

Turowski, Gerd

**Research Report**

## Spatial planning in Germany: Structures and concepts

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STUDIES IN  
SPATIAL DEVELOPMENT

# Spatial Planning in Germany

## Structures and Concepts

Elaborated within the INTERREG II C BSR project "The Baltic Manual: Sharing Expertise in Spatial Planning" with partners in Sweden and Poland (see project information, page IV)

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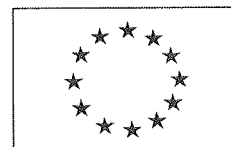


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## Preface

The German Academy for Spatial Research and Regional Planning (ARL) has launched a new series of publications. Appearing in English, this series, entitled “Studies in Spatial Development”, aims to make available to a wider, non-German-speaking audience those ARL research findings which are deemed to be of international relevance, such as the results of European working parties; at the same time the ARL hopes to attract greater attention within international discourse to discussions on questions of spatial research and spatial development normally conducted in German.

The first volume in this series, “Spatial Planning in Germany – Structures and Concepts”, establishes a basis for coming to an understanding of planning in Germany. Beginning with introductory chapters on the constitutional structure and governance of the Federal Republic of Germany and on the German planning system, this volume also includes a glossary of key planning terms in use in Germany, with concise explanatory notes. The English translations of German terminology are the product of many years of experience of grappling with this problem both at the ARL and in the Institute for Spatial Planning at the University of Dortmund. Thus, this text may serve as a point of reference for others engaged in translating technical articles or papers written in German into English.

This introductory text is based on the German component of the ARL’s transnational “Handbooks of Planning Terminology”, a series of bi- and trilingual foundation texts on spatial planning in the respective co-operating states, produced by the ARL in close co-operation with a host of partner organisations both in Germany and abroad. To date the series includes German-Polish, German-Swedish, Polish-Swedish, German-Austrian, German-Swiss, German-Slovak-Czech and Austrian-Slovak-Czech handbooks of planning terms. More handbooks are planned. By establishing a general understanding of how planning is organised within the respective states covered by the handbooks, the series provides a basis for comparing the diverse approaches to planning found throughout Europe, and equally for reaching a common European conception of spatial planning and spatial development.

The ARL would like to express its thanks to the European Commission for the financial support it has made available under Community Initiative INTERREG II C to fund the production of this translation; the ARL would also like to thank the German Federal Ministry for Transport, Building and Housing and the Federal Office for Building and Regional Planning (BBR) for providing funding under the Model Projects for Spatial Planning programme, and to the German *Länder* involved for their contributions to co-financing.

## Baltic Manual – Project Information

Trans-national co-operation in the field of spatial planning requires mutual understanding and knowledge of planning practices – within their social, cultural, environmental and economic contexts - as well as knowledge of the respective systems of governance and planning. The aim of the Baltic Sea Region Interreg IIC project “*The Baltic Manual: Sharing Expertise in Spatial Planning*” (1998-2001) was to provide a platform for mutual learning and thus promote development and co-operation in spatial planning and spatial research. This project consisted of two parts, both focused on the Baltic Sea area in its entirety as well as on its regions:

In the first part, work was concentrated on Poland, Germany and Sweden, and aimed particularly at coastal regions of Poland, Germany (Baltic Sea) and south and south-eastern Sweden. The objective was to produce three bilingual “Handbooks of Planning Terminology”, which will provide an effective foundation for transnational and cross-border co-operation in spatial research and spatial planning. The handbooks have been completed in June 2001 and have been published by ARL and Nordregio.

Concurrent to this work was the arrangement of multi-national planners’ forums, emphasising the involvement of planners, senior officials and researchers in the field of spatial planning from all around the Baltic Sea. The aim was to consider and set out in the form of comparative analyses the spatial planning systems and administrative structures currently in place in the Baltic Sea Region. Within the scope of this project, major differences and similarities in the administrative system and the organisation of spatial planning in various Baltic Sea States have been identified. A total of three planners’ forums and an additional seminar have been carried out within the framework of the *Baltic Manual* project and the proceedings of the forums have been published.

Both the compendium and the planners’ forums have been developed and elaborated by a trans-national co-operation team consisting of the German Academy for Regional Research and Regional Planning (ARL), Nordregio – Nordic Centre for Spatial Development, the Polish Academy of Science, and the Blekinge Institute of Technology, together with the University of Dortmund, the University of Rostock, the Institute of Planning in Developments and Structural Researches (IES), Hanover, the Institute for Regional Development and Structural Planning (IRS), Erkner, and the University of Gdansk, Department of Architecture and Regional Development Geography Unit, and the Institute of Physical Planning and Municipal Economy, Warsaw.

This project was jointly financed by the European Communities (under the Interreg II C – Programme), the German Ministry of Transport, Building and Housing (under the Regional Policy Action Programme for Demonstration Projects of Spatial Planning) and the German Länder Berlin, Brandenburg, Hamburg, Mecklenburg-Vorpommern, Niedersachsen, and Schleswig Holstein, the Academy for Regional Research and Regional Planning (ARL), Nordregio - Nordic Centre for Spatial Development, and the Blekinge Institute of Technology. Project related activities outside the territory of the European Union have been carried out and partly financed by the German Academy for Regional Research and Regional Planning (ARL) and the Polish project-partners.

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# 1. The Constitutional Structure and Governance of the Federal Republic of Germany

## 1.1 Fundamental Principles of the Political and Administrative System

The political and administrative system of the Federal Republic of Germany is determined by four fundamental principles set out in the Basic Law of May 23rd 1949.

Germany is a democracy, a state founded on the rule of law, it is a social state and a federal state.

The democratic principle calls for all actions of state power to have a mandate from the people. State power is not exercised directly through decisions of the people, but rather by their representatives, who are elected to serve for a fixed period of time and who constitute the German Parliament (the *Bundestag*) and the Federal Government (*Bundesregierung*). Thus, in a system based on indirect, representative democracy, the German people delegate their sovereignty for a set term, and subject to subsequent withdrawal, to the Legislature (*Bundestag*) and the Executive (*Bundesregierung*); these bodies are empowered to take decisions within the bounds of the Constitution (the *Basic Law*).

The principle of the “state based on the rule of law” requires all state actions to be governed and bound by law and legality. The very centrepiece of this system is the principle of the (horizontal) separation of powers, i.e. the various functions of state power are assigned to the Legislature (for law-making), the Executive and the Judiciary, each of which is independent of the others. This makes it more difficult for state power to be abused and prevents arbitrary actions by the state. The Federal Constitutional Court exists to oversee legislation and ensure that it is constitutional.

The social-state principle places an obligation on the state to establish equal opportunities and social justice and thus to protect disadvantaged groups in society. In Germany there is therefore a wide-ranging web of social legislation in place, extending from the benefits provided by the state in cases of illness or accident and in old age, to child allowances, rent support and unemployment benefit. In the interests of properly implementing the social-state principle, it is considered legitimate for fundamental rights to be encroached on. For example, the constitutional right to own property is qualified in the Basic Law by the explicit stipulation that its use should be bound by the concept of the common good.

The federal-state (or federal) principle is reflected in the fact that the Federal Republic of Germany is, according to its constitution, a union of states in which the exercise of State<sup>1</sup> power is shared between the component states (the *Länder*, or federal states) and the Federation. This principle of vertical separation of powers, which stands in sharp contrast to centralist models of state, is a vital element in any understanding of the structure of state and administrative organisation in Germany.

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<sup>1</sup> Translator’s note: Throughout this text the word “State” is capitalised whenever it is used to refer specifically to the Federation and the *Länder*; this reflects the German use of “Staat” and “staatlich”, in which “the State” is not considered to include local authorities. In order to avoid confusion, the German term *Land* (plural *Länder* – pronounced “lender”) is used to refer to the component “states”.



The distribution of State powers in Germany between the Federation (or Federal Government) and each of the 16 *Länder* means that the quality of “statehood” is a property not only of the Federation itself, but also of the *Länder* (the federal states). It is, however, important to note that the *Länder* do not enjoy full autonomy, but that their sovereignty is rather restricted by the Basic Law to specific areas, in which, however, they exercise their own legislative, executive and judicial powers. Nevertheless, in Germany legislation is primarily a matter for the Federal Government, with the responsibilities of the *Länder* concerned chiefly with administration, i.e. the implementation of Federal<sup>2</sup> law.

The federal principle – i.e. the division of the Federal (national) territory into autonomous *Länder*, each with its own constitution, is of major importance for spatial order and spatial development in Germany as this arrangement fosters regional peculiarities (diversity) and regional initiatives to a degree hardly conceivable in a uniform, centralist state. This has led to the emergence of a multiplicity of economic, cultural and political centres throughout the country and has promoted more balanced spatial structures.

A crucial element in comprehending the status of the Federal Republic of Germany in the international arena is the country’s membership of the European Union (EU). The EU is an intergovernmental organisation to which the Member States have devolved certain sovereign rights. Consequently, EU law impacts directly on the law of the Member States; the EU now represents an additional, distinct and independent source of public authority to be seen as existing alongside the sovereign authority of the individual Member States.

The EU is committed to an on-going process of ever-closer economic and political integration in Europe.

## 1.2 Supreme Federal Organs and Federal Authorities

The supreme Federal authorities are (cf. Fig. 1):

- the Federal Parliament (the *Bundestag*)
- the Federal Council (the *Bundesrat*)
- the Federal President
- the Federal Government.

The functions of Federal authority also include the Federal courts and Federal administration. The supreme Federal organs and authorities, and the duties vested in them, are outlined below.

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<sup>2</sup> Translator’s note: In connection with German institutions, the status of the German term “Bund” (the Federation) is equivalent to that of a proper name. Consequently, throughout the text the word “Federal” is capitalised when it refers to institutions, laws, etc. of the German Federation; upper-case “Federal” is also part of the name of the country, viz. the Federal Republic of Germany.

### 1.2.1 The Federal Parliament (the *Bundestag*)

The *Bundestag* (the “lower” chamber of parliament) represents the entire German people in the exercise of sovereign power and is thus the highest Federal organ responsible for legislation. Under the provisions of the Basic Law, Federal legislation may require the approval of the *Bundesrat* (the “upper” chamber).

The legislative powers of the Federation can be divided into three categories:

- areas where the Federation has exclusive legislative competence;
- the right of the Federation to enact concurrent legislation
- the right of the Federation to enact framework legislation.

The Federation has “exclusive” legislative competence for those areas of law which require uniform regulation throughout all of the *Länder*, i.e. where it is not deemed appropriate for the *Länder* to have their own laws. The main areas to which this applies are foreign affairs, defence, protection of national borders, the monetary system and currency matters, and aviation.

In the case of “concurrent” legislation<sup>3</sup>, the *Länder* are entitled to enact legislation provided that, and to the extent that, the areas of law concerned have not already been regulated by

**Fig. 1: Constitutional Structure and Governance of the Federal Republic of Germany**

Elements of the German state		Main functions of State authority		
		Legislature	Executive	Judiciary
The State	Federation	Bundestag	Federal President Federal government - Federal chancellor - Federal ministers Federal administration	Federal courts - Federal Constitutional Court - supreme courts
	Land	Land parliament	Federal Council Land government - minister-president - Land ministers Land administration	- constitutional courts - all branches of jurisdiction, except for supreme courts
	Administrative District		District commissioner	
Local government	County	County council	County administration	
	Municipality	Municipal/town council	Municipal/town administration	

Gerd Turowski, Dortmund 1999

<sup>3</sup> Translator’s note: The German term “konkurrierend” does not appear in the Basic Law. Although it is usually translated as “concurrent”, this is certainly misleading. “Concurrent legislation”, in the German sense, does not require agreement among a number of legislatures; the situation is more one of “superseding legislation” on the part of the Federation, with “residual legislation” by the *Länder*.

Federal legislation. The main areas covered by concurrent legislation are civil law, criminal law, economic and employment law, land law, as well as the law on housing, navigation (shipping) and road traffic, waste disposal, air purity and noise abatement.

The right of the Federation to enact “framework” legislation extends only to the right to stipulate general outline provisions, leaving the concrete detail to be filled in by the legislation of the respective *Länder*. Areas affected by this include spatial planning, nature protection and landscape conservation, and water management.

In addition to its legislative role, the *Bundestag* also has the additional duties to perform of overseeing the Federal Government, electing the Federal Chancellor (the *Bundeskanzler*), and approving the Federal budget and exercising auditory oversight over public expenditure.

The *Bundestag* comprises 662 delegates of the German people; Members of the *Bundestag* are elected to serve for a four-year term by a process of general, direct, free, equal and secret election.

### 1.2.2 The Federal Council (the *Bundesrat*)

The federal principle calls for an organ of state which both represents the interests of the *Länder* in political and legislative decision-making processes at Federal level, and is able to act as a mediator and a link between the Federation (i.e. the Federal Government) and the *Länder*. The body charged with performing these tasks is the Federal Council.

The Federal Council is the organ through which the *Länder* are directly represented at Federal level. It is a key element of the federally constituted state and provides the *Länder* with a forum to exert influence at Federal level as a counter-weight to the *Bundestag*. The Federal Council plays a part in both Federal legislation and Federal administration.

Over half of all legislation in Germany requires the approval of the Federal Council. Under the Basic Law, approval is required in particular where central interests of the *Länder* are at stake, for example where Federal legislation encroaches on the finances or the administrative sovereignty of the *Länder*. In all other cases, the Federal Council only has the right of objection, which may be overturned by the *Bundestag*. In the event of the Federal Council and the *Bundestag* not being able to reach agreement (i.e. when a bill requiring approval is rejected by the Federal Council after having been passed by the *Bundestag*), a joint mediation committee is convened, which is normally able to find a compromise solution.

Since the conception on which the Federal Council is founded places *Land* interests above party interests, it is quite possible for the outcome of a vote to be very different to what might be expected if voting simply followed party lines.

The Federal Council comprises 68 members of the governments of the *Länder*. Each *Land* has at least three seats; *Länder* with populations of over 2 million have four seats, *Länder* with populations of over 6 million have five seats, while *Länder* with populations above 7 million have six seats.

### 1.2.3 The Federal President

The Federal President is the head of state and represents the Federal Republic of Germany in its international relations with other states; however, foreign policy is the responsibility of the Federal Government.

Although the functions performed by the Federal President are largely representational, the neutrality of his position makes it possible for him to contribute to balancing disparate political interests and to provide some degree of orientation for the citizenry on values in society.

The Federal President is not directly elected by the people but by what is known as the Federal Convention (*Bundesversammlung*), which is convened solely for this purpose. This Convention comprises all Members of the *Bundestag*, plus an equal number of delegates from the 16 *Länder*.

### 1.2.4 The Federal Government

The Federal Government (i.e. the cabinet) exercises executive powers of government. As the organ responsible for setting the political direction at national level and providing leadership, the Federal Government deals with and steers the business of state and takes charge of the policy areas assigned to the Federation. These are in particular foreign policy, defence policy and monetary policy.

The Federal Government consists of the Federal Chancellor and the Federal Ministers, who are appointed (and dismissed) by the Federal President on the recommendation of the Federal Chancellor. The Federal Government is a collegiate organ in which the Federal Chancellor, by dint of the power vested in him to lay down the general direction of Government policy, occupies a prime position, and ultimately bears final responsibility. The Federal Chancellor is elected by the *Bundestag*, to which he is also accountable. On losing a no-confidence vote in the *Bundestag*, the Federal Chancellor is required to step down from office.

Within the limits marked out by the general policy guidelines set down by the Federal Chancellor, Federal Ministers run their departments independently and on their own responsibility. Responsibility at Federal level for spatial planning currently rests with the Federal Minister for Transport, Building and Housing.

The Federal Government also has the task of overseeing Federal administration. This supervisory role is one aspect of the complex system under which responsibilities are distributed between the Federation and the *Länder* and the Federal and *Land* administrations are mutually independent of each other.

### 1.2.5 Federal Courts

The judiciary represents a further pillar of state authority; under the Basic Law judicial powers are divided between the Federation and the *Länder*. The following courts are assigned to the Federation:

- the Federal Constitutional Court, which is independent of all other constitutional organs and responsible primarily for ensuring that all Federal and *Land* legislation is

compatible with the Basic Law and for adjudicating on disputes between the *Länder*. The Federal Constitutional Court thus provides a safeguard for the federal system of state and protects it from centralist tendencies, without however detracting from the effectiveness of the Federation or compromising the autonomy of the *Länder*,

- the supreme Federal courts, the courts of final resort for ordinary (criminal and civil), administrative, financial, labour and social jurisdiction.

The Federal courts are responsible for ensuring consistency in the administration of justice.

## **1.2.6 Federal Administration**

In accordance with the federal principle, the tasks of public administration in Germany are divided between the Federation and the *Länder*. An important distinction has to be noted here between:

- matters of direct Federal administration;
- administrative matters delegated to the *Länder*; and
- matters of direct *Land* administration.

Matters of direct Federal administration – unlike direct *Land* administration – are restricted to a relatively small number of areas; the following organisational structures have been created:

### **Supreme Federal Authorities**

These are the administrations assigned to the Federal President (the Office of the Federal President), to the Federal Chancellor (the Federal Chancellery) and to each of the Federal Ministers (Federal Ministries). The Federal Audit Office and the Federal Government's Press and Information Office also have the status of supreme Federal authorities.

### **Higher Federal Authorities**

These are autonomous central offices responsible for the entire Federal territory; despite their "autonomous" status, they do, however, each fall within the area of responsibility of a supreme Federal authority under whose supervision they operate. The following Federal authorities are of particular importance for spatial planning:

Attached to the Federal Ministry for Transport, Building and Housing

- Federal Office for Building and Regional Planning
- Federal Office for Railways
- Federal Office for Motor Traffic

Attached to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

- Federal Office for Nature Conservation

- Federal Environmental Agency

Attached to the Federal Ministry of the Interior

- Federal Statistical Office

Attached to the Federal Ministry for Economics and Technology

- Regulatory Authority for Telecommunications and Postal Services

### **Intermediate Federal Authorities**

Each of these is attached to a supreme Federal authority. They are responsible only for a part of the Federal territory. The main intermediate Federal authorities are the Regional Finance Offices (with dual status as a Federal and *Land* authority), the Armed Forces Administrations and the Regional Waterways and Shipping Directorates.

### **Lower Federal Authorities**

The lower Federal authorities work to higher and intermediate Federal authorities. Each is responsible for just a section of the territory administered by its superior authority. Examples include the Main Customs Offices and Waterways and Shipping Offices.

## **1.3 The *Länder***

In accordance with the federal principle, each of the 16 *Länder* has its own constitution and territory; the *Länder* are also autonomous politically and have independent legislative powers, their own governments and administrations and judiciary.

The *Länder* are required to discharge the duties assigned to them in the Basic Law and in the respective *Land* constitutions. These duties are primarily of an administrative nature; however, the *Länder* also participate in the legislative process at Federal level by being represented in the Federal Council.

The legislative organ of the *Land* is the *Land* Parliament (the *Landtag*). It is important to note that the *Länder* are only entitled to legislate in those areas which are not covered by Federal law, or which are not mentioned explicitly in the Basic Law. Where the Federation has the power to enact framework legislation, the role of the *Länder* is expand on this by adding more precise detail. Thus, the state planning legislation enacted by each of the *Länder* expands on (or “concretises”) the legislative framework provided by the Federal Spatial Planning Act.

The *Land* Parliament is the elected assembly for the *Land*. It is the only State organ within the *Land* with a direct democratic mandate, i.e. which is directly elected by the people. In addition to its legislative role, the *Land* Parliament also determines the composition of the *Land* government (the cabinet) and scrutinises its actions.

The *Land* government consists of the Minister-President (often referred to in English as the “premier”) and the ministers he appoints. The Minister-President is elected from among the members of the *Land* parliament. Every *Land* has a minister responsible for comprehensive

spatial planning, i.e. for aligning *Land*-level spatial planning with the requirements of national (or Federal-level) spatial planning.

Just as at Federal level, the legal, organisational and material details of administrative responsibilities and the structure of administrative authorities in the *Länder* are extremely elaborate and complex. This makes it very difficult to provide a clear and easily comprehensible overview.

The fundamental characteristics of public administration in the *Länder* can be described as follows:

In considering administrative responsibilities at *Land* level (unlike at Federal level), a distinction has to be made between Federal administrative matters delegated to the *Länder* to perform, and matters of direct *Land* administration.

Where administrative duties are delegated to the *Länder*, this is because the *Länder* are required to implement Federal legislation on behalf of the Federation. The most important example of this, from the point of view of spatial planning, is the planning, construction and maintenance of Federal highways.

The matters of direct *Land* administration are those tasks which a *Land* discharges exclusively on its own responsibility. These include education, policing, and *Land*-level spatial planning. As a part of their constitutional duties, the administrative authorities of the *Länder* are also called upon to implement the vast majority of Federal laws on their own responsibility. This is the situation which applies in connection with planning law (urban development law), commercial law, and environmental protection law.

The organisational structure of administration within the *Länder* is characterised by co-operation between State authorities (direct State administration, i.e. Federal and *Land* authorities) and self-governing municipal or local authorities (indirect State administration: State tasks performed by municipalities on behalf of the State). The highest tier of general State administration in the *Länder* consists of the *Land* ministries for the various areas of responsibility (finance, economy, justice, etc.).

The majority of *Länder* divide their territories into administrative regions, in which they then establish State authorities. This intermediate tier of State administration is known as the “Bezirksregierung” or “Regierungsbezirk” (literally: government/administrative district); these administrative districts are sub-regions of the *Land* headed by a Regional Commissioner (in German a “Regierungspräsident”) who is in charge of an umbrella authority responsible for all administrative tasks within its territorial jurisdiction except those assigned to a dedicated authority. Within these sub-regions, the office of the Regional Commissioner performs both a horizontal role of co-ordination, as well as a mediatory role liaising between the ministries (at the top of the hierarchy) and local authorities (at the bottom). These regional authorities have an important role to play in connection with *Land*-level spatial planning.

In Germany the federal system ranks among the inviolable principles set down in the constitution (the Basic Law). However, *Land* boundaries – and indeed the overall number of *Länder* – are not set in stone. The Basic Law does provide scope for an internal reorganisation of the Federal territory. There is a debate on-going in Germany on whether *Land* boundaries ought not to be redrawn in order to create a smaller number of bigger and economically more efficient *Länder*.

## 1.4 Local Self-Government

The first tier of public authority (from the “bottom” up) is the local level represented by metropolitan authorities (so-called “non-county towns” or cities), the counties (also called “rural counties”) and the smaller municipalities which are incorporated within a county. Municipalities and counties have the status of *territorial corporations*, i.e. they are territorially defined public-law corporations with legal personality and constitute the agents of local government in respect of their territories. As bodies of local self-government, they have the right, within the bounds of the law and on their own responsibility, to regulate all matters of public authority (i.e. of local government) concerning the local community. In addition to this, they are also required to perform a number of (delegated) tasks for and on behalf of the State (i.e. the Federation and the *Länder*). This pattern of organisation illustrates Germany’s commitment to the subsidiarity principle manifested in the distinction between the “local” level, represented by municipalities and counties, and the “State” level, comprising the Federation and the *Länder*.

### 1.4.1 Municipalities

The municipalities form the bedrock of the structure of state; here a distinction is made on the basis of size and importance between non-county municipalities (i.e. cities or metropolitan authorities) and the smaller municipalities which are incorporated within a county.

Municipal responsibilities include all of those tasks or public services which directly affect the local community and local citizens, such as the provision of utilities, local public transport, road construction within the municipal territory, and the entire field of town planning (by virtue of what is termed “municipal planning autonomy”). The construction and maintenance of schools, hospitals, cultural and sports facilities are also municipal matters. The only areas excluded from the municipal remit are those matters which have been assigned to some other tier of governance, either due to the very nature of the task (e.g. national defence, foreign policy), or equally because the principles of equal treatment of all citizens and legal certainty call for uniform arrangements to be made either regionally or nationally.

In order to assist them in effectively performing the duties of local government assigned to them, the municipalities have been given the right to regulate their affairs by issuing local statutes (by-laws), which have the full force of law.

The municipality’s organs and its competences are laid down by *Land* governments in their local-government regulations or ordinances. For historical reasons, these regulations differ considerably in some respects from *Land* to *Land*. One feature which appears consistently, however, in all of the *Länder* is the basic structural distinction between a representative assembly (municipal/town council), elected by the local population and acting as local parliament to determine local policy, and the actual local-authority administration.

Some fundamental differences exist, however, when it comes to the question of leadership, both of the council and of the administration, to the powers assigned to each body, and to the relationship between them. In the majority of the *Länder*, the mayor of a municipality acts both as the leader of the municipal council and as the head of the administration. In a few *Länder* the role of the mayor (in the larger municipalities this would be the senior mayor) is limited to that of leading the council, with a separate “chief executive officer” being appointed (termed the “*Stadtdirektor*” – municipal director) to run the administration. The chief



executive officer (whose exact title may vary, partly reflecting the size of the municipality) is responsible for ensuring that the administration implements council resolutions.

As far as individual citizens are concerned, it is fair to say that the municipal council and administration are the two bodies to which they turn to seek solutions to the problems directly affecting them and which they expect to provide the services and utilities they need in their daily lives. However, with the growing necessity for regional co-ordination and co-ordination over measures and plans relating to spatial development, it is becoming increasingly clear that key decisions can no longer be seen as a matter simply for one single municipality; they have to be taken at the regional, *Land* or national level. More and more, municipalities are finding themselves having to reconcile the dilemma of having, on the one hand, a constitutional right of autonomy to manage affairs of the local community, and yet being subject to decisions taken outside the municipality at the regional or super-regional level. This situation is particularly acute in the field of spatial planning.

In some *Länder* groups of municipalities are allowed to join forces and set up a joint central authority to be responsible for the delivery of administrative tasks and public services. A number of terms are in use to describe such alliances, including “Samtgemeinde” or “Verbandsgemeinde” (both translating roughly as “joint municipality” or “association of local authorities”).

## 1.4.2 Counties

Counties (also called “rural counties”) are associations of local authorities with the right of self-government. They each consist of a number of smaller, non-independent municipalities, i.e. municipalities of the type which are incorporated within (or “belong to”) a county. The counties perform those functions which exceed the administrative and financial resources of these smaller municipalities. The counties also perform a number of State functions assigned to them in laws. As far as spatial planning is concerned, these functions importantly include tasks assigned to them under building and environmental protection legislation.

The most important county organs are the democratically elected county council (which takes policy decisions) and the county administration.

The role of presiding over the county council and heading the county administration is performed by the County District Commissioner (the “Landrat”). In some counties the “Landrat” is the honorary chairman of the county council; in such cases the county administration is headed by a (chief executive) county officer.

## 1.5 Public Finances

The federal system instituted in Germany calls for appropriate arrangements to regulate the distribution of tax-raising powers between the Federation and the *Länder*. As a matter of general principle, both the Federation and the *Länder* are required to bear any expenses incurred in the performance of those tasks for which they are directly responsible. Where the *Länder* perform administrative tasks delegated to them by the Federal, the costs are borne by the Federation. Where the *Länder* are called upon to implement Federal legislation and their duties involves making payments, the Federation may be required by statute to cover a proportion of these costs.

In the general interest of the national economy, the Federation is permitted to grant financial assistance to the *Länder* and to municipalities to help them with capital investments.

The distribution of tax revenues among the Federation, the *Länder* and the municipalities poses a problem which strikes at the very essence and function of the system of state in place in Germany. Accordingly, the way in which tax and other revenues are divided up between the Federation, the *Länder* and the municipalities (“vertical fiscal equalisation”), and similarly the rules for transferring tax revenues from the more to the less affluent (i.e. economically less successful) *Länder* (“horizontal fiscal equalisation”) is a subject of extremely heated political debate. The municipalities most likely to be on the receiving end of such transfers are the ones whose revenues from taxation and from other charges are nowhere near high enough to cover their spending needs; this makes them dependent on the financial transfer payments they receive from the State. This is an unsatisfactory situation, and one which is increasingly coming to compromise the constitutional guarantee granted to the municipalities to govern their own affairs.

## **2. The Planning System of the Federal Republic of Germany**

Germany’s federal system, with its three levels of administration comprising the Federation, the *Länder* and the municipalities (supplying the organs of local government), plays a major part in shaping the arrangements for spatial planning in Germany. This decentralisation is reflected in the spatial planning system, which is characterised by a statutory division of competences and responsibilities between the Federation, the *Länder* and municipalities (Fig. 2). Thus, the German planning system is a system based on clearly distinct levels of planning, each with its own legal foundation, organisational structures and substantive focus. Although each level of planning is carried out on its own distinct legal basis, the various levels do interlock with each other as an effect of the so-called “principle of countervailing influence” (or “feedback principle”), as well as through the application of statutory requirements calling for the exchange of information, participation and co-ordination, and adherence to designations or guidelines contained in certain plans emanating from a higher level.

Spatial planning in Germany is based on the concepts of “Raumordnung” (literally “spatial ordering” – the comprehensive framework for planning as set out by the Federal government), and the concept of “urban development and order”.

Following the definition handed down by the Federal Constitutional Court on June 16th 1954, “Raumordnung” is a comprehensive (i.e. supra-sectoral), supra-local and superordinate tier of planning aimed at establishing spatial order and setting the direction for development. The attribute “comprehensive” emphasises the function of co-ordinating and harmonising those elements of the various types of sectoral planning which have spatial impacts. “Supra-local” indicates that the territory affected by this tier of planning extends beyond the boundaries and jurisdictions of local authorities. Taken together, the comprehensive and supra-local dimensions of “Raumordnung” justify the “superordinate” status it enjoys in the German planning system. Accordingly, in deciding on plans and measures with spatial impacts, all planning

**Fig. 2: The German Planning System**

State Structure	Tiers of Planning	Legal Foundations	Planning Instruments		Material Content
<b>Federation</b>	Spatial planning at Federal level	Spatial Planning Act	—		→ Principles of comprehensive spatial planning
<b>Länder</b>	Spatial planning at Land level	Spatial Planning Act and Land planning legislation	comprehensive, supra-sectoral plans	→ <b>Spatial structure plan</b>	<b>Aims of comprehensive spatial planning</b>
	Regional planning			→ Spatial and sectoral sub-plans	
			→ <b>Regional plan</b>	→ Regional masterplan	
<b>Municipalities</b>	Urban land-use planning	Federal Building Code	Urban land-use plans	→ <b>Preparatory land-use plan</b>	Representation of land-use type
				→ <b>Local development plan</b>	Designations of urban development

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authorities or agencies are required to take account of and to adhere to what are known as the *requirements of comprehensive spatial planning*. Plans and other measures are deemed to have spatial impacts when they involve taking or occupying land, or where they influence spatial development or the function of an area.

