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Federal Act on Spatial Planning (Spatial Planning Act, SPA)¹

of 22 June 1979 (Status as of 1 January 2019)

The Federal Assembly of the Swiss Confederation,
on the basis of Articles 22^{quater} and 34^{sexies} of the Federal Constitution^{2,3} and having
considered the Federal Council dispatch dated 27 February 1978⁴
decrees:

Title 1 Introduction

Art. 1 Aims

¹ The Confederation, cantons and communes shall ensure that the land is used economically and that building areas are separate from the areas where building is not permitted.⁵ They shall coordinate their activities that have a spatial impact and implement a system of settlements that ensures the desired development of the country. They shall take account of the natural environment and of the needs of the population and the economy.

² By means of spatial and regional planning measures, they shall in particular support efforts to:

- a. protect natural resources such as soil, air, water, forests and the landscape;
- a^{bis}.⁶ promote inward settlement development, while ensuring an appropriate quality of housing;

AS **1979** 1573

¹ Amended by No 1 of the FA of 6 Oct. 1995, in force since 1 Jan. 1997 (AS **1996** 965; BBl **1994** III 1075).

² [AS **1969** 1249, **1972** 1481]. The said provisions correspond today to Art. 41, 75, 108 and 147 of the Federal Constitution of 18 April 1999 (SR **101**).

³ Amended by No 1 of the FA of 6 Oct. 1995, in force since 1 Jan. 1997 (AS **1996** 965; BBl **1994** III 1075).

⁴ BBl **1978** I 1006

⁵ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

⁶ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

- b.⁷ create compact settlements;
- bbis.⁸ create and maintain the regional requirements for the economy;
- c. encourage social, economic and cultural life in the various regions of the country, and promote appropriate decentralisation of settlement and economic activities;
- d. guarantee the basis for the provision of sufficient food supplies for the country;
- e. ensure the general defence of the country;
- f.⁹ promote the integration of foreigners and social cohesion.

Art. 2 Planning obligation

¹ The Confederation, cantons and communes shall plan their activities that have a spatial impact, and coordinate their planning efforts.

² They shall take account of the spatial impact of their other activities.

³ Authorities responsible for planning shall ensure that subordinate authorities are given the necessary freedom to fulfil their remit.

Art. 3 Planning principles

¹ Authorities responsible for planning shall take account of the following principles:

² The countryside must be preserved. In particular:

- a.¹⁰ sufficient areas of suitable arable land, in particular crop rotation areas, should be reserved for agriculture;
- b. settlements, buildings and installations should integrate well into the landscape;
- c. lakesides and riverbanks should be kept free and accessible to the public;
- d. natural landscapes and recreational areas should be conserved;
- e. forests should be able to fulfil their functions.

³ Settlements must be arranged according to the needs of their inhabitants and their expansion must be limited. In particular:

- a.¹¹ residential and working areas should be suitably located adjacent to each other and mainly planned in locations that are adequately served by public transport;

⁷ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

⁸ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

⁹ Inserted by Annex No III of the FA of 16 Dec. 2016 (Integration), in force since 1 Jan. 2019 (AS **2017** 6521, **2018** 3171; BBl **2013** 2397, **2016** 2821).

¹⁰ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

- a^{bis}.¹² measures should be taken to make better use of unused or insufficiently used areas in building zones and of opportunities to consolidate the settlement area;
- b. residential areas should as far as possible be protected from harmful emissions or nuisances such as air pollution, noise or vibration;
- c. cycle-paths and footpaths should be created and maintained;
- d. favourable conditions for the supply of goods and services should be ensured;
- e. settlements should contain numerous open spaces and trees.

⁴ Appropriate locations must be chosen for buildings and installations which are public, or in the public interest. In particular:

- a. regional needs should be considered and undesirable disparities reduced;
- b. facilities such as schools, recreational centres and public services should be easily accessible to inhabitants;
- c. adverse impacts on the natural environment, the population and the economy should be avoided or minimised.

Art. 4 Provision of information and participation

¹ The authorities responsible for planning shall inform the public of the objectives and progress of planning under this Act.

² They shall ensure that the public are able to participate adequately in the planning process.

³ Plans under this Act shall be made available for public inspection.

Art. 5 Compensation

¹ Cantonal legislation shall regulate appropriate compensation procedures for major advantages and disadvantages resulting from planning under this Act.

^{1bis} Planning advantages shall be compensated for at a rate of at least 20 per cent. Compensation becomes due on the development or disposal of the parcel of land. Cantonal law shall organise the compensation system at least so as to compensate for the added value attributable to permanently assigning land to a building zone.¹³

¹¹ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹² Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹³ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

^{1ter} The proceeds shall be used for measures under paragraph 2 or for other spatial planning measures under Article 3, in particular paragraphs 2 letter a and 3 letter abis.¹⁴

^{1quater} In calculating the charge, the planning advantage resulting from being assigned to a building zone shall be reduced by the amount paid within a reasonable period to acquire a replacement agricultural building for personal use.¹⁵

^{1quinquies} Cantonal law may waive the charge if:

- a. a local authority would be liable to pay; or
- b. the anticipated income from the charge does not justify the cost of its collection.¹⁶

^{1sexies} The charge paid may be deducted from the gain as an allowable expense when calculating any capital gains tax on land.¹⁷

² Full compensation shall be paid if planning activities lead to restrictions of title which amount to expropriation.

³ The cantons may require that the payment of compensation in the case of restrictions of title must be entered in the Land Register.

Title 2 Spatial and Regional Planning Measures

Chapter 1 Cantonal Structure Plans

Art. 6 Guidelines

¹ ...¹⁸

² When preparing their structure plans, the cantons shall devise guidelines by which they establish which areas:¹⁹

- a. are suitable for agriculture;
- b. are of special beauty, valuable, or are important for recreation or as natural habitats;

¹⁴ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹⁵ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹⁶ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹⁷ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹⁸ Repealed by No I of the FA of 15 June 2012, with effect from 1 May 2014 (AS 2014 899; BBl 2010 1049).

¹⁹ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

- b^{bis}.²⁰ are suitable for producing electricity from renewable energies;
- c. are seriously endangered by natural hazards or harmful emissions.

³ In the guidelines, they shall also provide information on the current condition and previous development of:²¹

- a.²² their settlement area;
- b.²³ transport;
- b^{bis}.²⁴ provision of public utilities, in particular electricity from renewable energies;
- b^{ter}.²⁵ public buildings and installations;
- c.²⁶ their arable land.

⁴ They shall take account of federal strategies and sectoral plans, the structure plans of neighbouring cantons and other regional development policies and plans.

Art. 7 Collaboration between authorities

¹ The cantons shall work with the federal authorities and neighbouring cantons insofar as their activities coincide.

² If the cantons cannot agree among themselves or with the Confederation on how to coordinate activities that have a spatial impact, they may request that the conciliation procedure (Art. 12) be applied.

³ Border cantons shall seek collaboration with the regional authorities of the neighbouring country insofar as their activities may have cross-border impact.

Art. 8²⁷ Minimum content of structure plans

¹ Each canton shall prepare a structure plan, which shall define the following as a minimum:

- a. how the canton aims to develop in spatial terms;

²⁰ Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS **2017** 6839; BBl **2013** 7561).

²¹ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

²² Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

²³ Amended by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS **2017** 6839; BBl **2013** 7561).

²⁴ Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS **2017** 6839; BBl **2013** 7561).

²⁵ Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS **2017** 6839; BBl **2013** 7561).

²⁶ Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

²⁷ Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).