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GERMANY'S PLANNING SYSTEM OVERVIEW

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LEGALLY BINDING LAND-USE PLAN
BEBAUUNGSPLAN



GEMEINDE PULLARCH IM ISARTAL
Bebauungsplan Nr. 26

Source: Frank Müller-Diesing
<https://commons.wikimedia.org/w/index.php?curid=75693254>

LEGALLY BINDING LAND-USE PLAN
BEBAUUNGSPLAN

A development plan defining the structural and other use of land in a detailed and binding manner.

Provides legally binding specifications steering and controlling urban development regarding the use of land for building and other purposes, an extent of building coverage, land improvement (provision of local public infrastructure), admissibility of projects etc.

LEGALLY BINDING LAND-USE PLAN ***BEBAUUNGSPLAN***

Plan drawing (Part A) + **Textual part** defining procedures (Part B) + **Begründung** (explanatory memorandum), incl. Umweltbericht (environmental report), outlining objectives and essential effects of the plan, as a mandatory part of the procedure

Planzeichenverordnung (Plan Drawing Ordinance) standardizes symbols and stipulations concerning text formulations based on the Federal Building Code (BauGB) (if necessary, further plan symbols can be used).

The plan drawing is usually in scale from 1: 500 to 1:2,000, on the basis of Authoritative Real Estate Cadastre Information System (ALKIS), identifying all plots affected by the plan, as well as the adjacent plots.

BEBAUUNGSPLAN ***INTENDED TO LAST***

Plans in force as old
as the 1960s.

What about changes
and amendments?
Procedures almost
same as for preparing
a new plan.

LAND-USE PLANING AT THE MUNICIPAL LEVEL ***BAULEITPLANUNG***

FLÄCHENNUTZUNGSPLAN (zoning plan for the entire municipality)

A development plan determining land use, generally binding for the local authorities

+

BEBAUUNGSPLAN (legally binding land-use plan)

A development plan defining the structural and other use of land in a detailed and binding manner, providing the essential planning requirements under which the building permits are issued.

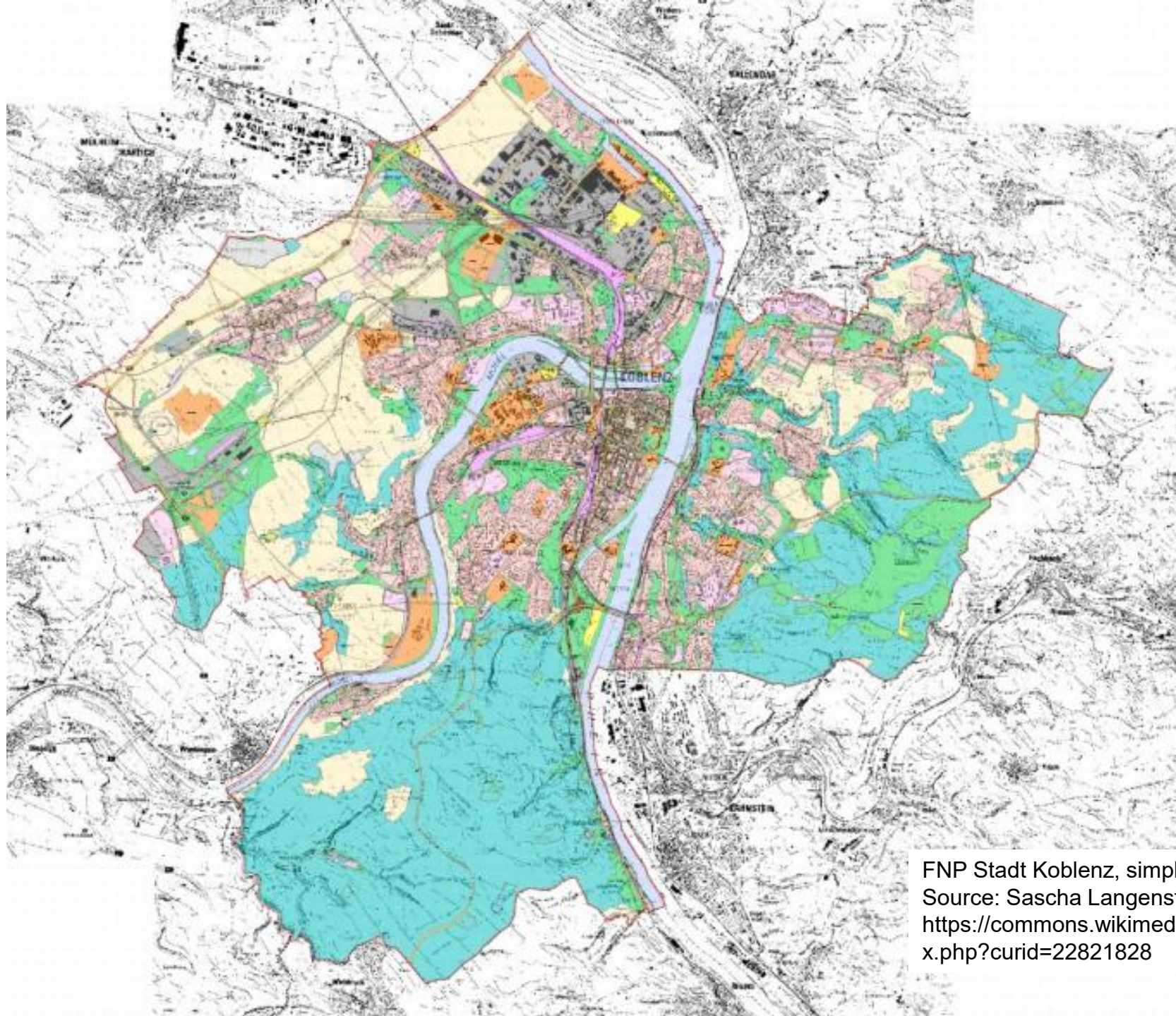
Sovereign responsibility of municipalities (weighing up the principles of spatial planning and observing the objectives of spatial planning)