According to the Spatial Planning Act, the purpose of “Raumordnung” (translated here as “comprehensive spatial planning”<sup>4</sup> at Federal level) is to support and safeguard the development and spatial order of the territory of the Federal Republic of Germany in its entirety through comprehensive, superordinate *spatial structure plans*, and by co-ordinating plans and measures with spatial impacts. This calls for

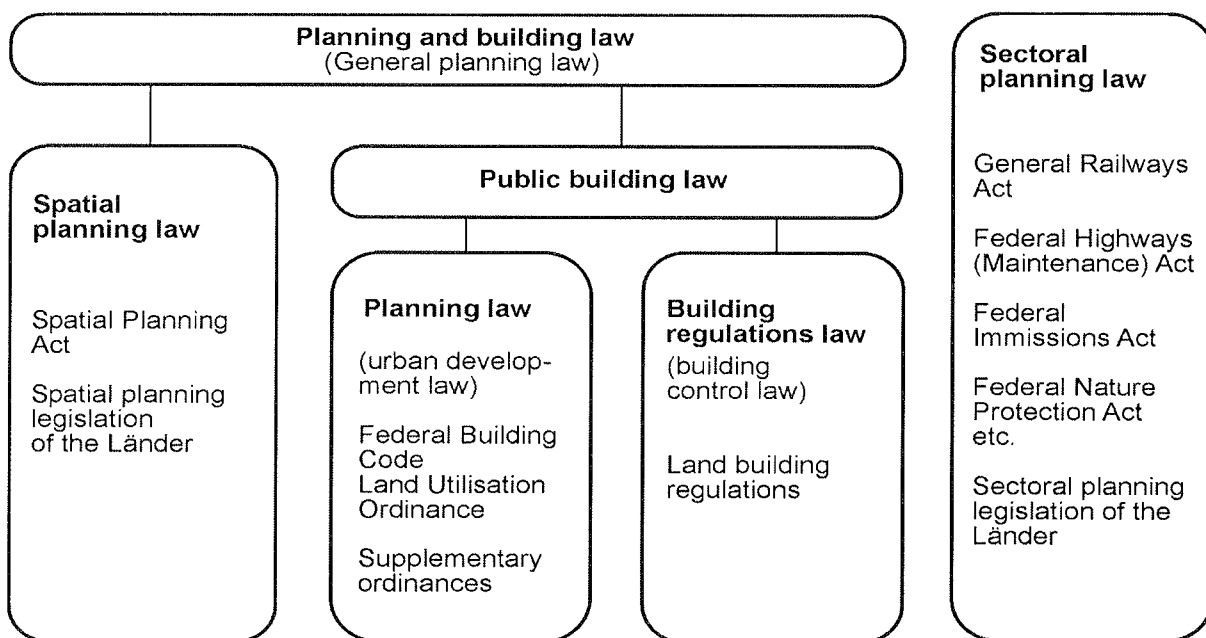
- co-ordination and harmonisation of differing spatial demands and resolution of the conflicts which may occur at the various tiers of planning;
- precautionary measures to be introduced to secure individual spatial functions and land uses.

<sup>4</sup> Translator’s note: This central term has caused problems for translators probably ever since it was coined. It has variously been translated as “physical planning”, “national/regional planning”, “area planning”, “regional planning” and “regional/spatial planning”, and “spatial management”. Although “regional planning” is widely used as a translation of “Raumordnung” (and the Raumordnungsgesetz has appeared in translation as the Federal Regional Planning Act), this is not a wholly satisfactory solution, not least because it disguises the vital distinction which needs to be made between “Raumordnung” and “Regionalplanung” (translated here as “regional planning”). This problem (which is further compounded by the fact that there is a third term in German which is often translated into English as “regional planning” – viz. “Landesplanung”) is dealt with in the glossary, in particular under the keyword “Raumplanung” (*planning*).

The Spatial Planning Act stipulates that the tasks of comprehensive spatial planning should be performed in accordance with the principles of sustainable spatial development; in other words, that spatial planning should strive to reconcile social and economic demands on land use with the ecological functions of the land, and in so doing achieve a sustainable and balanced structure for the territory as a whole. This involves:

- safeguarding the right to self-fulfilment within the community and showing responsibility toward future generations,
- conserving and developing the natural foundations of life,
- creating the conditions to promote economic development,

**Fig. 3: German Planning Law**



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- leaving scope over the longer term for different types of land use,
- strengthening the diversity which helps to give localities their distinct character,
- establishing equivalent living conditions throughout the national territory,
- overcoming the spatial and structural disparities between the two previously separate (prior to reunification) parts of Germany,
- creating the spatial preconditions for cohesion both within the European Community and in the broader European context.

Planned and ordered urban development is a central aspect of the statutory functions of local government, as performed by the municipalities on their own responsibility. Under the provisions of the Federal Building Code, the municipalities are required to balance diverging public and private interests and to remove and prevent any deficits in urban development in the interests of safeguarding sustainable urban development and the socially equitable use of the land.

## 2.1 Comprehensive Spatial Planning at Federal Level (Raumordnung)

Under the Basic Law, the competence to enact framework legislation in the field of spatial planning is assigned to the Federation. However, these powers extend only to the more fundamental aspects of spatial planning and to matters of general principle; the *Länder* are required to be left adequate scope to legislate for their own territories as they see fit. Moreover, it lies in the very nature of the task that it is the Federation which is responsible for matters relating to the overall spatial structure of the national territory (i.e. comprehensive spatial planning). In the Spatial Planning Act the Federation has exercised both aspects of its powers.

One prominent feature of the German planning system, and at the same time an important expression of the federal system of state, is the fact that the Federation has no formal, superordinate instruments of planning available to it to enable it to set binding goals for the spatial structure and development of the Federal territory. This task is reserved solely for the *Länder*. Despite this division of responsibilities, the Federation has not limited itself simply to laying down rules of a formal or organisational nature: in the Spatial Planning Act it has indeed set out a number of binding rules of a clearly substantive character in the form of basic *principles of spatial planning*.<sup>5</sup> These principles of spatial planning represent material guidelines for spatial order and development and for safeguarding the “ordered” structure of the Federal territory. Whenever decisions have to be taken on plans and measures with spatial impacts, these guidelines must be taken into account, either during the *weighing process* or during the decision-making processes where discretionary decisions are permitted. Moreover, the *Länder* are required to expand on these guidelines by adding more concrete detail and substance in the aims of spatial planning contained in their respective *spatial structure plans*.

The function of comprehensive spatial planning at Federal level is to strive to implement the principles of spatial planning in accordance with the underlying vision of sustainable spatial development. An additional task of Federal-level spatial planning is to collaborate with the *Länder* to develop what are termed “Perspectives for the Spatial Development of the Federal Territory and of Regions Extending beyond the Boundaries of Individual *Länder*”<sup>6</sup>, based on the spatial structure plans of the *Länder*. This national overview is intended to establish a common basis available to be drawn on in co-ordinating both Federal and EU plans and measures with spatial impacts. The Federation co-operates with the *Länder* in working on spatial planning in the broader context of the European Union, and throughout Europe as a whole. Both the Federation and the *Länder* are also intensely involved in cross-border co-operation in the field of spatial planning with Germany’s neighbours.

The role of the Federation in the field of spatial planning extends, however, beyond passing framework legislation and discharging the duties assigned to it in the Spatial Planning Act; it also has an important legislative and administrative role to play in a number of spheres or areas of public policy which impact on the spatial structure and development of the Federal territory. Particularly important here are sectoral plans “with spatial impacts” (e.g. transport plans), the whole area of capital investment and grants, and the financial and taxation system.

One further matter which should not be overlooked is that the Federation is required to report at regular intervals to the *Bundestag* by presenting a Spatial Development Report. This report is both an audit of the present state of spatial structure and an account of current trends in spa-

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<sup>5</sup> Original title: “Leitbilder der räumlichen Entwicklung des Bundesgebietes oder von über die *Länder* hinausgreifenden Zusammenhängen”.

tial development throughout the Federal territory, including reports on relevant measures planned or implemented. It also contains information on the geographical distribution of Federal and EU plans and measures for implementation in the Federal Republic, and a statement on the spatial impacts of EU policies.

At the time of writing, responsibility for spatial planning at Federal level rests with the Federal Minister for Transport, Building and Housing. On matters of fundamental principle for spatial planning, he is able to draw on the services of an advisory committee.

## 2.2 Comprehensive Spatial Planning at *Land* Level (Landesplanung)

The comprehensive form of spatial planning conducted within the individual *Länder* is known as “Landesplanung”. The legal basis and framework for *Land*-level comprehensive spatial planning is provided by the Spatial Planning Act and, more specifically, in the spatial planning legislation of the various *Länder*. “Landesplanung” is thus that component of public administration which is responsible for producing spatial structure plans of a comprehensive and superordinate nature and with the co-ordination of plans and measures with spatial impacts; “Landesplanung” therefore performs both a planning function, as well as one of co-ordinating spatial development and securing spatial structure. In both of these areas, it is able to draw on an array of powerful instruments provided and regulated by law.

### 2.2.1 The Planning Function

The planning component of “Landesplanung” is based on the duty which rests with the *Länder* to produce comprehensive and superordinate spatial structure plans for their sovereign territories.

An exemption to this duty exists for the *Länder* Berlin, Bremen and Hamburg. In these “city-states” a *preparatory land-use plan* (an instrument of municipal planning) may perform the function of a *Land*-level spatial plan.

Spatial structure plans at *Land* level are required to formulate mid-term “aims of spatial planning” for the respective planning territory by adding more concrete detail to the basic principles of spatial planning contained in the Spatial Planning Act; these aims are moreover required to be consistent with the overriding precept of sustainable development. The so-called “aims of spatial planning” are thus the binding rules for planning set out in the spatial structure plans adopted by the *Länder* under their comprehensive planning remit and which are an essential means of adding geographical and material detail to the underlying *principles of spatial planning*, and to implementing these principles. All plans and planning measures drawn up by public planning authorities are required to respect these aims. Moreover, Federal legislation has provided that the binding force of the aims of spatial planning shall extend beyond public authorities to include enterprises in the private sector where these are involved in the delivery of public tasks.

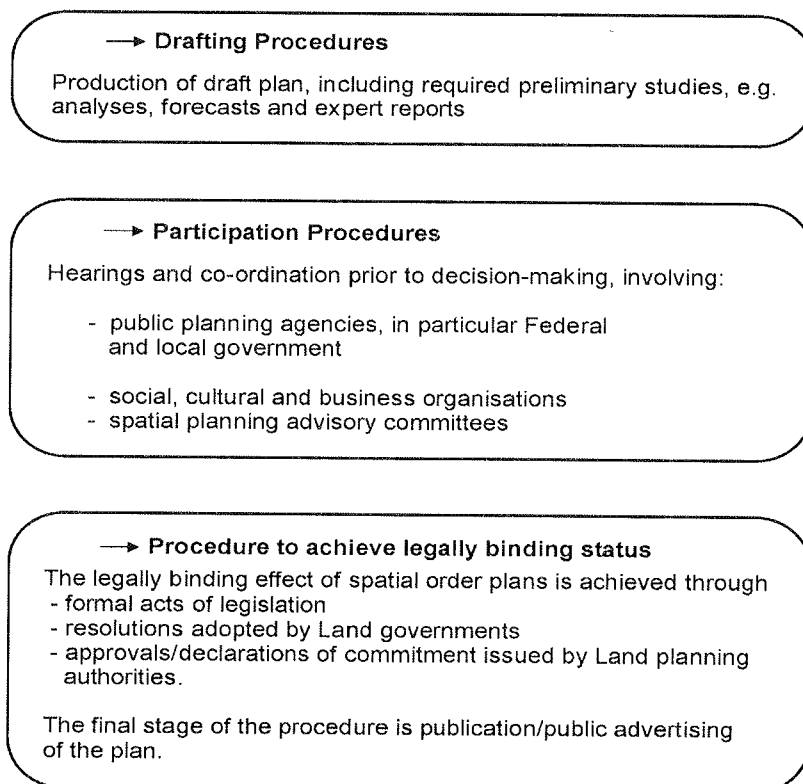
*Spatial structure plans* are the central instruments of *Land*-level planning. Quite considerable differences exist from *Land* to *Land* with regard both to the procedures for drawing up and adopting spatial plans and to the actual content they are required to contain. However, there are a number of standard features; these are outlined in brief (and with a certain amount of simplification) below.

The process of drawing up and adopting spatial plans involves three distinct and consecutive stages:

- drafting
- participation
- formal adoption (i.e. becoming legally binding).

#### Fig. 4: Stages in the Production of Spatial Order Plans

The spatial planning acts of the Länder vary in the way in which they regulate the details of both drafting and participation procedures for spatial order plans. However, they all contain rules on three stages of procedure to apply at both Land and regional levels:



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The drafting stage is an internal procedure which is regulated and takes place within the respective *Land* planning department. This procedure involves the production of a draft plan once all the relevant information to be taken into account has been gathered (from analyses, forecasts, expert reports, etc.).

The participation procedure represents a key element of decision-making and involves hearing and co-ordinating the differing views of such parties as public planning authorities (in particular the Federation and local government), social, cultural and business organisations, and spatial planning advisory committees. It is as a part of this procedure that the draft plan is published and thus subjected to intense discussion on different and diverging claims for land and notions on how land should be utilised. The participation procedure is particularly im-

portant for local authorities. In order for the legally binding force of the aims of spatial planning to be effectively brought to bear vis-à-vis local authorities, it is vital that these authorities should have been fully involved in setting these aims. This mechanism is intended to ensure that there is a channel to allow ideas and suggestions coming from local authorities to be heard within the decision-making process on *Land*-level spatial planning.

The procedure by which a plan is formally adopted and acquires binding force is the most important stage, at least from a legal point of view. What is particularly important to note here is that at this point the aims of spatial planning laid down within these plans become legally binding on public planning authorities. This is achieved by means of

- formal acts of legislation
- resolutions adopted by *Land* governments
- approvals/declarations of commitment issued by *Land* planning authorities.

The final stage of the procedure is publication/public advertising of the plan.

The planning activities of the *Länder* revolve around these spatial structure plans and the aims for spatial planning set out within them. As far as the material content of these aims is concerned, one important element consists in long-term, supra-sectoral goals intended to contribute to improving spatial and settlement structure (e.g. bringing on structurally weak areas, or further implementation of the *central-place* concept). In addition to supra-sectoral goals, these plans also include sectoral spatial-structure goals with the purpose of creating or safeguarding the spatial preconditions for implementing the relevant sectoral policies (e.g. fixing locations for utilities infrastructure vital to *Land* interests, designation of *protection areas*).

## Planning Elements

In setting out the aims of spatial planning, spatial plans draw on a number of planning elements of both conceptual and instrumental importance. The key planning elements are:

- *zones/land-use categories*
- *central-place systems*
- *axes*
- *functions*
- *planning targets, guide values, target values.*

*Zones* (or *land-use categories*) are areas clearly defined according to specific criteria in which structures of the same type are to be found and/or purposes of the same type are intended to be pursued. The most important zone types are:

*High-density nodes* (or urban areas), defined on the basis of their relatively high population density and the higher proportion of the total surface area given over to settlement. The main functions secured by such areas are housing, manufacturing and services.

A *spatial-order zone* comprises a *high-density area* plus the outlying areas around its rim. The central criterion for defining such a zone is the high levels of commuting which take place between the *high-density node* (urban hub) and its outer rim. The intense development pressure which exists in these areas means that priority has to be given to “ordering meas-



ures". These measures aim to counter the continued loss of land to urban sprawl by concentrating future settlement along clearly defined development axes. These axes need to be served by an efficient public-transport system ("transit-oriented settlement"). The gaps between these axes should be protected to perform vital open-space functions.

*Rural areas* comprise all of those areas located outside *spatial-order zones*. They suffer under a broad range of development problems. This is particularly true of *structurally weak areas* close to the national borders of the Federal territory.

The defining characteristic of *structurally weak areas* is that overall they fall significantly short of the national average in terms of living standards, or equally there is reason to fear that such an area will come to lag behind the rest of the country. In these areas there is a special responsibility weighing on politicians to deliver on the requirement contained in the Basic Law to establish "equivalent living conditions throughout the Federal territory". Following German reunification, this spatial category now includes the whole of the five new states in what was formerly East Germany. For the "old *Länder*" this means bearing the enormous cost of supporting this development.

The *central-place system* played a key role in the rebuilding of Germany after the second world war and still today makes an extremely important contribution to the continuing development of the territory. This hierarchical concept strives to ensure that all parts of the national territory are supplied with both the public- and private-sector services they require, and that employment is available in all parts of the country. This supply function is delivered by means of different levels of what are referred to as "central places":

- Lower-order centres (also called "basic" or "small" centres) are central places whose purpose is to supply the basic everyday needs solely of the local population.
- Intermediate-order centres are central places whose role is to meet the less everyday needs of the population of a larger area.
- Higher-order centres are those central places which serve the "higher" or more specialised needs of the population of a wider ("higher-order") region.

For each of these three tiers, spatial planners (at Federal and *Land* levels) have developed catalogues of necessary levels of infrastructure endowment. These catalogues provide a framework for all public-sector planning authorities, and at the same time serve as a point of reference for public- and private-sector investment.

An *axis* is a planning element characterised by a linear assembly of transport and utilities infrastructure (ribbon infrastructure) and/or by a succession (or line) of centres of settlement of varying density. A distinction has to be made here between:

- Communications axes, i.e. axes of supra-regional importance for the non-local exchange of goods and services and the movement of people. Communications axes are intended to link densely populated areas with more peripheral locations and to bestow locational advantages on the areas served by them, and to stimulate structural development.
- Settlement axes, intended to concentrate settlement development (housing and work premises) in a linear pattern which can more easily be served by public transport. They perform a role of both safeguarding ordered settlement development and of protecting open space, particularly in *spatial-order zones*.

*Functions* are defined as specific tasks assigned to municipalities or regions under the territorial/functional division of responsibilities provided under both Federal and *Land*-level spatial planning law. Functions with a spatial dimension include in particular:

- nature protection and the conservation of landscapes
- agriculture
- forestry
- water management
- regeneration of the air and the climate
- tourism, leisure and recreation
- protection of raw-material resources.

These functions may overlap with one another and have priority status attached to them.

The key municipal functions are:

- central-place functions
- industrial and commercial functions
- service functions
- the residential function
- the agricultural function
- tourism and recreational functions.

These functions are divided into primary and secondary functions.

In the context of spatial planning, *planning targets*, *guide values* and *target figures* are numerical values for a particular planning area expressing the desired or anticipated development of population size, jobs, housing, human settlements and of infrastructure endowment. Planning targets and guide or target values may have the status of binding targets, or they may serve simply as guidance for a defined period and permit a certain amount of latitude. They represent a common standard to be applied by all *public planning agencies*.

With the passage of the Spatial Planning Act, which entered into force on January 1st 1998, the Federal government for the first time ever introduced general rules to be followed by the *Länder* in drawing up their respective spatial structure plans. Accordingly, spatial structure plans are required to contain designations on spatial structure, in particular with regard to desired settlement and open-space structure and infrastructure, as well as binding guidelines for sectoral plans with spatial implications, in particular those plans based on environmental, transport or “protection-from-immissions” (pollution-control) legislation. Thus, the most important content to be included in spatial structure plans is now subject to the standards required by Federal law; in future we can consequently expect to see much greater uniformity and comparability between the spatial structure plans of the various *Länder*, without this detracting to any unwarranted degree from the scope guaranteed to the *Länder* under the German constitution to manage their affairs as they see fit.

## 2.2.2 The Co-ordinating and Securing Function

*Land*-level spatial planning as a public function is not simply a matter of preparing comprehensive and superordinate spatial structure plans. Through a permanent process of co-ordination and “securing”, spatial planning at *Land* level makes a key contribution to implementing and realising the settled aims of spatial planning. A number of both formal and informal instruments have been made available to assist it in this purpose.

The following instruments exist to support the implementation and securing functions of comprehensive spatial planning:

- effects on urban land-use planning
- duty to provide information
- spatial development report / Land development report
- spatial planning registers
- spatial planning procedure
- prohibition of plans and measures in conflict with spatial order
- derogation (departure from aims) procedure.

In addition to these instruments, scope has been created under Federal legislation to allow the application of informal – and in particular consensus-oriented – strategies at the stages of preparing and securing spatial structure plans.

## 2.3 Regional Planning

Apart from the Saarland and the three city-states, all other *Länder* have taken up the option provided in the Federal Spatial Planning Act and in their own spatial planning acts to introduce a distinct and intermediate tier of spatial planning for sections of their respective territories (regions). This regional tier of physical planning – and this is indeed what is meant by the term “regional planning” in the German context – forms the link between the State planning function (i.e. comprehensive spatial planning at *Land* level), and the local or municipal planning function, i.e. *urban land-use planning*. Regional planning has a difficult balancing act to perform as it tries to reconcile the more general responsibilities it holds for serving the national interest, and the need to respect the constitutional guarantee of planning autonomy enjoyed by local authorities. As a component of *Land*-level planning, regional planning is in both legal and material terms a State function. However, in terms of actual organisation and planning policy, regional planning has to be regarded as a common task executed jointly by the State and local government.

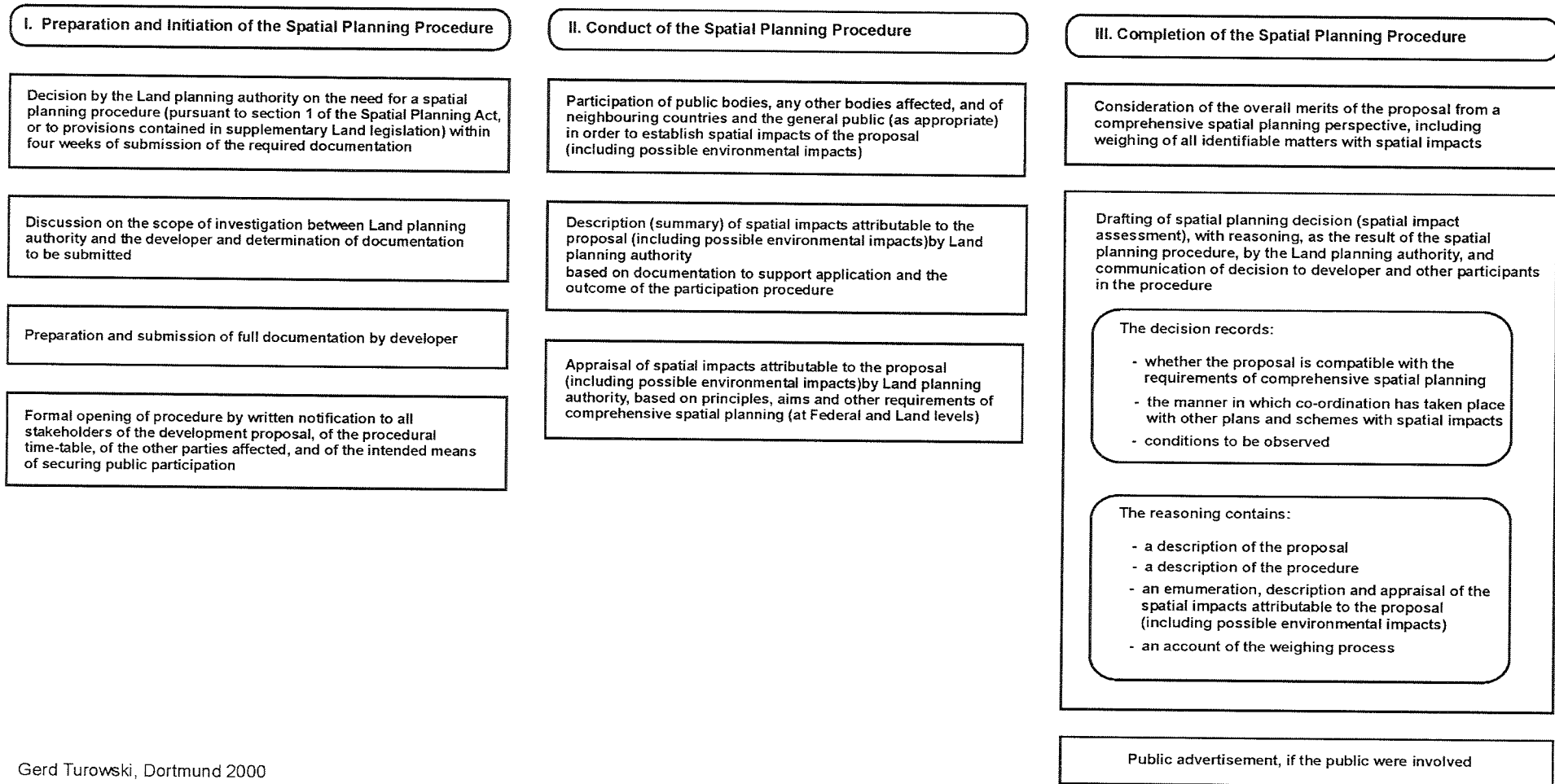
The Spatial Planning Act provides the *Länder* with two options regarding organisation: regional planning may be conducted by regional planning associations, consisting of a number of municipalities and counties and formed specifically for the purpose of regional planning; or it may be conducted by State planning authorities. In the latter case, a formal procedure exists to allow local authorities (municipalities and counties) to participate in regional planning. Both options have been taken up and find application, albeit with (in some cases) quite major modifications being introduced by the *Länder*.

Respecting the autonomy of the *Länder* with regard to organisational arrangements, the Spatial Planning Act does not provide a definition of the term “region”. And, indeed, since planning scholars have similarly failed to date to come up with a satisfactory way of defining and delineating regions, it is politics which has the strongest say in determining how regions are to be constituted.

The Spatial Planning Act calls for regional plans to be produced in all *Länder* whose territories contain the *catchment areas* of a number of different *higher-order centres*. Moreover, these regional plans are required to be derived from the *spatial structure plan* for the respective *Land*. What this means is that regional-planning authorities are required to produce regional plans which give concrete detail to the *aims of spatial planning* being pursued as a matter of *Land*-level planning policy, but which are nonetheless specific to the region in question. This arrangement provides the safeguard that the material content both of regional plans and of the spatial structure plan drawn up for the entire *Land* territory are derived from legally binding spatial planning aims.

Under a recent amendment to the Spatial Planning Act, the *Länder* have now been given the right to develop and to introduce a new type of plan intended specifically for *high-density nodes* or urban areas of any other type characterised by the interconnectedness of spatial structure. A “regional masterplan”, which incorporates the functions of both a regional plan and a joint preparatory land-use plan (i.e. produced jointly by the various local authorities whose territories are affected), is required to meet the procedural and material standards of both the Federal Building Code (governing *preparatory land-use plans*) and the spatial planning legislation of the relevant *Land* (governing regional plans). By merging regional planning and the preparatory land-use planning performed by local authorities, it is possible to dispense with one tier of planning.

**Fig. 5: Overview of the Spatial Planning Procedure**  
(Pursuant to section 15 Spatial Planning Act, Spatial Planning Ordinance and relevant provisions contained in supplementary Land legislation)



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## 2.4 Urban Land-Use Planning

With the basis provided by the Federal Building Code, municipalities plan the development of their territories by performing the task of *urban land-use planning*, a task they perform on their own responsibility under the constitutional guarantee of municipal planning autonomy. As the central instrument of municipal development planning, the role of urban land-use planning is to prepare and organise the use of plots located within the municipality for building and for other types of use in accordance with the provisions of the Federal Building Code.

The land-use plans which municipalities are required to draw up and adopt are intended to safeguard the socially equitable use of land for the good of the general community, in accordance with the precept of sustainable urban development, and should contribute to securing an environment fit for human beings to inhabit, and to protecting and developing the *natural foundations of life*.

The cornerstone of urban land-use planning is the power to “ earmark ” areas of land for specific uses (e.g. residential and commercial use, public purposes). Similarly, it is possible for restrictions to be imposed (e.g. maximum proportions of plots to be built on, maximum number of storeys), for conditions to be attached (e.g. dwellings for certain social groups), and for measures of some type to be required before a certain use may be taken up (e.g. noise insulation, planting).

Urban land-use planning takes place in two stages:

In the first stage, a single *preparatory land-use plan* is drawn up for the entire municipality. This is the instrument produced by each municipality to steer development within its own territory, and it is binding on public authorities (i.e. planning authorities). However, it is not itself binding on any other parties, nor does it establish any direct legal rights.

Taking account of intended urban development within the territory and the foreseeable needs of the municipality, the preparatory land-use plan (or zoning plan) lays out in general terms the types of land use prevailing or envisaged for the whole of the municipal territory.

Preparatory land-use plans are in most cases drawn to a scale of 1:10,000, or occasionally 1:20,000.

The *local development plan* is a legally binding land-use plan for a clearly delineated section of the municipal territory. It is formally adopted by the municipality (i.e. by the council) as a local statute (or by-law), which means that its binding force extends not just to public authorities, but to everyone.

The local development plan contains legally binding designations regarding urban development and structure; consequently, it provides the basis for other measures required to allow planning to proceed in accordance with the Federal Building Code (e.g. *land assembly*, *expropriation*, *urban redevelopment*).

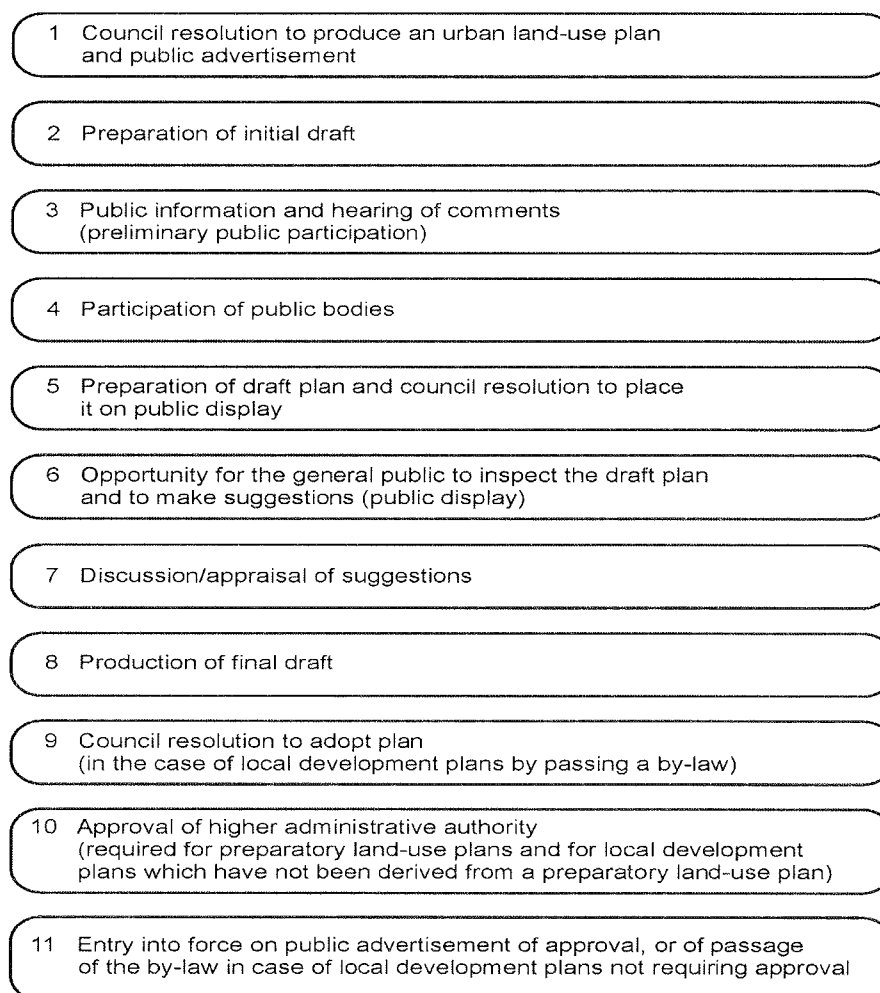
Local development plans are drawn up to a scale of 1:500 or 1:1000.

Preparatory land-use plans provide a general outline to be observed when drawing up local development plans. The important differences between these two types of municipal plans are to be found in the size of the plan area, in the degree of concrete and specific detail which

they contain, in their legal status, and consequently in their legal effects. Apart from this, they are subject largely to the same rules regarding, for example, the respect they are required to show for the basic *principles of planning* and the procedures that have to be followed by the municipality in preparing both types of plan.

Moreover, urban land-use plans must be in harmony with the aims of comprehensive spatial planning. By introducing this *duty of compliance*, the Federal Building Code has given recognition to the functionally interlocking nature of the relationship between *Land*-level or regional planning, on the one hand, and urban land-use planning at the municipal level, while at the same time underscoring the importance of the framework-setting function of the former for the latter.

