Land consumption in Germany – trends, targets, tasks, planning instruments

continuation

Fabian Dosch, Federal Institute for Research on Building, Urban Affairs and Spatial Development (BBSR), Bonn

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Bilateral German-Polish REFINA workshop: “Research and model projects on suburbanization and land consumption”,
November 6 and 7, 2009, Gdansk (Poland)

First session:
Planning instruments and urban policies of Poland and Germany concerning land consumption and suburbanization

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Difu: Mission and Structure

- Non-profit urban research institute (Berlin and Cologne)
- over 100 supporting member-cities
- Mission: To provide policy makers and administrators with an up-to date and reliable basis for decision-making and action
- Thematic fields: urban development, planning and housing/ social policy and culture/ economic development, infrastructure and public finance to environmental policy and transportation
- Activities: research, policy evaluation, training/seminars, information databases
- ➔ Current example: Research Support (*Projektübergreifende Begleitung*) of the REFINA programme
- Interdisciplinary staff (approx. 30 researchers)

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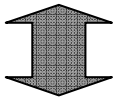
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4. Legal Framework in Germany

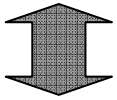
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Policy and Administration Levels in Germany

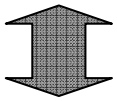
National
Federal Republic of Germany



“Laender” Level
Example: State of Mecklenburg-West Pomerania



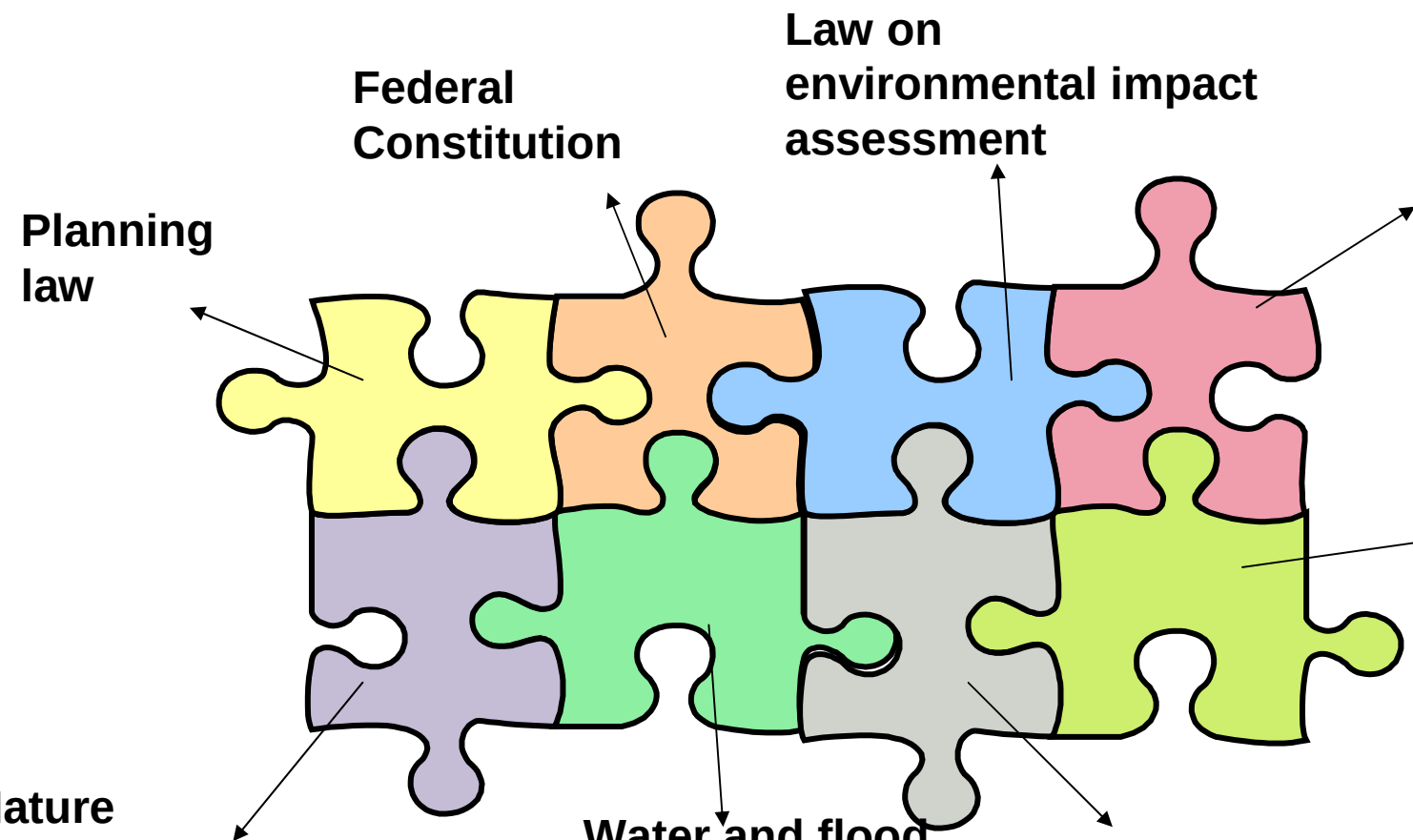
Regional
Example: Region of Middle Mecklenburg/ Rostock