ZONING PLAN
FLÄCHENNUTZUNGSPLAN

A development plan determining land use, generally binding for the public bodies.
No legal effect on private individuals (building permissions).

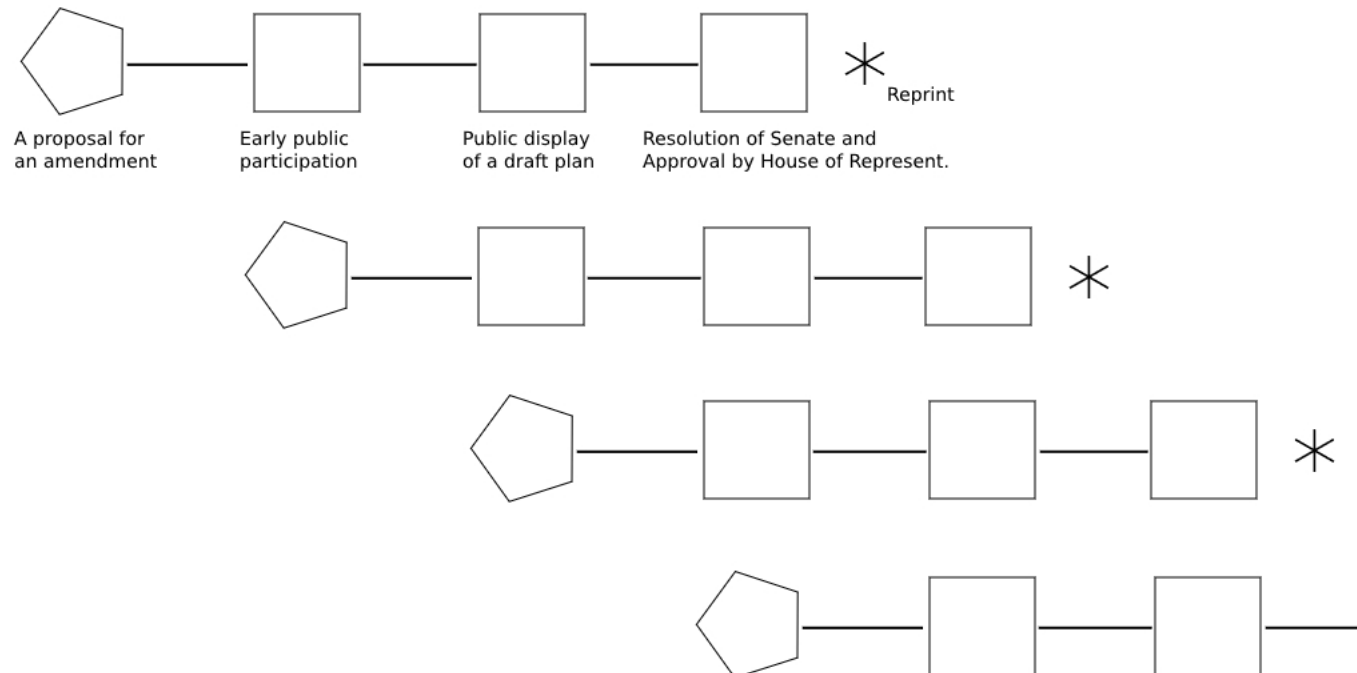
Land uses + roads + important infrastructures
A planning horizon of around 15 years

