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Regional planning in Germany

James Walter Morrissey

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REGIONAL PLANNING IN GERMANY

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Public Administration

by
James Walter Morrissey
December 1995
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Approved by:

Dr. Brian Watts, Chair, Public Administration
Dr. Guenther Kress
Dr. Michael Clarke
ABSTRACT

This paper concerns the structure and content of regional planning in the Federal Republic of Germany. The German culture and governmental structure which are the basis upon which regional planning derives its authority are a departure from that found in the United States and California. The German governmental structure for regional planning implements its objectives through a combined top-down approach, which primarily establishes overall goals, and a bottom-up process which provides implementing methods to achieve those goals.

From a regional planning perspective, this type of government represents an integrated system which extends from the state level down to individual cities and links them through administrative, economic, social, legal, and physical associations which are intended to achieve a unified result and yet still meet unique local needs. The benefits of the German style of planning is the extensive coordination and effective implementation which occurs between the various levels of government.

It is intended that this paper not only provide insight into how another industrialized country approaches the issue of regional planning, but that it might initiate further discussion as to the benefits of regional planning in California.
ACKNOWLEDGEMENTS

To Tina and Tommy: "Your patience and support in this effort have been wonderful. I love you both."
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CHAPTER ONE
INTRODUCTION

Purpose of Research

The purpose of this research is to garner a greater understanding of how the German land use or spatial development pattern was established and the type of institutional framework that was created to regulate it. This type of research is beneficial because it exposes people to different ideas and philosophies. Most importantly, it provides insights into how other nations solve problems in today’s complex environment.

As a resident of Southern California and an individual who has visited Germany a number of times, I have been fascinated by the difference between the land use pattern in California and Germany. I have often marveled at the close proximity of large open space areas to urban areas and enjoyed the ease of movement between cities and other urban areas. In many respects, the quality of life in Germany created by the spatial arrangement of land use and its supporting public infrastructure seems to be superior to our own. This interest in and personal exposure to German planning has been the driving premise behind this research.

Understanding The Context of Planning Issues

The focus of this research is regional planning. However, I do not believe such an issue can be adequately discussed or understood until one has a greater understanding of the governmental system within which it
operates. I have, therefore attempted to provide the reader with an overview of the German political and administrative structure, including the hierarchy and functional aspects associated with different levels of German planning.

Understanding New and Different Systems

The ultimate goal of this research is to understand other planning systems with an eye toward improving our own. I firmly believe that very few current planning philosophies are actually new. Cities have been in existence for thousands of years and their pattern of development has not changed that dramatically. What has occurred this century is a change in patterns due to our reliance on the automobile, telephone, computer and facsimile machines. Since our built environment reflects many of the characteristics which have existed for centuries, it would seem logical to explore other systems. Although Germany has only been a nation-state since 1871 its existence can be traced back to Roman times and its urban development pattern has long since been established.

Understanding the Built Environment

The way we respond to future issues very much depends upon our understanding of past and current events. For example, the compact nature of European cities reflects a variety of historic constraints, such as the need for protection from invading armies, the non-existence of the automobile and the high cost associated with land and fuel.
A visitor to Europe may enjoy this attribute because it provides one with ease of movement. However, the American desire for their own residence and a yard for their children and dogs to play in may not endear them to the European lifestyle. Therefore, for one to fully understand how the built environment was achieved and to emulate it, if desired, it is essential to understand the framework in which it was created. The environment in which this framework exists is multi-faceted and includes social, political, environmental and physical issues. This report attempts to touch upon each of these issues in an attempt to provide the reader with an adequate frame of reference from which to evaluate the German regional planning system.

Research Methods

The original design for this thesis was to be a survey (prepared by the author) and distributed to German regional and state planning agencies through various German professional organizations. However, upon consultation with Dr. Guenther Kress of the Public Administration program he recommended focusing on several German states and interviewing them directly. He felt that both the difficulty in preparing a survey questionnaire and evaluating the responses would not result in substantive findings.

Based upon this input the research techniques utilized for this thesis consisted of researching German and American publications and interviews with German planners. The publications utilized in this report were either
purchased by the author, found as reference materials in the library, or were
provided to the author by German planning organizations.

The initial document research attempted to create an overall outline of
the various issues involved in German regional planning. However, the focus
soon broadened beyond strictly planning issues to understanding the
governmental structure as well. The author soon found that the mere
identification of German planning policies and programs was insufficient if
one was to attain an overall understanding of the ideology and philosophy
upon which they were based.

Upon completion of the initial document research, I attempted to
contact several German professional planning organizations to arrange for
interviews with German planning agencies. The SRL (Vereinigung Fur Stadt-,Regional -und Landesplanung e.v.) did respond to my inquiries and arranged
for me to meet with the following individuals:

• Dr. Gottfried Schmitz, Verbandsdirektor of the Raumordungsverband Rhein-Nechkar (in Mannheim). The organization Dr. Schmitz heads is a regional planning agency which covers the border region of the following three (3) states: Baden-Württemberg, Rheinland-Pfalz, and Hessen.