Local/ Municipal
Example: Hanseatic City of Rostock

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Legal Environmental and Planning Framework includes:



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German constitution (Basic Law for the Federal Republic of Germany), Art. 28

… Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility, within the limits prescribed by the laws. Within the limits of their functions designated by a law, associations of municipalities shall also have the right of self-government according to the laws …



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Legislation for sustainable land use planning (selection)

Spatial ordering (“Raumordnung”) is the comprehensive framework for planning as set out by the Federal government

- §§ Federal Spatial Planning Act *(Raumordnungsgesetz)*
  is the overriding principles of spatial planning. Concretized by individual state spatial planning law and a State Development Plan and regional plans.
- §§ Federal Building Code *(Baugesetzbuch, BauGB)*
  general urban development planning, valid in all German states
- §§ Gesetz zur Erleichterung von Planungsvorhaben für die Innenentwicklung der Städte („BauGB 2007“)
- §§ Federal Nature Conservation Act *(Bundesnaturschutzgesetz)*
  landscape planning, conservation and development of biotopes
- §§ Soil Protection Act *(Bundes-Bodenschutzgesetz)*
  and Federal Ordinance on Soil Conservation and Contaminated Sites *(Bundes-Bodenschutzverordnung)*
  regulate the regeneration of contaminated sites
- §§ Act to Improve Preventative Flood Protection (*Gesetz zur Verbesserung des vorbeugenden Hochwasserschutzes*)

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Connections between spatial planning, land use planning and soil protection (1/2)

- Principle of the regional planning (in connection with the Federal Regional Planning Act) is creating a **system of central places**: urban growth is to take place only in settlements having the status of a central place. In other settlements the development of new residential or commercial areas shall not go beyond the needs of the existing population or enterprises.
- As a general rule of the German regional planning, **the undeveloped outlying areas should not be built on with the exception of "privileged" developments** (e.g. developments serving agricultural activities, specific public infrastructure projects).
- There are links to Greenfield policies as it is hard to get building permissions on Greenfield; land use plans; local and regional development plans where **Greenfields get protected**.
- The Federal Regional Planning Act (ROG), draws up **leading concepts (Leitbilder) of the spatial development** in co-operation with the federal states.