Plan drawing (1:5,000 – 1:25,000) + explanatory memorandum, describing the goals, purposes, and effects of the proposed urban development, including the environmental report



FNP Stadt Koblenz, simplified.
Source: Sascha Langenstein
<https://commons.wikimedia.org/w/index.php?curid=22821828>

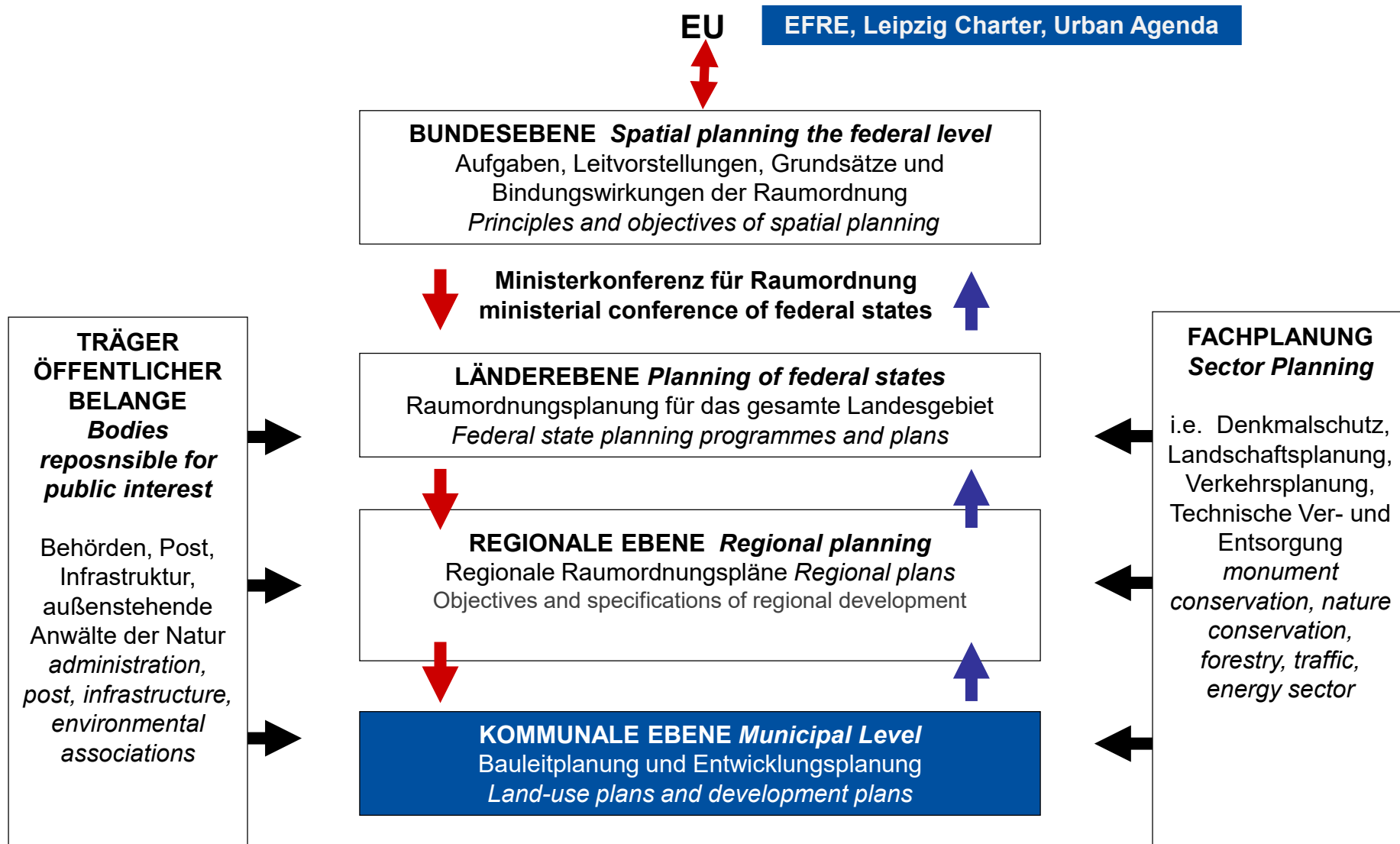
ZONING PLAN – continuous amendments *FLÄCHENNUTZUNGSPLAN*



Procedural steps of FNP-amendments within one legislative term of Berlin's senate.
Source: own illustration based on berlin.de

STUFEN DER RÄUMLICHEN PLANUNG IN DEUTSCHLAND

LEVELS OF THE GERMANY'S SYSTEM OF SPATIAL PLANNING



SUBSIDIARITY

SUBSIDIARITÄTSPRINZIP

Municipalities have the right to self-rule and autonomous responsibility

Constitution:

Decentralization + balanced living conditions and opportunities for participation in the entire territory independent of the specific place of residence and center of life of the population

Planning matters should be dealt with at the most immediate (or local) level. Higher-level authorities (should) have a subsidiary function, performing only those tasks which cannot be performed at a more local level.