• Dr. Heinrich Lowinski, Leitender Ministerialrat, Ministerium fur Umwelt, Raumordnung und Landwirtschaft des Landes Nordrhein-Westphalian (in Düsseldorf). Dr. Lowinski has been a long-time employee of the organization and provided excellent insight into the
German organizational structure and social philosophy. His organization is the state planning agency for the state of Nordrhein-Westphalian.

• Kirsten Kötter, Bezirksregierung, State of North Rhine-Westphalia.

Ms. Kötter is involved in regional planning efforts which cover a portion of the state and she often speaks to either visiting students who aspire to be planners or who are visitors from other countries.

I had the opportunity to meet with all of these individuals and their staffs over a three (3) day period. Their comments are a part of this report and enabled me to complete some gaps in the research material I had accumulated.

Major Findings

Based upon the materials I have researched, my familiarity with the planning profession in California, and the interviews with German planners I came away with the following major findings:

1. Planning in Germany is logical in its application and is perceived as a beneficial and necessary component of the structure of life. Planning has been integrated into all governmental levels and directed toward those elements which are most easily regulated by each level of government, such as the individual state governments regulating the establishment open space areas, areas for urban development, recreational areas, and regional transportation. These elements and others are combined into a
comprehensive plan and are integrated with more general federal plans or specific municipal plans.

2. The planning process incorporates a top-down and bottom-up approach in which policies and goals are established at the federal and state level and implemented at the local level. However, the organizational structure of the government allows substantial input and acceptance from the local jurisdictions, thereby ensuring extensive coordination between the various levels of government.

3. Planning is designed with the long term in mind. Although planning should be a long-term undertaking in California, this is often not the case. Local business interests or momentary local issues take precedent over long-term goals or needs. The German system helps to overcome this through its integration with the various layers of government and its focus toward the achievement of state and regional goals.

4. Economics play a strong role in German planning. Schools in Germany have only recently started to teach or issue a degree in urban planning. Planning has been left to individuals with backgrounds in economics or geography. As such the Germans employ economic terms in their plans, such as "central place" theory or "axes of development". The emphasis on economics is used to ensure that an adopted plan provides a broad rather than localized benefit to the region.

Report Format

The report is organized into two (2) primary components:
• Understanding the basic German governmental purpose and function. These topics are covered in Chapters II and III.

• Identifying the German planning framework and regional planning issues. These are discussed in Chapters IV and V.

Each Chapter of this report is intended to create a foundation upon which each successive topic is built. While the nature of this hierarchy may be viewed as a logical step in any research analysis, its importance is heightened in this instance because the reader must understand a different political, social, and economic frame of reference. The German governmental system, while similar in some respects to our own, has significant differences in both structure and philosophy which warrant discussion. Without this discussion and the resulting understanding of their system, any eventual discussion of any of their components may be lost or misunderstood.
CHAPTER TWO

GERMAN GOVERNMENTAL ORGANIZATION

The Overall Governmental Concept

The constitution of the Federal Republic of Germany, subsequently referred to as the Basic Law (Grundgesetz), was adopted on May 23, 1949. The constitution contains a variety of provisions establishing how the German Government will function. The primary concept behind the constitutional provisions is to allow for a high degree of governmental decentralization. In this framework the federal government establishes national policy and the individual German states are responsible for carrying out the goals established at the national level. "By and large, the states implement federal legislation independently and are free of detailed directories from the federal authorities. The federal government merely ensures that this implementation is consistent with the body of valid laws." The role of the federal government is to respond to issues of national importance and necessity, such as establishing currency, customs laws or administering country-wide services, such as the railroads and post office.

The constitutional framework further promotes decentralization by requiring that each state must guarantee local government the right to regulate its own affairs.
Hierarchy of Governmental Relationships

Federal

The German governmental structure essentially contains five (5) organizational levels: Federal, state, administrative districts, counties and county-free cities, and municipalities. The purview of the federal government is best displayed through its various ministries and their identified functions: Foreign Affairs; Interior; Justice; Finance; Economics; Food, Agriculture and Forestry; Labor and Social Welfare; Defense; Youth, Families, Women and Health; Transportation; Environment, Nature Protection and Reactor Safety; Post and Tele-communications; Regional Planning and Urban Development; Research and Technology; Education and Science; and Economic Cooperation. The role of the federal government is directed more toward the establishment of "general policy and political planning than with the implementation of their programs and activities, which is largely the responsibility of the Laender [States]."²

The laws adopted at the federal level are established through the Federal German Parliament or Bundestag (House of Representatives). These representatives are selected through popular elections. The German chancellor and his cabinet are responsible to the Bundestag. State representatives also influence federal legislation through the Bundesrat (Federal Council) which is comprised of representatives of the state governments.
State

The focus of the country’s 16 states is the implementation of national and state laws and maintaining an adequate system of justice. The highest state authority is the state government, which is elected by the state parliament. "Relationships between the federal government and the Länder are not of a hierarchical, superior, superior-inferior order. They are characterized rather by a cooperating, though unequal, partnership. A similar relationship exists between the Land government and the local governments." However, I do not think the importance of state government in the German system can be overstated. In addition to the comprehensive nature of their responsibilities, which are enumerated later in this chapter, the philosophical association Germans have with their state from a geographical and governmental perspective is quite different than that found in California. For example, it is interesting to note that Germans commonly refer to their individual federal state as a "country". This description may go quite far in characterizing how Germans view the responsibilities of their state government and that each state represents a separate and distinct group of people and environmental considerations.