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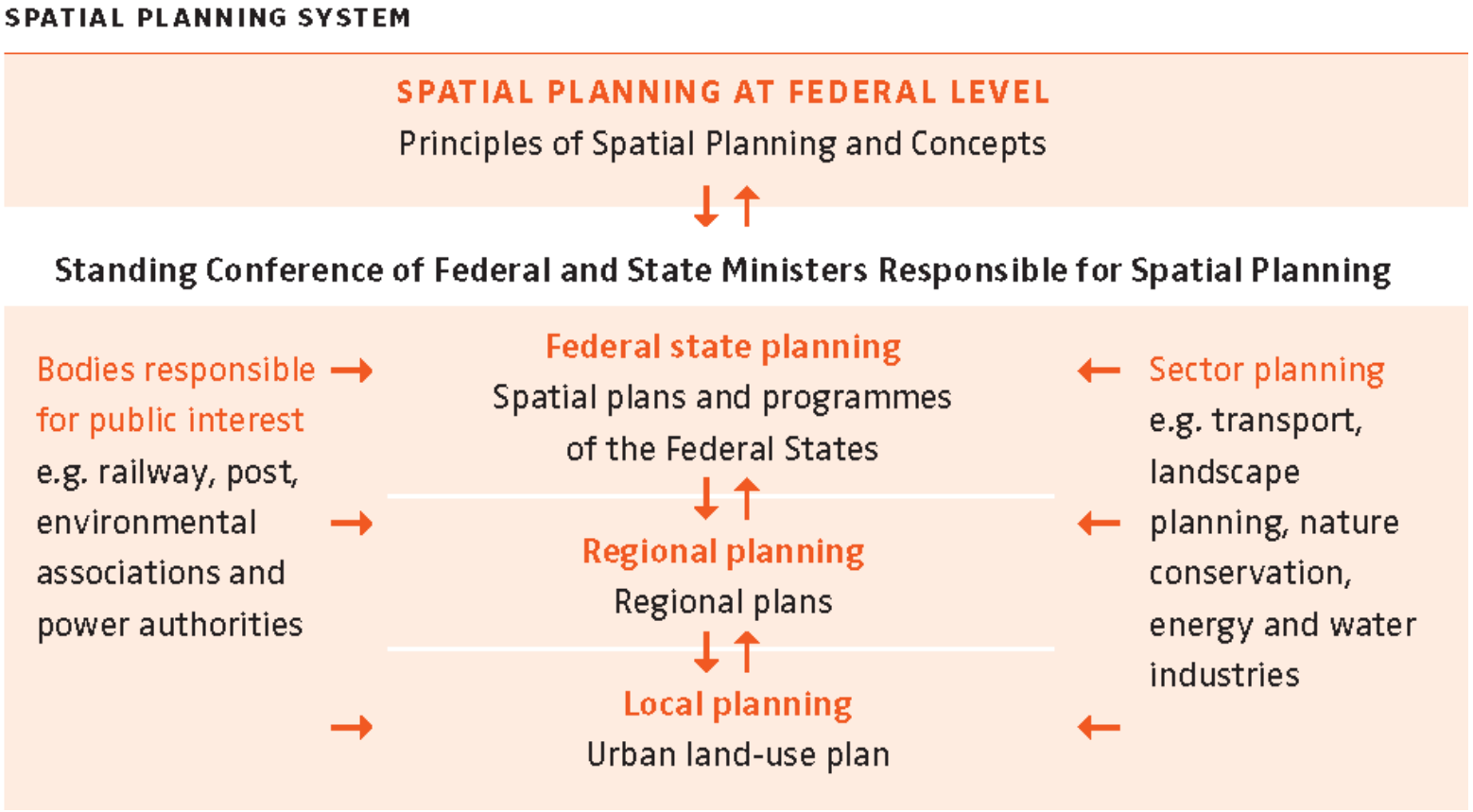
Connections between spatial planning, land use planning and soil protection (2/2)

Federal Building Code (BauGB)

- In Germany, urban land use planning *[Bauleitplanung]* as defined in the Federal Building Code (BauGB) is the vehicle for the town planning concept to be put into the concrete terms of a municipal statute (legally binding land-use plan *[Bebauungsplan]* / project and infrastructure plan *[Vorhaben- und Erschließungsplan]* / project-related development plan) with legally binding effect, and to be bindingly adopted. The legally binding land-use plan determines the density of building developments. The Land Use Ordinance (Baunutzungsverordnung) defines types of possible building uses and more detailed information about the degrees of use.
- Legally binding land-use plans *[Bebauungsplan]* / and project and infrastructure plan are to be prepared by a municipality wide preparatory land use plan *[Flächennutzungsplan]*
- Brownfield revitalisation has gained relevance for sustainable urban development as a result of the soil conservation clause (section 1a, subsection 2) of BauGB having been tightened. This clause provides for higher value being attached to brownfield redevelopment within the scope of zoning considerations. As a result of an adjustment of BauGB to match EU directives, urban land use planning has been enlarged by a few things, including an environmental assessment in the zoning phase. Accordingly, it has also become necessary to review alternative locations, and to indicate the reasons for selection of the reviewed alternatives in the environmental report.