**Fig. 6: Stages in the Production of Urban Land-Use Plans**  
(general overview of procedure governing both preparatory land-use plans and urban development plans pursuant of the Federal Building Code)



Gerd Turowski, Dortmund 2000



## 2.5 Sectoral Plans

In one important respect, *Land*-level spatial planning, regional planning and urban land-use planning all represent general types of planning, as the decisions they express regarding the course of development within a given territory are all concerned with co-ordinating and collating the entire spectrum of plans and measures with implications for spatial development. A distinction has to be made between these supra-sectoral types of plans, on the one hand, and *sectoral plans*, which are used to prepare and to implement a systematic programme of measures required to support development within a specific and clearly defined sector.

*Sectoral planning* is performed by the relevant competent sectoral authority (e.g. Federal or *Land* ministries, local-authority departments, territorial corporations, or other public-law corporations).

The sectors which by their very nature impact most on spatial planning are each governed by dedicated legislation. The most important Federal statutes governing sectoral planning are:

(Transport and communications)

*the General Railways Act*

*the Highways Act*

*the Waterways Act*

*the Highway Development Act*

*the Aviation Act*

*the Passenger Transport Act*

*the Telegraph Routes Act*

(Utilities)

*the Law on the Fuel and Electricity Industries*

*the Recycling and Waste Act*

*the Water Management Act*

(Defence)

*the Land Procurement Act*

*the Protection Areas Act*

(Conservation and nature protection)

*the Soil Protection Act*

*the Immissions Act*

*the Nature Protection Act*

*the Forestry Act*

(Agriculture)

*the Plot Realignment Act.*

In some areas these Federal statutes are expanded on in the corresponding *Land* legislation, for example in *Land* statutes on nature protection, water management or on roads and highways.

The principle role of sectoral planning is to support the implementation of public infrastructure projects (public works). These include transport-related schemes (roads, canals, airports, etc.), utilities (power cables, sewerage, etc.), telecommunications (telephone cables, microwave radio links) and defence installations. In some sectoral plans territorial designations are included which mark out sites to be given over to meeting or satisfying certain kinds of public needs and concerns. Examples of this include the designation of conservation and landscape-protection areas, water-protection areas, areas reserved for military installations, and areas close to airports in which building is not permitted.

A further feature of sectoral planning is the two different types of actions associated with it. The first is a matter of preparatory sectoral planning, making use of the instrument known as the “sectoral plan”; the second involves project-bound certification procedures. It is also important to note the different legal forms which are established at the conclusion of the various planning procedures. The central feature of some types of sectoral planning is a formalised statutory procedure known as the *plan approval procedure*, which concludes with formal *plan approval*. This approval constitutes an administrative act and embraces all of the permits and consents required under public law for the project to proceed.

There is, however, also a second – and large – group of sectoral plans (including, for example, planning to meet the need for hospitals) for which no specific procedures have been prescribed; in such cases the completion of the procedure does not represent a formal administrative act.

In most cases the area covered by a sectoral plan extends beyond the boundaries of one single municipality; consequently, the influence of local development planning on such plans is very limited. This further underlines the crucial importance of the co-ordinating function of regional planning and *Land*-level spatial planning. In order to support this function, legislation on sectoral planning contains what are referred to as *spatial planning clauses*, which require sectoral plans to take account of the requirements of comprehensive spatial planning.

### 3. Key Planning Terminology

#### **Abfallwirtschaft – Waste management**

Waste management forms one part of the range of public actions performed in the interests of the environment. Waste management represents a refinement of the more traditional concept of waste disposal: far greater emphasis is placed on recycling waste matter and to seeing waste as a source of raw materials; waste is recycled into the production process and the amount of waste produced during manufacturing processes is reduced, with unavoidable waste, as far as possible, being put to good use. Waste management is based on three aims, set out here in order of importance:

1. waste avoidance
2. waste recycling
3. waste disposal.

Waste management is one of the types of sectoral planning which are deemed to have spatial impacts (*plans and measures with spatial impacts*).

- Abfallwirtschaftsplan
- Kreislaufwirtschafts- und Abfallgesetz

#### **Abfallwirtschaftsplan – Waste management plan**

The *Länder* are required to draw up regional waste(-disposal) plans for their territories. These *waste management plans* should designate suitable sites for waste-disposal facilities. Co-ordination is also required between the waste-management plans of the various *Länder*.

- Abfallwirtschaft
- Kreislaufwirtschafts- und Abfallgesetz

#### **Abwägung der Belange – Weighing of interests, weighing process**

The requirement to weigh (or “balance”) interests is the central tenet of planning for the benefit of society in general in a state governed by the rule of law. Consequently, an elaborate doctrine has been developed for this purpose for building and sectoral planning law (and which can be transferred to spatial planning), in which the weighing of interests is a process to be undertaken which also produces a definite outcome, and which includes principles for examining sources of error.

The requirement to weigh interests is enshrined in the Federal Building Code, which provides that in drawing up land-use plans all public and private interests are to be included in the equation, i.e. (in the wording of the Act) that they shall be duly weighed, both as general types against each other, and individually against conflicting interests of the same type. This places a duty on municipalities to ensure that:

1. the process of weighing interests does indeed take place,
2. the weighing process covers all matters which warrant consideration,
3. there is no failure to appreciate public and private interests,
4. nor that the balance established between them is achieved in a manner disproportionate to the objective weight of the individual interests.

Within these boundaries a municipality is free to decide in favour of one interest – and thus against another interest.

In the drawing up of *spatial-order plans*, the various *principles of comprehensive spatial planning* must be duly weighed. The weighing process must also consider any other recognisable and significant public or private interests.

### **Abwasserbeseitigungsplan – Sewage-disposal plan**

Sewage-disposal plans contain designations in particular on sites for major sewage treatment facilities, indicating the areas to be served by them, as well as setting out the basic principles of sewage treatment and allocating responsibility for these measures. The process of drawing up plans is governed by the Water Management Act, which states that the *Länder* shall adopt a regional approach (i.e. take a supra-local perspective) in drawing up sewage-disposal plans.

→ Wasserhaushaltsgesetz

### **Achsen – Axes**

Axes are elements (*planning elements*) of comprehensive spatial planning, and are characterised by the concentration of transport and supply routes (ribbon infrastructure), and by varying densities of settlement development. Depending on both physical features and on the functions they serve, a distinction is made between communications axes (axes of regional, national or European-wide importance) and settlement axes.

The defining feature of communications axes is that they establish the link which enables communication (i.e. easy movement) between central places of different ranks; the nodes at which they meet or cross bestow locational advantages on the surrounding area.

Settlement axes are those axes which are characterised by a sequence of settlements in close succession and following the routes of existing or planned public-transport services. They do not represent an unbroken ribbon of development, but are separated by open spaces. Settlement axes help to establish ordered settlement structure and to protect open space, especially in *spatial-order zones*.

→ Ordnungsraum

### **Agrarstrukturelle Entwicklungsplanung – Agricultural structure development plan**

The agricultural structure development plan is an instrument designed to support the creation of an efficient and diverse agricultural structure; these plans also form the basis for co-ordinating schemes undertaken in order to safeguard the potentiality of wider areas to function properly, which includes by preserving the villages located within such areas. Agricultural structure development plans should

- show areas of conflict, scope for future development, and indicate which aspects of agricultural structure (and which rural areas) call for decisions to be taken,
- develop models and/or land-use concepts for specific sections of the plan area, and
- propose strategies for action and measures suitable for implementation.

The production of agricultural structure development plans is supported financially through grants available from the Federation and the *Länder* under their *joint responsibility* to “im-

prove agricultural structure and coastal protection”. The level of funding is dependent on the size of the areas under investigation.

→ Gemeinschaftsaufgaben

### **Altlasten – Contaminated sites**

The German term “Altlasten” (“contaminated sites”) refers in particular to those sites on which the contamination has been inherited from previous uses, i.e. to disused commercial and industrial sites, and to larger tracts of polluted land which, by a process of risk assessment, have been deemed to pose a concrete hazard either to human health or to the environment. Land contamination traceable back to previous uses may well be found on the sites of disused municipal or commercial refuse dumps, tips and infills; contaminated sites are usually sites which have been abandoned by industry. The term “Altlasten” may also be applied to larger tracts of land which have been impaired by pollution (for example, air pollution or as a result of flooding).

→ Konversion (Rüstungs- und Standortkonversion)

### **Anpassungspflicht – Duty of compliance**

Both the Federal Building Code and the Spatial Planning Act contain provisions which impose an obligation on those responsible for planning at municipal level to ensure that *urban land-use planning* complies with the *aims of spatial planning*. The purpose of these provisions is to guarantee consistency between all plans with spatial impacts and the *aims of spatial planning*. This duty of compliance requires that all local-authority land-use or sectoral plans

- shall comply with the adopted *aims of spatial planning*, and
- shall be adjusted to bring them into line with any modifications or additions introduced to the list of *aims of spatial planning*.

Consequently, an *urban land-use plan* is not only required to comply with comprehensive spatial planning aims at the time at which it is formally adopted by a municipality, but must subsequently also be modified to keep it in line with any changes made to these aims. Failure to ensure compliance by modifying an urban land-use plan within a prescribed time-limit may render the plan invalid.

⇒ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung  
Arbeitsmarktregion – Labour-market region

A labour-market region is a physical area defined by reference to a labour-market centre which provides the focus for high levels of commuting from the surrounding area. In opting to establish a labour-market region, a municipality forms a partnership with the municipality in which the majority of its working population are employed. Since a large proportion of the working population of this partner municipality may similarly work within the boundaries of another municipality, what emerges, especially in *high-density nodes*, can be seen as a hierarchy of labour markets: a few municipalities stand out as main centres of employment; within their catchment areas sub-markets exist serving less mobile members of the workforce.

## **Art der baulichen Nutzung – Type of built use**

The Land Utilisation Ordinance defines two categories of types of built use:

- firstly, in the *preparatory land-use plan* land scheduled for building development is to be depicted in more general terms under the heading *development zones*, indicating general types of built use;
- secondly, in *local development plans* land scheduled for building development is to be depicted in more specific and detailed terms as *built-use zones*, designating specific types of built use.

The Land Utilisation Ordinance lists all of the different types of *development zone* and *built-use zone* which are possible; built-use zones are also defined more precisely and described in greater detail with regard to the types of building projects and installations which may be permitted on such sites.

- Baufläche
- Baugebiet
- Baunutzungsverordnung

## **Artenschutz – Protection of species**

The protection of species is one of the tasks addressed under the heading of “nature protection”; it aims to preserve, develop and ensure the continued evolution of wild species of fauna and flora in their natural and historical diversity and in their natural habitats. More specifically, this includes the following tasks (as stipulated in the Federal Nature Protection Act):

1. Animals and plants, as well as their biocenoses, shall be protected from the adverse effects of human interference, in particular due to direct intervention by man.
2. Biotopes of species of wild fauna and flora shall be conserved, preserved, developed or restored.
3. Displaced species of fauna and flora shall be settled in appropriate biotopes within their natural range of distribution.

The foundation for the protection of species on an international front is provided by the “Convention on International Trade in Endangered Species Wild Fauna and Flora of March 3rd 1973” (the Washington Convention), which has been ratified by Germany and been in force since 1976. This convention regulates the import and export of endangered wild animal and plant species (as defined in annexes to this convention), of parts of such animals and plants and of products made from them. Under EU law, these rules are directly applicable within the EU territory, i.e. they take effect immediately as part of the national laws of the Member States. Supplementary regulations have been introduced under the provisions of the Federal Nature Protection Act, the Federal Protection of Species Ordinance and under the nature-protection legislation of the *Länder*.

- Bundesnaturschutzgesetz
- Naturschutz/Naturschutzrecht

## **Ausgleichs- und Ersatzmaßnahme – Mitigation and replacement measures**

Under the Federal Nature Protection Act, the instigator of any intrusion or intervention affecting nature or the landscape is required within a prescribed period of time to take measures to

offset (or mitigate) any unavoidable impairments. Existing law does not require such mitigation necessarily to be at precisely the same place as the actual intervention; both the Spatial Planning Act and the Federal Building Code include options to allow mitigation to be undertaken at another location. In addition to this possibility of physical separation, the Federal Building Code also allows for a lapse in time between the intervention and mitigation. According to the provisions of the Federal Nature Protection Act, an intervention is deemed to have been mitigated if, on completion of the mitigation measures, no serious or lasting impairment to the natural balance is left behind, or the appearance of the landscape has been suitably restored or repaired. Where the intervention into nature or the landscape cannot be mitigated, and where, as the outcome of a *weighing process*, the interests of intrusive development are given precedence over the interests of nature protection, and provided the *Länder* have introduced supplementary regulations as permitted under the Federal Nature Protection Act, the instigator of the intervention may be required to undertake replacement measures to compensate for the unmitigated impairment caused. It is difficult to draw a clear dividing line between mitigation and replacement measures. Unlike mitigation measures, replacement measures are not required to create conditions of the same nature, but only to create conditions of an equivalent status. This could include creating an eco-system which is comparable to the eco-system which has been impaired somewhere in the broader locality. Moreover, in the legislation of some of the *Länder* provisions have been made for a mitigation charge to be levied. On some occasions mitigation charges are levied in those situations where mitigation or replacement measures at some other location are not feasible.

→ Eingriffsregelung

### **Außenbereich – Outer zone**

The outer zone encompasses all of those sections of the municipal territory which are not built-up areas and which lie outside the areas covered by local development plans (i.e. “white land”). In general, built development should not take place in the outer zone, with exceptions being permitted only where there are no conflicting public interests, ample public infrastructure provision can be guaranteed and the development project proposed has “privileged” status. This status is granted to development projects which by their very nature are considered suitable developments to take place in the outer zone, or which because of the specific demands they make on their surroundings, or the specific purpose served by the development, need to be located outside built-up areas. This would include development projects connected with agriculture and forestry and public utilities.

→ Erschließung

→ Innenbereich

### **Baufläche – Development zone (general land-use area)**

In the *preparatory land-use plan* land scheduled for built development is depicted in more general terms under the heading of *development zones*; these indicate general types of built use. The possible *development zone* types are:

1. residential building areas (W)
2. mixed building areas (M)
3. commercial building areas (G)

#### 4. special building areas (S).

(The letters in brackets are abbreviations of the corresponding German terms and are the symbols used to indicate the respective zones.)

- Art der baulichen Nutzung
- Bodenordnung
- Grundstück
- Räumliche Bezugsebenen

### **Baugebiet – Built-use zone**

In *local development plans* land scheduled for building development is depicted in more specific and detailed terms as *built-use zones*; the specific *types of built use* which may be designated in a *local development plan* are:

- 1.. small residential estate areas (WS)
2. residential-only areas (WR)
3. general residential areas (WA)
4. special residential areas (WB)
5. village areas (MD)
6. mixed use areas (MI)
7. core areas (MK)
8. commercial areas (GE)
9. industrial areas (GI)
10. special areas (SO).

(The letters in brackets are abbreviations of the corresponding German terms and are the symbols used to indicate the respective zones.)

- Art der baulichen Nutzung

### **Baugenehmigung – Building permission**

Before a building or physical structure may be erected, altered or demolished, or subjected to a change of use, permission must be sought from the competent authority. A building application (submitted by the property owner, or “client”) must be given consent if the building project concerned is not in conflict with any public-law regulations.<sup>1</sup> The decision to grant building permission is thus guided entirely by the legal effects of planning law, building regulations and any other relevant statutory rules, e.g. as contained in immissions and water law. In individual cases, the authority may make use of discretionary powers vested in it to allow a development to proceed as a warranted exception, exemption or departure. In most cases the authority responsible for giving *building permission* is the county or municipal building regulations or building control department. The essential details of application and permission procedures are laid down in the building regulations of the various *Länder*.

- Bauordnungsrecht (Bauaufsichtsrecht)
- Öffentliches Baurecht

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1 Translator’s note: This is an effect of the designations in a local development plan being legally binding; they establish a right on the part of the property owner to undertake the type of development designated for a particular site.



## **Baugesetzbuch – Federal Building Code**

The Federal Building Code, in the substantially amended version in force since January 1st 1998, represents the most important plank of urban development law. It is subdivided into four chapters, the first two of which are particularly important:

- Chapter One: General Urban Planning Legislation;
- Chapter Two: Special Urban Planning Legislation;
- Chapter Three: Other Provisions;
- Chapter Four: Transitional and Concluding Regulations.

General urban planning legislation covers such areas as *urban land-use planning, land reallocation, expropriation, infrastructure provision and servicing*, and nature-protection measures. The chapter on special urban planning legislation is concerned principally with *urban redevelopment measures, urban development measures, the preservation statute and urban-development enforcement orders*.

## **Baulandkataster – Cadastral register of building land**

Municipalities are empowered by the Federal Building Code to compile and maintain cadastral registers of building land. Consisting of both maps and lists based on these maps, such a register contains details of all of the sites within the municipal territory earmarked for built development either immediately or in the foreseeable future. The details contained in the cadastral register include plot numbers, the postal address, and plot size. The municipality may publish this information in map or list form, provided the owners of the property concerned do not object. Municipalities are required to advertise their intention to publish such details at least one month prior to publication, stating that property owners are entitled to object.

## **Bauleitplanung/Bauleitplan – Urban land-use planning/urban land-use plan**

The function of urban land-use planning is to prepare and organise the use of plots within the municipal territory for building and for other purposes in accordance with the guidance provided by the Federal Building Code. Urban land-use planning is a two-stage process involving two types of plan: the *preparatory land-use plan* and the (legally binding) *local development plan*. The basic purpose served by the land-use plans which municipalities are required to draw up and adopt is to safeguard the socially equitable use of land for the good of the wider community, in accordance with the precept of sustainable urban development; moreover, they should contribute to securing an environment fit for human beings to inhabit, and to protecting and developing the *natural foundations of life*.

- Bebauungsplan
- Flächennutzungsplan

## **Baumassenzahl – Cubic index**

The cubic index is a value introduced by the Federal Land Utilisation Ordinance which indicates the maximum volume of buildings permitted on a certain site. It is expressed as built mass ( $m^3$ ) to site area ( $m^2$ ) and abbreviated as BMZ. The cubic capacity is calculated on the basis of the external dimensions of buildings from the floor of the lowest storey proper to the ceiling of the uppermost storey proper. The cubic capacity of habitable rooms located on other

storeys, including associated stairwells and landings and surrounding walls and ceilings, is to be included in the calculation. Exemptions exist for certain types of physical structures or parts of buildings; the effect of this is to make it possible for precise planning designations to be made in respect of industrial, commercial and special-use areas without the need for details on the number of storeys.

### **Baunutzungsverordnung – Land Utilisation Ordinance**

Under the powers vested in his office by the Federal Building Code, the Federal Minister for Spatial Planning, Building and Urban Development has issued an ordinance on the utilisation of land for building (the Land Utilisation (or Use) Ordinance). Essentially, this ordinance contains regulations to govern the representation and designation of *types and densities of built use, coverage types, and built surface areas*. It thus supplements the provisions of the Federal Building Code on *urban land-use planning* and on what types of development projects are permissible. The Land Utilisation Ordinance is scheduled for a thorough overhaul during the 1998-2002 legislation period.

→ Baugesetzbuch

### **Bauordnungsrecht (Bauaufsichtsrecht) – Building regulations (building control law)**

Unlike *planning law (urban development law)*, building regulations law (or building control law) is an area reserved for *Land* legislation. Consequently, building regulations apply only within the territory of the *Land* concerned. Building control law is concerned with the actual construction of buildings (and physical structures) on site. One key aspect of these regulations is the duty to observe generally recognised technical standards and technical building regulations in order to avert any risk to public safety and order (cf. Fig. 3).

→ Öffentliches Baurecht

### **Bauplanungsrecht (Städtebaurecht) – Planning law (urban development law)**

Planning law (literally “planning of buildings law”, also referred to as “urban development law”) regulates the use of the land for development. In particular, it governs whether built development may take place on a plot of land, and if so what type of development may be permitted. The power to enact planning law rests with the Federation, the most important plank of planning law being the Federal Building Code. Other important sources of planning law are the Federal Land Utilisation Ordinance and the Planning Symbols Ordinance (cf. Fig. 3).

→ Öffentliches Baurecht

### **Bauweise – Coverage type**

A local development plan may designate the type of building coverage on a plot as either “open” or “closed”. The difference between these two types of coverage is essentially a matter of whether clearance is required to be maintained between a physical structure on the plot and the boundary of the neighbouring plot. Where the coverage type is “open”, lateral clearance is maintained between buildings, which are accordingly built as detached or semi-detached

houses, or as clusters of houses. The length of such buildings must not exceed 50m. Where the coverage type is “closed”, there is usually no lateral separation between buildings.

→ Baunutzungsverordnung

### **Bauwisch – Clearance**

The space alongside the external walls of buildings is required to be kept clear of above-ground building (clearance). The main reason for maintaining clearance is to ensure that open space is created or maintained, or that the site is provided with adequate daylight and ventilation; insisting on separation distances between buildings also helps to improve the micro-climate of residential development and performs a fire-protection function. The term “clearance” (Gm.: Bauwisch) is used in particular to refer to the gap between a building and that part of the boundary of the adjacent plot which does not abut a public thoroughfare. Specific regulations regarding clearance are found in the building regulations of the *Länder*.

### **Bebauungsplan – Local development plan**

The local development plan contains arrangements for urban development and order in the form of legally binding designations. Local development plans are developed out of the *preparatory land-use plan* for specific parts of the municipal territory. The designations which may be included in a local development plan include *types of built use*, sites earmarked for *mitigation measures* to offset interventions and intrusions, sites for secondary structures, e.g. for garages and parking spaces, public thoroughfares and green spaces. Local development plans also serve as the basis for other urban development measures provided in the Federal Building Code, e.g. *reallocation measures*, *expropriation* and land improvement (i.e. *infrastructure provision*). The local development plan is formally adopted by the municipal council and has the legal status of a by-law; consequently, it is legally binding on everyone, i.e. not only the administration, but also private individuals are bound by the designations of the plan. The Federal Building Code distinguishes between “qualified local development plans”, which are required as a minimum to contain designations on *types and densities of built use*, *built surface areas*, and local thoroughfares, and “simple local development plans”, i.e. plans which do not meet the above requirements for qualified development plans (cf. Fig. 8). The Federal Building Code also provides a special type of local development plan specifically intended for application in connection with larger development projects; this is known as the “project-based local development plan”, the main component of which is the *project and infrastructure plan*.

→ Bauleitplanung/Bauleitplan

→ Flächennutzungsplan

→ Vorhaben- und Erschließungsplan

### **Beirat für Raumordnung – Spatial planning advisory committee**

Under the Spatial Planning Act, a spatial planning advisory committee is to be constituted to advise the competent Federal minister on issues touching the fundamental principles of spatial planning. The members of this committee, who are appointed by the Minister with the approval of the relevant professional associations and representatives of local government, in-

clude experts from the fields of planning science, *Land*-level spatial planning, urban development, business, agriculture and forestry, nature protection and landscape conservation, and sport, as well as representatives of employers' and labour organisations.

### **Bergrecht – Mining law**

The most important piece of legislation to govern mining is the Federal Mining Act. The purpose of this Act is to regulate and to support the exploration for, and the extraction and processing of, mineral resources in order to secure the supply of raw materials. The Federal Mining Act covers both the plant and installations associated with such operations, and the regeneration of the land affected both at the time of mining operations and once such work has ceased. In territorial terms, the Federal Mining Act applies not only to the Federal Republic of Germany and its coastal waters, but also to the continental shelf beneath the German sections of the North Sea and of the Baltic Sea. In these areas, the Act regulates not only mining activity, but also research activities and the laying of pipelines.

### **Bindungswirkung – Binding force**

The Spatial Planning Act regulates the binding force (i.e. the legal effects) of the *aims, essential purposes* and other *requirements of comprehensive spatial planning*. Strict observance of the aims of comprehensive spatial planning is required on the part of those agencies named in the Spatial Planning Act (in particular *public authorities* and *planning agencies*) in connection with all planning and planning measures. This duty of observance explicitly precludes the possibility of the aims of spatial planning being overridden within *weighing processes* or when discretionary decisions are taken. On the contrary: in coming to discretionary decisions on *plans and measure with spatial impacts*, and as part of the weighing process, the fundamental principles – and other requirements – of comprehensive spatial planning have to be given the consideration due to them under the relevant provisions of the Act.

- Grundsätze der Raumordnung
- Ziele der Raumordnung

### **Biosphärenreservat – Biosphere reserve**

A biosphere reserve is a large area of countryside which enjoys special protection, and which forms part of a global network of similarly protected areas. The purpose of this type of designation is to preserve the natural ability of the eco-systems protected to develop, and also to promote research into nature protection. These sites participate in an international system of environmental monitoring. Generally speaking, they are zoned according to the intensity of human intrusion: the “core zone” is the subject of particularly stringent protection; the “buffer zone” serves to protect the core zone from harmful impacts; the “transition zone” contains areas given over to traditional agricultural uses, trial areas for experimental research and areas for regeneration. Since 1976 these reserves have been recognised under the UNESCO programme on “Man and the Biosphere”. The international network of such inland and coastal sites now includes over 300 locations in 75 countries.

geographic distribution of such biotopes, attention should be paid to ensuring that viable populations can be protected over the long term. Implementation of a habitat system in accordance with these general aims and purposes necessarily calls for a combination of the following measures:

- the granting of protected status to large areas of land performing high-priority conservation functions as the centrepieces of the system;
- the linking up of habitats by means of suitable connecting areas (corridors, or so-called “stepping-stone biotopes”, or expanses of land with appropriate ecological conditions);
- promoting the more extensive use of this land, especially by agriculture.

In view of the continuing destruction of natural habitats and the associated and dramatic decline in fauna and flora species, the creation of habitat systems has to be seen as one of the most urgent tasks of nature protection and landscape conservation.

### **Bodenordnung – Land reallocation**

Following the definition provided by the Federal Building Code, *land reallocation* is a general term to cover both *land assembly* and the *adjustment of plot boundaries*. The purpose of reallocating land is to create plots suitable in terms of location, shape and size for built development or for other uses.

- Grenzregelung
- Grundstück
- Umlegung

### **Bodenrecht – Land law**

The term “land law” encompasses the totality of the legal provisions which regulate the use of land. Under the German Basic Law, in the area of land law the Federation (i.e. the Federal government) is given jurisdiction to enact concurrent legislation<sup>1</sup>, i.e. the *Länder* are entitled to adopt their own legislation in this area as long as, and to the extent that, the Federation has not made use of its powers to legislate. The Federal Constitutional Court has limited the legislative powers of the Federation to those aspects of land law which are enshrined in *planning law (urban development law)*; the *Länder* have retained the legislative powers under which they issue *building regulations*.

### **Bodenschutz – Soil protection**

Soil protection includes all measures taken under the general heading of nature protection and conservation with the specific purpose of protecting and safeguarding the soil and soil functions. The soil, which has to be regarded as the basis for all life and as an integral component of the natural environment, is threatened by a multitude of factors, e.g. mineral extraction, land-take and coverage by built development, compaction, erosion and contamination by harmful substances. Special care needs to be taken to give the soil the protection it requires.

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<sup>1</sup> Translator’s note: The German term “konkurrierend” does not appear in the Basic Law. Although it is usually translated as “concurrent”, this is certainly misleading. “Concurrent legislation”, in the German sense, does not require agreement among a number of legislatures; the situation is more one of “superseding legislation” on the part of the Federation, and “residual legislation” by the *Länder*.

The Federal Soil Protection Act, which entered into force on March 1st 1999, aims to provide long-term protection for soil functions, and to restore these functions where they have been impaired. The Act includes provisions to

- prevent harmful changes to the soil,
- remediate the soil and contaminated land, and also water polluted as a result of such contamination,
- introduce precautionary measures to avert impairment of the soil.

Under “soil functions”, the Act does however also include land uses.

### **Braunkohlenplanung – Brown-coal planning**

Brown-coal planning sets the framework for the use of land for mining, and develops green areas to compensate for its inevitable intrusion into areas in which people live and the harmful effects on nature and landscapes. In the *Länder* concerned – North Rhine-Westphalia, Brandenburg and Saxony – brown-coal planning is enshrined in *Land*-level spatial planning legislation. This legislation regulates such matters as the demarcation of brown-coal planning areas and the content to be included in brown-coal plans. Brown-coal plans, which contain both maps and written statements, set out the way in which *aims of spatial planning* are to be implemented within the brown-coal planning area in the course of planned and regulated brown-coal extraction. They are required to address such matters as

- boundaries of mining areas and safety lines, slagheaps and safety zones,
- concepts for recultivating, landscaping and regenerating the site, and the envisaged future development of the area from a (*Land*-level) spatial planning perspective.

### **Bund – Federation**

In the Federal Republic of Germany, the term “Federation” is used to refer to the central source of State authority, which exists alongside the component (federal) states, i.e. the *Länder* (cf. Fig. 1).

### **Bundesfernstraße – Federal highways**

Federal highways comprise Federal motorways and major trunk roads (the “Bundesstrassen”). These are public highways which form a cohesive transport network and thus facilitate regional and national road traffic. These roads are the property of the Federation, which is also responsible for construction and maintenance. They are administered as a task of delegated administration by the *Länder* (or by self-governing corporations set up for this purpose under *Land* law).

→ Bundesfernstraßengesetz

### **Bundesfernstraßengesetz – Federal Highways Act**

The 1990 Federal Highways Act contains regulations on the following key areas:

- the classification of Federal highways,
- the duty to construct and maintain roads,
- the construction of physical structures on and along Federal highways,

- cross-roads and junctions with public highways,
- the planning of Federal highways, preparatory works, and on the *plan approval procedure* for Federal highways,
- *expropriation* and compensation.

### **Bundes-Immissionsschutzgesetz – Federal Immissions Act**

The Federal Protection from Immissions Act is intended primarily to protect people, animals, plants, the soil, water bodies, the atmosphere, as well as cultural and other assets, from the harmful effects of pollution and to prevent such pollution from being emitted. Where the Act applies to industrial or other plant requiring a licence, it also aims to provide protection from risks, serious impairment and nuisance due to any other cause. The main sections of the Act cover:

- industrial and other plant requiring an operating licence,
  - industrial and other plant not requiring an operating licence,
  - monitoring and measuring emissions and immissions,
  - the condition of industrial and other plant, of materials, products and fuels,
  - the condition and operation of motor vehicles, the construction and alteration of roads and railways,
  - monitoring of air quality throughout the Federal territory, and clean-air plans.
- Luftreinhalteplanung

### **Bundesnaturschutzgesetz – Federal Nature Protection Act**

The Federal Nature Protection Act provides the foundation for modern nature protection. It was enacted in 1976 as framework legislation and thus needs to be expanded on and given more concrete content through the nature-protection laws of the *Länder*. Article 1 of the Act provides a binding stipulation of the aims and purposes of nature protection; Article 2 defines 13 fundamental principles, allowing the *Länder* to include additional principles at their discretion. The way in which the aims are structured in Article 1 of the Act makes it clear that nature protection and landscape conservation are to be seen as a task of a materially and spatially comprehensive nature; the Act calls for nature and landscapes, both in populated and in non-populated areas, to be preserved, conserved and developed in such a manner as to

- maintain the efficient functioning of the *natural balance*,
- preserve the viable use of natural assets,
- preserve fauna and flora, and
- to safeguard the variety, particularity (distinctive character) and beauty of nature and landscapes

as a habitat for human activity and a context for human recreation.