COUNTERCURRENT PRINCIPLE ***GEGENSTROMPRINZIP***

Basic principle of Germany's spatial planning system, as outlined in the federal spatial planning act (*Raumordnungsgesetz* ROG).

Two-way direction of scaling:

Countervailing influence of planning levels from municipal, over regional, supra-regional to state (*Land*) level. Each level influences and is influenced by the other levels of planning.

Higher-level plans must take account of the conditions and requirements of lower-level plans (*Bauleitplanung* of municipalities), and vice versa, lower-level plans (*Bauleitplanung* of municipalities) must adhere to the requirements and conditions of higher-level plans.

STATE SPATIAL PLANNING

LANDESENTWICKLUNGSPLAN

A development plan limited to general spatially significant planning measures; defining the spatial planning framework for spatial development of the state, mapping spatial structures and sectoral plans.

Example: *Der Landesentwicklungsplan Hauptstadtregion Berlin-Brandenburg*

- economic development, commerce and large-scale retail
- central places, basic services and functional focuses
- cultural landscapes and rural areas
- settlement development
- landscape development
- traffic and infrastructure
- climate, flood protection, energy
- Inter-municipal and regional cooperations

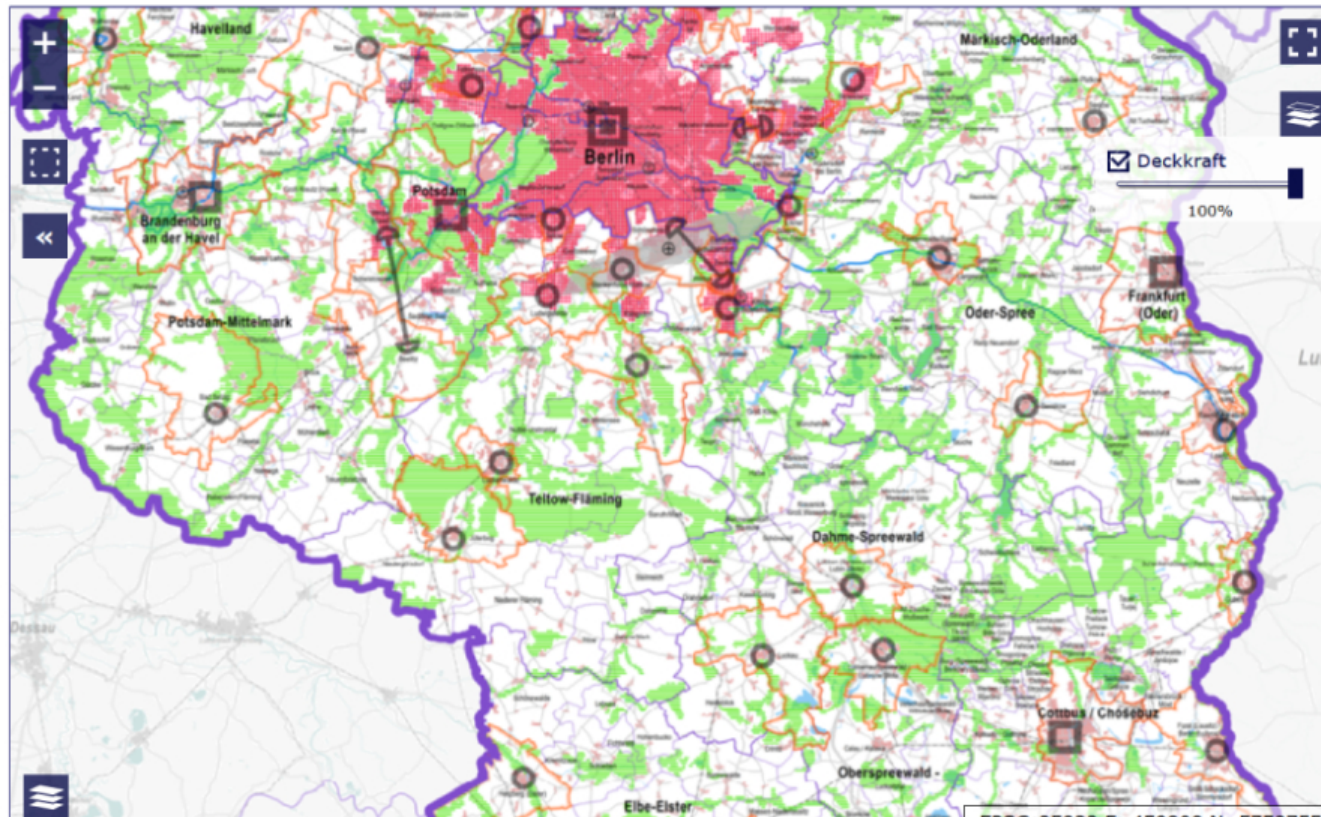
STATE SPATIAL PLANNING LANDESENTWICKLUNGSPLAN

Suche Kartenanzeige ?