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Planning instruments: Subsidiary concept of spatial planning



- **subsidiary concept**
- **municipal planning autonomy**

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Current system of urban land use planning in Germany

two levels of urban land use plans in Germany:

- municipality wide **preparatory land use plan** [Flächennutzungsplan] and
- **legally binding land-use plan** [Bebauungsplan] or **project and infrastructure plan** [Vorhaben- und Erschließungsplan] for a group of landholdings or small areas



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preparatory land use plan

- Covers entire municipality
- Types of land use shown generally
- not legally binding
- Complies with regional plan

- includes the areas designated for development according to general land-use types, public facilities, infrastructure
- preparatory land use plan requires the approval of the higher administrative authority

Source: Altrock, BTU CB; modified

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legally binding land-use plan/ project and infrastructure plan

- shows land-use designations
- determines the density of building developments
- binding for every individual
- developed in compliance with preparatory land use plan



example Bonn-Vilich

- the binding land-use plan contains the legally-binding designations for urban development. The municipality adopts the binding land-use plan as a statute
- permissibility for development projects within the area covered by a legally binding land-use plan if there are no conflicts
- in urban central areas, reallocation is possible without a land-use plan
- additional instrument: special project and infrastructure plan (V+E-Plan)
- since 2007: land-use planning in accelerated procedure (§ 13a BauGB), possible in defined cases of inner development

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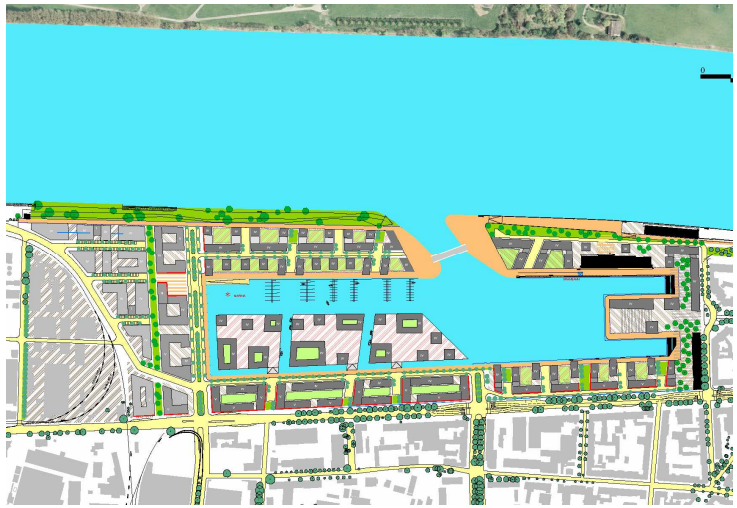
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Source: Altrock, BTU CB; modified

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Planning and EUs legislative demands

- In 2001 and 2004 the German Building Code was amended to adopt the EIA-Directive-Adjustments of EU



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EIA and SEA

- Environmental Impact Assessment (EIA) are conducted for individual projects such as the construction, closure or substantial modification of certain types of industrial facilities, or for specific infrastructural projects.
- Strategic Environmental Assessment (SEA) are conducted for plans and programmes.

- Special case: Environmental Assessment (EA) for urban land-use planning

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Planning procedure and environmental report

Procedure land use plan	Environmental report
decision of municipality	
survey of planning documents	
first draft version of preparatory land use plan including landscape plan	scoping
qualified draft version of preparatory land use plan including landscape plan	preliminary version
involvement of the public	up-dating
version of preparatory land use plan including landscape plan with capability for licence	final version
licenced land use plan including landscape plan	

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5. Circular Land Use Management

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What means „Circular Land Use Management“?