The Act contains the following nine Chapters:

- General provisions
- Landscape planning
- General conservation, preservation and development measures,

- Conservation, preservation and development measures affecting certain parts of nature and of landscapes
- Conservation and preservation of wild fauna and flora species
- Access to nature and landscapes for the purpose of recreation
- Participation of associations, administrative offences and exemptions
- Transitional and concluding provisions.

### **Bundesraumordnung – Federal-level spatial planning**

The Basic Law assigns to the Federation the power to enact framework legislation on spatial planning. What this means is that Federal law is required only to settle the more fundamental issues of spatial planning; the *Länder* must be allowed the necessary latitude to legislate on this matter as they see fit. Despite this sharing of responsibilities, the Federation has not restricted itself simply to provisions of a formal or organisational nature: the Spatial Planning Act also lays down binding *principles of spatial planning* which, taken in their entirety, constitute the general overriding vision for spatial development and for securing the spatial structure of the nation as a whole. In addition to this, the Federation also legislates and administers in a number of areas fundamentally affecting spatial planning throughout the Federal territory (e.g. *sectoral plans with impacts on spatial structure*).

### **Bundesraumordnungsprogramm – Federal Planning Programme for the Regions**

Developed jointly by the Federation and the *Länder* following a resolution of the *Bundestag*, and formally adopted by the *Ministerial Conference on Spatial Planning*, the Federal Planning Programme for the Regions provides an overall framework for nation-wide planning. From the very outset, and for the first time in Germany, this framework was conceived to incorporate

- the qualitative aims derivable from the Spatial Planning Act,
- the aims of the various sectoral plans drawn up by Federal ministries, and
- the objectives of *Land*-level regional planning.

As a common Federal and *Land* perspective for spatial development throughout the whole of the national territory, this programme is committed to creating equivalent living conditions for all of the country's citizens and to securing this parity over the long term.

As no more than a resolution (i.e. a recommendation) of the *Ministerial Conference on Spatial Planning*, the Federal Planning Programme for the Regions is in no way legally binding; consequently, it has not been implemented and realised as originally intended. Nonetheless, this Programme has without doubt served as a stimulus both for thinking and for learning in Germany, and in terms of methods, concepts, and content it has had a profound effect on spatial planning in the *Länder*.

→ Raumordnungspolitischer Orientierungsrahmen

### **Bundesverkehrswegeplan – Federal transport network plan**

The transport network plan, which covers a period of five years, lays out medium- to long-term projects to build or improve roads, railways and waterways of Federal status. Its purpose



is to ensure the maximum possible degree of co-ordination between the various means of transport.

The most important instruments employed during the preparation of the transport network plan in order to achieve such co-ordination are integrated total-traffic forecasts for the various means of transport mentioned above, and uniform criteria for assessing the need for, and the priority to be attached to, a construction project. The current Federal Transport Network Plan (of 1992; also referred to as the German National Transport Network Plan) is committed to the following aims:

- to consolidate the transport requirements associated with the single European market;
- to overcome the consequences of the former division of Germany;
- to support rail transport and develop an environmentally sustainable transport system.

The section of the plan on “Roads” is the subject of a dedicated Federal statute, the Improvement of Federal Highways Act.

### **DIN-Norm – German industrial standards (DIN)**

German industrial standards (DIN standards) are set by the German Standards Institute and published in “standard specification sheets”. Where these standards are concerned with building, and have been adopted by the supreme building control authorities or by other authorities appointed by them (and provided adoption has been publicly advertised), these standards are considered to represent generally recognised rules of engineering and of building. They may be introduced with the status of mandatory standards, guidelines, or as recommendations. The two DIN standards which are of particular relevance for the field of urban development are DIN 4109 (on noise insulation in buildings) and DIN 18005 (noise prevention in urban development). The latter also contains important guidance for the planning of *built-use zones*.

### **Eigenentwicklung – Endogenous development**

One important task of both *regional planning* and of the *comprehensive spatial planning* undertaken by the *Länder* is to set the framework for the development of *settlement structure* within the individual municipalities. A fundamental distinction has to be made here between those municipalities in which development is limited to that required to meet local needs (endogenous development), and other municipalities marked to a much greater degree by settlement development. Endogenous development means that a municipality is permitted to designate and release only a very limited amount of land for building (*built-use zones*), and only to the extent that this land needs to be made available to meet local needs. A local need may result from changes in living patterns and from a rise in the demands and expectations of the local population with regard to housing standards. Additional needs may arise with the expansion or restructuring of local businesses, trades and agricultural operations.

### **Eignungsgebiet – Suitable areas for development**

The designation of certain sites outside the areas covered by a *local development plans* as areas suitable for development is a means of exerting control over spatially significant development measures (projects, *plans and measures with spatial impacts*) in what in planning law is termed the *outer zone* by declaring certain areas within a region as suitable areas for certain types of development (e.g. for wind farms). The implication of such a designation is that such

measures will in general not be permitted outside these areas. The designation of certain areas as *suitable areas for development* invokes the legally binding force of *aims of comprehensive spatial planning*.

### **Eingriffsregelung – Regulations on interventions/intrusions**

The Federal Nature Protection Act, *Land-level* nature protection statutes and also the Federal Building Code all embody the principle that the instigator of an intervention or intrusion into the landscape should be required to avoid causing any unnecessary damage or detriment to nature and the landscape, and should make good any unavoidable damage within a fixed period of time by means of *mitigation and replacement measures* of a type compatible with nature protection and landscape conservation. These laws provide regulations to govern interventions and intrusions, which are defined by the Spatial Planning Act as changes to the organisation or use of land which are capable of causing serious or long-term damage to the efficiency of the balance of nature or to the visual impact of the landscape. Interventions are not to be permitted in those cases where damage to the landscape would be unavoidable, or where it would be impossible to mitigate the damage caused by such an intervention to the degree required. They are similarly not permitted in those cases where the interests of nature protection and landscape conservation are required to be given priority in the *weighing process* to consider all of the requirements and demands to which nature and the landscape might be subjected. Under what is referred to as the “building law compromise” on nature-protection regulations to govern interventions, the responsibility for such regulations is distributed between the Federal Building Code and the Federal Nature Protection Act. The material core of regulation remains a matter for the Federal Nature Protection Act, whereas the legal consequences of an intervention and the various types of mitigation and substitution measures to be implemented are laid down directly in the Federal Building Code.

→ Ausgleichs- und Ersatzmaßnahme

### **Einwirkungen auf die Bauleitplanung – Effects on urban land-use planning**

What are known as “effects on urban land-use planning” are those means of exerting influence, for example through adjustment (*compliance*) procedures or planning orders, intended to ensure that the municipalities discharge the duty placed on them to undertake planning or to make adjustments to existing plans. Thus, a municipality may be forced to prepare and adopt an urban land-use plan, or to adjust an existing plan, in order to satisfy the *requirements of comprehensive spatial planning*. These *effects on urban land-use planning* are examples of *instruments to secure and implement the aims of comprehensive spatial planning*.

→ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

### **Endogenes Potential – Endogenous potential**

Endogenous potential refers to the scope for development which exists within a region, and contrasts with resources to foster development brought in from outside. This concept represents something of an “up-grading” of the notion of the region as a unit of decision-making and action vis-à-vis more centrally oriented spatial planning policy at the national level. In particular, endogenous potential takes account of the potential for innovation found in the private sector and in the regional workforce. It is hoped that targeting resources directly on the

specific development potential existing in the region will lead to better-fitting solutions to regional problems, and more economic use of funds, than is possible when a more central authority channels external potentials into the region. What this means for spatial planning policy is that it has to deal primarily with the specific problems of particular regions and to propose “customised” solutions.

### **Enteignung – Expropriation**

Expropriation (compulsory purchase) is the complete or partial removal of property rights, the right to own property and the possibility of expropriation being established in the Basic Law. Expropriation for urban development purposes is governed by the Federal Building Code. Expropriation is the last resort available to a municipality in those cases when it requires a particular property, or specific rights attaching to a property, in order to achieve its urban development aims and the owner of the property is not prepared to sell the property or to grant the rights in question. The purposes for which the municipality is allowed to resort to expropriation are listed in full in the Federal Building Code. Expropriation is permissible only where this is for the public good and the purpose to be served by expropriation cannot reasonably be achieved by any other means.

→ Entschädigung

### **Entlastungsort – Relief area**

The Spatial Planning Act provides for the designation of relief areas to channel settlement development. Relief areas are intended to absorb the development pressure resulting from the continuing growth of *high-density areas* which are already under severe strain.

### **Entschädigung – Compensation**

Under the Basic Law, *expropriation* may only be ordered either by law or on the basis of a law, the nature and level of the compensation due also being required to be the subject of statutory regulation. The rules to govern compensation are set out in the Federal Building Code.

A claim for compensation may be made by anyone whose rights have been adversely affected by expropriation and who has suffered a financial loss. The Federal Building Code provides three types of compensation: compensation in the form of money, compensation in the form of land, and compensation by the granting of other rights.

→ Enteignung

### **Entwicklungsschwerpunkt, Entwicklungszentrum – Focal points of development, centres of development**

Focal points (or centres) of development are locations within *structurally weak areas* which have been selected as centres for concentrated development. There are quite major differences (in terminology, content and concept) in the ways in which this category is applied within the spatial planning of the various *Länder*.

### **Erfordernisse der Raumordnung – Requirements of comprehensive spatial planning**

The term “requirements of comprehensive spatial planning” is something of an umbrella term covering the *principles of comprehensive spatial planning*, the *aims of spatial planning*, and any other requirements of spatial planning. Under the Spatial Planning Act, these other requirements of comprehensive spatial planning are derived from:

- aims of spatial planning still at the stage of being prepared for adoption,
- the outcomes of formal *Land*-level planning procedures and of *spatial planning procedures*, and
- expert reports on *Land*-level spatial planning.

### **Erhaltungssatzung – Preservation statute**

The preservation statute allows a municipality to designate specific areas in a *local development plan*, or in any other local statute, as areas in which special permission is required for the demolition, alteration or change of use of a physical structure. The Federal Building Code provides three types of preservation statute to reflect different purposes of preservation. Accordingly, preservation statutes may be adopted:

1. to preserve the specific urban character of an area deriving from its urban pattern,
2. to maintain the composition of the local residential population (neighbourhood preservation), or
3. in the course of reorganising the structure of urban development.

The essential purpose of a statute to preserve the specific urban character of an area is to protect the character of the locality, the townscape or landscape, or structures of special architectural or historical importance. A neighbourhood preservation statute might be adopted in order to counteract the threat of the displacement of the local population in an inner-city residential area coming under the pressures of gentrification. Preservation statutes concerned with the reorganisation of the structure of urban development aim to ensure that reorganisation is undertaken in a manner which is socially equitable.

### **Erschließung – Infrastructure provision, servicing**

Even if all other planning regulations are complied with, development projects can be permitted only where there is certainty that the site will be properly serviced and integrated by the provision of the necessary public infrastructure. The infrastructure required to be secured includes roads (i.e. connections to the road network) and utilities. Responsibility for the provision of the necessary infrastructure rests with the municipality (known as the “infrastructure burden”). This financial burden on municipalities is eased by requiring the owners of the properties affected to share the cost of land improvement by paying an infrastructure charge towards the cost of initial provision, in particular the cost of roads, pathways and public spaces. The Federal Building Code does not provide for property owners to bear any of the costs of servicing the land, i.e. connecting it to utilities systems (power, water, sanitation); this may, however, be required under *Land* legislation.

## **Europäisches Raumentwicklungskonzept – European Spatial Development Perspective**

At the meeting of the ministers responsible for spatial planning of the Member States of the European Union held on June 10th-11th 1999, a European Spatial Development Perspective (ESDP) was adopted to serve as an orientational framework for future EU policy in areas affecting spatial development, and to provide guidance for major planning schemes and investment decisions affecting larger sections of the EU territory. The aim of the ESDP is to improve the implementation of Community policy and to enhance its effectiveness and significance by attaching to the spatial dimension of European policies the weight it deserves. The three fundamental goals pursued by the ESDP are:

- economic and social cohesion
- sustainable development
- balanced competitiveness of the European territory.

To assist with the concrete implementation of this transnational co-operation, the EU has set up the INTERREG IIC initiative. On October 4th-5th 1999 it also adopted an initial “Action Programme” containing 12 distinct actions intended to serve as examples of the implementation of the ESDP.

→ Subsidiaritätsprinzip

## **Fachplanung, raumwirksame – Sectoral planning (with spatial impacts)**

Sectoral planning is the systematic preparation and execution of measures within one specific sector of public policy by the competent sectoral authority (Federal or *Land* ministry, local sectoral authorities or other public-law corporations). Sectoral planning is deemed to have spatial impacts when it has a direct or indirect influence on the development of spatial structure. Such spatial impacts are particularly significant in the transport, energy and waste and water management sectors. A legal basis has been created for each of these types of sectoral planning (e.g. Federal Highways Act, the Water Management Act); the relevant legislation contains what are referred to as “spatial planning clauses” included with the purpose of safeguarding the *requirements of comprehensive Federal and Land-level spatial planning*.

- Erfordernisse der Raumordnung
- Raumordnungsklausel

## **Finanzausgleich – Fiscal equalisation**

The fiscal equalisation system regulates the distribution of expenditure and revenues between the various levels of the hierarchy of *territorial corporations*. A distinction is made between “horizontal equalisation”, which regulates the relationships between territorial units of the same status (e.g. among the *Länder*), and “vertical equalisation”, which regulates relationships between the various levels (e.g. between the Federation and the *Länder*). The fiscal equalisation system was introduced as a means of achieving the constitutional goal of creating equivalent living conditions throughout the whole of the country.

## **Flächenhaushaltspolitik – Land-resource policy**

In view of the continuing demand for development land, there is a need at all levels of spatial planning for land resources to be managed with the same economy as, for example, financial

resources. Just as a town or city has to be able to account for all its spending, they are increasingly being expected to be accountable for the use of land within their territories, and to report, for example, on whether – and if so what – claims are likely to be made in the foreseeable future on open spaces, and what mitigation measures would need to be undertaken to offset these. For a land-resource policy to be effective, it is vital to include a preparatory stage of setting up a comprehensive information system in the form of cadastral land registers. Any changes to the land resources of a particular area should be recorded at regular intervals in “land-resource balance sheets” (or “audits”). The term “land-resource policy” (in German “Flächenhaushaltspolitik”) stems from the work of the ARL (the German Academy for Regional Research and Regional Planning). There is to date no legal definition of this term; it is, however, occurring with increasing frequency in documents on spatial planning (first used in the Resolution of the Ministerial Conference on Spatial Planning of December 14th 1987 on “Spatial Planning and Soil Protection”).

→ Raumbewachung

### **Flächennutzungsplan – Preparatory land-use plan, zoning plan**

In the wording of the Federal Building Code: “The preparatory land-use plan shall represent in basic form the types of land uses envisaged for the entire municipal territory in accordance with the intended urban development which is proposed to correspond to the anticipated needs of the municipality”. The preparatory land-use plan thus sets out the municipality’s proposals for future land use and makes preliminary representations on the use of plots within the municipal territory for built development or for other uses. More particularly, preparatory land-use plans identify *development zones* and *built-use zones*, spaces for *mitigation measures* assigned either wholly or in part to those areas in which intrusion harmful to nature and to the landscape is anticipated, *public amenities*, green spaces, agricultural and woodland areas. The preparatory land-use plan is binding only on the municipality: although it binds the municipality to implementing the plan as adopted, it does not have any direct legal effects vis-à-vis the general public, i.e. it does not bestow rights on property owners to undertake the type of development assigned in the plan to the property they own.

→ Bauleitplanung/Bauleitplan

→ Bebauungsplan

### **Flächenstillegung – Set-aside**

As a response to surpluses in certain areas of agricultural production, since 1988 the European Community has been providing grants to allow arable land within the EC territory to be left fallow, or “set aside”. Although the European Commission laid down the general framework for set-aside, it has been left to individual Member States to decide on the details of set-aside programmes, and in particular on the levels of the premiums to be paid to farmers. In Germany the condition for the payment of a set-aside premium is that the land concerned should comprise at least 20% of the total area of arable land of the farm in question (minimum of 1 hectare), and that it should be set aside for a period of at least five years. The set-aside programme is administered and financed through the *joint responsibility* for “improving agricultural structure and coastal protection”.

→ Gemeinschaftsaufgabe

### **Flurbereinigung – Realignment/consolidation of agricultural land holdings, plot realignment**

The purpose of realigning or replotting agricultural land holdings is to promote efficient agriculture and forestry by assembling economically viable units of land in rural areas where the land in single ownership may be dispersed and thus not conducive to efficient management. The realignment (or consolidation) process includes all the measures needed to improve the basic conditions for economic operations, to reduce unnecessary labour, and to facilitate economic activity (e.g. by creating paths, tracks and ditches). Over the course of time, the original purpose of realigning agricultural land holdings has been reappraised and modified. Realignment is today seen as an integral means of reordering plot boundaries in rural areas and has effects for planning and for the general concept of *land reallocation* which extend well beyond the agricultural sector. Nowadays realignment may be undertaken for purposes of landscape conservation and nature protection, flood protection and village-renewal projects.

### **Forstlicher Rahmenplan – Forestry framework plan**

In order to ensure the development of the forestry conditions essential to human habitation and economic activity, the responsible authorities in the *Länder* are required under the Federal Forestry Act to draw up forestry framework plans. These may be drawn up for specific woodland areas, for the *Land* as a whole, or for parts of the *Land* territory. A forestry framework plan must take into account all matters and requirements affecting forest structure, as well as the economic, nature-protection and recreational functions of woodland areas.

### **Freiraumstruktur – Open-space structure**

Open-space structure refers to the quantitative and qualitative pattern or distribution of land uses and functions in a near-natural state. It is one of the *principles of spatial planning* (Spatial Planning Act – Section 2 para. 2 No.3) that the open-space structure of the national territory is to be protected and developed. The purpose of this is to safeguard or restore the vital role played by open spaces with regard to protecting the fertility of the soil and other soil functions, protecting ground water, conserving fauna and flora and the climate. Economic and social uses of open spaces are also to be safeguarded whilst giving due regard to the ecological functions of open space.

- Raumstruktur
- Siedlungsstruktur

### **Funktionen in der Raumordnung und Landesplanung – Spatial planning functions**

Functions are defined as the tasks assigned specifically to individual municipalities or regions within the system of aims for *Land*-level spatial planning. This system of *Land*-level spatial structure aims sets out to achieve a functional and structural (or spatial/functional) division of responsibilities between the various component sub-regions of an embracing territorial entity. This concept of a spatial/functional separation of functions is based on the precept that the various sub-regions will each be particularly (and differently) suited to discharging one or more of these specific functions. Consequently, each sub-region will develop in a way which maximises the potential it offers.

The key functions associated with municipalities are:

- central-place functions
- industrial and commercial functions
- service functions
- the residential function
- the agricultural function
- tourism and recreational functions.

Functions of a spatial character include in particular:

- nature protection and the conservation of landscapes
- agriculture
- forestry
- water management
- regeneration of the air and the climate
- tourism, leisure and recreation
- protection of raw-material resources.

Within municipalities or sub-regions these functions may overlap with one another and have priority status attached to them. Under the terms of the Spatial Planning Act, Federal and *Land*-level planning is required to attempt to give equal recognition to all functions in such a way as to ensure that there is complete and blanket coverage with respect to the organisation of basic functions.

Under Section 7 para. 4 of the Spatial Planning Act, functions of a spatial character may be designated in *spatial structure plans* as *priority areas*, *reserved function areas*, and/or as *suitable areas for development*.

- Eignungsgebiet
- Vorbehaltsgebiet
- Vorbehaltsgebiet

### **Gebietskörperschaft – Territorial corporation**

A territorial corporation is a territorially defined public-law corporation with legal personality (e.g. the Federation, a *Land*, county or municipality).

### **Gegenstromprinzip – Feedback principle/principle of countervailing influence**

The “feedback principle” (also known more accurately as the “principle of countervailing influence”) is a principle of spatial planning under which local, regional and supra-regional planning each influences, and is in turn influenced by, the other levels of planning. The purpose of this mutual influence is to ensure that actions taken to develop, structure and protect sub-areas of the territory are consistent with the conditions and requirements of the whole; similarly, actions to develop, structure and protect the overall territory should also take account of the conditions and requirements of sub-areas. The feedback principle is enshrined in the Spatial Planning Act.



### **Gemeinbedarfseinrichtung – Public amenity**

Public amenities are those physical structures and facilities which serve the needs of the general public, or which have been established to serve religious, social, healthcare and cultural purposes (e.g. schools, hospitals, churches, etc.).

### **Gemeinde – Municipality**

A municipality is a territorial corporation with the right of self-government. Occasionally the term “commune” may be encountered as a translation of “Gemeinde”; in German the word “Kommune” is commonly used as a synonym. The larger municipalities (i.e. those municipalities which are not incorporated within a county – cf. 1.4.1 above) are often referred to as “towns” or “cities” (Gm.: “Städte” – cf. Fig. 1).

→ Gebietskörperschaft

### **Gemeindeverkehrsfinanzierungsgesetz – Financial Support for Local Transport Act**

The Financial Support for Local Transport Act provides the basis for the Federation to provide financial assistance to the *Länder* to invest in improving transportation within their local authorities. The types of capital investment to benefit from this assistance include the construction of local main roads, installing bus lanes, building or improving tram routes, and purchasing new buses. One of the conditions for financial support is that the improvements to transportation associated with the project concerned should, in terms of both their nature and their scale, be a matter of urgent need and that such measures should be consistent with the *aims of comprehensive (Federal or Land-level) spatial planning*.

### **Gemeinschaftsaufgaben – Joint responsibilities (of the Federation and the *Länder*)**

Under the Basic Law, in certain areas of public policy the Federation co-operates with the *Länder* in the discharge of what are essentially *Land* responsibilities, where such responsibilities are undertaken to the benefit of the community as a whole and the participation of the Federation is imperative in order to improve living conditions (*joint responsibilities*). The Basic Law defines the following as *joint responsibilities*:

1. the building and extension of institutions of higher education, including university clinics;
2. the improvement of regional economic structures;
3. the improvement of agricultural structure and coastal protection.

Joint responsibilities are defined in greater detail in Federal legislation. Such legislation contains general principles on how joint responsibilities are to be discharged and stipulates both rules of procedure and the body to be set up to be responsible for joint framework planning.

One joint responsibility particularly relevant to spatial planning is the “improvement of regional economic structures”. This is the central instrument available to the Federation and the *Länder* to promote regional economic development. The main task in this area is to encourage private-sector investment and investment in complementary business-related infrastructure capable of creating new – or safeguarding existing – long-term employment opportunities in *structurally weak regions*.

A second joint responsibility relevant to spatial planning is the “improvement of agricultural structure and coastal protection”. The central goal of this joint responsibility is to safeguard an

efficient agricultural and forestry sector equipped to meet future demands, and to enable it to compete effectively within the single European market, and to improve coastal protection (or defences).

The shift of competences for agricultural structure and regional policy from the national to the EU level has led to a decline in the importance of joint responsibilities within Germany.

- Agrarstrukturelle Entwicklungsplanung
- Flächenstilllegung

### **Generalverkehrsplan – General transport plan**

The purpose of a general transport plan is to prepare a concept for the management of transport and traffic in all its manifestations within one specific area, and to link this area to surrounding areas. General transport plans may be drawn up for a single town, for a county, a region, or for the entire *Land*. Plans of this type, especially when they cover an entire *Land*, are sometimes referred to as “total-traffic plans”. The general transport plan covers all types of transport (*public* and *individual transport*), explores all avenues for rationalising total traffic, and for this purpose is required to make practical proposals on the proper role to be played by the various modes of transport.

- Verkehrsentwicklungsplanung

### **Geschoßflächenzahl (GFZ) – Floor-space index**

The floor-space index indicates the relationship between the total floor space of all of the storeys in a building and the size of the development site. It is expressed as a simple ratio of total floor space to site area. Binding land-use plans (*local development plans*) lay down maximum values, i.e. they state the highest permissible area of floor space per square metre of the development site; in any actual case, the floor-space index may well fall below this. The total floor space is calculated on the basis on the external dimensions of all storeys (storeys proper) of the building. i.e. it includes external and internal walls and stairways, although exceptions are possible for certain types of physical structure and sections of buildings. Special exceptions exist to encourage conversions for residential use, under which the walls surrounding habitable rooms on floors other than the ground floor, and the stairways and internal walls associated with these rooms, may be excluded. In non-designated sections of the *inner zone* and in the *outer zone*, the floor area of habitable rooms on storeys other than storeys proper is not included in the calculation.

### **Grenzregelung – Adjustment of plot boundaries**

The adjustment of plot boundaries is a condensed and simplified type of replanning procedure which (unlike *land assembly*) is generally applied to a relatively small number of adjacent properties. The purpose of this procedure is to facilitate planned and orderly development, including the provision of public infrastructure, or to remove conditions which contravene building law within the area covered by a *local development plan* or within a built-up area. The adjustment of plot boundaries may involve exchanging adjacent plots, or parts of adjacent plots, where such action serves an overriding public interest, or allocating adjacent plots, and in particular splinter plots or parts of adjacent plots, to one party, again where such action is in the public interest.

The adjustment procedure may only be applied in cases where the plots and parts of plots are not suitable for independent development and the loss in value incurred by the owner as a result of the adjustment to plot boundaries is deemed to be negligible.

- Bodenordnung
- Umlegung

## **Grenzüberschreitende Raumordnung – Cross-border spatial planning**

### Spatial planning across national frontiers

Transnational cross-border co-operation on spatial planning takes place within bilateral or multilateral advisory committees involving one or more of Germany's neighbours. In most cases this involves convening commissions and joint working-parties on comprehensive spatial planning.

### Spatial planning across *Land* boundaries

Co-operation on spatial planning across *Land* boundaries is a matter of co-operation between the supreme planning authorities and/or *regional planning* agencies of two or more *Länder*. It takes place within a variety of organisational structures (e.g. *ad hoc associations*, joint working-parties) and may be based on a number of different legal foundations (e.g. a statute, a treaty, an inter-agency agreement, or a contractual agreement under public law).

## **Grünordnung – Green structures policy**

Green structures policies are framed by municipalities and encompass the entire range of nature-protection and landscape-conservation measures for towns and villages. The purpose of the green structures policy is to support the endeavour to achieve a condition where all green spaces and green elements are protected and maintained, in both spatial and functional terms, in a relationship both to each other and to physical structures which is in harmony with urban development of a type conducive to the emotional and physical well-being of human beings.

- Grünordnungsplan

## **Grünordnungsplan – Green structures plan**

The green structures plan is the planning instrument through which the *green structures policy* is implemented. It is a *sectoral plan* for nature protection and landscape conservation with the status of a *local development plan* and consists of a map and written text setting out the measures and goals of the green structures policy. This plan is required to perform a number of functions and serves as a site-based design plan for inner-city green spaces, as an instrument to safeguard open space, as a planning instrument to structure and assign functions to areas on which building is not permitted, and as a planning instrument to implement the aims and principles of nature protection and landscape conservation. Rules governing green structures plans are to be found in a number of *Land*-level nature-protection statutes.

- Grünordnung

## **Grünzug/Grünzäsur – Green belt**

A regional green belt is a continuous expanse of land granted protection from settlement sprawl or other functionally inappropriate uses. Green belts also serve to safeguard a variety of ecological or recreational functions.

The term “green break” or “green divide” (Gm.: Grünzäsur/Trenngrün) is used to refer to smaller areas close to settlements designated to be kept free of development for local recreational functions and in order to break up densely built-up areas.

Grundbuch – Land register

The public land register maintained by the district court (Gm.: Amtsgericht) contains entries for all of the properties within the jurisdiction of the court including details of all legal relationships attaching to each property, e.g. details of ownership and of any charges on the property, such as mortgages. The entry (or “sheet”) for each property records changes in ownership as well as any new charges on the property. The purpose of maintaining a land register is to ensure the proper functioning of the property market; potential purchasers can be confident of the accuracy and completeness of entries in the land register.

→ Grundstück

→ Liegenschaftskataster

## **Grundflächenzahl (GRZ) – Site occupancy index**

The site occupancy index indicates the relationship between the *built surface area* and the overall size of the *development site*. It is expressed as a simple ratio of *built surface area* to site area. This value makes it possible to calculate the proportion of the surface area of a development site which may be covered by built development. Maximum values may be set within the areas covered by binding land-use plans (*local development plans*) and within the *inner zone* by assigning site occupancy limits to the *types of built use* as defined by the Land Utilisation Ordinance; in any actual case, the site occupancy index may well fall below these limits. Special rules exist on just what is to be counted, and on dealing with violations, in order to prevent additional land being concreted over to provide parking space, or for secondary structures, and to prevent the construction of physical structures below the surface. These rules make allowances for a large number of exceptional cases.

## **Grundgesetz – Basic Law**

Promulgated on May 23rd 1949, the Basic Law is the constitution of the Federal Republic of Germany. It establishes the basic order of the German state, in both legal and practical terms. The Basic Law, which is subdivided into 13 chapters, can only be amended by a two-thirds majority in the *Bundestag* and in the *Bundesrat* (the Federal Council). Amendments are not permissible if they would have the effect of changing the federal structure of the German state, or of affecting the fundamental right of the *Länder* to participate in the legislative process, or if they would curtail the fundamental principles set out in Articles 1-14. Some sections of the Basic Law were revised in 1994 following German reunification.

## **Grundsätze der Raumordnung – Principles of comprehensive spatial planning**

The principles of spatial planning are general precepts concerning the development, structuring and “securing” of the national territory which are to be taken into account in *weighing*

*processes* and whenever discretionary decisions have to be taken. These principles of comprehensive spatial planning are set out in Section 2 para. 2 of the Spatial Planning Act. The *Länder* are entitled to include additional principles in the spatial planning legislation they adopt for their own territories, provided that these do not conflict with the principles laid down in the Federal Spatial Planning Act. They may also introduce additional principles of spatial planning in their *spatial structure plans*. Moreover, the *Länder* are required under the Spatial Planning Act to attach appropriate weight to each of the principles of spatial planning and to translate them into concrete material and locationally specific spatial planning aims for their respective territories.

→ Erfordernisse der Raumordnung

### **Grundstück – Property**

A property is generally understood to be a bounded and cohesive piece of ground capable of being put to use for some purpose. Every property is numbered and recorded at the public land registry on a separate property sheet.

- Baufläche
- Grundbuch
- Liegenschaftskataster
- Räumliche Bezugsebenen

### **Güterverkehrs-/verteilzentrum – Freight centre/logistics centre**

The creation of freight centres is a means of bringing together freight, logistics and other services based in one locality on one site, usually at a location with particularly good transport links. Freight centres should be located at intersections of at least two (and preferably more) modes of transport, and at a point at which transfer is possible between local and long-distance transport. An essential requirement for any freight centre is a transshipment facility to allow combined rail/road(/where applicable also canal) transport. The companies which cooperate in a freight centre are independent and equal in status.

By contrast, logistics centres involve a number of freight haulage companies joining together to create one single organisation by giving up the legal and economic independence they would enjoy as separate companies. A logistics centre provides not only transport and transshipment facilities, but also a number of additional services, such as shipping/forwarding, sorting and warehousing. The locational requirements which apply to freight centres (i.e. excellent transport links) are not as critical in the case of logistics centres.

### **Individualverkehr – Individual traffic**

Individual traffic refers to the free, individual choice of means of transport, time of travel and the route taken. The body of individual traffic includes pedestrians, cyclists and private-car use, the latter also being referred to as “individual motor traffic”.