Administrative District (Regierungsbezirk)

This level of government structure is a middle-level administrative institution which acts as a regional agency to coordinate and implement national goals and legislation. As such, this administrative level of government is responsible to the various state ministries. The function of
the District is to serve as a linkage between the functions of various independent agencies and the overall state goals and objectives. The functions of the District officer are similar to those of the French prefect.

**Counties and County-free independent cities**

In contrast to the United States virtually all land within Germany is incorporated or rather it is part of a municipal corporation. In Germany counties are a group of small- to medium-sized cities rather than a combination of city and non-city areas, as is the case in the United States. If a city is over 100,000 people in size, it has the opportunity to become a "county-free (Kreisfrei)" city.

The countries and county-free cities are characterized as being the lowest level of state administration. As such, they have both coordination and implementation functions which they derive from the state government.

**Rural Municipalities and Associations of Municipalities**

This level of government can include small or medium sized towns and in some cases cities over 100,000 people. Even though some cities may be large enough for county-free status, such a designation is withheld "because of the problems it would create for the surrounding 'rural area'." 

The size of rural municipalities sometimes prevents them from performing desirable or necessary services. In these cases, the county government acts as a combining mechanism to apply their resources toward the performance of these functions.
German Governmental Responsibilities

The previous section identified the German governmental structure and the importance of each governmental level in the implementation of national goals. However, the administrative distribution of responsibilities would find that "80 percent of the national and state laws are actually implemented at the local level." An interesting feature of the German system is that municipalities may perform any function within the law and that is not regulated by the state. This type of power and flexibility empowers government at the local level to regard themselves as being responsible for the welfare of their community as opposed to merely a provider of certain services. Although I am unable to confirm this issue, it is my belief that the philosophy inherent in the level of responsibility bestowed upon local government provides a clear insight into the role of German government and its associated responsibilities. This enables Germans to see governmental actions, such as planning, as a comprehensive effort involving numerous issues which can be undertaken by the level of government most closely associated with the people they serve.

Federal

In the German governmental system, federal administration of programs can be characterized as the exception rather than the rule. The Basic Law provides that the government at the state level shall execute federal laws based upon their applicable needs, unless the Basic Law provides otherwise. In addition, both the state and federal government
participate in joint tasks in an effort to improve living conditions. Examples of this will be discussed in Section D of this Chapter regarding the distribution of money and grants for economic development related activities.

The following tables provide a listing of the responsibilities for each level of government starting with the federal level. As noted previously, some areas of responsibility are actually established at the state level.

**Table 1**

**Administrative Tasks at the Federal Level**

<table>
<thead>
<tr>
<th>Planning Responsibilities</th>
<th>Service Delivery Responsibilities</th>
<th>Regulative Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Budget</td>
<td>• Federal railways</td>
<td>• Foreign affairs</td>
</tr>
<tr>
<td>• Medium-range financial planning</td>
<td>• Post Office</td>
<td>• Defense</td>
</tr>
<tr>
<td>• Major highway planning</td>
<td>• Federal waterways</td>
<td>• Federal criminal office</td>
</tr>
<tr>
<td>• Multi-level educational planning (GemA)</td>
<td>• Foreign aid</td>
<td>• Federal border patrol</td>
</tr>
<tr>
<td>• Planning within the framework of the joint tasks (GemA)</td>
<td>• Agricultural improvements (GemA)</td>
<td>• Federal trust office</td>
</tr>
<tr>
<td></td>
<td>• Public housing (GemA)</td>
<td>• Federal health office</td>
</tr>
<tr>
<td></td>
<td>• Urban development (GemA)</td>
<td>• German patent office</td>
</tr>
<tr>
<td></td>
<td>• University facilities improvements (GemA)</td>
<td>• Federal airways office</td>
</tr>
<tr>
<td></td>
<td>• Promotions of improvements in economic structure (GemA)</td>
<td>• Motor transportation office</td>
</tr>
<tr>
<td></td>
<td>• Local transportation improvements</td>
<td>• Office for constitutional protection</td>
</tr>
<tr>
<td></td>
<td>• Hospital construction (GemA)</td>
<td>• Private data protection</td>
</tr>
<tr>
<td></td>
<td>• Research promotion (GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Resource storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Federal bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Federal employment office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Federal employee social insurance office</td>
<td></td>
</tr>
</tbody>
</table>

Source: Local Government in the German Federal System p. 87.