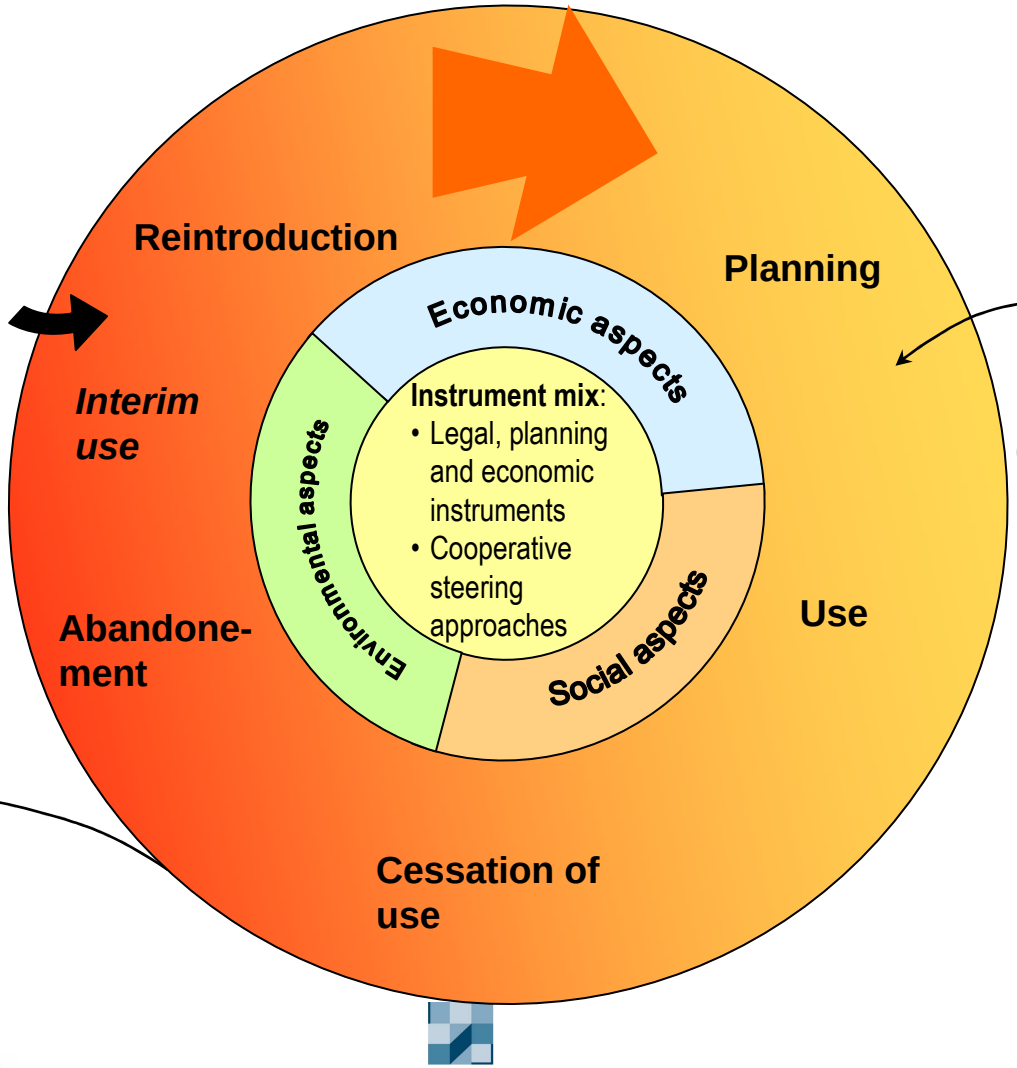
- modified land use philosophy can be expressed with the slogan “avoid – recycle – compensate”
- management approach accepting the use of greenfield sites under specific conditions, but primarily and systematically seeks to utilise the potential of all existing sites including gaps and brownfields
- intends to provide an integrated political and governance approach which include the whole spectrum of policy areas and fields of activity
- implements at both local and regional level and combines these main two in an integrated urban and regional land development policy
- cycle relies on the interplay between strategies and instruments in different fields of activity and on a suitably comprehensive deployment of tools (instrument mix) in these areas, which includes planning, land information, cooperation, organisation and management, investment and support programmes, marketing and legislation

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Model of phases on circular (flow) land-use management

Mobilisation of site potential:

- brownfields (trade, industrial or military)
- spaces between buildings in town and city centres
- urban redevelopment sites
- sites undergoing planning



Exceptional:

Release of new sites for construction in the green belt

Rejection of sites which are unsuitable for new uses on a long-term basis

Source: Research group “Fläche im Kreis”, 2005

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Inner development opportunities