- Modal split

## **Industrie- und Handelskammer – Chamber of Industry and Commerce**

Chambers of Industry and Commerce are regional, non-governmental organisations embracing all of the non-trade commercial operations in the region. In terms of legal status, they are public-law corporations with compulsory membership. Their role includes representing the interests of their members vis-à-vis other bodies, as well as setting up tribunals to arbitrate on disputes, and maintaining training facilities. Chambers of Industry and Commerce maintain the roll of apprentices and are responsible for final apprenticeship examinations. The individual chambers are members of the German Confederation of Chambers of Industry and Commerce, their umbrella organisation.

## **Informationspflicht – Duty to provide information**

The duty to provide information is one of the instruments to secure and implement the *aims of comprehensive spatial planning*. With regard to the supra-sectoral (or comprehensive) function of Federal and *Land*-level spatial planning, the duty to provide information comprises

- a duty resting on public- and private-sector planning agencies to declare their plans and to supply information to *Land* planning authorities,
- the duty resting on all public authorities with responsibilities for spatial planning to supply information to each other and to *public* (and any other) *planning agencies*.

→ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

## **Informelle Planungsansätze – Informal approaches to planning**

With the rise in the number of conflicts occurring over the use of land and the increasing complexity of planning procedures, there has been a steady growth in interest since the mid-70s in the use of informal approaches to planning. The planning approaches which are generally described as “informal” are characterised by non-formalised and non-binding procedures, and by their focus on achieving a consensus. They aim, as far as possible, to remove or resolve conflicts consensually and on a co-operative basis prior to the initiation of formal and legally binding planning procedures. An additional merit generally associated with informal approaches in planning is that they smooth the path for subsequent implementation of a planning scheme by involving stakeholders on all aspects of the scheme very early in the planning process.

Informal approaches are in use at all levels of planning; for example, information is exchanged and other views sought on methods of *spatial monitoring*, in the preparation of *spatial development reports* at both Federal and *Land* levels, on *spatial planning registers*, and in the process of framing the *land-resource policy*. More recently, a number of other instruments have been added, such as *regional development strategies*, *regional conferences*, round-tables, and a number of other forms of *moderation* and *mediation*.

- Flächenhaushaltspolitik
- Moderation, Mediation
- Öffentlichkeitsbeteiligung
- Raumbewertung
- Raumordnungsbericht / Landesentwicklungsbericht
- Raumordnungskataster

- Raumordnungspolitischer Handlungsrahmen
- Raumordnungspolitischer Orientierungsrahmen
- Regionales Entwicklungskonzept

### **Innenbereich – Inner zone**

The inner zone covers those parts of the municipal territory which are characterised predominantly by built use, but which are not covered by a qualified *local development plan*. For an area to be counted as part of the inner zone it must display a pattern of connected development and be recognisable as part of a community. The presence of undeveloped sites is not necessarily to be seen as a sign of lack of connected development if the existing development still creates the impression of being a built-up area or of belonging to a community. In the present context, a community (Gm.: Ortsteil) is defined as a cluster of developments within the territory of a municipality which, by virtue of the number of buildings it contains, has a certain significance or identity and represents an example of organic settlement structure.

Within the inner zone a development project is only permissible where, in terms of the *type and density of built use*, the *coverage type* and the plot area to be built on, the building proposal blends with the characteristic features of its immediate environment and the provision of the necessary infrastructure has been secured. The requirements of maintaining healthy living and working conditions must also be satisfied and there must be no impairment to the overall appearance of the locality. Municipalities are permitted to designate the boundaries of the inner zone in a local statute.

- Außenbereich

### **Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung – Instruments to secure and implement the aims of comprehensive spatial planning**

In order for it to be able satisfactorily to perform its spatial ordering function, *Land*-level spatial planning has to have powers to do more than adopt programmes and plans: it also needs to be able to employ an additional set of instruments to secure, co-ordinate and enforce the requirements of *Land*-level spatial planning and to co-ordinate any other *plans and measures with spatial impacts* both with each other and with comprehensive planning policy. Consequently, the instruments available for planning the development of the *Land* territory (*spatial-order plans*) are supplemented by a number of further instruments for securing, co-ordinating and implementing the aims of spatial planning. These are:

- effects on urban land-use planning
  - the duty to provide information
  - spatial development reports
  - spatial planning registers
  - spatial planning procedures
  - the prohibition of plans and measures in conflict with the aims of comprehensive spatial planning
  - derogation procedures.
- Einwirkungen auf die Bauleitplanung
  - Informationspflicht

- Raumordnungsbericht/Landesentwicklungsbericht
- Raumordnungskataster
- Raumordnungsverfahren
- Untersagung raumordnungswidriger Planungen und Maßnahmen
- Zielabweichungsverfahren

In order to ensure the implementation of *spatial structure plans*, the Spatial Planning Act places a duty on *Land-level* and *regional planning authorities* to promote a co-operative approach to include all of the parties involved in the implementation of the plan. To this end the Spatial Planning Act suggests the following options:

- drawing up joint regional development strategies to initiate and co-ordinate all *plans and measures with spatial impacts*,
  - supporting *city networks* as a means of strengthening the development of sub-regions by promoting co-operation among local authorities, and
  - entering into contractual agreements to govern the preparation and implementation of *spatial structure plans*.
- Regionales Entwicklungskonzept
  - Städtenetze

### **Kommunale Spitzenverbände – Local-authority umbrella associations/confederations of local authorities**

The umbrella organisations set up by local authorities are voluntary alliances of local authorities (*territorial corporations*) created for the purpose of representing common interests. The following organisations exist:

- the Deutscher Städtetag, an association of major cities
- the Deutscher Landkreistag, the equivalent association for rural counties,
- the Deutscher Städte- und Gemeindebund, the association of smaller towns and municipalities.

### **Konversion (Rüstungs- und Standortkonversion) – Conversion (regeneration) of military and arms-manufacturing sites**

In Germany the term “Konversion” (conversion) is used to refer to the preparation, implementation and application of all measures intended to promote the conversion of industrial plant used by the arms industry to render it available for civilian manufacturing purposes, and to the regeneration of military sites to enable non-military uses (site regeneration). As far as spatial development is concerned, the most important aspect of conversion is site regeneration; particularly in towns and close to the *high-density nodes*, abandoned military land opens up new potential for urban development and for housing provision. However, these sites frequently pose a major problem due to the contamination found on them (*contaminated sites*), which in many cases has not been adequately recorded or assessed.

- Altlasten



## **Kreis – County**

A county is a *territorial corporation* in the form of an aggregation consisting of a number of municipalities. As a local authority it has the right of self-government. The term “rural county” also occurs and has the same meaning (cf. Fig. 1).

## **Kreislaufwirtschafts- und Abfallgesetz – Recycling and Waste Act (Federal)**

As far as Federal legislation is concerned, the law on waste is provided essentially by the Recycling and Waste Act. Principally this contains

- provisions on waste avoidance and recycling,
- principles to govern waste disposal,
- stipulations regarding the duty to dispose of waste,
- rules to govern the framing of regulations on waste disposal, and
- rules to govern the production of waste-management plans.

This statute is given more concrete definition in the laws on waste of the *Länder*.

- Abfallwirtschaftsplan
- Abfallwirtschaft

## **Kulturlandschaft – Cultural landscape**

A cultural landscape is a landscape area whose characteristics in terms of overall structure, land use, fauna and flora species and water and energy reserves have largely been shaped by human activity. The eco-systems it contains are thus predominantly anthropogenic. The term today includes all of the landscapes close to densely populated areas. These contrast with natural (or at least nearly-natural) landscapes.

- Naturlandschaft

## **Land – Land (federal state)**

In the context of the Federal Republic of Germany, the term *Land* (plural *Länder*) refers to the 16 constituent federal states (Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia). These exist alongside the central authority (the *Federation*) as politically autonomous entities with independent legislative powers. In German the *Länder* are commonly referred to as “Bundesländer” (literally “federal states”), although this term has no official or legal status (cf. Fig. 1).

## **Landesentwicklung – Land development**

*Land* development planning was originally defined as *Land*-level spatial planning with an added temporal and financial dimension.

- Landesplanung

## **Landesplanung – Land-level spatial planning**

*Land*-level spatial planning (Gm.: Landesplanung) is that component of public administration within the *Länder* which is responsible for drawing up comprehensive (i.e. supra-sectoral), supra-local and superordinate *spatial structure plans* in accordance with the *principles of comprehensive spatial planning*, and with co-ordinating all *plans and measures with spatial impacts* (cf. Fig. 2).

- Raumordnung
- Regionalplanung

## **Landesplanungsbehörde – Land planning authorities**

*Land* planning authorities are those *Land* authorities charged with the enforcement of spatial planning law. These authorities exist at the various levels of governance; thus there are:

- supreme *Land* planning authorities (at *Land* level)
- higher *Land* planning authorities/regional planning authorities (at regional level)
- lower *Land* planning authorities (at county level).

Some *Länder* have opted to dispense with lower planning authorities. The legislation on spatial planning in all of the *Länder* is consistent in vesting in each of the *Land* planning authorities the advisory and supervisory functions relevant to the role it plays within the overall system. In turn, all subordinate *Land* planning authorities are subject to a duty to notify and inform the respective higher authorities of all *measures with spatial impacts*. *Land* planning authorities also have other duties to perform in co-ordinating the activities of a number of different *public planning agencies*, for example conducting *spatial planning procedures*.

## **Landesplanungsbeirat/Landesplanungsrat – Land planning council/Land planning advisory board**

Planning councils or advisory boards on spatial planning at *Land* level (the terminology varies from *Land* to *Land*) participate in the production of *spatial structure plans* and support *Land*-level spatial planning by drawing up expert reports and submitting proposals and recommendations. These councils or boards report to the supreme planning authority of the *Land* and tend to comprise representatives of *local-authority umbrella associations* or of organisations representing business, the community or the arts and culture. In some *Länder* they may also include representatives of political parties.

## **Landesplanungsgesetz – Land planning acts**

*Land* planning acts are the acts of legislation to govern comprehensive spatial planning within their own territories adopted by the *Länder* on the basis of the Federal Spatial Planning Act. All of the *Länder* – except for the city-states of Berlin, Bremen and Hamburg – have enacted *Land* planning acts, however these are by no means consistent with regard to the way in which they are structured. Some *Länder* have opted to restrict the scope of legislation to organisational matters and to providing the instruments to be applied; others go beyond this minimum content and include stipulations of a material character in the form of *principles of spatial planning* (cf. Fig. 3).

- Raumordnungsrecht

## **Ländliche Räume – Rural areas**

Following a decision of the *Ministerial Conference on Spatial Planning*, rural areas are defined as those areas located outside the boundaries of *spatial-order zones*. Two categories of rural space can be distinguished: rural areas with a predominantly favourable structure, and *structurally weak rural areas*. The Spatial Planning Act contains *principles of spatial development* to cover the development of rural areas. According to these principles, rural areas are to be developed as areas both for living in and for commercial activity in their own right; measures are to be introduced to promote balanced population structure. The *central places* found in rural areas are to be supported as the focus for development within the immediate locality. Equally, the ecological functions of rural areas, and the vital contribution they make to the country as a whole, are to be protected

→ Raumkategorien

## **Landschaftsbild – Landscape quality, visual impact of the countryside**

The term “landscape quality” refers to the visual impact of the countryside, or of landscape structure, i.e. to the sensory perception of the landscape. It thus includes both objectively quantifiable structures of the actual landscape, as well as subjective or aesthetic value-judgements on the part of the observer.

## **Landschaftshaushalt/Naturhaushalt – Landscape balance/natural balance**

Landscape balance describes the pattern resulting from the constellation of reciprocal effects of living organisms and their inanimate environments within a landscape and between adjacent landscape areas.

Natural balance (or the balance of nature) refers to the cyclical relationships between energy and biological elements involving natural inputs, internal exchange and outputs; natural balance usually relates to ecosystems.

## **Landschaftspflege – Landscape conservation**

Landscape conservation is the totality of measures undertaken with the purpose of protecting and developing the long-term viable use of natural assets, and the diversity, particularity (distinctive character) and beauty of nature and landscapes.

## **Landschaftspflegerischer Begleitplan – Landscape conservation support plan**

The landscape conservation support plan takes the form of written text and a map, and sets out the measures required in the interests of nature protection and landscape conservation. The purpose of this plan is to compensate for any disturbance to the proper functioning of the interaction between the *natural balance* and *landscape quality* resulting from any adverse features of development measures which cannot be avoided or corrected by means of technical modifications to the development measure. The landscape conservation support plan represents the outcome of a planning procedure (the landscape conservation support planning procedure) and, with regard to its legal status, is a component part of the respective *sectoral plan*.

→ Ausgleichs- und Ersatzmaßnahme

→ Eingriffsregelung

## **Landschaftsplan – Landscape plan**

The landscape plan, which consists of a textual component and maps, lays out local requirements and the measures to be undertaken in order to implement the aims of nature protection and landscape conservation. Landscape plans are required to be produced as soon as, and to the extent that, they are called for on nature-protection and landscape-conservation grounds. Under the Federal Nature Protection Act, landscape plans are required to contain a description and appraisal of the current state of nature and of landscapes and to substantiate the proposals for the condition envisioned as the desired outcome of the plan and the measures to be adopted to achieve this state. The landscape plan is itself the product of a planning process (the landscape planning process). Full account has to be taken of the content of landscape plans during the statutory *weighing process* (of public and private interests) stipulated for *urban land-use plans*.

→ Landschaftsplanung

## **Landschaftsplanung – Landscape planning**

Landscape planning was formally introduced as a *planning instrument* at Federal level in 1976 in the Federal Nature Protection Act, following a model provided by the nature-protection legislation already in force in a number of the *Länder*. It is conceived as a cross-cutting instrument (i.e. joining up the responsibilities of a number of departments where these affect spatial development) dedicated to implementing nature-protection and landscape-conservation aims in both settled and non-settled areas. In terms of its geographical reach, landscape planning follows the pattern of comprehensive spatial planning and covers all parts of the territory. It is also divided into three stages:

- the landscape programme
- the landscape outline plan
- the landscape plan.

However, the Federal Nature Protection Act allows a good deal of latitude regarding the precise manner in which landscape planning is to be organised; this has in fact allowed some *Länder* (including the city-states) to opt to dispense with the stage of drawing up *landscape programmes*.

The term “landscape planning” is also used to refer to the various processes leading to the production of a *landscape programme*, a *landscape outline plan* or a *landscape plan*.

- Landschaftsplan
- Landschaftsrahmenplan
- Landschaftsprogramm

## **Landschaftsprogramm – Landscape programme**

The landscape programme covers the entire territory of a *Land* and sets out supra-local requirements and the measures to be undertaken in the interests of nature protection and landscape conservation in accordance with the *aims of comprehensive spatial development*.

→ Landschaftsplanung

### **Landschaftsrahmenplan – Landscape outline plan**

Landscape outline plans cover separate sections of the territory of a *Land* (*regions*) and set out supra-local requirements and the measures to be undertaken in the interests of nature protection and landscape conservation in accordance with the *aims of comprehensive spatial development*.

→ Landschaftsplanung

### **Landschaftsschutzgebiet – Landscape conservation area**

Landscape conservation areas are sites specifically designated as having legally binding protected status. This status is conferred when an area warrants special protection (of nature or of the landscape) in order to maintain or restore the efficient functioning of the *natural balance* or the viable use of natural assets, or because of its special importance for recreation.

Landscape conservation areas differ from *nature protection areas* and *national parks* in respect of the significantly lower level of protection they enjoy. They may also be designated to provide protection for *cultural landscapes*.

→ Unterschutzstellung

### **Landwirtschaftskammer – Chamber of agriculture**

The chamber of agriculture is a professional association set up to represent the interests of the agricultural and forestry industries. Each chamber represents one *Land*, or in some cases a part of a *Land*.

### **Leitbilder der räumlichen Entwicklung – Perspectives for spatial development**

The Spatial Planning Act lays a duty on the Federal ministry responsible for spatial planning to co-operate with the planning authorities of the *Länder* to develop out of the *spatial structure plans* of the *Länder* what are described as “Perspectives for the Spatial Development of the Federal Territory and of Regions Extending beyond the Boundaries of Individual *Länder*”<sup>1</sup>. These perspectives are informal in character and are intended to contribute to adding more concrete material and geographical definition to the *principles of comprehensive spatial planning* in a manner capable of supporting the co-ordination of *plans and measures with spatial impacts* initiated by the Federation and by the European Union.

### **Leitvorstellung der Raumordnung – Essential purpose of spatial planning**

According to the Spatial Planning Act, the essential purpose of spatial planning is to achieve “sustainable spatial development capable of reconciling the social and economic demands placed on the land (or “space”) with its ecological functions and of bringing about an ordered and enduring pattern of spatial structure throughout the entire territory of the Federal Republic of Germany”. The guiding vision of *sustainable spatial development* is elaborated on in the form of eight component features. This *essential purpose of spatial planning* is to be seen as

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<sup>1</sup> Original title: “Leitbilder der räumlichen Entwicklung des Bundesgebietes oder von über die *Länder* hinausgreifenden Zusammenhängen”.

both a precept for action in the execution of the spatial planning function, and as a maxim to guide the interpretation and application of the *principles of comprehensive spatial planning*.

- Nachhaltige Raumentwicklung
- Nachhaltigkeit

### **Liegenschaftskataster – Land survey register**

The land survey register is a record consisting of books and maps detailing all of the real properties, and their main constituents, located within the territory of a municipality, as required for legal, administrative, economic and statistical purposes. The unit of record in the land survey register is the “plot” (Gm.: Flurstück); a *property* (Gm.: Grundstück) may consist of more than one plot.

- Grundbuch
- Grundstück

### **Luftreinhalteplanung – Clean-air planning**

The instruments of clean-air planning are:

- the designation of certain areas as pollution areas
- emissions registers
- clean-air plans.

Pollution areas are those areas which either are or can be expected to be affected by air pollution, and which may to a significant degree be a source of adverse environmental impacts as a result of

- the frequency and duration of air-borne pollution,
- high concentrations of pollution, or
- the danger posed by the combination of different types of air pollution.

An area is designated as a pollution area by means of an ordinance issued by the relative *Land* government.

The competent authority (under *Land* law) is required to maintain an emissions register for the designated pollution areas to record details of the nature, quantity and geographical and temporal distribution of pollutant substances released by specific plant or vehicles, and on the conditions under which pollution is emitted.

In the case of a pollution area which either is or can be expected to be adversely affected by air pollution, either in part or in its entirety, the authority is required to draw up a clean-air plan to record

- the type and degree of identified or anticipated air-borne pollution, and the adverse environmental impacts which this may induce,
- observations on the causes of air-borne pollution, and
- measures to prevent air pollution and provisions for precautionary action.

- Bundesimmissionsschutzgesetz

## **Maß der baulichen Nutzung – Density of built use**

The main purpose of making stipulations on the density of built use is to determine the density of development and the construction height of physical structures, and the proportion of a development site which may be built on. The density of built use can be determined by including stipulations on

- the *site occupancy index* and the proportion of the ground area to be covered by physical structures (*built surface area*),
- the *floor-space index*, or the actual floor space,
- the *cubic index*, or the cubic capacity permitted for a physical structure,
- the number of storeys proper,
- the height of construction.

Where the general density of built use is indicated in the *preparatory land-use plan*, it is sufficient for stipulations to be made only on the *floor-space index*, the *cubic index* or the height of construction. When designations of density of built use are included in a binding *local development plan*, such designations must always include the *site occupancy index* or the proportion of the site to be covered by physical structures; designations on the number of storeys proper and on the height of construction are to be included if the failure to make designations on these matters might be harmful to the interests of the general public, and in particular cause impairment to the town- or landscape.

- Baumassenzahl
- Baunutzungsverordnung
- Geschoßflächenzahl
- Grundflächenzahl

## **Ministerkonferenz für Raumordnung (MKRO) – Ministerial Conference on Spatial Planning**

The Spatial Planning Act places a duty on the Federal government and on the governments of the *Länder* to consult with each other on fundamental issues relating to *comprehensive spatial planning* at Federal and *Land* levels. The Ministerial Conference on Spatial Planning, which brings together the Federal and *Land* ministers whose portfolios include spatial planning, was convened in 1967 specifically for this purpose.

Although the decisions taken by the Ministerial Conference have no binding effect, they have nonetheless made a major contribution to establishing a common consensus on the aims and purposes of comprehensive spatial planning in Germany.

## **Modal split – Modal split**

The term “modal split” expresses the possibility of dividing up the total traffic volume according to different modes of transport (e.g. private cars, public transport, bicycles).

- Individualverkehr
- Öffentlicher Personennahverkehr

### **Moderation, Mediation – Moderation, mediation**

The broad spectrum of new methods for seeking consensus which go beyond the traditional approaches widely used in politics and in planning authorities can be reduced to three basic types: negotiation, moderation and mediation. Although it is possible to make a clear formal distinction between these three informal approaches geared to fostering co-operation within the planning process and to supporting conflict resolution, in practice the distinctions tend to be somewhat blurred.

The purpose of negotiation within the planning process is to achieve a specific objective and to balance advantages and disadvantages among the various parties affected.

*Moderators* are employed to seek out joint and efficient solutions to planning problems. Their role is to contribute to ensuring that planning processes are conducted in a manner that is both rational and creative, that the scope for finding solutions to problems remains as broad as possible, and that it is utilised to its full extent. The prime task for any moderator is to create a clear conceptual structure for problem-solving processes, to spot possible stumbling blocks as soon as they appear, and to find ways of overcoming them.

On some occasions it may be advisable to appoint a *mediator*. The principle purpose of mediation procedures is to communicate the perceived sources of conflict to other parties, and to seek ways of working through these conflicts. This is by far the most difficult and the most demanding of the three approaches. Mediators need to display high levels of sensitivity – and the participants in mediation procedures must be committed to working together to find a mutually acceptable solution and common consensus.

→ Informelle Planungsansätze

### **Nachhaltige Raumentwicklung – Sustainable spatial development**

The Spatial Planning Act sees the concept of “sustainable spatial development” as the central guiding vision and principle to determine the content of comprehensive spatial planning in Germany. The challenge is to achieve a balance between the social and economic demands made on the land, on the one hand, and its ecological functions, and in so doing to establish a spatial order which is both sustainable in the long term and balanced with regard to the territory in its entirety.

→ Leitvorstellung der Raumordnung

→ Nachhaltigkeit

### **Nachhaltigkeit – Sustainability**

In conceptual terms, the sustainability principle, which is enshrined in both the Federal Nature Protection Act and in the Federal Forestry Act, means that natural resources should be used and managed only in a manner which leaves the capacity of ecosystems undepleted for future generations.

### **Nahverkehrsplan – Public-transport plan**

With the exception of Hamburg and the Saarland, the *Länder* have all included provisions in their local public-transport laws to require public-transport authorities to draw up public-transport plans in order to establish a framework for developing the public-transport network.



These plans are to be taken into account by the relevant authorities in their deliberations on whether to grant permission for a development project. There are very substantial differences among the *Länder* with regard to the content required to be included in public-transport plans.

→ öffentlicher Personennahverkehr (ÖPNV)

### **Nationalpark – National park**

National parks are expansive areas of countryside specifically designated and granted legally binding protected status by virtue of their distinct landscape assets, and which over the predominant part of their surface area meet the requirements for designation as a *nature protection area*. In terms of the general condition of the countryside they encompass, national parks should show very few – if any – signs of influence by human activity and serve primarily to sustain the greatest possible diversity of native fauna and flora.

The *Länder* are required to ensure that national parks enjoy the same level of protection as *nature protection areas* – with some allowances, however, being made to reflect that fact that they are considerably larger in size and contain some areas of settlement. Where there is no conflict with the purpose of protection, national parks should be accessible to the general public. The essential difference between national parks and *nature protection areas* is one of size. To date 14 national parks have been designated in the Federal Republic of Germany, covering a total area of around 750,000 hectares.

→ Unterschutzstellung

### **Natürliche Lebensgrundlagen – Natural foundations of life**

There is no definitive definition of what is meant by the phrase “the natural foundations of life”. It is used, firstly, to refer collectively to the soil, water and air as what are referred to as “environmental media” (elements); in a more general interpretation, the term also includes fauna and flora and the climate. Despite the uncertainty about its meaning, the phrase appears in a number of pieces of legislation, e.g. in the Spatial Planning Act and in the Federal Building Code. Thus, the Spatial Planning Act calls for the structure of the entire territory of the Federal Republic of Germany to be developed in a manner conducive to preserving, securing and developing (among other things) the “natural foundations of life”; the Federal Building Code, on the other hand, states that *urban land-use plans* should contribute to securing an environment fit for human beings and to protecting and developing the “natural foundations of life”<sup>1</sup>. The term “natural resources” is often used in the same sense as “natural foundations of life”.

### **Naturdenkmal – Natural monument**

Natural monuments are natural features which have been granted legally binding protected status by virtue of their particular interest in terms of scientific value, natural history or cultural importance for the locality, or because of their rarity, distinctive character or beauty.

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<sup>1</sup> Translator’s note: Although the German term refers only to “life”, it is usually interpreted to mean “human life” or “human existence”.

Protection may be extended to include the surrounding area where this is considered necessary for the protection of the natural monument. Natural monuments fall into the category of “protected objects” (*protected status*).

→ Unterschutzstellung

### **Naturlandschaft – Natural landscape**

Natural landscapes are those landscapes which have remained unaffected by direct human intervention or activity, and which have evolved simply through the interplay of the prevailing natural and ecological factors. Natural landscapes are today only to be found in sparsely populated areas or in developing countries. *Nature protection areas* and *national parks* represent an attempt to preserve areas with near-natural landscapes and to assist them to develop into natural landscapes. Natural and near-natural landscapes contrast with *cultural landscapes*.

→ Kulturlandschaft

### **Naturpark – Nature park**

Nature parks are large expanses of the countryside particularly conducive by virtue of their landscape assets to recreational purposes and granted protected status under a statutory order (an *ordinance*). Nature parks, which are predominantly *landscape-conservation areas* or *nature-protection areas*, are required to be maintained and developed as a single unit; in accordance with the *principles and aims of spatial planning*, they are also to be considered as suitable for recreational use and for tourism.

→ Unterschutzstellung

### **Naturraum/naturräumliche Gliederung – Geographical classification of natural landscapes**

The geographical classification of natural landscapes is a method for isolating, recording and depicting the features of landscapes of different dimensions and differing from each other in ecological terms. Geographical classification can be undertaken for landscapes of different sizes; the maps to depict landscapes consequently may be produced to different scales. Maps depicting geographical classifications for the entire territory of the Federal Republic of Germany exist to the scales of 1:1,000,000 und 1:200,000.

The smallest units of geographical classification – called “basic units” – display a high level of geographical/ecological homogeneity. Even the next unit up (as well as intermediate units – “lower units” and “main units”) is heterogeneous in respect of landscape ecology. These units always comprise a number of comparatively homogenous basic units combining to form a distinct geographical structure (a complex feature). The formal structure of a feature is not the decisive criterion for determining the type of unit; questions of the *natural balance* are also important. For a number of basic units to be deemed to constitute a higher-order unit, they must have a certain number of natural features in common (i.e. relating to the *natural balance*). The overall system of geographical classification is hierarchical in its design with each tier covering areas of different dimensions and subject to different methods of investigation and demarcation.

## **Naturschutz/Naturschutzrecht – Nature protection/nature protection law**

Nature protection covers the whole range of measures undertaken for the purpose of developing and ensuring the continued evolution of wild species of fauna and flora in their natural and historical diversity and in their natural habitats and to conserve *natural landscapes* and sections of landscapes. Nature protection law, the legal basis for nature protection, has a number of different legal sources, the most important being EU law, which has adopted the Washington Convention on Endangered Species for the EU territory, the Federal Nature Protection Act, and the nature-protection statutes of the *Länder*.

- Artenschutz
- Bundesnaturschutzgesetz

## **Naturschutzgebiet – Nature protection area/nature reserve**

Nature protection areas (or nature reserves) are sites specifically designated and granted legally binding protected status. This status is conferred when an area warrants special protection in order to safeguard natural features and landscapes, either throughout the site or in certain parts of the site, and thus to preserve natural habitats or biotopes of certain species of wild fauna and flora. *Protected status* may also be granted by virtue of the special interest of the site in terms of scientific value, natural history or cultural importance for the locality, or because of its rarity, distinctive character or beauty.

Within nature protection areas there is a ban on all activities capable of leading to destruction, damage or long-term disturbance to the site. The designation of a site as a nature protection area represents the highest possible degree of nature protection and landscape conservation provided under the Federal Nature Protection Act.

- Unterschutzstellung

## **Öffentliche Planungsträger – Public planning agency**

Planning agencies are those institutions to which responsibilities have been assigned under Federal or *Land* law for the discharge of planning tasks at the various levels of comprehensive planning and of *sectoral planning*. Public planning agencies are those public authorities whose duties include tasks of planning of a kind which requires the taking of land or which influences the spatial development of the area concerned.

## **Öffentliche Stellen – Public authorities**

The term “public authorities” refers to administrative authorities of the Federation or of the *Länder*, to local authorities, to Federal corporations, institutions and foundations governed by public law, and to equivalent bodies set up by and operating under the supervision of the *Länder*.

## **Öffentlicher Personennahverkehr (ÖPNV) – Public transport**

Although there are a great number of statutory rules dealing with public transport, this term has in fact never been defined definitively. However, the fundamental characteristic of “public transport” (the German term literally means “public local transport for the carriage of people”) is that it is “public”, i.e. it refers to those means of transport which, by their very purpose, are

available to anyone to travel on. In this respect, public transport contrasts importantly with motorised *individual transport*. Public transport is a key component of modern supra-sectoral spatial planning.

- Individualverkehr
- Modal split

### **Öffentliches Baurecht – Public building law**

The public building law of the Federal Republic of Germany can be divided into *planning law* (urban development law) and *building regulations law*. Whereas *planning law* is a matter of Federal legislation, *building regulations law* falls within the legislative powers of the *Länder* (cf. Fig. 3).

- Bauordnungsrecht (Bauaufsichtsrecht)
- Bauplanungsrecht (Städtebaurecht)

### **Öffentlichkeitsbeteiligung – Public participation**

The participation of the general public (i.e. of “citizens”) in the spatial planning process is laid down in the Federal Building Code as a binding requirement of *urban land-use planning*. Municipalities are required to advertise the aims and purposes of planning measures and to provide opportunities for the general public to be heard.

At the levels of *Land-level* spatial planning and *regional planning*, the only channel usually open to the public for participation is via the *municipalities* in which they live. It remains up to the *Länder* to determine whether and, if so, to what extent the general public are to be directly involved in a *spatial planning procedure*. The most intensive forms of public participation occur within *informal planning approaches*.

Since January 1st 1998 the *Länder* have been empowered under the Spatial Planning Act to allow the general public to participate or be involved in the procedure to draw up *spatial structure plans*.

- Informelle Planungsansätze
- Raumordnungsverfahren

### **Ordnungsraum – Spatial-order zone**

A *spatial-order zone* comprises a *high-density node* plus the outlying areas around its rim. The central criterion for defining such a zone is the high levels of commuting which take place between the outer rim and the urban hub. In designated spatial-order zones, the main priority is placed on “ordering measures” to satisfy the requirements of *Land-level* spatial planning, known as *spatial-order measures*. Every section of the territory of the Federal Republic of Germany can be categorised as forming part either of a *spatial-order zone* or of a *rural area*.

- Ländliche Räume
- Raumkategorien
- Verdichtete Räume/Verdichtungsräume

## **Ortsplanung – Village planning**

The term “village planning” was used at one time to refer to local-authority planning for rural areas (villages).