GemA + Gemeinschaftsaufgabe (Joint task)

Italic type indicates legally autonomous activities.
State

State level responsibilities can be divided into five (5) major categories:

- General internal administration
- Economic development
- Agriculture administration
- Culture/Education (internal administration, i.e. teacher qualifications)
- Social welfare

The categories contained above may not be well understood, except for economic development and agriculture administration. Internal administration refers to the state Ministry of Interior which is responsible for a variety of functions including land use planning. The cultural aspects of the state's responsibility include matters affecting church, education, libraries, museums, theaters and orchestras. The social welfare component relates to a variety of fields including employee safety, environmental protection and the court system.

The following table details the responsibilities of the state:
### Table 2

#### Administrative Tasks at the State Level

<table>
<thead>
<tr>
<th>Planning Responsibilities</th>
<th>Service Delivery Responsibilities</th>
<th>Regulative Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Budget</td>
<td>• Universities, higher education</td>
<td>• Police</td>
</tr>
<tr>
<td>• Medium-range financial planning</td>
<td>• Land roads</td>
<td>• Land youth office</td>
</tr>
<tr>
<td>• Land planning, regional development</td>
<td>• Forest administration</td>
<td>• Historical monuments</td>
</tr>
<tr>
<td>• Multilevel educational planning (GemA)</td>
<td>• Land survey office</td>
<td>• Agricultural field rearrangement</td>
</tr>
<tr>
<td>• Planning within the framework of the joint tasks (GemA)</td>
<td>• Federal highways, autobahnen (AV)</td>
<td>• Mining and natural resources</td>
</tr>
<tr>
<td></td>
<td>• Airports (GemA)</td>
<td>• Office for protection of the constitution</td>
</tr>
<tr>
<td></td>
<td>• Public housing (GemA)</td>
<td>• Regional military administration</td>
</tr>
<tr>
<td></td>
<td>• Urban development (GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Hospital financing (GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• University facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>construction (GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Economic structural</td>
<td></td>
</tr>
<tr>
<td></td>
<td>improvements (GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Agricultural improvements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(GemA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Land central bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Land employment office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Radio and television stations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Land banks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Land insurance offices</td>
<td></td>
</tr>
</tbody>
</table>

Source: See previous table, p. 90

GemA = Gemeinschaftsaufgabe (Joint tasks)
AV = Auftragsverwaltung (Delegated tasks)

Boldface indicates federal agencies.
Italic type indicates legally autonomous activities.

### Regional

This level of government represents the administrative districts whose purpose is to supervise local government. In the German governmental structure this supervising effort fulfills two (2) functions:

- It ensures the enforcement of state and federal laws which are delegated to local government.
• It protects local governmental authority and responsibility from being usurped by other levels of government.

The following table further delineates the responsibilities of administrative districts at the regional level.

**Table 3**

**Administrative Tasks at the Government Administrative District and Regional Level**

<table>
<thead>
<tr>
<th>Planning Responsibilities</th>
<th>Service Delivery Responsibilities</th>
<th>Regulative Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Regional planning</td>
<td>• Special schools for the deaf</td>
<td>* Police</td>
</tr>
<tr>
<td>• Budget (for regional administration only)</td>
<td>• Special schools for the blind</td>
<td>* Appeals regarding building code supervision</td>
</tr>
<tr>
<td></td>
<td>• Psychiatric clinics</td>
<td>* Matters regarding eminent domain, state sovereignty</td>
</tr>
<tr>
<td></td>
<td>• Reform schools</td>
<td>* Local government supervision</td>
</tr>
<tr>
<td></td>
<td>• Mental hospitals</td>
<td>* School supervision</td>
</tr>
<tr>
<td></td>
<td>• Specialized hospitals</td>
<td>* Coordination of development funds</td>
</tr>
<tr>
<td></td>
<td>• Regional public assistance</td>
<td>* Scenic protection</td>
</tr>
<tr>
<td></td>
<td>• Nature parks</td>
<td>* Civil defense</td>
</tr>
<tr>
<td></td>
<td>• Regional airports (GemA)</td>
<td>• Regional finance and revenue office (in part Land authority)</td>
</tr>
<tr>
<td></td>
<td>• Federal highways, autobahnen (AV)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Special care offices (war disabled, physically disabled)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Electricity production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Gas production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Water procurement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Chambers of industry and commerce</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Chamber of crafts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Major regional offices of the federal railroad</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Regional offices of the post office</td>
<td></td>
</tr>
</tbody>
</table>

Source: See previous table, p. 91

*=Land agency

GemA = Gemeinschaftsaufgabe (Joint tasks)

Boldface indicates Federal agencies.

