















SPATIAL AND REGIONAL PLANNING

Lecture 10. Planning system in Germany

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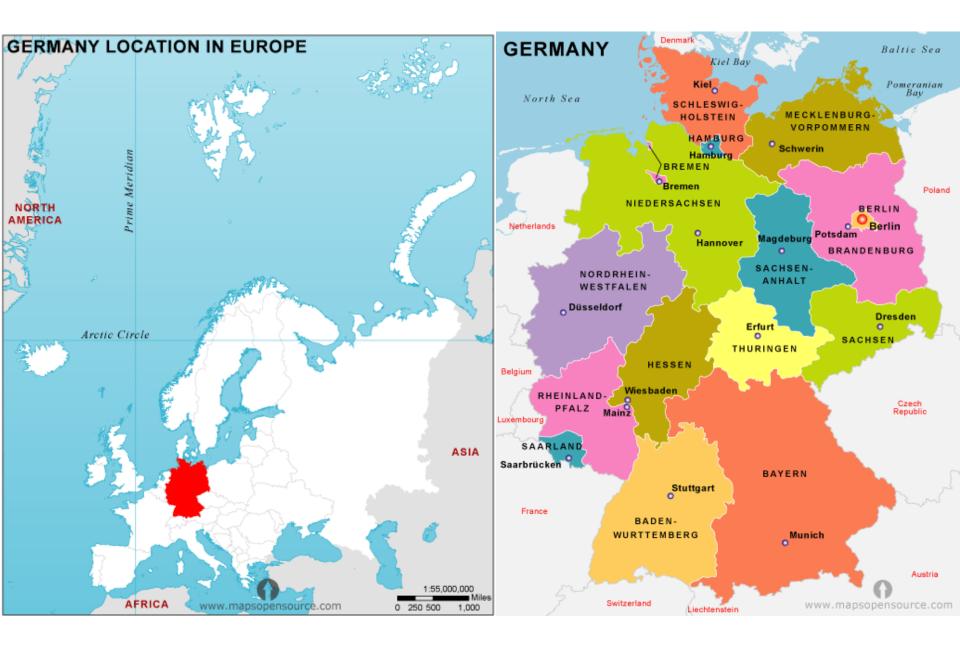
The structure of power in Germany is divided into three levels:

- Federal level (Bund)
- The level of federal states (16 federal states Länder)
- Local level (Kommunal), in which the political and administrative unit is the Commune (Gemeinde)

Each level has competence for planning, but the greatest competences are focused on the **local** level.

The spatial planning system in Germany is decentralised.

The federal states are passing their own laws on spatial development, however, laws cannot violate federal laws.



The German spatial planning law is divided into:

- Spatial Order Law: Act on Spatial Order (Raumordnungsgesetz – ROG, 1965)
- Land use planning: The Land Act on National Planning (Landesplanungsgesetze, 1960)

creates a framework for national and regional macroregional planning

- Construction law:
- Federal act. Construction code (Baugesetzbuch BauGB, 1960)
- Land laws regarding the issue of building permits and technical building requirements (Landesbauordungen)

defines the principles of use, protection of areas and implementation of investments, in particular residential, industrial and service buildings

Instruments of spatial development planning in the Federal Republic of Germany

- The rules of spatial order on the Federal level (Leitbilder der Raumordnung)
- National Development Program (Landesentwickklungsprogramm) (Landesentwickklungsplan) at the federal states level
- Territorial Development Plan (Giebietsentwicklungsplan) at the poviat level
- Land use plan (Flachennutzungsplan), building plan (Bebaunsplan) at the local level

Planning authorities offices are the public spatial planning entities.

There is a three-tier planning structure in Germany: at the national, regional and local levels which is similar to the one in Poland.

• The Federal level:

No planning documents are issued at the government level.

The basic tasks of the Government in terms of planning are the following:

- Creation construction and spatial development law, i.e. a regulatory framework and principles for spatial planning
- Creation of spatial development programs for the whole State, federal program for regional planning (Bundesraumordnungsprogramme), which are binding on public authorities and institutions, but are not legally binding plans for land use
- Developing guidelines and visions for spatial planning in consultation with the Lands (Leitbilder)

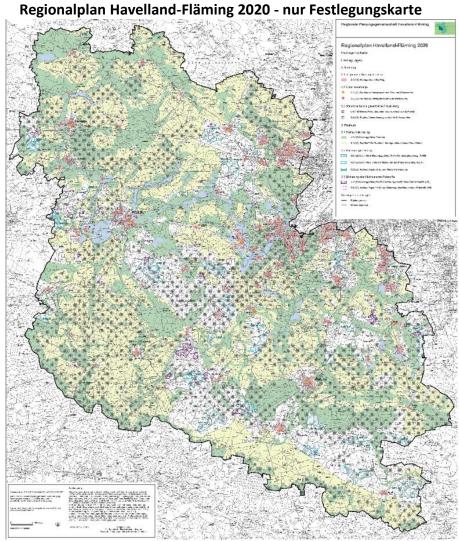
Regional level (Federal Lands level):

The Lands are allowed to issue:

- spatial management plans (Raumordnungspläne) drawn up by the governments of the federal states for the whole country. They describe, e.g.
 - the structure of the federal state settlement
 - protected open areas
 - agricultural areas
 - national infrastructure (transport, road, energy)
- regional plans (Regionalpläne), contain a descriptive and a drawing part. The scale is 1: 50,000 1: 100,000. These plans are prepared in order to give details for smaller, selected parts of the federal state and include, e.g.:
- guidelines for general spatial development
- statistical analyses
- environmental guidelines
- guidelines for priority areas to be protected
- areas requiring development on a more accurate scale
- areas for significant investments of regional significance

Regional level (Federal Lands level)





Local level:



- They define the division of space into basic development functions and land allocation
- a general plan

possibilities

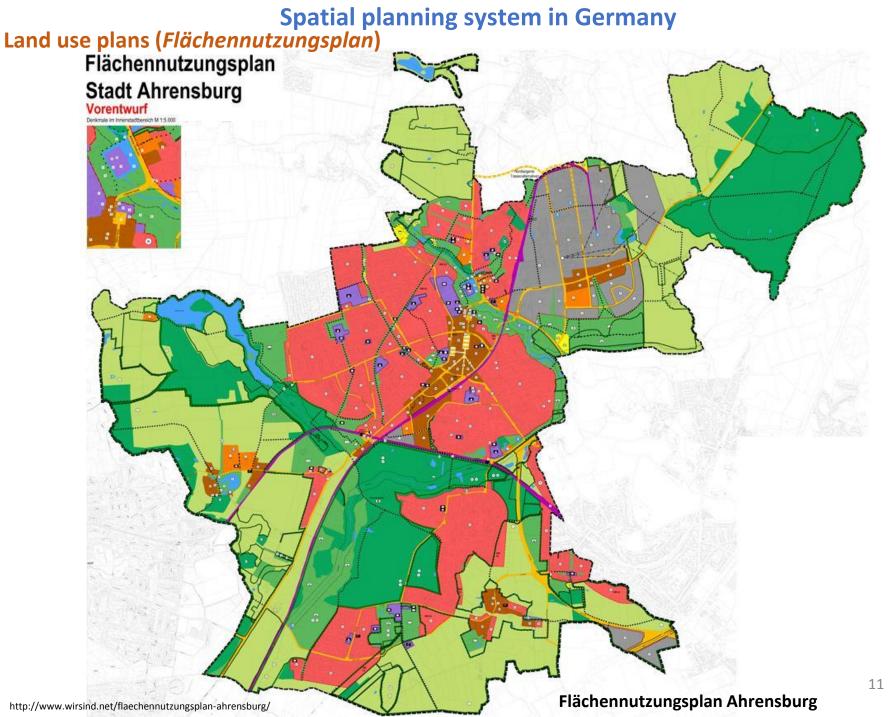
- The study covers the area of the whole local government unit, that is, the whole commune
- Scales 1: 5,000-1: 25,000
- The arrangements for preparatory plans relate to development guidelines, including for:

 housing, industry, infrastructure, transport, green areas, recreational areas, agricultural areas protected areas
- The content of the plan is governed by the building code
- descriptive and drawing parts
- They are not an act of local law, but are binding for public planning bodies
- They create framework conditions and bases for building plans



- Specific guidelines for development and development within the boundaries of a specific plot
- They define, among others the manner and size of construction use, type of building, construction land, land excluded from development, the surface of accompanying infrastructure communication areas, areas of technical and social infrastructure, green areas
- Scales from 1: 500-1: 2,000
- They are an act of local law
- They are prepared depending on the specific development needs

Spatial planning system in Germany Land use plans (Flächennutzungsplan) hallesaale* Flächennutzungsplan Bauflächen und Baugebiete Flächen für den Gemeinbedart Flächen für den Gemeinbedari ☐ Sportlichen Zweislen derende Gebtuele und Einschlanger Flächen für den überörtlichen Verkehr und für die örtlichen Hauptverkehrszüge Flächen für Versorgungsanlagen, für die Abfallentsorgung und Abwasserbeseitigung Grünflächen III Sedestots Freihad 55 Fredrik des Wasserflusses Flächen für die Landwirtschaft und für den Wald Planungen, Nutzungsregelungen, Maßnahmen und Flächen für Maßnahmen zum Schutz, zur Pflege und zur Entwicklung von Natur und Landschaft Sonstige Planzeichen Flächennutzungsplan der Stadt Halle (Saale) Geschäftsbereich II - Stadtentwicklung und Umwelt Fachbereich Planen



Building plan (Bebauungsplan).



Building plan (Bebauungsplan).



Local level

Municipality level

The commune is obliged to equip the plot with infrastructure i.e. build streets, squares and roads, sidewalks, commo roads in the area of buildings, park areas, green areas, water supply systems, sewage systems, noise protection buildings or emissions of harmful substances into the environment

Infrastructure can be carried out by the investor at his own expense, on the basis of a public-private contract.

The utilities must be ready and operating at the latest by the day the buildings are started to be used.

Plans preparation procedure

Commune Council Resolution on construction plan preparation guidelines. Local community project advertising campaign. Preliminary draft plan Early consultations with residents, entities representing public interests and neighboring municipalities Draft plan, resolution of the commune council and announcement in the manner customarily adopted in a given commune` Public viewing and feedback: general access to the project and comments Feedback received Final draft plan Resolution of the municipal council, and in the case of the building plan, the resolution as an act of local law Approval by a higher administration office Plan comes into legal force by the plan: public announcement of approval or resolution as an act of local law

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