Beenden

Landesentwicklungsplan Hauptstadtregion Berlin-Brandenburg (LEP HR) - Hauptkarte

Bewegen in der Karte Markieren für Sachdatenanzeige Überlagern Messen Angaben zur Karte Drucken Dossier und mehr



Legende

Festlegungen

-  Metropole
Z 3.4
-  Oberzentrum
Z 3.5
-  Mittelzentrum
Z 3.6
-  Mittelzentrum in Funktionsteilung
Z 3.6
-  Gestaltungsraum Siedlung
Z 5.6 Absatz 1
-  Freiraumverbund
Z 6.2

Nachrichtliche Übernahme

-  Planungszone Siedlungsbeschränkung (LEP FS)

Grenzen

-  Grenze Hauptstadtregion Berlin-Brandenburg

FEDERAL BUILDING CODE BAUGESETZBUCH

General urban planning law covering such areas as urban land-use planning, building permission, land reallocation, expropriation and compensation, infrastructure provision and servicing, and nature conservation

It has implemented a unifying codification of town planning legislation and created a standardized legal basis for town planning in the Federal Republic of Germany, handing over authority to municipalities to draw up development plans.

PARTICIPATION **BETEILIGUNG**

Federal Building Code (*Baugesetzbuch* BauGB) prescribes a TWO-STAGE PROCEDURE:

The early public participation for obtaining feedback from the authorities, public and private institutions, associations, organized interest groups and people affected by the planning project (OPTIONAL).

Informing the public as early as possible of the general aims and purposes of the plan, of alternative proposals, and of the foreseeable impacts of the plan, giving them the opportunity to express their views and to gain further clarification.

Public display of draft plans, incl. the accompanying explanatory memorandum, for a period of one month (MANDATORY).

The public is entitled to voice any objections to the plan or to make recommendations. The planning authority is required to consider these objections and recommendations and to communicate the outcome of its deliberations.

FEDERAL LAND UTILIZATION ORDINANCE BAUNUTZUNGSVERORDNUNG

Regulates the use of land for building purposes, incl. the classification of types of built use (residential, mixed, commercial etc.), regulating which land uses are permitted, exceptionally permitted or not permitted in a certain area type.

With regard to the 'extent (degree) of use' it enumerates the densities of built use and permissible lot coverage.

The most important measure of 'building density' in the Federal Land Utilization Ordinance is the 'floor area ratio' (Geschossflächenzahl), which is defined as a ratio of a building's total floor area to the area of the plot [e.g. limited at 1,0 (2,0) for residential areas].