## **Planfeststellungsverfahren – Planning approval procedure**

The purpose of a planning approval procedure is to determine whether a particular development project with spatial impacts is to be permitted to proceed. This procedure involves weighing and balancing both the interests of the developer and any public or private interests which might be affected by the development project. It concludes with a legally binding decision. The precise details of planning approval procedures are governed by the Federal and *Land* laws on administrative procedure and are in fact very similar throughout the country. One distinctive feature of a planning approval procedure is that it replaces all of the administrative decisions otherwise required to proceed with a development project (e.g. *building permission*, consents, approvals), and that it regulates all of the legal relationships which exist between the developer and those affected by the proposed development. In its very essence, planning approval procedures are all-embracing and serve to concentrate decision-making and to shape the legal situation. The planning approval procedure culminates in the decision on planning approval.

→ Planungsrecht

## **Planungselement – Planning element**

In setting out the *aims of spatial planning*, *spatial structure plans* draw on a number of planning elements of both conceptual and instrumental importance. The key planning elements are:

- *axes*,
- *functions of comprehensive Federal and Land-level spatial planning*,
- *zones/land-use categories*,
- *planning targets/guide values/target values*,
- *central-place systems*.

- Achsen
- Funktionen in der Raumordnung und Landesplanung
- Raumkategorien
- Richtzahlen/Richtwerte/Orientierungswerte
- Zentrale-Orte-Systeme

## **Planerhaltung – Plan maintenance**

Both the Federal Building Code and the Spatial Planning Act contain provisions to maintain plans and provide planning certainty. These provisions state the circumstances under which flaws in procedure or formal violations of a rule of procedure are to be regarded as significant or negligible, and the implications of such flaws or violations for the validity of *urban land-use plans* or *spatial structure plans*. They also set time-limits for claiming violations of procedural or formal requirements or flaws in the conduct of the *weighing process*; failure to ob-

serve these time-limits leads to any violation of a regulation being deemed to be insignificant. Both statutes also provide supplementary procedures to allow non-insignificant flaws to be remedied without the plan in question being rendered invalid.

### **Planungshoheit der Gemeinden – Local planning autonomy**

Local (or municipal) planning autonomy is the right accorded to German local authorities under the Basic Law to take responsibility for local planning on their territories. Planning autonomy is in fact derived from the constitutional right of self-government for municipalities (local government) enshrined in the Basic Law, and in the associated right to manage all the affairs of the local community. It is on this basis that the Federal Building Code stipulates that *urban land-use plans* are to be drawn up by municipalities on their own responsibility. However, the right of self-government granted to local authorities is not unconditional, but exists “within the limits set by law” (in the wording of the Basic Law). Important examples of such limits can be seen in the relationship between *urban land-use planning* and *comprehensive (Federal and Land-level) spatial planning*.

### **Planungsinstrument – Planning instrument**

The tasks of *comprehensive (Federal and Land-level) spatial planning* are performed by means of an array of powerful statutory instruments, which includes the comprehensive superordinate *spatial structure plans* required to be drawn up as a vital component of Federal and Land-level spatial planning. These instruments are referred to as *planning instruments*.

- Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung
- Raumordnungspläne

### **Planungsmarketing – Planning marketing**

The term “planning marketing” refers to a relatively new strategy under which the marketing approach typical in the commercial sector – and with it the associated methods of corporate management – is applied to *regional planning* and to local-authority planning and planning policy.

Where this strategy is applied to local-authority planning and planning policy, individual municipalities turn to civic marketing in their endeavour to gain a competitive advantage over other municipalities. Characteristic features of this approach include thinking in terms of “target groups”, and “customer orientation”, the “customers” here being citizens, businesses, professional associations etc., i.e. the addressees of public planning policy.

### **Planungsrecht – Planning law**

The panoply of legal foundations governing planning is usually divided into two categories: general planning law (planning and building law), and *sectoral planning law*. General planning law encompasses *spatial planning law* and *public building law*. Public building law comprises *urban development law* and *building regulations law* (building control law). Planning and building law contains regulations both on cross-sectoral (normally co-ordinated) planning schemes, and on building construction.

*Sectoral planning law* regulates the functions and responsibilities of the various sectoral authorities, and in particular formal *planning approval procedures* for those installations or structures planned and realised by these authorities (cf. Fig. 3).

- Bauordnungsrecht (Bauaufsichtsrecht)
- Bauplanungsrecht (Städtebaurecht)
- Öffentliches Baurecht
- Planfeststellungsverfahren
- Raumordnungsrecht

### **Planzeichenverordnung – Planning Symbols Ordinance**

The Planning Symbols Ordinance defines the way in which the substantive content of *urban land-use plans* is to be depicted graphically. It supplements the provisions on *urban land-use planning* contained in the Federal Building Code and in the Land Utilisation Ordinance. The Planning Symbols Ordinance lays down the requirements and rules to be observed during the production of the maps required as component parts of *urban land-use plans* in converting into graphic form the provisions contained in the Land Utilisation Ordinance.

- Baugesetzbuch
- Baunutzungsverordnung

### **Projekt-, Planungsmanagement – Project and planning management**

A wide range of initiatives have been launched with the purpose of expediting the planning and administrative procedures associated specifically with major investment projects. Project management (or planning management) is applied particularly at the intermediate, regional level of administration (i.e. the *districts under a regional commissioner*).

The value of this instrument lies in the fact that it promotes a project-oriented and co-operative approach characterised by closer co-operation with the actual “implementers” of major projects – usually the sectoral authorities. The usual practice is to concentrate on “flag-ship projects” which highlight the strengths and weaknesses of the area concerned. The idea underlying this approach is that it is easier to establish solidarity around a project than to create solidarity focused on a physical area or *space*.

### **Raum – Space, territory**

In the context of planning in Germany, the term “Raum” (translated as *space*, as in *spatial planning* – “Raumordnung”) refers to those areas of the country which have been settled, occupied or otherwise influenced by man. This environment for human life, with its associated economic, social and political dimensions, can be identified as:

- natural space, with *natural landscape* features, landscape qualities and *visual impacts*,
- cultural space, shaped by anthropogenic influences,
- administrative space, the territorial manifestation of political/administrative systems.

In the sense in which this term is used in planning, “space” refers to a section of the earth’s surface, including all the strata below the surface and the atmosphere above. As the environment for human life, the natural content of this space is subject to constant influence and change resulting from human activity.

- Raumforschung
- Räumliche Bezugsebenen
- Raumplanung

### **Raumbedeutsame Planungen und Maßnahmen – Plans and measures with spatial impacts**

A spatial impact is deemed to be induced by those plans (including *spatial structure plans*, planning measures and other forms of planning) which “take” land, or which otherwise influence the spatial development or function of an area. The term “plans and measures with spatial impacts” also includes the use of public funds allocated for purposes associated with these plans.

### **Raubeobachtung – Spatial monitoring**

Spatial monitoring describes the activity of mapping the pattern of development and structures in evidence in a particular area by producing both statistics and maps. It covers such structural elements as population, economy, employment, agriculture, tourism, etc.

### **Raumforschung – Spatial research**

Spatial research is concerned with exploring and studying certain sections of the surface of the earth, and in particular with the problems associated with the manner in which it has been settled, exploited and shaped by man. The purpose of spatial research is to establish a solid scientific platform for *comprehensive spatial planning* at both Federal and *Land* levels. Two important institutions in the Federal Republic of Germany committed to spatial research are the “Akademie für Raumforschung und Landesplanung” (the ARL, known in English as the German Academy for Regional Research and Regional Planning) and the “Bundesamt für Bauwesen und Raumordnung” (BBR – Federal Office for Building and Regional Planning<sup>1</sup>).

The ARL is an independent, non-university research establishment which is active throughout the entire country. Working both on its own and in co-operation with other institutions, both within Germany and abroad, its role is geared to fostering an interdisciplinary approach to planning, collating and promoting both fundamental and application-oriented research. The strategic approach which the ARL adopts towards research consists in bringing together the research findings produced within the individual disciplines represented in universities and other research establishments, on the one hand, and the practical, specialist knowledge found in political and administrative circles (e.g. among the practitioners of planning). Within the ARL, these research findings and practical knowledge are appraised from a variety of spatial perspectives and developed further into a shape suitable to be made available as inputs for spatial policy, public administration and for planning.

The Federal Office for Building and Regional Planning (BBR) was created on January 1st 1998 with the merger of two Federal authorities attached to the Federal Ministry for Regional Planning, Building and Urban Development: the Federal Building Directorate (“Bundesbaudirektion” – BBD) and the Federal Regional Studies and Research Institute (“Bundesforschung-

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<sup>1</sup> Using the terminology of this glossary, the ARL would be called the “German Academy for Spatial Research and *Land*-level Spatial Planning” and the BBR the “Federal Office for Building and Federal-level Spatial Planning”.



sanstalt für Landeskunde und Raumordnung” – BfLR). This new agency’s remit takes in the most important of the Federal tasks in the field of civil engineering (construction), including those of the supreme constitutional organs and of Federal authorities, as well as the promotion of research into construction and building, studies into the economic viability of particular locations, and providing scientific support for the Federal government’s spatial-planning, urban-development and housing policies.

### **Raumkategorien – Zones/land-use categories**

Zones (or land-use categories) are areas clearly defined according to specific criteria in which structures of the same type are to be found and/or purposes of the same type are intended to be pursued. The following zone types exist:

- *rural areas*
- *spatial-order zones*
- *structurally weak areas*
- *high-density nodes.*

### **Räumliche Bezugsebenen – Territorial categories**

In the context of planning in Germany, a number of terms are used to refer to sections of the ground. These include: “Grundstück”, “Boden” (and “Grund und Boden”), “Fläche”, “Bereich”, “Gebiet” and “Raum”. With the exception of the term “Grundstück” (translated here as *property*), these terms have not been defined in law; consequently, their use is by no means consistent and there may on occasions be a good deal of overlap between them. The English words used here to refer to this semantic field (plot, land, area, zone, district, space, territory, etc.) are similarly “fuzzy”. There can therefore be no question of a one-to-one relationship between the German and the English terms.

The German term “Boden” (or “Grund und Boden” – roughly: land) refers to that part of the earth’s surface which is made up of “solid ground”; this is both a source of raw materials and the fertile medium for agricultural production, and at the same time provides sites for housing, work premises and infrastructure.

“Fläche” (roughly: area) is a term taken from geometry and refers to a two-dimensional expanse of the ground.

“Bereich” and “Gebiet ” (zone and district – also translated as area) are used to refer to a section of the ground where demarcation has been made according to specific criteria.

The terms “Grundstück” (*plot*) and “Raum” (*space*) have their own entries.

It is not possible to draw any general conclusions from the way these terms are used about the actual size of the areas concerned. Some of these terms also occur in compounds or phrases which have been given legal definitions, e.g. “Bodenordnung” (*land reallocation*), “Bauflächen” – *development zones*, “Außenbereich” – *outer zone*, “Wasserschutzgebiet” – *water protection area*, or “ländlicher Raum” – *rural space* (or areas).

- Außenbereich
- Baufläche
- Bodenordnung
- Grundstück

- Ländliche Räume
- Raum
- Vorranggebiet
- Wasserschutzgebiet

### **Raumordnung – Spatial planning**

According to the definition handed down by the Federal Constitutional Court, the most critical term in planning in Germany, namely “Raumordnung”, refers to a comprehensive (i.e. supra-sectoral), supra-local and superordinate tier of planning aimed at establishing spatial order and setting the general direction for development. The attribute “comprehensive” emphasises the function of co-ordinating and harmonising those elements of the various types of *sectoral planning* which have spatial impacts. “Supra-local” indicates that the territory affected by this tier of planning extends beyond the boundaries and jurisdictions of local authorities. The “superordinate” character of spatial planning is a reflection of the power of the State to play an all-embracing and co-ordinating role with regard to planning by virtue of its sovereign powers for the entire national territory. As a consequence of this, all *public planning agencies* are subject to State authority (i.e. the authority of the Federation and the *Länder*) and are thus bound by the guidance for *comprehensive spatial planning* set by the *Land* in question.

- Landesplanung

### **Raumordnungsbericht/Landesentwicklungsbericht– Spatial development report/ Land development report**

Spatial development reports (Federal) and *Land* development reports are the reports required to be submitted at regular intervals to the Federal and *Land* parliaments respectively. The purpose of such reports is to provide information, both to the members of these parliaments and to the general public, on the current state of spatial development, and in particular on progress in implementing the *aims of (Federal and Land-level) spatial planning*, on current trends in spatial development and on significant schemes planned for future implementation.

- Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

### **Raumordnungsgesetz – Spatial Planning Act (Federal)**

The Federal Spatial Planning Act has recently been substantially overhauled. The revised Spatial Planning Act, which entered into force on January 1st 1998, is divided into four parts, each covering a different area of the subject-matter regulated by the Act:

Part 1 contains all the general provisions which apply directly to spatial planning at Federal and *Land* levels. These cover the function and *essential purpose of spatial planning*, the *principles of comprehensive spatial planning* and definitions of key terms; they also establish the binding legal effects which attach to the *requirements of comprehensive spatial planning*.

Part 2 assigns powers to the Federation to pass framework legislation to guide spatial planning in the *Länder*, and, as well as setting out the rules to be observed in drawing up *spatial structure plans*, provides the *instruments to secure and implement the aims of comprehensive spatial planning*. As this is all framework legislation, the matters dealt with in Part 2 need to be

implemented through legislation in the individual *Länder*. Part 2 also establishes the powers to issue statutory orders (*ordinances*).

Part 3 regulates spatial planning at Federal level and introduces the duty of mutual notification and consultation on the part of the Federation and the *Länder*. Particular emphasis is given to the role played by Federal-level spatial planning as the link between *Land*-level spatial planning, on the one hand, and spatial planning within a European context.

Part 4 covers the usual transitional and concluding provisions.

### **Raumordnungskataster – Spatial planning registers**

Spatial planning registers take the form of thematically organised collections of maps (usually to a scale of 1:25,000) which are produced and continually up-dated by the *Land* planning authorities. These maps collate information principally on the following areas:

- types of buildings and land uses;
- special sites and *special-use areas*;
- traffic planning and infrastructure;
- communication and military/civil defence;
- energy and water;
- nature protection and landscape planning;
- preservation of monuments, *realignment of agricultural land holdings* and mineral deposits.

Spatial planning registers provide a survey of current and planned land utilisation and thus represent an essential basis for co-ordinating sectoral plans and projects and for ensuring that these comply with the *principles and aims of comprehensive spatial planning*.

→ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

### **Raumordnungsklausel – Spatial planning clauses**

Spatial planning clauses are specific provisions contained in the Spatial Planning Act and in the Federal Building Code, as well as in sectoral planning legislation, which require all *planning schemes and measures with spatial impacts* to comply with the *requirements of comprehensive spatial planning*, or require the involvement of *Land* planning authorities in order that they may assert the *requirements of spatial planning*.

→ Fachplanungen (raumwirksame)

### **Raumordnungspläne – Spatial structure plans**

The term “spatial structure plan” is a generic term covering both the spatial structure plan drawn up to cover the entire territory of a *Land*, and the regional plans produced as plans for defined *regions* within a *Land*. The *Länder* are required under the Spatial Planning Act to draw up comprehensive, superordinate plans to cover the whole of their territories. The Spatial Planning Act also calls for regional plans to be produced in all *Länder* whose territories contain the *catchment areas* of a number of different *higher-order centres*. The *Länder* are allowed to produce regional and sectoral sub-plans. Spatial structure plans employ both textual components and maps to set out the principles to underlie future spatial structure and de-

velopment derived from *aims of spatial planning*. Spatial structure plans may also lay down principles of spatial planning to supplement and expand on the principles contained in the Spatial Planning Act.

### **Raumordnungspolitischer Handlungsrahmen – Framework for action in spatial planning policy**

Working from the *spatial planning policy guidelines* formulated in 1993, the Federation and the *Länder* have drawn up a framework for action in spatial planning policy (a medium-term work-schedule and action-plan) comprising 10 groups of concrete measures. This framework was formally adopted by the *Ministerial Conference on Spatial Planning* in the spring of 1996 and covers the following areas of spatial-planning policy:

- *regional development strategies*;
- *structurally weak rural areas*;
- *city networks*;
- the spread of areas of settlement and the conservation of resources in and around *high-density nodes*;
- co-operation on spatial planning within the European Union;
- the significance of European metropolitan regions for spatial development in Germany and in Europe;
- the continuation of cross-border co-operation;
- the long-term protection and development of the *natural foundations of life*;
- *relief measures* for areas suffering from severe traffic congestion;
- continued development of spatial planning law at Federal and Land levels.

The *spatial planning policy guidelines* and the *framework for action in spatial planning policy* together represent a major contribution to the future spatial development of both Germany and Europe.

→ Raumordnungspolitischer Orientierungsrahmen

### **Raumordnungspolitischer Orientierungsrahmen – Spatial planning policy guidelines**

The spatial planning policy guidelines drawn up in 1993 serve as a new vision and strategy for spatial development for the whole of Germany, taking into account the country's position within Europe. These guidelines place very clear emphasis on addressing the special situation found in Germany following reunification, and the need for the new *Länder* of the former East Germany to catch up with the standard of spatial development typically found in the west of the country. They thus seek to achieve the constitutional goal of "equivalent living conditions throughout all parts of the country" – and in particular in the "new *Länder*" – and, at the same time, to give recognition to the fundamentally altered situation now found in Europe (completion of the single European market, the opening up of Eastern Europe) by integrating this situation within a vision for spatial development. In addition, they contribute to safeguarding and developing the polycentric (decentralised) spatial and settlement structure of the country and to protecting the *natural foundations for life*.

Future spatial structure is described in terms of five visions on:

1. settlement structure;

2. environment and land use;
3. transport;
4. Europe;
5. structural order and development.

The spatial planning policy guidelines were framed by the Federal Ministry for Spatial Planning, Building and Urban Development; the *Länder* participated in this process through their representation in the *Ministerial Conference on Spatial Planning*.

→ Raumordnungspolitischer Handlungsrahmen

### **Raumordnungsrecht – Spatial planning law**

Spatial planning law governs comprehensive (i.e. supra-sectoral) spatial planning at Federal and *Land* levels, and at the regional level; this is distinct from *urban land-use planning*. One of the purposes of spatial planning law is to set the principles and aims to guide the ordering and development of the respective territory, and to provide guidance on how such aims are to be implemented. A further purpose of comprehensive spatial planning is to co-ordinate all of the measures undertaken by the various planning agencies where these measures have spatial impacts (*plans and measures with spatial impacts*). More specifically, spatial planning law provides the legal basis for:

- spatial planning at Federal level, through the Federal Spatial Planning Act
- spatial planning at *Land* level and *regional planning*, through the Federal Spatial Planning Act (framework legislation) and, more specifically, through the spatial planning acts of the individual *Länder*.

→ Landesplanungsgesetz

→ Raumordnungsgesetz

### **Raumordnungsverfahren – Spatial planning procedure**

The spatial planning procedure is a procedure of *Land*-level spatial planning which aims to co-ordinate the *various plans and measures with spatial impacts* and, if necessary, to bring them into line with the *requirements of comprehensive spatial planning*. Within the spatial planning procedure, an assessment is made as to whether a particular plan or measure is compatible with the location for which it is proposed. More particularly, the spatial planning procedure determines

- whether plans and measures with spatial impacts comply with the requirements of comprehensive spatial planning,
- how a number of different plans and measures with spatial impacts are to be co-ordinated or how they are to be implemented.

In a statutory order on spatial planning (of August 18th 1997), the Federal government (with the approval of the Federal Council) has enumerated the types of plans and measures which may become the subject of a spatial planning procedure in the case of such a plan or measure having spatial impacts or being of supra-local significance.

→ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

→ Umweltverträglichkeitsprüfung

### **Raumplanung – Planning (spatial)**

In general usage, the German term “Raumplanung” (planning) refers quite broadly to the various actions taken within a particular territory with the purpose of affecting or influencing the spatial development of the community, of industry and commerce, and of the natural, built and social environment. From the point of view of German planning law and planning administration, “Raumplanung” is the cover term which embraces three tiers of supra-sectoral planning: *spatial planning at Federal level* (Gm.: Raumordnung); *spatial planning at Land level* (Gm.: Landesplanung), which includes *regional planning* (Gm.: Regionalplanung); and *urban land-use planning* (Gm.: Bauleitplanung). These three tiers of planning are clearly defined in law and are quite distinct from each other in terms of both the material matters for which they are responsible and their organisational structures. At the same time, however, the law has ensured that these three tiers are closely interwoven in many different ways in order that they should together constitute a stringent and cohesive planning system. Finally, the supra-sectoral and co-ordinating remit which is a central aspect of the planning system (i.e. of “comprehensive” spatial planning) means that “Raumplanung” has to be seen as legally, organisationally and materially distinct from the various types of *sectoral planning* which also have spatial impacts (cf. Fig. 2).

### **Raumstruktur – Spatial structure**

Spatial structure refers to the physical make-up or composition of a particular territory. It is the result of the interplay of the entire range of factors which impact on the conditions which exist within the territory, i.e. both natural and administrative/political circumstances, human activity, the presence of housing and work premises, transport infrastructure, and leisure and recreational opportunities. Spatial structure thus emerges out of the totality of conditions affecting living and working in the territory; to a great extent, these conditions are mutually determining and combine to create and influence the pattern of spatial development structure. The term *spatial structure* frequently occurs in combination with *settlement structure* as “spatial and settlement structure”.

→ Siedlungsstruktur

### **Rechtsbehelf – Legal remedy**

The term “legal remedy” refers to the possibility of challenging administrative and (more particularly) judicial decisions. A distinction is made between informal procedures for seeking a legal remedy (e.g. raising objections to the designations proposed in a draft *local development plan*) and formal procedures (e.g. applications for judicial review of the validity of a *local development plan*).

### **Regierungsbezirk/Bezirk – District (under a regional commissioner)**

The majority of *Länder* have subdivided their territories into administrative districts, in which they have established regional branches of their own administrative authorities. The head of administration in these districts is the “regional commissioner” (Gm.: Regierungspräsident).

## **Region – Region**

Regions are planning areas located below the *Land* level, which are defined as a means of meeting the *requirements of comprehensive spatial planning*, and for which regional plans are required to be drawn up derived from the *spatial structure plan* for the entire territory of the respective *Land*.

→ Regionalplanung

## **Regionaler Flächennutzungsplan – Regional masterplan**

In situations where the responsibility for *regional planning* rests with a regional planning association (i.e. an association of local authorities), the Spatial Planning Act makes it possible in the areas around *high-density nodes* (or in urban areas of any other type characterised by the interconnectedness of spatial structure) for one single plan to function both as a regional plan and as a joint *preparatory land-use plan* (i.e. a preparatory land-use plan drawn up jointly by a number of municipalities to cover their collective territories, as permitted under the Spatial Planning Act). Where this option is followed, the regional plan has to satisfy the procedural and material requirements both of the Federal Building Code (as an *urban land-use plan*) and of the spatial planning legislation of the relevant *Land* (as a regional plan). This new type of plan dispenses with one level of planning by combining *regional planning* and *preparatory urban land-use planning*.

→ Flächennutzungsplan

→ Regionalkonferenz

## **Regionales Entwicklungskonzept (REK) – Regional development strategy**

The role of a regional development strategy, which contains a fully implementable programme of action, is to highlight the perspectives for joint development which exist within a region and to co-ordinate all major development schemes within the region. Bringing together the various protagonists active in the region on a voluntary basis is seen as a way of identifying, mobilising and targeting the region's *endogenous potentials* and strengths. Regional development strategies – which have no legally binding force and have a short- to medium-term horizon – are intended to supplement the formal, legally binding and longer-term instruments of planning (*spatial structure plans*). Based on the results of SWOT analysis (strengths, weaknesses, opportunities and threats) and a guiding vision for the region, regional development strategies should set priorities, indicate how the various measures proposed are related to each other, and put forward orientational values and proposals to co-ordinate the deployment of funding. The use of a regional development strategy to propose alternatives for dealing with selected planning problems, or for particular sub-regions, adds to the general acceptance with which planning is met; it allows procedures to resolve conflict to be set in train in good time.

→ Informelle Planungsansätze

→ Regionalkonferenz

## **Regionalkonferenz – Regional conference**

In recent years, regional conferences have increasingly been convened in connection with the framing of *regional development strategies* and action programmes. Especially where complex issues of a regional nature are involved, regional conferences are a way of launching a process of information sharing and co-ordination among regional actors – predominantly representatives of sectoral authorities, but also with as broad a cross-section of the general public as can be achieved. Just like round-tables and hearings, etc., regional conferences call for skilled *moderators*. Where the necessary professional skills are available among the permanent administrative staff, this role can be performed by a representative of the regional planning authority. For reasons both of the sheer physical size of a region and the wide range of issues involved in many of the problems facing a region, it is usually advisable for the workload associated with organising a regional conference to be shared. This might involve setting up working-parties, a regional advisory committee with its own offices, a regional bureau or a development agency.

- Informelle Planungsansätze
- Moderation, Mediation
- Öffentlichkeitsbeteiligung
- Regionales Entwicklungskonzept

## **Regionalplanung – Regional planning**

Regional planning is the task of settling the desired future course of spatial or physical structure and development for sections of a *Land (regions)* by drawing up regional plans. This task is assigned to regional planning authorities. Regional planning consequently has to be seen as a matter of comprehensive spatial planning for specific sections or *regions* within a *Land*. As such, regional planning is required to add concrete definition for the region concerned to the *spatial structure plan* drawn up for the entire *Land* territory, and to specify *aims of spatial planning* to be implemented within the region. Regional planning represents the vital link between the supra-local perspectives for development on the part of the *Land*, and the concrete decisions on the use of land (or *space*) taken at local level within *urban land-use planning*.

- Landesplanung
- Raumordnungspläne
- Träger der Regionalplanung

## **Regionalpolitik (Regionale Struktur- bzw. Wirtschaftspolitik) – Regional policy (regional structure and economic policy)**

The term “regional policy” draws together all of the various endeavours and measures undertaken for the purpose of alleviating regional imbalances resulting from either natural or economic circumstances and to create a more level playing-field for competition between the regions. Regional policy concentrates principally on regions marked by high levels of underemployment and unemployment, and by outward migration. Its chief aim is therefore to create new jobs, to provide opportunities for retraining and reskilling, and generally to improve the



living conditions in laggard regions. This is a matter directly related to the *joint responsibility* (of the Federation and the *Länder*) for “improving regional economic structures”.

→ Gemeinschaftsaufgabe

### **Regionalwissenschaft – Regional science**

Regional science is an interdisciplinary field committed to elucidating the spatial aspects of economic, political and social (i.e. human) activities. The defining elements of regional science are:

1. the explicit introduction of the spatial dimension into existing branches of science, and
2. interdisciplinary analyses of the spatial dimension.

The implication of this inclusion of a spatial dimension is that macro-economic and macro-societal phenomena may be considered from a regional perspective, which includes studying the interactions between regions within the overall system. The spatial dimension is implicit in studies into transport costs, distance and proximity, obstacles to communication and mobility, trade barriers and other types of spatial friction.

### **Rekultivierung – Recultivation, regeneration**

Recultivation (or “regeneration”) includes all of the measures required to reclaim sites and remodel landscapes which have been temporarily impaired or spoiled by economic activity. Damage of this kind (interventions and intrusions) may result from use of the land concerned for coal-mining, as a gravel pit, for slagheaps or as a site for dumping waste. The duty to recultivate or regenerate sites is enshrined in a number of different statutes, depending on the precise nature of the intrusion; in the cases of landfill sites for waste, for example, the relevant provisions are to be found in the Federal Recycling and Waste Act.

→ Braunkohlenplan

→ Braunkohleplanung

### **Richtfunkverbindung – Micro-wave links**

Micro-wave links are the straight lines of transmission required to send directional radio signals between two transmission stations. As this form of transmission calls for the line between the stations to be free from any obstructions, it is necessary to impose restrictions on the height of buildings. These technical requirements lead to the installations required for micro-wave links being granted special protection. They are deemed by dint of the service and supply function they perform to be “spatially significant” (i.e. to have spatial impacts; cf. *protection area*) and to be of supra-local importance. Consequently, micro-wave links have to be indicated in *spatial structure plans* and programmes and qualify for protection as one of the matters covered by the *aims of comprehensive spatial planning* at Federal and *Land* levels.

→ Schutzbereich

### **Richtzahlen/Richtwerte/Orientierungswerte – Planning targets/guide values/target figures**

In the present context, planning targets, guide values and target figures are numerical values for a particular planning area expressing the desired or anticipated development of population

size, jobs, housing, human settlements and of infrastructure endowment. Some *Länder* also set guide values or target values for nature-protection and conservation aims; such targets, for example, refer to increases in the surface area to be given over to woodland, or stipulate the area of land required to create a *habitat system*. Planning targets and guide or target values may have the status of binding targets, or they may serve simply as guidance for a defined period and permit a certain amount of latitude. They represent a common standard to be applied by all *public planning agencies*.

### **Rote Liste – Red List**

The Red List is a list of endangered animal and plant species in Germany, commissioned by the Federal government and, in some cases, supplemented by lists maintained by the individual *Länder*. Each animal and plant species has one of five levels of risk assigned to it:

- extinct or not recently sighted;
- threatened with extinction;
- severely endangered (numbers on the decline in almost all areas within the country where this species is encountered);
- endangered (numbers declining in large parts of the area in which it is encountered);
- potentially endangered (found only in certain areas).

### **Schutzbereich – Protection area**

A protection area is an area of land on which certain types of use are prohibited or restricted in order to provide protection for some other use. In terms of the direction of the protection afforded, two categories of protected areas can be distinguished:

- protection areas which themselves require protection from external sources of nuisance or impairment, i.e. the protection of a specific object or type of use against adverse impacts (or intrusions); this category includes *nature protection areas* and *water protection areas*;
- protection areas which give rise to a need for protection in order to prevent them being a source of nuisance or impairment to others, i.e. to afford protection to others against adverse impacts (or extrusions) emanating from the site; this category includes the noise protection areas alongside a busy motorway or around airports.

### **Siedlungsstruktur – Settlement structure**

Settlement structure is the quantitative and qualitative pattern of distribution of housing, work premises and infrastructure within a certain area. This term is often used in conjunction with the term *spatial structure*, and thus appears as “spatial and settlement structure”.

→ Raumstruktur

### **Sondergebiet – Special-use area**

The Land Utilisation Ordinance distinguishes between special-use areas serving recreational purposes and other types of special-use areas. In the case of the “other types”, special indications or designations are required to be made regarding the particular type of use envisaged. Such special-use types include shopping centres and large-scale retail outlets (both of which, depending on their actual nature, location and size, are capable of exerting significant impacts

on the implementation of the *aims of comprehensive spatial planning* or on ordered urban development), as well as other large-scale commercial operations supplying end-consumers and exerting impacts comparable to those associated with retail outlets. The “impacts” referred to here are, in particular, adverse environmental impacts, as well as the effects or implications of such uses for the existing infrastructure, traffic situation and utilities within their catchment areas, their impact on existing central shopping areas (town centres) within the same municipality or in other municipalities, on the townscape or landscape, and on the *natural balance*. Impacts of these types are generally assumed to be generated by any commercial operation with a floor space in excess of 1,200 square metres.

→ Baugebiet

### **Sozialprodukt – National product**

The national product (in German it is called the “social product”) is a measure of the outcome of the economic activity of a national economy over a given period. It represents the value of all of the goods and services produced during that period, minus the value of the goods consumed in the production of these goods and services. National product is the central element of macroeconomic accounting. It measures the outcome of the economic activities of the domestic population (permanent residents) both at home and abroad. Before allowing for depreciation and any reduction in the stock of capital goods it is termed the “gross national product” (GNP), and subsequently the “net national product”.