Italic type indicates legally autonomous activities.
Local

Local functions can be characterized as either undertaking matters of specific local concern or those matters which have been delegated to them. As noted previously, local government is free to undertake a variety of activities provided it is legal and not the responsibility of another level of government. States can assign a variety of tasks to local government which could overburden their administrative ability to undertake tasks more applicable to their local needs. However, there are several factors which limit this occurrence:

1. The state is usually responsible for providing local government with the necessary funds to meet and fulfill the state mandate; and

2. Local government administration of delegated tasks allows them to influence the structure and application of the task.

The following table details the potential responsibilities of local governments:
### Table 4

**Distribution of Local Government Affairs Between Municipalities and Counties**

<table>
<thead>
<tr>
<th>Administrative Area</th>
<th>Municipality</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>• General administration</td>
<td>Town hall and special purpose offices</td>
<td>County hall and special purpose offices</td>
</tr>
<tr>
<td></td>
<td>Statistics</td>
<td>Statistics</td>
</tr>
<tr>
<td></td>
<td>Data processing</td>
<td>Data processing</td>
</tr>
<tr>
<td></td>
<td>Public relations</td>
<td>Public relations</td>
</tr>
<tr>
<td></td>
<td>Auditing</td>
<td>Auditing</td>
</tr>
<tr>
<td>• Schools and education</td>
<td>Nursery schools</td>
<td>Middle schools</td>
</tr>
<tr>
<td></td>
<td>Elementary schools <em>(Grund-und Hauptschulen)</em></td>
<td>Advanced high schools</td>
</tr>
<tr>
<td></td>
<td>Middle schools</td>
<td>Integrated schools <em>(Gesamtschulen)</em></td>
</tr>
<tr>
<td></td>
<td>Advanced high schools</td>
<td>Special education schools</td>
</tr>
<tr>
<td></td>
<td>Integrated schools</td>
<td>Pupil promotion</td>
</tr>
<tr>
<td></td>
<td>Schools</td>
<td>Adult education</td>
</tr>
<tr>
<td></td>
<td>School development planning</td>
<td>Youth music schools</td>
</tr>
<tr>
<td>• Culture</td>
<td>Municipal library</td>
<td>County mobile library</td>
</tr>
<tr>
<td></td>
<td>Cultural productions, e.g., concerts, theater</td>
<td>Local history and county museum</td>
</tr>
<tr>
<td></td>
<td>Local history and museum</td>
<td>County archives</td>
</tr>
<tr>
<td></td>
<td>Municipal archives</td>
<td>Monument maintenance</td>
</tr>
<tr>
<td></td>
<td>Monument maintenance</td>
<td>Partner cities</td>
</tr>
<tr>
<td></td>
<td>Partner cities</td>
<td>Partner cities</td>
</tr>
</tbody>
</table>
Table 4 (Continued)
Distribution of Local Government Affairs
Between Municipalities and Counties

<table>
<thead>
<tr>
<th>Administrative Area</th>
<th>Municipality</th>
<th>County</th>
</tr>
</thead>
</table>
| Social welfare      | • Homes for the aged  
                      • Nursing homes  
                      • Home care for the aged  
                      • Housing for the homeless  
                      • Youth vacation homes  
                      • Youth promotion activities  
                      • Welfare payments         | • Homes for the aged  
                      • Nursing homes  
                      • Home care for the aged  
                      • Youth vacation homes  
                      • Youth promotion activities  
                      • Welfare payments         |
| Health care         | • Home care for sick mothers, etc.  
                      • Hospitals           | • Youth vacation homes  
                      • Youth promotion activities  
                      • Welfare payments administration  
                      • Child rearing consultation  
                      • Vacation home for children |
| Veterinary care     | • Slaughter House              | • Hospitals                      |
| Sports and recreation| • Athletic fields  
                      • Athletic halls/centers  
                      • Outdoor/indoor swimming pools  
                      • Playgrounds  
                      • Facilities for special events and lectures  
                      • Camping grounds  
                      • Youth hostels  
                      • Subsidy and promotion of local clubs | • Youth hostels  
                      • Subsidy and promotion of local clubs |
| Public utilities    | • Heat and electricity (in regional association)  
                      • Waste collection  
                      • Water supply  
                      • Sewerage          | • Waste disposal  
                      • Animal disposal  
                      • Water supply       |
Table 4 (Continued)