MONITORING

PROVIDING INFORMATION AND REPORTING

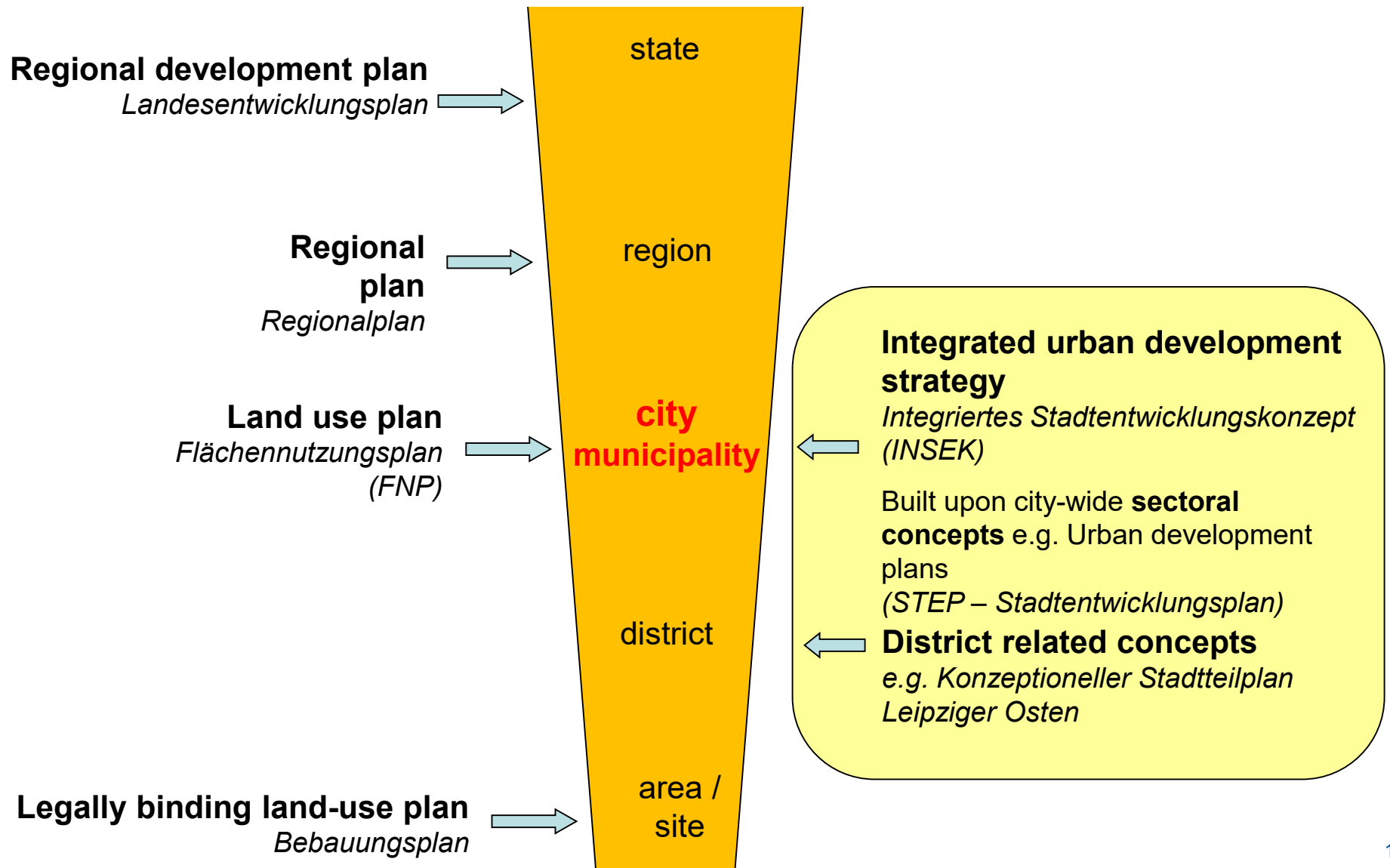
Federal and state authorities have obligation to provide information and report on spatial monitoring as a basis for planning.

Spatial monitoring: Spatial monitoring is the indicator-based, on-going, systematic, and comprehensive identification and description of spatial structural developments in such fields as demography, the economy, the labour market, agriculture, tourism, and the environment (Federal Office for Building and Regional Planning BBR)