### **Städtebauliche Entwicklungsmaßnahmen – Urban development measures**

The purpose of urban development measures, as expressed in the Federal Building Code, is to subject local districts or other parts of the municipal territory to development for the first time in a manner which is in keeping with their particular significance for overall urban development within the municipality, or which is in accordance with the desired development for a section of the *Land* or the region, or to make such areas available for new development within the framework of urban reorganisation. Measures of this type are undertaken for the public good, and, in particular, in order to meet an increased demand for housing and places of employment, for the construction of public facilities or consequential developments, or in order to return derelict land to productive use. Moreover, urban development measures may only be undertaken where there is a public interest in uniform development and speedy implementation. By a resolution of the municipal council (the urban development statute), the municipality may formally designate an area in which urban development measures are to be implemented as an “urban development zone”. The municipality is then required to draw up *local development plans* for the urban development zone without delay and to undertake all of the measures required to implement the envisaged development within the urban development zone.

### **Städtebaulicher Vertrag – Urban development contract**

Municipalities are permitted to engage in public/private partnerships by means of urban development contracts. The subject of an urban development contract could, for example, be the preparation and implementation of *urban development measures* by, and at the expense of, the private partner to the contract. Measures of this type might include redrawing plot boundaries or soil-remediation measures. A further possible subject for an urban development contract

could involve actions to support or secure the aims underlying *urban development planning*, relating, for example, to the use of a *property*, to *mitigation measures* to offset adverse environmental impacts, or to meeting the housing needs of specific groups of the population. The municipality and a private partner may also enter into an urban development contract to settle the assumption of costs or other liabilities which the municipality has incurred or expects to incur in respect of *urban development measures* which are prerequisites or direct consequences of the planned development project (e.g. providing the site).

### **Städtebauliches Gebot – Urban-development enforcement orders**

The Federal Building Code groups together building orders, modernisation and refurbishment orders, planting orders and demolition orders under the collective heading of “urban-development enforcement orders”. The prerequisite for issuing orders of this type as instruments to support the implementation of a *local development plan* is that there is an urgent need for execution of these measures on urban development grounds. All property owners, tenants and leaseholders affected are to be informed of the manner in which the measures are to be executed; they are, however, obliged to tolerate these measures.

### **Städtebauliche Sanierungsmaßnahme – Urban redevelopment measures**

Urban redevelopment measures are defined in the Federal Building Code as those measures by means of which an area is substantially improved or transformed with the purpose of alleviating urban deficits. Measures of this type may be employed only where there is a public interest in uniform preparation and speedy implementation. Urban deficits may be a matter of the quality of the building fabric, i.e. where the existing state or condition of physical development in an area fails to meet the general needs of the people living or working within the area in respect of healthy living and working conditions and general safety; or they may be considered to exist when an area is seriously impaired in its ability to meet the requirements placed on it by virtue of its position and function. The urban redevelopment procedure is laid down in detail in the Federal Building Code; the important stages of this procedure include preparatory investigations, the drawing up of a social plan, public participation, formal designation of the redevelopment area, individual infrastructural measures undertaken for public-order purposes and also constructional measures to be executed prior to the formal designation of the redevelopment area, and completion of the redevelopment procedure. Special funds (urban redevelopment grants) may be allocated to cover the cost of preparing and implementing an urban redevelopment measure as one single, complete measure.

### **Städtenetz – City networks**

City networks can be seen principally as webs of reciprocal relationships established to foster co-operation. In order to mobilise *endogenous potential* around a particular problem, and to utilise this potential to maximum effect, it is essential for local authorities to work with each other as partners. One basis for creating city networks is provided by the *central-place system*; thus, city networks can be regarded as an additional *planning element* capable of making an important contribution to rendering the exercise of planning policy both more flexible and more oriented to action and implementation. As a new tool based on partnerships, city networks call for the appropriate structures to be put in place to promote co-operation. What is required is not hierarchies in the traditional mould, but rather partnerships of equals. More-

over, resource-hungry partnerships and networks will only work effectively when they are used to address concrete and core regional tasks with spatial impacts framed in terms of targets for implementation.

There are two different types of city networks. The first type is made up of inter-regional networks based on similarity of function; here physical proximity is not a relevant criterion. The aims of city networks of this type might include cities joining forces to assert common interests in an increasingly integrated Europe, whilst at the same time guarding their separate identities, and developing joint strategies for certain policy areas (e.g. university research, technology transfer, city marketing and culture).

The second type is formed by intraregional networks, where co-operation is rooted in physical proximity. Networks of this type aim to provide a common focus for the talents and locational assets which exist within a manageably-sized region, and to develop a sense of common regional identity, thereby reducing the rivalry which frequently exists among local authorities, achieving cost savings and exploiting synergies, and establishing a joint regional policy.

The Spatial Planning Act (Section 13) explicitly mandates that support is to be given to co-operation between local authorities aimed at reinforcing regional developments (i.e. city networks).

### **Stadtentwicklungsplanung – Urban development planning**

Urban development planning is that part of the planning activities of a municipality which is concerned with settling development aims either for the entire municipal territory or for specific sections of it. It thus sets the framework for urban development suited to meeting the social, cultural and economic needs of the community. This framework includes capital investment on the part of the municipality, where this has implications for urban development, and lays down the sequence and order of priority in which development projects are to be implemented. Urban development planning also serves to draw together and co-ordinate the various sectoral plans and to focus them on one common goal. It is this cross-sectoral dimension of urban development planning that sets it apart from *urban land-use planning*, the role of which is limited to preparing and steering the use of plots within the municipal territory for building or for other uses. A further difference between *urban development planning* and *urban land-use planning* (with its focus on drawing up *urban land-use plans*) lies in the fact that the former is concerned less with producing graphical representations of future spatial development than with preparing and issuing (predominantly) verbal statements on the aims and means of steering development. Urban development planning is not governed by Federal legislation; essentially it is up to the municipalities to decide informally and at their own discretion whether to make use of this *planning instrument*.

### **Stadterneuerung, Dorferneuerung – Urban renewal, village renewal**

The aim of urban and village renewal is to preserve, renew and revitalise towns and municipalities. Such measures strive to improve and adjust the settlement and built structure of all sections of the national territory, both to provide the general population with healthy living and working conditions and to meet changing social, hygienic, economic and cultural requirements. They also play an important part in improving economic and agricultural structure, satisfying conservation requirements, improving town- and village-scapes and the visual appeal of the countryside, and in the protection of historic buildings and monuments. Urban

renewal measures can be carried out by means of the *urban redevelopment* instrument. Some *Länder* have introduced special rules to apply to village renewal (village renewal guidelines) relating to such matters as the preparation and implementation of village development and renewal and grants to support such measures.

### **Stadtplanung – Town planning**

The role and purpose of town planning is to predict and provide the measures required to secure the ordered future development of a town (as the habitat for human life) in order for it to continue to meet both the needs of the local population and the requirements associated with protecting the environment. The measures to be prepared under the mantle of town planning include not only the construction of new buildings, structures and other installations, but also measures to preserve, improve or renew existing elements and structures. Town planning thus serves as a cover term embracing a number of other categories of planning, e.g. *urban land-use planning*, *urban redevelopment* and *urban development planning*.

It should, however, be added that there is no definitive legal definition of the term “town planning”; the terms *town planning* (Stadtplanung) and *urban development* (Städtebau) are often used synonymously.

### **Stadtregion – Urban region**

The term “urban region” is derived from a model for comparative analysis and research into processes of agglomeration and metropolitanisation developed in the 1950s at the ARL (the German Academy for Regional Research and Regional Planning; cf. *spatial research*). An urban region is that part of the area surrounding a major city whose inhabitants are engaged predominantly in occupations outside the agricultural sector and who look principally to the urban core area (or areas) for employment. The demarcation and internal structure of suburban space is based largely on features related to socio-economic structure and to the nature of the interactions with the central hub.

### **Strukturschwache Räume – Structurally weak areas**

The defining characteristic of “structurally weak areas” is that, seen as a whole, they fall significantly short of the national average in terms of living standards, or equally there is reason to fear that such an area will come to lag behind the rest of the country. The Spatial Planning Act calls for such areas to receive preferential treatment with regard to improving the prerequisites for development. This includes ensuring that adequate opportunities exist for acquiring vocational skills and for skilled employment, as well as improving the state of the environment and adding necessary infrastructure.

→ Raumkategorien

### **Subsidiarität – Subsidiarity**

Subsidiarity is a principle applied to the political organisation of a state under which higher levels of public authority (e.g. the Federation) should have only those duties or responsibilities assigned to them which cannot effectively be discharged at a lower level (e.g. by the *Länder*). The allocation of competences within the European Community is also intended to follow this principle.

### **Träger der Regionalplanung – Regional planning authority**

The regional planning authority is that public authority or institution which has been entrusted with the responsibility for drawing up and up-dating regional plans. Essentially, the Spatial Planning Act provides two different modes of organisation for *regional planning*: regional planning may be conducted by regional planning associations consisting of a number of municipalities and counties and formed specifically for the purpose of regional planning; or it may be conducted by State planning authorities, in which case the municipalities and counties affected participate within a formal procedure. Federal law does not appear to express a preference for one or the other of these options. As a result of this, regional planning is organised in different ways in the various *Länder*.

- Landesplanungsbehörden
- Öffentliche Planungsträger
- Regionalplanung

### **Träger öffentlicher Belange – Public bodies**

Public bodies are those public-law authorities and institutions which have a matter of public concern assigned to them either by law or by virtue of a law. Institutions which represent private interests (e.g. professional associations, such as the employers' association or trade associations) cannot constitute public bodies. The Federal Building Code calls for both *public authorities* and public bodies to be consulted at the earliest possible stage during the process of framing *urban land-use plans*. This right to participate in the planning process extends only to those public bodies whose assigned interests may be affected by a plan, and even then only on matters relating to their assigned interests. The decision as to just which public bodies might be affected has to be taken on a case-by-case basis. In the statements they submit to the municipality, public bodies are also required to provide information on any projects or measures which are either planned or have already been initiated (and on the time-scale for completion) if these measures are considered to be in any way significant for urban development and order.

### **Überbaubare Grundstücksfläche – Built surface area**

The built surface area, i.e. the proportion of the surface area of a site which may be built on, can be fixed by setting building lines, set-back lines and development depths (rear set-back lines). When a building line is stipulated, development must take place along this line. A set-back line sets a boundary line beyond which no building or part of a building on the site may extend; fixing the development depth is equivalent to setting a set-back line for the rear of the site. Minor departures may be permitted from all three of these limits.

- Baunutzungsverordnung

### **Umlegung – Land assembly**

The central instruments of *reallocation*, as provided in the Federal Building Code, are *land assembly* and the *adjustment of plot boundaries*. Land assembly is a land-swap procedure governed by public law. The purpose of this procedure, which may be applied within the area covered by a *local development plan* or in a built-up area, is to reorganise or open up specific

areas of both developed and undeveloped land for new development in such a manner as to assemble plots suitable in terms of location, shape and size for built development or for other uses. A land assembly procedure is ordered and executed by the municipality whenever and as soon as this is required to implement the *local development plan*. In this procedure the *properties* affected are first pooled; in the next stage all thoroughfares and green spaces are deducted, and subsequently the remaining area is redivided up among the property owners involved. A fundamental principle of this procedure is that property owners should end up with a property equal in value to their original property. Where this is not possible, *compensation* is paid.

- Bodenordnung
- Grenzregelung

### **Umweltqualitätsstandard – Environmental quality standard**

Environmental quality standards (also referred to as environmental standards) are a means of translating the often imprecise concepts introduced in environmental law (e.g. “adverse environmental impacts”) into quantifiable values; they define in precise detail the technical standards to be met by any development project with consequences for the environment. By standardising the imprecise concepts included in laws, and making it possible to apply them consistently, environmental standards make a major contribution to facilitating the enforcement of environmental law. According to their purpose, environmental standards can be divided into “environmental protection standards” and “precautionary standards”. The purpose of environmental protection standards is to avert hazards to the environment. These standards are based on known, assumed or estimated threshold values for environmental harm. By contrast, precautionary standards are fixed at levels below the danger limit. Their purpose is bring about a desired standard of environmental quality; these standards are based essentially on the technical means currently available to prevent the emission of harmful substances. Environmental quality standards vary with regard to their legal form. They may be issued in the form of an *ordinance*, as administrative regulations, or they may be internal rules and standards introduced by individual companies.

- Umweltqualitätsziel

### **Umweltqualitätsziel – Environmental quality target**

Environmental quality target specify or refer to certain qualities of resources, potentials or functions, defined in material, spatial or temporal terms, which are to be preserved or attained in specific situations. They may be scientifically, legally or politically defined and expand on general environmental policy and environmental planning objectives. These targets combine technical or scientific information with political and social values. Their orientation is to those affected by environmental pollution rather than to polluters, and, since there is no single measure of overall environmental quality, these targets always address certain parameters of environmental quality. In most cases, however, implementation of these targets cannot be direct, but takes place through *environmental quality standards* derived from the targets.

- Umweltqualitätsstandard



## **Umweltrecht – Environmental law**

Environmental law covers the totality of statutes and legal provisions adopted for the purpose of protecting the environment. Environmental law aims to guide human behaviour in such a manner that this behaviour does not come to constitute an unbearable burden to human and other life, and to the environment in general. Environmental law encompasses primarily those statutes which contain provisions explicitly intended to safeguard specific aspects of the environment. The matters covered in law include “nature protection”, “protection from immissions and radiological protection”, “waste disposal” and “protection of water bodies”.

It should be pointed out that there is to date no generally recognised definition of what constitutes “environmental law”. This has, however, not stopped this field from becoming widely accepted as a distinct area of law. The term “environmental protection law” is often used as a synonym for “environmental law”.

- Bundesbodenschutzgesetz
- Bundes-Immissionsschutzgesetz
- Bundesnaturschutzgesetz
- Kreislaufwirtschafts- und Abfallgesetz
- Naturschutz/Naturschutzrecht
- Wasserhaushaltsgesetz

## **Umweltverträglichkeitsprüfung – Environmental impact assessment**

Environmental impact assessment (EIA) is a constituent part of a number of administrative procedures concerned with determining whether a proposed development project is to be permitted. EIA is used to forecast, describe and assess the environmental effects of a development on

1. human beings, fauna and flora, the soil, water, air, climate and landscape, including interactions between any of these, and
2. cultural and any other material assets.

EIA involves *public participation*. The regulations governing EIA are laid down in the Environmental Impact Assessment Act, which enumerates in an annexe to the Act all of the projects and activities which are subject to EIA.

The purpose of EIA is to provide consistent principles to be applied to ensure that

- it is possible at an early stage to forecast, describe and assess in comprehensive terms the environmental impacts of development projects,
- the outcome of EIA is taken into account at the earliest possible stage of decision-making processes conducted by administrative authorities on whether a development project is to be permitted, and
- it is possible to undertake the required precautionary measures.

Primarily, therefore, EIA is an important precautionary instrument of environmental protection. It helps to prevent, reduce or mitigate the adverse environmental effects associated with a development project by subjecting the development proposal to systematic, prior scrutiny according to a set of defined minimum procedural and material standards. EIA is concerned with both whether a proposed development should be allowed to proceed, and with the manner in which it is to be implemented. By requiring co-operation between developers, *public*

*authorities* and the general public, EIA also puts into practice the principle of co-operative planning. As a precautionary instrument, EIA is characterised by the integrative approach it adopts and by the principle of early appraisal. EIA is currently being introduced throughout the European Union for plans and programmes (Plan EIA).

→ Vorsorgeprinzip

### **Untersagung raumordnungswidriger Planungen und Maßnahmen – Prohibition of plans and measures in conflict with the aims of comprehensive spatial planning**

A prohibition of plans and measures which are deemed to be in conflict with the aims of *comprehensive spatial planning* is either a temporary or an indefinite order issued on the basis of the Spatial Planning Act to prohibit certain *planning schemes and measures with spatial impacts*. An indefinite prohibition may be placed on planning schemes and measures proposed by *public authorities* where these are in conflict with the *aims of comprehensive spatial planning*. In such cases, these schemes and measures are considered to represent a violation of the duty of observance imposed by the Spatial Planning Act (in Section 4 para. 1), and thus to be materially unlawful. The same applies to those bodies with legal personality governed by private law whose plans and measures (to the extent that these have spatial impacts) are similarly subject to the duty of observance imposed by the Spatial Planning Act (Section 4 para. 3). A temporary prohibition may be issued in those cases where a conflicting aim of spatial planning is currently in the process of being introduced, amended, supplemented or revoked; in all of these cases the duty of observance does not apply.

→ Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung

### **Unterschutzstellung – Protected status**

The power to grant protected status to a site (i.e. to protect and develop sites and structures which warrant special protection, as provided under the Federal Nature Protection Act) is one of the classical implements of nature protection. This power allows sections of the landscape or of the natural environment which are of special merit to be designated as *nature protection areas, national parks, landscape conservation areas, nature parks, natural monuments* and protected components of landscapes.

Among these categories, a distinction is made between “protected areas” (e.g. *nature protection areas, national parks, landscape conservation areas* and *nature parks*) and “protected objects” (e.g. *natural monuments* or protected components of landscapes).

→ Landschaftsschutzgebiet

→ Nationalpark

→ Naturdenkmal

→ Naturschutzgebiet

### **Veränderungssperre – Development freeze**

Once a municipality has taken the decision to prepare a binding *local development plan*, it may opt to impose a development freeze in order to safeguard the planning for the area to be covered by the proposed plan. A development freeze may be used to prevent any developments or changes within the plan area which would impede or prevent implementation of the

municipality's plans for the area. A development freeze is formally adopted by the municipal council and has the legal status of a by-law. It expires after a period of two years, but may be extended by one year should this be required.

### **Verbandsklagerecht – Right of associations to institute legal action**

This is the right extended to recognised associations pursuing nature-protection and conservation aims to institute legal action against specific administrative actions. Under administrative law, instigators of legal action (plaintiffs) are usually required to claim that the action concerned represents a violation of their individual rights. The purpose of extending the right to institute legal action to associations is to provide protection for entities to which the public has a collective right (e.g. clean water, health) when this right cannot otherwise be asserted before the courts since it is not possible to identify an individual citizen who is adversely affected. The Federal Nature Protection Act does not grant rights to associations to institute legal proceedings. However, some *Länder* (e.g. Berlin, Bremen, Hamburg and Hesse) have to varying degrees enshrined this right in their own nature-protection legislation.

### **Verdichtete Räume/Verdichtungsräume — High-density nodes, urban areas**

Densely populated urban areas represent a spatial category identified in 1993 by the Ministerial Conference on Spatial Planning as “high-density nodes”, i.e. areas displaying a relatively high density of housing and work premises, with the associated implications these have for settlement structure. The key indicators to be used in defining high-density nodes were to be “settlement density” and “proportion of territory given over to settlement areas”.

Under the *principles of spatial planning* as contained in the Spatial Planning Act, high-density nodes are to be safeguarded as focal points for housing, manufacturing and services. Settlement development should be guided by the route pattern of an integrated transport system. Public transport should be made more attractive by establishing integrated alliances between public-transport providers and by creating an efficient network of public-transport nodes to support inter-modal transport links. Open spaces are to be secured and linked as elements of integrated open-space systems. Environmental damage is to be mitigated.

A number of other terms exist which are used more or less synonymously with the terms “high-density nodes” and “urban areas”; these include: urban centres, conurbations, conurbation areas, agglomerations, etc.

→ Raumkategorien

### **Verfahren (Aufstellungs- und Beteiligungsverfahren) – Procedures (plan-elaboration and participation procedures)**

A procedure is a formalised sequence of actions (i.e. with clearly defined, prescribed stages). All types of spatial planning (e.g. *Land-level spatial planning, regional planning, urban land-use planning* and *sectoral plans*) are subject to certain procedures governing both the elaboration of plans and participation. One procedure which is particularly rigorous (since it is enshrined in Federal law) is the procedure laid down in the Federal Building Code to govern the elaboration, supplementation, modification and revocation of *urban land-use plans*. The various procedural stages – starting with initiation of the procedure, through *participation procedures*, public display, and concluding with the plan (e.g. *urban land-use plans*) being formally

adopted and approved – are prescribed by statute. The procedure to allow *public participation* during the preparation of urban land-use plans is also standardised; this is a two-stage procedure. The first stage provides for the public to be informed at the earliest possible time through public advertisement of the general aims and purposes of the plan and of alternative proposals for the reorganisation or development of the plan area, and of the foreseeable impacts of the plan; at this point members of the public are to be given the opportunity to express their views and to gain further clarification. In the second phase of public participation, draft plans, and the accompanying explanatory report or justification, are placed on public display for a period of one month. During this period, members of the public are entitled to voice any objections to the plan or to make recommendations. The municipality is subsequently required to consider these objections and recommendations and to communicate the outcome of its deliberations to the people concerned.

### **Verflechtungsbereich – Catchment area**

In the use described here, the “catchment area” concept (translated more literally the German term means “area of interaction” and thus also includes the idea of “outreach”) is a component of the *central-place system* and refers to the area whose population is served and supplied principally by the associated central place. Catchment areas are defined on the basis of the predominant orientation to a central place displayed by the resident population, taking into account both tolerable distances to central places and the capacity of central-place facilities. In parallel to the different categories and functions of central places, a distinction is made between:

- local catchment areas: the area around every category of central place in which basic everyday needs are served by the central place;
- intermediate catchment areas: the area served by an intermediate-order central place (less than everyday needs);
- extended catchment areas: the area served by a higher-order central place (“higher” or more specialised needs of the population).

(In German the terms “Einzugsbereich” and “Einzugsgebiet” – both of which translate more literally as “catchment area” – are also used in the same sense as “Verflechtungsraum”.)

→ Zentrale-Orte-System

### **Verkehrsentwicklungsplanung – Transport development planning**

Transport development plans, like *general transport plans*, represent framework plans for an entire municipal territory. However, what distinguishes them from *general transport plans* is the more modern approach to planning which they incorporate, and which can be explained by the general shift in values which has taken place in society. Whereas the overwhelming concern of *general transport plans* was to facilitate the generous and low-cost provision of infrastructure to support private car use, the primary orientation of transport development plans is to ensuring that transport and traffic within a town are compatible with social and environmental interests. The concept of “social interests” is reflected in the significantly greater recognition paid to the interests of non-motorised members of the community (e.g. pedestrians, cyclists and users of public transport). This is also seen as a contribution to reducing the emis-

sions and fuel consumption associated with private car use, and thus to making transport and traffic more compatible with environmental interests.

→ Generalverkehrsplan

### **Verkehrswert/Wertermittlungsverordnung – Fair market value/Valuation Ordinance**

The fair market value of a *property* is defined as the price which would be achieved in an ordinary transaction at the time when the assessment is made, taking into account the existing legal circumstances and the actual characteristics, general condition and location of the property, or other object of assessment, without consideration being given to any extraordinary or personal circumstances. Fair market values need to be assessed in connection with the application of a number of instruments provided in the Federal Building Code, e.g. *land assembly, expropriation/compensation*. The valuation of properties is governed by an ordinance on the principles to be applied in assessing the fair market value of real property (the Valuation Ordinance). This ordinance lists the factors which are to be regarded as determining property values and lays down the procedure to be applied in calculating the fair market value.

### **Verordnung – Ordinance, order**

An ordinance is a statutory order of a general nature issued by a State authority. A distinction is made between those statutory orders which have the same legal force as a law, and what are referred to as “administrative orders” (or administrative rules), which are internal orders binding only on the subordinate authorities to which they are addressed.

### **Ver-und Entsorgung – Utilities, services**

Utilities include:

- water supply, i.e. meeting the need for water, with a distinction being made between drinking water and industrial-quality (cooling) water,
- sewerage and sewage treatment,
- the collection, removal, treatment and storage of waste,
- power supply, including the disposal of all substances created or arising during the power generation process
- telecommunications services.

### **Verursacherprinzip – Polluter-pays principle**

Under the “polluter-pays principle”, the costs of preventing or removing any detriment to or strain on the environment are to be borne by whoever is responsible for giving rise to such “pollution”. Increasingly, this principle is seen as creating not only a duty to “pay”, but also a duty to take appropriate actions. This policy instrument, which targets the originators of environmental damage, makes use of a variety of sanctions, ranging from orders and prohibitions to flexible rules governing compensation, and even includes environmental taxes. The limits to the polluter-pays principle can be described in terms of the “common-burden principle” (or principle of burden-sharing): in those situations where it is difficult to trace a particular case of environmental pollution or damage back to an individual polluter, or where for some other reason this approach would not be capable of removing an acute risk to the community, as an

exception to the polluter-pays principle, the costs of removing or repairing environmental damage have to be borne by the community at large.

→ Vorsorgeprinzip

### **Vorbehaltsgebiet – Reserved-function areas**

Reserved-function areas are areas to which special weight is attached during the *weighing process* (to consider competing claims on the use of land) due to their containing functions or land uses of particular importance for spatial structure. In their specific character, reserved-function areas reflect the *principles of comprehensive spatial planning*; the designation or existence of such a reserved-function area does not however mean that the relevant principle has been fully complied with or satisfied.

→ Funktionen in der Raumordnung und Landesplanung

→ Vorranggebiete

### **Vorhaben- und Erschließungsplan – Project and infrastructure plan**

The project and infrastructure plan is a plan submitted to – and agreed upon with – the local authority by a project developer. In this plan the project developer is required to demonstrate that he is prepared and in a position to carry out a specific development project, including providing the necessary infrastructure. Infrastructure in this sense may include both *services* and means of access to the site. In the case of the project developer also taking on an obligation to execute the project within a fixed time-limit and to bear either wholly or in part the costs of planning and of the provision of infrastructure (under an “implementation contract”), the municipality may formally adopt a project-based *local development plan* to establish the admissibility of such projects and measures. The project and infrastructure plan then becomes an integral component of the project-based local development plan. Should the developer fail to implement the project and infrastructure plan within the time-limit agreed in the implementation contract, the municipality is required to revoke the local development plan.

→ Bebauungsplan

### **Vorkaufsrecht – Pre-emption right**

The pre-emption right is the “right of first refusal” which a municipality is permitted to exercise in respect of a property within its territory. The Federal Building Code distinguishes between general and specific pre-emption rights on the part of a municipality, both of which apply only to the purchase of real property. In both cases, the exercise of the pre-emption right is permitted only when this is in the public interest. A municipality is permitted to make use of its general pre-emption right in six distinct cases: within the area covered by a binding *local development plan*, in respect of those sites have been designated in the plan for public use; in an area undergoing *land assembly*; in a formally designated redevelopment area and in an urban development zone; within the territory covered by a *preservation statute*; within the areas covered by a *preparatory land-use plan*, provided the land concerned is not developed and is situated in the *outer zone* and has been earmarked in the preparatory land-use plan for use as housing land or as a residential area; in respect of sites within the territory covered by a local development plan or in built-up areas which are suitable for predominantly residential development and which are not occupied by development.

Exercise of the specific pre-emption right must be underpinned by a local statute (a by-law); this is sometimes referred to as the “statutory pre-emption right”. The municipality may assert by statute its pre-emption right in respect of undeveloped land within the area covered by a binding land-use plan; it is also permitted to make use of this right in respect of areas for which urban development measures are being considered, and, in order to safeguard planned urban development, it may designate by statute such spaces in respect of which it may wish to exercise its right of pre-emption. Pre-emption rights are also enshrined in nature-protection law.

### **Vorranggebiet – Priority area**

Priority areas (or sites) are areas in which priority is given to specific functions or uses which are of special significance for overall spatial structure, and where any other uses with spatial impacts which are not compatible with the designated priority functions, uses or objectives are excluded. In their specific character, priority areas reflect the *aims of comprehensive spatial planning*; designation of an area as a priority area represents the binding outcome of a *weighing process* and rules out any further room for discretion on the function to which the site is to be put (though not on details of design). Priority areas of different types are only allowed to overlap with each other where this is not capable of giving rise to conflicts of use.

- Funktionen in der Raumordnung und Landesplanung
- Vorbehaltsgebiet

### **Vorsorgeprinzip – Precautionary principle**

According to the precautionary principle, environmental policy cannot simply be a matter of repairing existing damage to the environment or in warding off impending risks, but should rather prevent damage to the environment from occurring in the first place, long before the situation becomes critical. This includes all of the actions taken prior to the point at which imminent risks have to be dealt with, and which take account of the need to prevent or reduce risks to the environment. The precautionary principle thus takes a longer-term view to the future and contributes to shaping the environment of the future, and in particular to securing and developing the *natural foundations of life*.

- Verursacherprinzip

### **Wasserhaushaltsgesetz – Water Management Act**

The Water Management Act is a Federal framework law which needs to be supplemented by *Land* legislation. All important uses of inland water bodies are subject to the regulations contained in the Water Management Act. It is divided into six parts:

- Common regulations for water bodies;
- Regulations on surface waters;
- Regulations on coastal waters;
- Regulations on ground water;
- Water-provision planning; the “water book”;
- Provisions on penalties and concluding provisions.

- Abwasserbeseitigungsplan
- Umweltrecht
- Wasserschutzgebiet
- Wasserwirtschaftlicher Rahmenplan

### **Wasserschutzgebiet – Water-protection area**

Water-protection areas are areas formally designated to provide protection for water bodies (where this is deemed to be in the public interest) against any activities which might have detrimental effects; this protection is provided in the interests of satisfying present and future needs related to the supply of water to the public, replenishing the ground water or preventing the undesirable run-off of rainwater and erosion, or the introduction of soil components, fertilisers and pesticides into water bodies. In water-protection areas certain activities may be prohibited or declared permissible only within certain limits; property owners and users may be obliged to tolerate certain measures.

- Wasserhaushaltsgesetz

### **Wasserwirtschaftlicher Rahmenplan – Water-provision (framework) plan**

The purpose of water-provision plans (framework plans) is to secure the managed provision of the water required for future residential development and for the development of economic activity in the area. Water-provision plans may be drawn up to cover a river area, an industrial area, of parts thereof. They should be up-dated at regular intervals to take account of recent development.

- Wasserhaushaltsgesetz

### **Wirkungsanalyse/Erfolgskontrolle – Performance reviews, audits**

Performance reviews are generally seen as a matter of auditing planning schemes, programmes, measures and instruments with regard to specific criteria, such as their content, procedures, outcomes and costs. The principle focus is usually on determining whether (or to what degree) targets have been met (target performance comparisons, assessing the potential for and direction of further development) and on examining cause/effect relationships (causal chains, case studies, sequences, etc.). In both planning science and planning practice, the prime interest is in assessing the effectiveness of plans, programmes and procedures and in the efficiency of planning measures.

### **Wirtschaftsförderung – Economic development aid**

Economic development aid can be divided roughly into the economic aid coming from the Federation and the *Länder*, and economic development aid provided by local authorities.

The economic development aid provided by local authorities takes the form of activities and measures targeted specifically on creating local conditions which will promote the development of private enterprise and thus improve the general living conditions for the local population. The principle aims of local-authority economic development aid are:

- to improve the locational conditions for local businesses;
- to create a sectorally diversified local economic structure;



- to secure and extend the range of jobs available locally;
- to increase the financial power of local authorities.

The economic development aid provided jointly by the Federation and the *Länder* centres on the framework plans produced under the provisions of the Federal statute to regulate the discharge of the *joint responsibility* for improving regional economic structure. In almost all of the *Länder*, these are supplemented by regional economic development programmes for those sections of the respective *Land* which are not covered by the joint framework plan, but which, in the view of the *Land* in question, nonetheless warrant special economic aid. In addition to regional programmes, there are also a large number of sectoral programmes in place set up both jointly and individually by the Federation and the *Länder* to promote economic development. Generally speaking, the aims of State (i.e. Federal and *Land*) and local-authority economic development policy are very similar: both types of policy aim at improving infrastructure and promoting economic growth in order in turn to improve the standard of living of the people who reside within their respective jurisdictions. They differ in terms of the instruments available to support them and the territories to which they apply.

