holds planning competence.

The temporal dimension of this separation is the sharpest empirical finding of this paper. The 2.5-hectare target was set in 2002. A dataset on land take that is **comparable across provinces** has existed only since December 2025. For twenty-three years a target was pursued whose degree of attainment was not measured comparably between the provinces.

An unresolved dispute over counting compounds this: for overlapping periods, official and civil-society calculations diverge markedly because the boundaries are drawn differently — in particular whether undeveloped but zoned building land already counts as taken. It follows that **zoning produces not only value but also statistics**. Whoever defines the category defines the measure by which policy is judged.

A window is shifting this situation: Directive (EU) 2025/2360 on soil monitoring and resilience entered into force on 16 December 2025 and must be transposed within three years. It requires harmonised monitoring including land take and soil sealing. Transposition meets a distribution of competence in which measurement lies with the federation and zoning with provinces and municipalities.

4.3 Those who review need a triggering case

The Constitutional Court is the only body able to annul a zoning. It is reached almost exclusively through triggering cases: an administrative decision that is appealed, or a referral by a court.

The only access without a triggering case — an institutional application by a provincial ombudsman under Art 139(1)(6) B-VG — does not exist everywhere. Vorarlberg has such a

body and deployed it in V 129/2021. A plot in Vorarlberg therefore stands under a form of control that an equivalent plot in other provinces does not.

This is the institutional obverse of the remedies finding set out in U3: the power of review exists, but it is **passively positioned**. It cannot search, only answer.

4.4 Those who bear the consequences have no organ

For zoning questions there is no body representing those affected with standing of its own. Environmental organisations hold party status in certain sectoral proceedings but have no standing against land-use plans. The provincial environmental advocates vary in reach and resources.

This is the point at which this paper meets the work on compulsory membership. The chambers with compulsory membership — of agriculture, of commerce, of labour — are institutionalised and heard on planning matters, partly through participation in ÖROK, partly through consultation procedures. The associations of municipalities and of cities hold a consultation right under the consultation mechanism and make considerable use of it.

There is therefore a dense structure of representation — **along occupational positions and territorial authorities**, not along the bearing of consequences. Those affected as a business, a farmer, an employee or a municipality have an organ. Those affected as a neighbour, as a future generation or as the general public have none.

5 • Why this is not an implementation deficit

It is tempting to read the finding as failure. This paper does not, for a substantive reason: **the dispersion performs a function**.

Dispersion of competence works as a **buffer of responsibility**. If a zoning decision is publicly criticised, the municipality can point to the supervisory approval, the province to the municipality's own sphere of competence, the federation to its lack of competence, ÖROK to the advisory nature of its work, and the measuring bodies to their role as mere data providers. Every answer is correct. Together they amount to no one having been responsible.

This property was not designed, but it is stable — and it explains why institutional reform proposals in this field have remained without effect for decades. A proposal consolidating the triad in one place removes the buffer from every other place. Resistance to it is not inertia but rational defence of an acquired position.

A practical consequence for reform design follows. The most promising point of attack is not consolidating all three positions — that would be an attack on all participants at once — but joining **two** positions where one already sits. The most obvious pairing is knowledge to the municipality: it already holds power and consequences. That is exactly what municipality-level monitoring comparable across provinces delivers — and exactly what has been emerging since December 2025.

6 • Placement in the ρ/δ framework

The principal work describes five asymmetries between disposition (δ) and the bearing of consequences (ρ). This paper supplies their institutional basis:

Asymmetry	Institutional carrier
A1 value	municipal tax system: revenue at the zoning level, supra-local costs outside it
A2 procedural	representation along occupational positions, not along the bearing of consequences
A3 remedies	passively positioned review power, unevenly distributed access without a triggering case
A5 informational	separation of measurement and decision; 23 years of target-setting without comparable measurement

The ρ/δ finding thereby gains a refinement: the asymmetry is not in the first place a question of interests but of **positions**. Whoever holds none of the three has no purchase even with the best of intentions; whoever holds two acts rationally within what they can see.

7 • Falsifiable propositions

P1. No Austrian body in spatial planning unites knowledge of the overall situation, binding decision power and the bearing of consequences. *Falsified by* demonstrating such a body.

P2. In provinces with a body under Art 139(1)(6) B-VG, zoning plans are reviewed more often and earlier than in provinces without one. *Falsified by* comparable review frequency in the absence of such a body. (Identical with P3 in U3; both papers depend on the same survey.)

P3. Municipalities holding municipality-level comparative data on building-land reserves designate less new building land after those data become available than comparable municipalities without them. *Falsified by* an absent or contrary effect. This is testable from 2026 onwards, because ÖROK's building-land reserve monitoring is available at municipality level. It is the empirical test of the thesis in section 5.

P4. Consultation participation by chambers and associations of territorial authorities in planning legislation markedly exceeds the institutionalised participation of neighbour and environmental interests. *Falsified by* a balanced ratio of participation.

Survey design. For P3: a panel of Austrian municipalities with reserve share, new designation volume and municipal tax revenue, estimated difference-in-differences around the point of data availability. For P4: evaluation of consultation procedures on planning legislation over the past ten years, by commenting body.

8 • Clause of candour

This paper evaluates no body and no person. It records positions, not conduct. That a body holds knowledge without power says nothing about the quality of its work — the ÖROK

monitoring reports and the audit office reviews are the most reliable foundations that exist in this field, and this paper rests on them.

The triad is a coarse instrument. It suppresses gradations, informal channels of influence, personal entanglements and the considerable variance across the nine provinces. It is a cut through the object, not a full description of the Austrian institutional order (anti-world-formula clause, FORSCH-0059). In particular it does not address the achievements of well-functioning planning practice, nor the question whether consolidating the positions would be desirable — centralisation has costs of its own, not examined here.

9 • Declared methodological condition

The author is regularly concerned with zoning questions as a resident in the Tullnerfeld and through event-technical practice (site approvals, compatibility of event areas with zoning). This condition is declared, not neutralised.

Legal sources

B-VG: Art 15(1), Art 118(3)(9), Art 139(1)(5)–(7) · consultation mechanism, BGBl I 35/1999 · spatial planning acts of the nine provinces · Directive (EU) 2025/2360 of 12 November 2025 on soil monitoring and resilience, OJ L 2025/2360 of 26 November 2025

Case law

VfGH 22 September 2022, V 129/2021 (Ludesch) · Constitutional Court review order 6 December 2021, E 4240/2020 (Jeging)

Sources and data

ÖROK monitoring report on land take and sealing (reference year 2022; report 12/2025) · ÖROK building-land reserve monitoring 2022 and 2025, at municipality level · ÖROK atlas · ÖROK recommendation No. 56 · ÖROK monograph series No. 191 · Court of Audit report on the Federal Forests' real-estate business (12/2022) · Environment Agency Austria, calculations commissioned by ÖROK · Statistics Austria · Federal Office of Metrology and Surveying

Corpus relations

isPartOf gewidmeter-boden · isInstanceOf FORSCH-0083 (ρ/δ asymmetry) · references ERZWUNGENE-VERTRETUNG (compulsory membership as institutionalised representation without individual consent) · references BASISDEMOKRATIE work family · connects to U3 (passively positioned review power) and U5 (informational asymmetry)

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