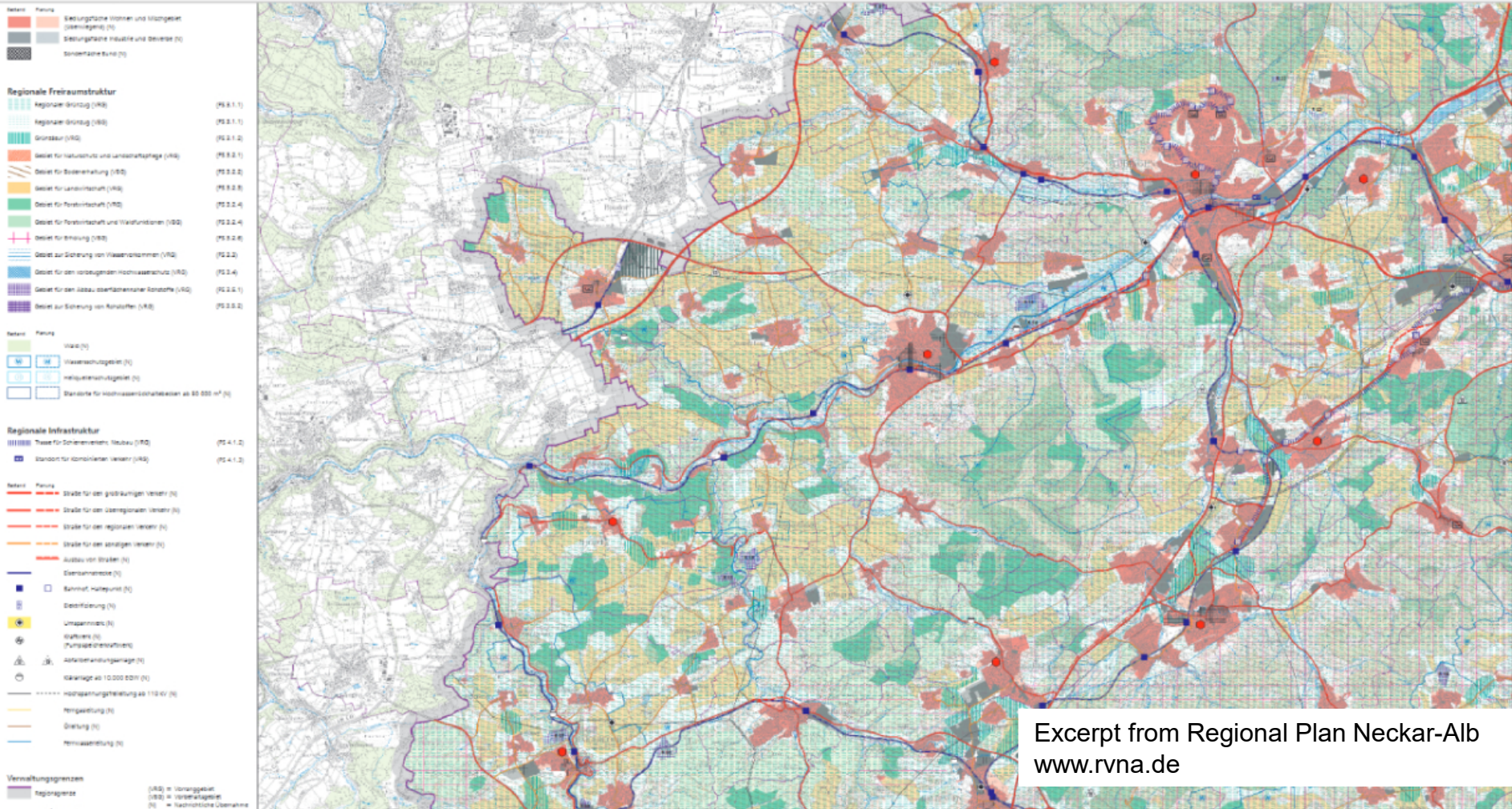
Statistics + area-related data

FROM REDISTRIBUTION TO INTER-URBAN COMPETITION

FORMAL AND INFORMAL PLANS IN GERMANY



REGIONAL PLAN



Excerpt from Regional Plan Neckar-Alb
www.rvna.de

INFORMAL PLANNING

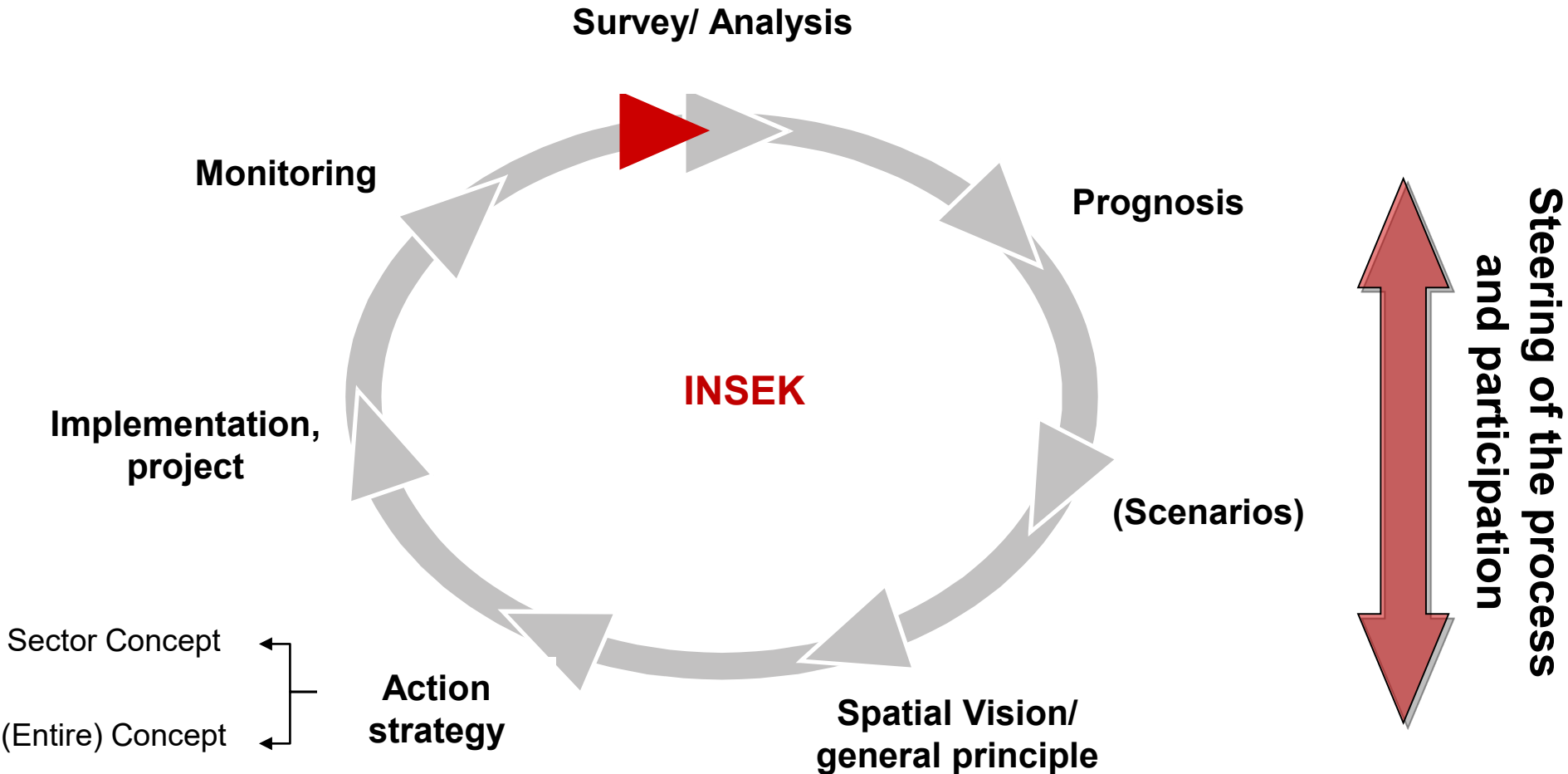
**URBAN DEVELOPMENT CONCEPTS FOR CITIES AND PARTS OF
CITIES**