Distribution of Local Government Affairs
Between Municipalities and Counties

<table>
<thead>
<tr>
<th>Administrative Area</th>
<th>Municipality</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>• Municipal land-use planning <em>(Bauleitplanung)</em></td>
<td>• Land assessment</td>
</tr>
<tr>
<td></td>
<td>• Municipal development</td>
<td>• Property administration</td>
</tr>
<tr>
<td></td>
<td>• Land development preparation</td>
<td>• Construction and maintenance of county roads</td>
</tr>
<tr>
<td></td>
<td>• Land acquisition and sale</td>
<td>• Underground and surface engineering</td>
</tr>
<tr>
<td></td>
<td>• Property administration</td>
<td>• Equipment park</td>
</tr>
<tr>
<td></td>
<td>• Construction and maintenance of municipal streets and places</td>
<td>• Economic promotion</td>
</tr>
<tr>
<td></td>
<td>• Underground and surface engineering</td>
<td>• Tourist promotion</td>
</tr>
<tr>
<td></td>
<td>• Equipment park</td>
<td>• County savings banks</td>
</tr>
<tr>
<td></td>
<td>• Attraction of industry and business enterprises</td>
<td>• Public commuter transportation</td>
</tr>
<tr>
<td></td>
<td>• Tourist promotion</td>
<td>• Domestic airports</td>
</tr>
<tr>
<td></td>
<td>• Municipal or association savings banks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Parks and gardens</td>
<td>• Nature parks</td>
</tr>
<tr>
<td></td>
<td>• Hiking and horse paths</td>
<td>• Recreation facilities</td>
</tr>
<tr>
<td></td>
<td>• Recreation facilities</td>
<td>• Scenic care</td>
</tr>
<tr>
<td></td>
<td>• Scenic care</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cemeteries</td>
<td></td>
</tr>
</tbody>
</table>

Source: See previous table, pgs. 106-108

*=Land agency

GemA = Gemeinschaftsaufgabe (Joint tasks)

Boldface indicates Federal agencies.

Italic type indicates legally autonomous activities.
Economic/Fiscal Characteristics

The German method of taxation and expenditure can be characterized as a complex integrated system. The basis for the complexity is, in part, due to the decentralized nature of German government and the constitutional provision to achieve an equal standard of living. One can easily hypothesize from these two (2) features that tax revenue is shifted among different levels of government to improve fiscally distressed areas and ensure money is available to those entities responsible for implementing various government programs. This example represents the vertical and horizontal adjustments which take place between the various levels of government. This method of redistributing revenue is referred to as Finanzausgleich, or fiscal equalization. In this manner the most important taxes are shared and various grants and assessments are used to support areas when there is a revenue shortfall. This system is "designed to distribute revenue among the three [primary] levels of administration [federal, state and local] according to their respective public service responsibilities."^7

The method of redistributing tax revenue can occur in a variety of ways. The following examples attempt to identify the overall framework and individual programs designed to carry out this process.

The Method of Vertical Fiscal Adjustment

Vertical adjustments take place in the following general manner:

- The distribution between the federal and state levels of government occurs in accordance with a set formula.
• Specific tax revenues are allocated to specific territorial entities.
• Municipalities receive revenue from the state government and distribute revenue back to the federal and state government.

The type of products or transactions which are taxed are listed below in Subsection 3 of this Chapter.

The movement of tax revenue between the different levels of government has resulted in the federal government receiving approximately 45 percent of the tax revenue, while the states and municipalities receive 40 percent and 15 percent, respectively.

The Method of Horizontal Fiscal Adjustment

This redistribution of tax revenue is also set by statute and represents a transfer of funds from more affluent states and municipalities to less affluent jurisdictions in an effort to create an equal living standard.

Tax Collection and Distribution

The German tax system provides a three-tiered structure which ensures that certain taxes are either reserved for each level of government, shared with others or are shared through either general or special-purpose grants.

The following listing identifies those items which are taxed and therefore provide revenue for each respective level of government.
• Federal Government: Cigarette matches, customs duties, tobacco, liquor, gasoline, transport, stock market and insurance transactions, wealth taxes "for postwar burden-sharing payments, special
supplementary income and corporation surtaxes, and taxes raised for
the European Common Market."§

- State Government: Taxes on wealth and inheritance, land acquisition,
  fire protection, automobiles, betting on races, beer, gambling and
lotteries sponsored by the state.

- Municipalities: Business tax, property tax, and user or local consumer
taxes. Depending on state law, municipalities may also tax
  entertainment, dogs, non-alcoholic drinks, hunting and fishing and
  beer licenses.

An important provision of the German tax law provides that no two
levels of government may tax the same revenue. Rather the German system
is based upon the sharing of various taxes, such as income, corporation, and
value-added taxes. "Since January 1980 the municipalities have received
15 percent of the income taxes based on the total income tax payments
made by their own local citizens. The remaining 85 percent of the income
tax and all of the revenues from the corporate tax are divided equally
between the Land [State] and federal governments."§ Similarly about 40
percent of the business taxes collected by municipalities are shared equally
with state and federal governments. Municipalities are free to set business
tax rates within the range allowed by state law.

Since the amount of income and corporate tax paid is representative
of a region’s economic climate, the value-added sales tax (VAT) was
included within the shared tax structure to provide stability. In 1986 the states were to receive 35 percent of the total amount of VAT collected.

**Federal Aid**

Special grants are provided by the federal government to state and municipal governments to off-set costs for the following items:

- The loss of revenue or an increase in expenditures due to actions required by federal law.
- For special activities mandated by the federal government.
- Facilities which create a burden.

Examples of the special activities or burdens can include undertaking census counts within their jurisdiction boundaries, or having military or special governmental facilities.