- Gemeinschaftsaufgabe
- Regionalpolitik (Regionale Struktur- bzw. Wirtschaftspolitik)

### **Zentrale-Orte-System – Central-place system**

A “central place” occupies a position and performs a function within the “central-place system”. In addition to supplying the needs of its own population, a central place also takes on supply functions in respect of the population of a larger area served by it, known as its *catchment area*. A distinction is made between:

- lower-order centres (also called “basic” or “small” centres),
- intermediate-order centres, and
- higher-order centres.

“Lower-order centres” are central places whose purpose is to supply the basic everyday needs solely of the local population. Centres of this type should contain a (non-selective) secondary school, playgrounds and sports facilities and certain types of healthcare facilities (doctor’s surgery, a pharmacy), as well as shops and some trade and service operations.

“Intermediate-order centres” are central places whose role is to meet the less everyday needs of the population of a larger area. These needs include schools taking pupils through to the *Abitur* (the school-leaving certificate required for admission to a university) and vocational schools, hospitals, larger sports facilities and more diverse shopping facilities. An intermediate-order centre also serves as the centre of the labour market in its *catchment area*.

“Higher-order centres” are those central places which serve the “higher” or more specialised needs of the population of a wider (“higher-order”) region. These needs include institutions of higher education, sports stadiums, main (and specialist) hospitals, theatres, department stores and more specialist shops, higher administrative authorities and larger banks and credit institutes. Higher-order centres also offer considerably more scope for skilled employment.

- Verflechtungsbereich

## **Zersiedlung – Urban sprawl**

The term “Zersiedlung” (roughly “urban sprawl”) describes the impairment or destruction of the landscape and of eco-systems resulting from urban development spilling over into rural areas, from built development taking place outside already built-up areas, from natural biotopes being given over to agricultural use and “improved” (serviced) to allow the development of weekend and leisure facilities and the construction of industrial plant. Statutory provisions in place to curb sprawl include regulations in the Federal Building Code on building in non-designated “outer zones”, and the designation of nature-protection and landscape-conservation areas.

## **Zielabweichungsverfahren – Derogation procedure (departure-from-aims procedure)**

The derogation procedure is enshrined in Section 11 of the Spatial Planning Act and allows the *Länder* the right to deviate or depart from an *aim of comprehensive spatial planning*. This is, however, only permitted if such a deviation is justifiable from the overall perspective of comprehensive spatial planning and it does not affect the essential purposes of planning. The possibility of derogation (or variance) means that there is no need – for example, in the production of a regional plan – to conduct a formal procedure to amend a spatial planning aim. The right to apply for a procedure to be initiated to amend a spatial planning aim extends in particular to *public bodies*, private-law bodies performing public tasks on behalf of the Federation, and *territorial corporations* required to observe the spatial planning aim in question. The actual details of the procedure to be followed in applying for the amendment of a spatial planning aim are left to the individual *Länder* to decide on as they see fit.

→ Ziele der Raumordnung

## **Ziele der Raumordnung – Aims of spatial planning**

As defined in the Spatial Planning Act, the *aims of comprehensive spatial planning* are binding stipulations governing the development, spatial structure and “securing” of the territory, as contained in *spatial structure plans* in the form of final designations (i.e. arrived at by the relevant regional or *Land* planning agency as the outcome of a *weighing process*) expressed in text form and in maps with clearly identifiable references to specific territories and material concerns.

→ Erfordernisse der Raumordnung

## **Zonenrandgebiet – Border area (with East Germany)**

The border area in question (literally the “zone border area”, referring to the zones created by the Allies after the second world war) was the area along the border with the former East Germany and Czechoslovakia. Prior to German reunification, this term appeared in the Spatial Planning Act as a spatial category among the *principles of comprehensive spatial planning*. The underlying purpose was to give special priority to supporting and strengthening this (peripheral) border area in order to ensure that the living conditions enjoyed by those who lived there were at least equivalent to those available throughout the rest of (what was then) West Germany. With the passage of the Border Area Assistance Act, a statutory foundation was created to underline the priority of the task of assisting the area along the inner-German border and the border with Czechoslovakia. In addition to providing a clear demarcation of this

area, the Act also set out the specific aims to be pursued in assisting the border area and provided blocks of measures related to these aims, e.g. regional economic aid, tax concessions, housing grants, etc.

With the disappearance of the border between the two Germanys, and the opening up of the frontier to what was formerly Czechoslovakia, there was no longer any need for this type of border-area assistance; over the years up to 1994 it was gradually phased out.

### **Zweckverband – Ad hoc associations of local authorities, special-purpose associations**

An ad hoc association is an alliance formed between local authorities and local-authority associations (counties and other types of associations) for the joint delivery of specific public tasks (e.g. the construction and maintenance of water-supply, sewerage and waste-disposal facilities). The legal basis for such alliances is provided in the Ad hoc Associations Act.

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## Translations of Federal legislation referred to in the text:

Ad hoc Associations Act	Zweckverbandsgesetz
Aviation Act	Luftverkehrsgesetz
Border Area Assistance Act	Zonenrandförderungsgesetz
Environmental Impact Assessment Act	Gesetz über die Umweltverträglichkeitsprüfung
Federal Building Code	Baugesetzbuch
Federal Forestry Act	Bundeswaldgesetz;
Federal Highways (Maintenance) Act	Bundesfernstraßengesetz
Federal Immissions (Protection from Immissions) Act	Bundes-Immissionsschutzgesetz
Federal Mining Act	Bundesberggesetz
Federal Nature Protection Act	Bundesnaturschutzgesetz
Federal Protection of Species Ordinance	Bundesartenschutzverordnung
Federal Recycling and Waste Act	Kreislaufwirtschafts- und Abfallgesetz
Federal Soil Protection Act	Bundes-Bodenschutzgesetz
Federal Waterways Act	Bundeswasserstraßengesetz
Financial Support for Local Transport Act	Gemeindeverkehrsfinanzierungsgesetz
General Railways Act	Allgemeines Eisenbahngesetz
Highway Development Act	Fernstraßenausbaugesetz
Land Procurement Act	Landbeschaffungsgesetz
Law on the Fuel and Electricity Industries	Energiewirtschaftsgesetz
Passenger Transport Act	Personenbeförderungsgesetz
Planning Symbols Ordinance	Planzeichenverordnung
Plot Realignment Act	Flurbereinigungsgesetz
Protection Areas Act	Schutzbereichsgesetz
Protection of Species Ordinance	Bundesartenschutzverordnung
Recycling and Waste Act	Kreislaufwirtschafts- und Abfallgesetz
Spatial Planning Act	Raumordnungsgesetz
Telegraph Routes Act	Telegrafewegegesetz;
Valuation Ordinance	Wertermittlungsverordnung
Water Management Act	Wasserhaushaltsgesetz

## Glossary German-English

Abfallwirtschaft	Waste management
Abfallwirtschaftsplan	Waste management plan
Abwägung der Belange	Weighing of interests
Abwägung der Belange	Weighing process
Abwasserbeseitigungsplan	Sewage disposal plan
Achsen	Axes
Agrarstrukturelle Entwicklungsplanung	Agricultural structure development plan
Altlasten	Contaminated sites
Anpassungspflicht	Duty of compliance
Arbeitsmarktregion	Labour-market region
Art der baulichen Nutzung	Type of built use
Artenschutz	Protection of species
Ausgleichs- und Ersatzmaßnahme	Mitigation and replacement measures
Außenbereich	Outer zone
Baufläche	Development zone (general land-use area)
Baugebiet	Built-use zone
Baugenehmigung	Building permission
Baugesetzbuch	Federal Building Code
Baulandkataster	Cadastral register of building land
Bauleitplanung/Bauleitplan	Urban land-use planning/urban land-use plan
Baumassenzahl	Cubic index
Baunutzungsverordnung	Land Utilisation Ordinance
Bauordnungsrecht (Bauaufsichtsrecht)	Building regulations (building control) law
Bauplanungsrecht (Städtebaurecht)	Planning law (urban development law)
Bauweise	Coverage type
Bauwuch	Clearance
Bebauungsplan	Local development plan
Beirat für Raumordnung	Spatial planning advisory committee
Bergrecht	Mining law
Bindungswirkung	Binding force
Biosphärenreservat	Biosphere reserve
Biotopverbundsystem	Habitat systems/networks
Bodenordnung	Land reallocation
Bodenrecht	Land law
Bodenschutz	Soil protection
Braunkohlenplanung	Brown-coal planning
Bund	Federation
Bundesfernstraße	Federal highways
Bundesfernstraßengesetz	Federal Highways Act
Bundes-Immissionsschutzgesetz	Federal Immissions Act
Bundesnaturschutzgesetz	Federal Nature Protection Act
Bundesraumordnung	Federal-level spatial planning
Bundesraumordnungsprogramm	Federal Planning Programme for the Regions
Bundesverkehrswegeplan	Federal transport network plan
DIN-Norm	German Industrial Standards (DIN)
Eigenentwicklung	Endogenous Development
Eignungsgebiet	Suitable areas for development
Eingriffsregelung	Regulations on interventions/intrusions
Einwirkungen auf die Bauleitplanung	Effects on urban land-use planning
Endogenes Potential	Endogenous potential

Enteignung	Expropriation
Entlastungsort	Relief area
Entschädigung	Compensation
Entwicklungsschwerpunkt, Entwicklungszentrum	Focal points of development, centres of development
Erfordernisse der Raumordnung	Requirements of comprehensive spatial planning
Erhaltungssatzung	Preservation statute
Erschließung	Infrastructure provision
Erschließung	Servicing
Europäisches Raumentwicklungskonzept	European Spatial Development Perspective
Fachplanung, raumwirksame	Sectoral planning (with spatial impacts)
Finanzausgleich	Fiscal equalisation
Flächenhaushaltspolitik	Land-resource policy
Flächennutzungsplan	Preparatory land-use plan
Flächennutzungsplan	Zoning plan
Flächenstillegung	Set-aside
Flurbereinigung	Realignment/consolidation of agricultural land holdings, plot realignment
Forstlicher Rahmenplan	Forestry framework plan
Freiraumstruktur	Open-space structure
Funktionen in der Raumordnung und Landesplanung	Spatial planning functions
Gebietskörperschaft	Territorial corporation
Gegenstromprinzip	Feedback principle, principle of countervailing influence
Gemeinbedarfseinrichtung	Public amenity
Gemeinde	Municipality
Gemeindeverkehrsfinanzierungsgesetz	Financial Support for Local Transport Act
Gemeinschaftsaufgaben	Joint responsibilities (of the Federation and the <i>Länder</i> )
Generalverkehrsplan	General transport plan
Geschoßflächenzahl (GFZ)	Floor-space index
Grenzregelung	Adjustment of plot boundaries
Grenzüberschreitende Raumordnung	Cross-border spatial planning
Grundbuch	Land register
Grundflächenzahl (GRZ)	Site occupancy index
Grundgesetz	Basic Law
Grundsätze der Raumordnung	Principles of comprehensive spatial planning
Grundstück	Property
Grünordnung	Green structures policy
Grünordnungsplan	Green structures plan
Grünzug/Grünzäsur	Green belt
Güterverkehrs-/ -verteilzentrum	Freight centre/logistics centre
Individualverkehr	Individual traffic
Industrie- und Handelskammer	Chamber of Industry and Commerce
Informationspflicht	Duty to provide information
Informelle Planungsansätze	Informal approaches to planning
Innenbereich	Inner zone
Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung	Instruments to secure and implement the aims of comprehensive spatial planning
Kommunale Spitzenverbände	Confederations of local authorities
Kommunale Spitzenverbände	Local-authority umbrella associations
Konversion (Rüstungs- und Standortkonversion)	Conversion (regeneration) of military sites
Kreis	County

Kreislaufwirtschafts- und Abfallgesetz	Recycling and Waste Act (Federal)
Kulturlandschaft	Cultural landscape
Land	<i>Land</i> (federal state)
Landesentwicklung	<i>Land</i> development
Landesplanung	<i>Land</i> -level spatial planning
Landesplanungsbehörde	<i>Land</i> planning authorities
Landesplanungsbeirat/Landesplanungsrat	<i>Land</i> planning council/ <i>Land</i> planning advisory board
Landesplanungsgesetz	<i>Land</i> planning acts
Ländliche Räume	Rural areas
Landschaftsbild	Landscape quality, visual impact of the countryside
Landschaftshaushalt/Naturhaushalt	Landscape balance, natural balance
Landschaftspflege	Landscape conservation
Landschaftspflegerischer Begleitplan	Landscape conservation support plan
Landschaftsplan	Landscape plan
Landschaftsplanung	Landscape planning
Landschaftsprogramm	Landscape programme
Landschaftsrahmenplan	Landscape outline plan
Landschaftsschutzgebiet	Landscape conservation area
Landwirtschaftskammer	Chamber of agriculture
Leitbilder der räumlichen Entwicklung	Perspectives for spatial development
Leitvorstellung der Raumordnung	Essential purpose of spatial planning
Liegenschaftskataster	Land survey register
Luftreinhalteplanung	Clean-air planning
Maß der baulichen Nutzung	Density of built use
Ministerkonferenz für Raumordnung (MKRO)	Ministerial Conference on Spatial Planning
Modal split	Modal split
Moderation, Mediation	Moderation, mediation
Nachhaltige Raumentwicklung	Sustainable spatial development
Nachhaltigkeit	Sustainability
Nahverkehrsplan	Public-transport plan
Nationalpark	National park
Naturdenkmal	Natural monument
Naturlandschaft	Natural landscape
Natürliche Lebensgrundlagen	Natural foundations of life
Naturpark	Nature park
Naturraum/naturräumliche Gliederung	Geographical classification of natural landscapes
Naturschutz/Naturschutzrecht	Nature protection/nature protection law
Naturschutzgebiet	Nature protection area/nature reserve
Öffentliche Planungsträger	Public planning agency
Öffentliche Stellen	Public authorities
Öffentlicher Personennahverkehr (ÖPNV)	Public transport
Öffentliches Baurecht	Public building law
Öffentlichkeitsbeteiligung	Public participation
Ordnungsraum	Spatial-order zone
Ortsplanung	Village planning
Planerhaltung	Plan maintenance
Planfeststellungsverfahren	Planning approval procedure
Planungselement	Planning element
Planungshoheit der Gemeinden	Local planning autonomy
Planungsinstrument	Planning instrument

Planungsmarketing	Planning marketing
Planungsrecht	Planning law
Planzeichenverordnung	Planning Symbols Ordinance
Projekt-, Planungsmanagement	Project and planning management
Raum	Space, territory
Raumbedeutsame Planungen und Maßnahmen	Plans and measures with spatial impacts
Raumbeobachtung	Spatial monitoring
Raumforschung	Spatial research
Raumkategorien	Zones/land-use categories
Räumliche Bezugsebenen	Territorial categories
Raumordnung	Spatial planning
Raumordnungsbericht	Spatial development report
Raumordnungsbericht/Landesentwicklungs-bericht	<i>Land</i> development report
Raumordnungsgesetz	Spatial Planning Act (Federal)
Raumordnungskataster	Spatial planning registers
Raumordnungsklausel	Spatial planning clauses
Raumordnungspläne	Spatial structure plans
Raumordnungspolitischer Handlungsrahmen	Framework for action in spatial planning policy
Raumordnungspolitischer Orientierungsrahmen	Spatial planning policy guidelines
Raumordnungsrecht	Spatial planning law
Raumordnungsverfahren	Spatial planning procedure
Raumplanung	Planning (spatial)
Raumstruktur	Spatial structure
Rechtsbehelf	Legal remedy
Regierungsbezirk/Bezirk	District (under a regional commissioner)
Region	Region
Regionaler Flächennutzungsplan	Regional masterplan
Regionales Entwicklungskonzept	Regional development strategy
Regionalkonferenz	Regional conference
Regionalplanung	Regional planning
Regionalpolitik (Regionale Struktur- bzw. Wirtschaftspolitik)	Regional policy (structure and economic policy)
Regionalwissenschaft	Regional science
Rekultivierung	Recultivation, regeneration
Richtfunkverbindung	Micro-wave links
Richtzahlen/Richtwerte/Orientierungswerte	Planning targets/guide values/target figures
Rote Liste	Red List
Schutzbereich	Protection area
Siedlungsstruktur	Settlement structure
Sondergebiet	Special-use area
Sozialprodukt	National product
Städtebauliche Entwicklungsmaßnahmen	Urban development measures
Städtebauliche Sanierungsmaßnahme	Urban redevelopment measures
Städtebaulicher Vertrag	Urban development contract
Städtebauliches Gebot	Urban-development enforcement orders
Städtenetz	City networks
Stadtentwicklungsplanung	Urban development planning
Stadterneuerung, Dorferneuerung	Urban renewal, village renewal
Stadtplanung	Town planning
Stadtregion	Urban region
Strukturschwache Räume	Structurally weak areas
Subsidiarität	Subsidiarity

Träger der Regionalplanung	Regional planning authority
Träger öffentlicher Belange	Public bodies
Überbaubare Grundstücksfläche	Built surface area
Umlegung	Land assembly
Umweltqualitätsstandard	Environmental quality standard
Umweltqualitätsziel	Environmental quality target
Umweltrecht	Environmental law
Umweltverträglichkeitsprüfung	Environmental impact assessment
Untersagung raumordnungswidriger Planungen und Maßnahmen	Prohibition of plans and measures in conflict
Unterschutzstellung	Protected status
Veränderungssperre	Development freeze
Verbandsklagerecht	Right of associations to institute legal action
Verdichtete Räume/Verdichtungsräume	High-density nodes, urban areas
Verfahren (Aufstellungs- und Beteiligungsverfahren)	Procedures (plan-elaboration and participation procedures)
Verflechtungsbereich	Catchment area
Verkehrsentwicklungsplanung	Transport development planning
Verkehrswert/Wertermittlungsverordnung	Fair market value/Valuation Ordinance
Verordnung	Ordinance, order
Ver- und Entsorgung	Utilities, services
Verursacherprinzip	Polluter-pays principle
Vorbehaltsgebiet	Reserved-function areas
Vorhaben- und Erschließungsplan	Project and infrastructure plan
Vorkaufsrecht	Pre-emption right
Vorranggebiet	Priority area
Vorsorgeprinzip	Precautionary principle
Wasserhaushaltsgesetz	Water Management Act
Wasserschutzgebiet	Water-protection area
Wasserwirtschaftlicher Rahmenplan	Water-provision (framework) plan
Wirkungsanalyse/Erfolgskontrolle	Performance reviews, audits
Wirtschaftsförderung	Economic development aid
Zentrale-Orte-System	Central-place system
Zersiedlung	Urban sprawl
Zielabweichungsverfahren	Derogation procedure (departure-from-aims procedure)
Ziele der Raumordnung	Aims of spatial planning
Zonenrandgebiet	Border area (with East Germany)
Zweckverband	Ad hoc associations of local authorities, special-purpose associations

## Glossary English-German

Ad hoc associations of local authorities	Zweckverband
Adjustment of plot boundaries	Grenzregelung
Agricultural structure development plan	Agrarstrukturelle Entwicklungsplanung
Aims of spatial planning	Ziele der Raumordnung
Axes	Achsen
Basic Law	Grundgesetz
Binding force	Bindungswirkung
Biosphere reserve	Biosphärenreservat
Border area (with East Germany)	Zonenrandgebiet
Brown-coal planning	Braunkohlenplanung
Building permission	Baugenehmigung
Building regulations (building control law)	Bauordnungsrecht (Bauaufsichtsrecht)
Built surface area	Überbaubare Grundstücksfläche
Built-use zone	Baugebiet
Cadastral register of building land	Baulandkataster
Catchment area	Verflechtungsbereich
Central-place system	Zentrale-Orte-System
Centres of development	Entwicklungsschwerpunkt, Entwicklungszentrum
Chamber of agriculture	Landwirtschaftskammer
Chamber of Industry and Commerce	Industrie- und Handelskammer
City networks	Städtenetz
Clean-air planning	Luftreinhalteplanung
Clearance	Bauwisch
Compensation	Entschädigung
Confederations of local authorities	Kommunale Spitzenverbände
Contaminated sites	Altlasten
Conversion (regeneration) of military sites	Konversion (Rüstungs- und Standortkonversion)
County	Kreis
Coverage type	Bauweise
Cross-border spatial planning	Grenzüberschreitende Raumordnung
Cubic index	Baumassenzahl
Cultural landscape	Kulturlandschaft
Density of built use	Maß der baulichen Nutzung
Derogation procedure (departure-from-aims procedure)	Zielabweichungsverfahren
Development freeze	Veränderungssperre
Development zone (general land-use area)	Baufläche
District (under a regional commissioner)	Regierungsbezirk/Bezirk
Duty of compliance	Anpassungspflicht
Duty to provide information	Informationspflicht
Economic development aid	Wirtschaftsförderung
Effects on urban land-use planning	Einwirkungen auf die Bauleitplanung
Endogenous Development	Eigenentwicklung
Endogenous potential	Endogenes Potential
Environmental impact assessment	Umweltverträglichkeitsprüfung
Environmental law	Umweltrecht
Environmental quality standard	Umweltqualitätsstandard
Environmental quality target	Umweltqualitätsziel
Essential purpose of spatial planning	Leitvorstellung der Raumordnung

European Spatial Development Perspective	Europäisches Raumentwicklungskonzept
Expropriation	Enteignung
Fair market value/Valuation Ordinance	Verkehrswert/Wertermittlungsverordnung
Federal Building Code	Baugesetzbuch
Federal highways	Bundesfernstraße
Federal Highways Act	Bundesfernstraßengesetz
Federal Immissions Act	Bundes-Immissionsschutzgesetz
Federal Nature Protection Act	Bundesnaturschutzgesetz
Federal Planning Programme for the Regions	Bundesraumordnungsprogramm
Federal transport network plan	Bundesverkehrswegeplan
Federal-level spatial planning	Bundesraumordnung
Federation	Bund
Feedback principle	Gegenstromprinzip
Financial Support for Local Transport Act	Gemeindeverkehrsfinanzierungsgesetz
Fiscal equalisation	Finanzausgleich
Floor-space index	Geschoßflächenzahl (GFZ)
Focal points of development	Entwicklungsschwerpunkt, Entwicklungszentrum
Forestry framework plan	Forstlicher Rahmenplan
Framework for action in spatial planning policy	Raumordnungspolitischer Handlungsrahmen
Freight centre/logistics centre	Güterverkehrs-/verteilzentrum
General transport plan	Generalverkehrsplan
Geographical classification of natural landscapes	Naturraum/naturräumliche Gliederung
German Industrial Standards (DIN)	DIN-Norm
Green belt	Grünzug/Grünzäsur
Green structures plan	Grünordnungsplan
Green structures policy	Grünordnung
Habitat systems/networks	Biotopverbundsystem
High-density nodes	Verdichtete Räume/Verdichtungsräume
Individual traffic	Individualverkehr
Informal approaches to planning	Informelle Planungsansätze
Infrastructure provision	Erschließung
Inner zone	Innenbereich
Instruments to secure and implement the aims of comprehensive spatial planning	Instrumente zur Sicherung und Verwirklichung der Raumordnung und Landesplanung
Joint responsibilities (of the Federation and the <i>Länder</i> )	Gemeinschaftsaufgaben
Labour-market region	Arbeitsmarktregion
<i>Land</i> (federal state)	Land
Land assembly	Umlegung
<i>Land</i> development	Landesentwicklung
<i>Land</i> development report	Raumordnungsbericht/Landesentwicklungsbericht
Land law	Bodenrecht
<i>Land</i> planning acts	Landesplanungsgesetz
<i>Land</i> planning authorities	Landesplanungsbehörde
<i>Land</i> planning council/ <i>Land</i> planning advisory board	Landesplanungsbeirat/Landesplanungsrat
Land register	Grundbuch
Land survey register	Liegenschaftskataster
Land Utilisation Ordinance	Baunutzungsverordnung
<i>Land</i> -level spatial planning	Landesplanung



Land-resource policy	Flächenhaushaltspolitik
Landscape balance	Landschaftshaushalt/Naturhaushalt
Landscape conservation	Landschaftspflege
Landscape conservation area	Landschaftsschutzgebiet
Landscape conservation support plan	Landschaftspflegerischer Begleitplan
Landscape outline plan	Landschaftsrahmenplan
Landscape plan	Landschaftsplan
Landscape planning	Landschaftsplanung
Landscape programme	Landschaftsprogramm
Landscape quality	Landschaftsbild
Legal remedy	Rechtsbehelf
Local development plan	Bebauungsplan
Local planning autonomy	Planungshoheit der Gemeinden
Local-authority umbrella associations	Kommunale Spitzenverbände
Micro-wave links	Richtfunkverbindung
Mining law	Bergrecht
Ministerial Conference on Spatial Planning	Ministerkonferenz für Raumordnung (MKRO)
Mitigation and replacement measures	Ausgleichs- und Ersatzmaßnahme
Modal split	Modal split
Moderation, mediation	Moderation, Mediation
Municipality	Gemeinde
National park	Nationalpark
National product	Sozialprodukt
Natural balance	Landschaftshaushalt/Naturhaushalt
Natural foundations of life	Natürliche Lebensgrundlagen
Natural landscape	Naturlandschaft
Natural monument	Naturdenkmal
Nature park	Naturpark
Nature protection area/nature reserve	Naturschutzgebiet
Nature protection/nature protection law	Naturschutz/Naturschutzrecht
Open-space structure	Freiraumstruktur
Ordinance, order	Verordnung
Outer zone	Außenbereich
Performance reviews, audits	Wirkungsanalyse/Erfolgskontrolle
Perspectives for spatial development	Leitbilder der räumlichen Entwicklung
Plan maintenance	Planerhaltung
Planning (spatial)	Raumplanung
Planning approval procedure	Planfeststellungsverfahren
Planning element	Planungselement
Planning instrument	Planungsinstrument
Planning law	Planungsrecht
Planning law (urban development law)	Bauplanungsrecht (Städtebaurecht)
Planning marketing	Planungsmarketing
Planning Symbols Ordinance	Planzeichenverordnung
Planning targets/guide values/target figures	Richtzahlen/Richtwerte/Orientierungswerte
Plans and measures with spatial impacts	Raumbedeutsame Planungen und Maßnahmen
Plot realignment	Flurbereinigung
Polluter-pays principle	Verursacherprinzip
Precautionary principle	Vorsorgeprinzip
Pre-emption right	Vorkaufsrecht
Preparatory land-use plan	Flächennutzungsplan

Preservation statute	Erhaltungssatzung
Principle of countervailing influence	Gegenstromprinzip
Principles of comprehensive spatial planning	Grundsätze der Raumordnung
Priority area	Vorranggebiet
Procedures (plan-elaboration and participation procedures)	Verfahren (Aufstellungs- und Beteiligungsverfahren)
Prohibition of plans and measures in conflict with the aims of comprehensive spatial planning	Untersagung raumordnungswidriger Planungen und Maßnahmen
Project and infrastructure plan	Vorhaben- und Erschließungsplan
Project and planning management	Projekt-, Planungsmanagement
Property	Grundstück
Protected status	Unterschutzstellung
Protection area	Schutzbereich
Protection of species	Artenschutz
Public amenity	Gemeinbedarfseinrichtung
Public authorities	Öffentliche Stellen
Public bodies	Träger öffentlicher Belange
Public building law	Öffentliches Baurecht
Public participation	Öffentlichkeitsbeteiligung
Public planning agency	Öffentliche Planungsträger
Public transport	Öffentlicher Personennahverkehr (ÖPNV)
Public-transport plan	Nahverkehrsplan
Realignment/consolidation of agricultural land holdings, plot realignment	Flurbereinigung
Land reallocation	Bodenordnung
Recultivation, regeneration	Rekultivierung
Recycling and Waste Act (Federal)	Kreislaufwirtschafts- und Abfallgesetz
Red List	Rote Liste
Region	Region
Regional conference	Regionalkonferenz
Regional development strategy	Regionales Entwicklungskonzept
Regional masterplan	Regionaler Flächennutzungsplan
Regional planning	Regionalplanung
Regional planning authority	Träger der Regionalplanung
Regional policy (structure and economic policy)	Regionalpolitik (Regionale Struktur- bzw. Wirtschaftspolitik)
Regional science	Regionalwissenschaft
Regulations on interventions/intrusions	Eingriffsregelung
Relief area	Entlastungsort
Requirements of comprehensive spatial planning	Erfordernisse der Raumordnung
Reserved-function areas	Vorbehaltsgebiet
Right of associations to institute legal action	Verbandsklagerecht
Rural areas	Ländliche Räume
Sectoral planning (with spatial impacts)	Fachplanung, raumwirksame
Servicing	Erschließung
Set-aside	Flächenstillegung
Settlement structure	Siedlungsstruktur
Sewage disposal plan	Abwasserbeseitigungsplan
Site occupancy index	Grundflächenzahl (GRZ)
Soil protection	Bodenschutz
Space, territory	Raum
Spatial development report	Raumordnungsbericht
Spatial monitoring	Raumb Beobachtung
Spatial-order zone	Ordnungsraum

Spatial planning	Raumordnung
Spatial Planning Act (Federal)	Raumordnungsgesetz
Spatial planning advisory committee	Beirat für Raumordnung
Spatial planning clauses	Raumordnungsklausel
Spatial planning functions	Funktionen in der Raumordnung und Landesplanung
Spatial planning law	Raumordnungsrecht
Spatial planning policy guidelines	Raumordnungspolitischer Orientierungsrahmen
Spatial planning procedure	Raumordnungsverfahren
Spatial planning registers	Raumordnungskataster
Spatial research	Raumforschung
Spatial structure	Raumstruktur
Spatial structure plans	Raumordnungspläne
Special-purpose associations	Zweckverband
Special-use area	Sondergebiet
Structurally weak areas	Strukturschwache Räume
Subsidiarity	Subsidiarität
Suitable areas for development	Eignungsgebiet
Sustainability	Nachhaltigkeit
Sustainable spatial development	Nachhaltige Raumentwicklung
Territorial categories	Räumliche Bezugsebenen
Territorial corporation	Gebietskörperschaft
Town planning	Stadtplanung
Transport development planning	Verkehrsentwicklungsplanung
Type of built use	Art der baulichen Nutzung
Urban areas	Verdichtete Räume/Verdichtungsräume
Urban development contract	Städtebaulicher Vertrag
Urban-development enforcement orders	Städtebauliches Gebot
Urban development law	Bauplanungsrecht
Urban development measures	Städtebauliche Entwicklungsmaßnahmen
Urban development planning	Stadtentwicklungsplanung
Urban land-use planning/urban land-use plan	Bauleitplanung/Bauleitplan
Urban redevelopment measures	Städtebauliche Sanierungsmaßnahme
Urban region	Stadtregion
Urban renewal	Stadterneuerung, Dorferneuerung
Urban sprawl	Zersiedlung
Utilities, services	Ver- und Entsorgung
Village planning	Ortsplanung
Village renewal	Stadterneuerung, Dorferneuerung
Visual impact of the countryside	Landschaftsbild
Waste management	Abfallwirtschaft
Water Management Act	Wasserhaushaltsgesetz
Waste management plan	Abfallwirtschaftsplan
Water-protection area	Wasserschutzgebiet
Water-provision (framework) plan	Wasserwirtschaftlicher Rahmenplan
Weighing of interests	Abwägung der Belange
Weighing process	Abwägung der Belange
Zones/land-use categories	Raumkategorien
Zoning plan	Flächennutzungsplan