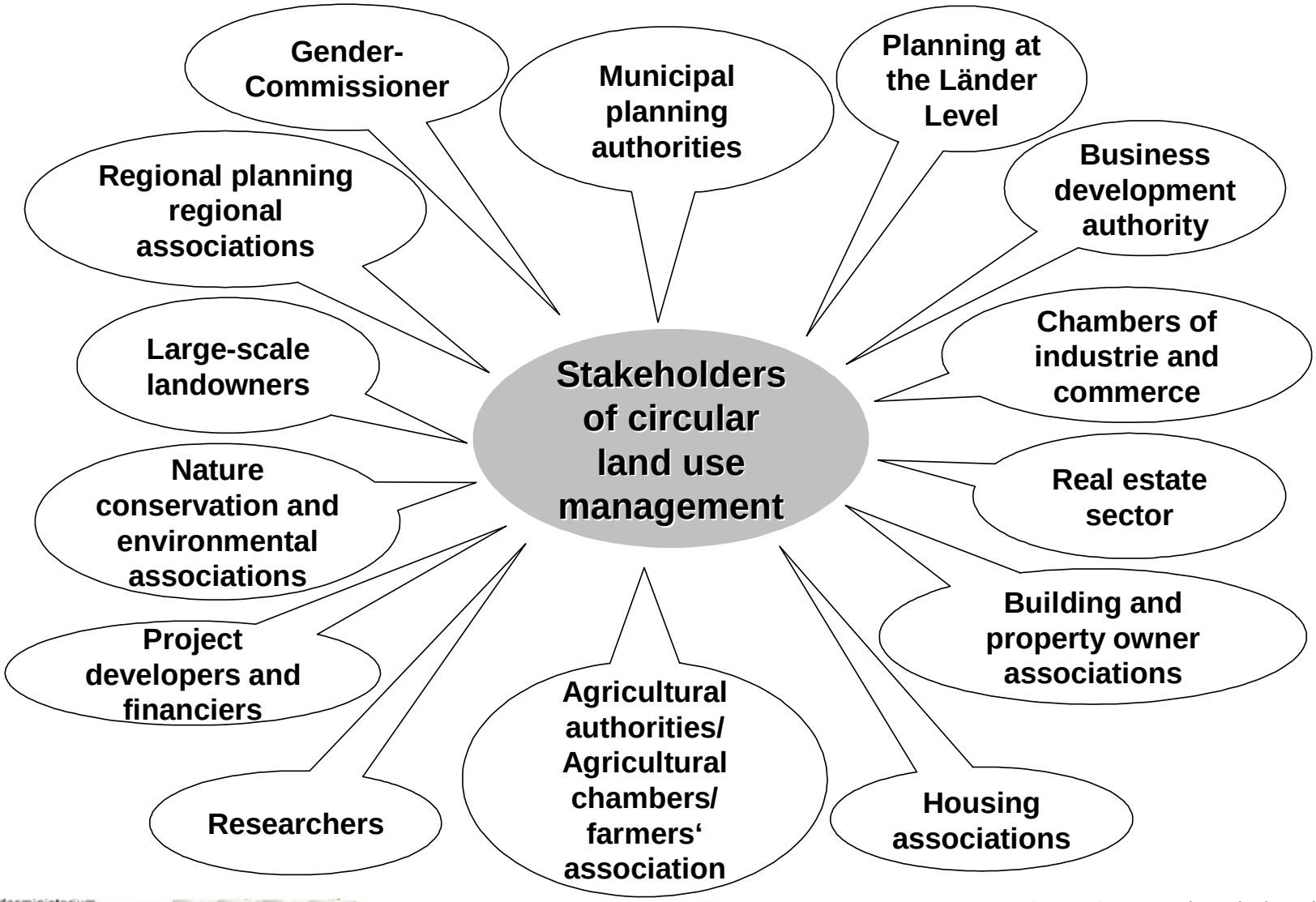
- gaps between buildings (land prepared for building/ building land) within the ambit of settlement-expanding legally binding land use plans
- gaps between buildings within the ambit of legally binding land use plans using pre-existing developments and unplanned interior areas
- scarcely developed lots/ opportunities for infill
- brownfields
- vacant buildings
- land which will be abandoned in the foreseeable future





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Source: German Institute of Urban Affairs

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Thank you for your attention!

Your ideas and thoughts are most welcome!

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