**Joint Tasks**

"Joint tasks" involve the participation of the federal government in state functions for the purpose of either undertaking activities which are of benefit to the public-at-large or if they are necessary to the attainment of better living conditions. However, the federal role is not allowed to usurp normal state responsibility.

Contained within the provisions for federal assistance are measures for planning. Planning committees are comprised of representatives from the federal and state governments for the purpose of reviewing individual projects and establishing both short-term projects and long-range projections. A sister provision to this program is the cooperation between federal
and state government "in the promotion of facilities and activities involving scientific research."\textsuperscript{10}

**Federal Aid for Investments**

The federal government can give aid to state and municipal governments for program-oriented investments which are intended to achieve one of the following:

- Counter economic imbalances
- Foster economic equality
- Promote economic growth

The basis for these investments is the determination that the programs could not or would not occur without federal assistance. For example, grants can be used to alleviate economic imbalances and are viewed as a short-term measure.

**Fiscal Equalization within the States**

In an effort to provide for an equal standard of living, states have created a hierarchy of central places which are intended to signify the importance of areas which provide a broad range of services beyond their jurisdictional boundaries. Central places are also categorized by their size and level of importance. The categorical grants from states for "infrastructure investments and the more general formula grants have been an important source of income for central places in recent years."\textsuperscript{11}

General-purpose grants are distributed as formula grants based primarily on population figures although some are applied based upon need.
The formula grants provide additional revenue to all local governments, similar to community development block grants.

Special purpose grants, as the name implies, are focused toward a particular task delegated to local government such as schools, streets, commuter transportation and direct transfer payments.

Fiscal Equalization within the Counties

Few taxes are specifically intended for county use. Most county revenue is received from the states in the form of project grants, formula grants, and infrastructure investment aid. Additional revenue is provided from states and county assessments. On the national average approximately one-third of municipal tax revenue (in the form of assessments) were distributed to counties.
CHAPTER THREE

GERMAN PLANNING LAW

Organizational Structure

The structure of German regional planning can be characterized as an integrated system which is established from the top-down but implemented from the bottom-up. One should not assume from this characterization that federal or state policies or directives are imposed upon the smaller jurisdictions who are, in turn, responsible for dutifully carrying them out. On the contrary, the system is designed to be inter-locking in which each lower level of government further refines and tailors the policies and plans of the supervisory government to meet the needs of its jurisdiction. Combined with this is the fact that each level of government is responsible for those functions which reflect and mirror their proportional level of authority. For example, the federal government is responsible for the national defense, regional government is responsible for providing equivalent living standards for its citizens, and local government is responsible for construction and development. In this manner the Germans have created a structure which necessitates interaction between the various levels of government.

The philosophy of planning in California can be characterized as both similar and yet extremely different from that in Germany. The various areas of similarity include:
Some administrative functions and responsibilities are provided by the federal government.

- State government has the ability to regulate local government actions.
- Local jurisdictions are required to prepare plans and documents consistent with state planning law.

The type of state level planning that has occurred in California that is most compatible with the German system is related to transportation planning and regional governments. Transportation planning has existed for some time in which county transportation agencies can identify and implement programs within the context of an established state-wide master plan.

Somewhat related to this has been the voluntary establishment of regional and sub-regional level governments. In an effort to resolve regional issues related to transportation, land use, and other recent legislative issues, such as solid waste, local jurisdictions have formed multi-jurisdictional levels of government. These new regional governments can span either multiple counties (Southern California Association of Governments), a single county (San Bernardino Association of Governments), or even a portion of a county (Western Riverside Council of Governments or the Coachella Valley Association of Governments).

It should be noted that while the efforts of these regional governments may be seen as similar to those in Germany, they do not
contain the same legally binding, comprehensive design or administrative integration that the German system does.

In contrast the two (2) systems differ in the following manner:

- California has no state land use planning. State land use planning currently occurs through either state level agencies, such as Caltrans and the Department of Fish and Game (which are not always consistent), or broad state planning goals and objectives. The actions of state agencies are not necessarily coordinated and are not intended to implement an overall state plan, since one does not exist. In addition, actions or policies mandated by the State of California are not easily attainable by local governments due to financial or other constraints. German state and regional level planning, on the other hand, is comprehensive and integrated, thereby covering a broad range of issues which are identified on a land use map, including but not limited to settlement areas (housing), industry, mining, agriculture, forest, ground water protection areas, recreational areas, highways, and rail lines.

- No integration exists in California between the different levels of planning, such as state-federal or local-state. This level of integration or cooperation, while recommended, is seen as a loss of local control and opposed by elected decision-makers.
Hierarchy of Planning

The structure of German planning efforts can be categorized in the following manner:

Federal Level

The basic aims and principles of regional planning are established at this level. A concept for the development of the various regions in the country is stipulated by the Federal government and Parliament (Bundestag) in the Regional Planning Law.

State Level

The basic principles, definitive programs, and plans for the development of the state are stipulated by each state parliament and contained in the Law on State Regional Planning (LPIG) and the Law on State Regional Development (LE Pro).