MODELS / LEITBILDER; e.g. high-rise models / *Hochhausleitbild*

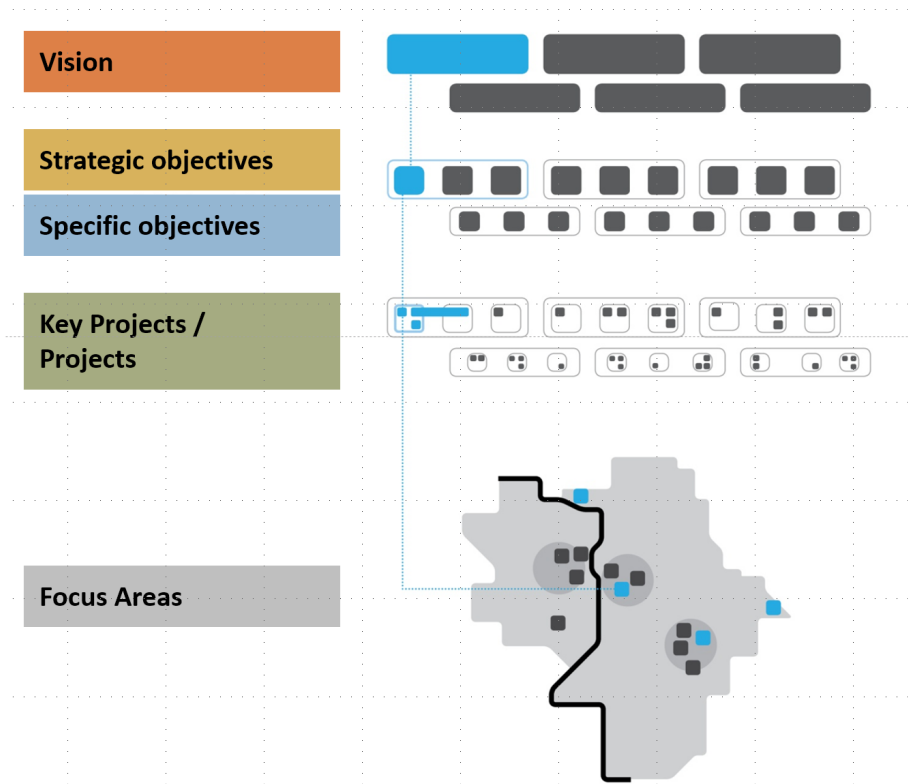
**STEP, e.g. housing, economic development, mobility, urban
centres etc.**

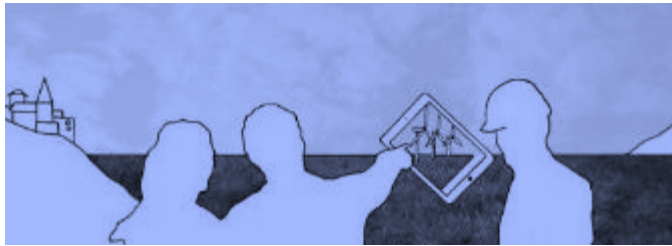
INSEK: ITERATIVE PROZESSE

INSEK: ITERATIVE PLANNING PROCESS



INSEK: ELEMENTS OF A STRATEGY





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