Sub-Regional Level

Area-related regional planning goals for the development of the governmental districts are determined by each District Planning Council through the implementing regulations contained in the State Regional Planning Law.

Municipal Level

The land uses represented by the regional plans and which encompass a region's municipalities are determined by the Municipal Council and carried out through the use of the individual Building Laws/Zoning Ordinances of each jurisdiction.
Regional Planning

Against this backdrop of government organization, regional planning serves a variety of critical functions:

Respond to Nation-wide Issues

The federal government created the legal authority upon which regional planning is based through the adoption of a program for spatial planning (Bundesraumordnungsprogramm). "The overriding precept of regional planning in the Federal Republic of Germany is the creation of equivalent living conditions in all parts of the country."\(^1\) To achieve this objective the federal, state and local authorities are expected to equally cooperate based upon the level of responsibility afforded them through the constitution.

Respond to Spatial Issues

These issues establish the regional development concepts that correspond to a jurisdiction’s area of influence. This scope of regional planning can vary from that applicable to the entire state or sub-areas.

Promote Regional Consciousness

This characteristic allows decision-makers to view their actions within the context of other areas and different needs.

Aid Regional Cooperation

This characteristic necessitates the interaction between or creation of organizations to resolve concerns on a broad scale. This type of cooperation leads to the need for consensus planning on issues which in turn
strengthens the future resolve of decision-makers and their determination to fulfill agreed upon goals. An example of how these functions are incorporated into regional planning policy can be seen through the following basic planning principle employed by for the State of North Rhine-Westphalia (NRW): "Planners in the NRW have the task of formulating a comprehensive and cohesive planning policy that takes account of more than simply local considerations and will promote development in accordance with the basic principles of regional planning. The regional structure of North Rhine-Westphalia should be developed in such a way as to best serve the free development of the personality in the community, taking account of population development, natural circumstances, the requirements of environmental protection and infrastructure, economic, social and cultural requirements." ^{13}

**Individual Rights vs. Planning**

The mechanisms described above are intended to create an environment that is beneficial to the country as a whole and its citizens in particular. In contrast to this, planning authority in the United States is often seen as an undue restraint upon individual freedoms. This is due to the inherent conflict between balancing capitalistic ideals with social aims. This balancing act also occurs in Germany in which the rights of the individual citizen are established in the Basic Law. These rights include the right to own property and the right to the free use of one's property. In
addition, the Basic Law provides individuals with the right to the development of their personality, including the free choice of their place of residence.

Within the perimeters described above are two (2) very important concepts which further highlight the potential for conflict between the German economic and social goals:

1. The individual rights described earlier "cannot become the subject of direct control by state authorities."^{14}

2. The individual right to own property implies an obligation to use the property for the general good.

The latter issue is critical because it helps establish the right of the state to regulate development. "The social obligation attached to property ownership enshrined in the constitution... [entitles individual owners] to make use of this right where it is possible to ensure that building activity is compatible with the interests of the general public and, at least in this respect, qualifies to be permitted. The conditions which are required to be met before individual building projects can be permitted are regulated by law. The decision as to whether a concrete development project is permissible under the relevant statutory and other provisions is taken as a rule within a building permission procedure, which is initiated by the property owner (or investor) concerned by submitting a building application. Building permission can be seen as removing all the obstacles barring the property owner for exercising his or her right to build."^{15}
An Historical Perspective on Spatial Planning

I would characterize spatial planning as the foundation of the German regional planning system. Spatial planning is the method used in Germany to allocate land uses, such as housing, industry and recreation. It is important to understand that spatial planning is strongly influenced by economics and therefore even some of the terminology used in planning is derived from economics. In addition, the Federal Regional Planning Act has further linked the two issues by establishing policies which attempt to harmonize and balance conflicting land use demands and, as noted previously, attain equivalent standards of living among the various sub-areas of a region.

To better understand the linkage between spatial and economic issues in Germany, it is appropriate to present an historical overview of the German development pattern between the 1960’s and the 1980’s.

Economics and Spatial Changes

Historically it was, and in some instances still is, the impression that regional development in Germany occurred in a vary favorable manner. That impression seems to be fueled by three factors: (1) the relatively favorable distribution pattern of towns and industrial centers; (2) the country’s
positive feelings toward economic growth; and (3) the fact that a manpower shortage no longer exists.

However, there has been considerable geographic change in the spatial arrangement of land use in German urban areas. For example, it was realized by the German government in the 1970's that in spite of strong overall economic development, there remained pockets of low income residential and inadequate or decaying structural (infrastructure) facilities. In addition, a trend of agglomeration was occurring. In the material I researched, "agglomeration" was the preferred method of referring to either the movement of people or industry to major cities, areas near major cities, or more densely populated areas. The initial reason for the trend toward agglomeration was based on a number of issues, one of which was the need for industry to be located near an adequate labor supply. This reasoning was to later change to that of finding adequate areas for the physical expansion of industrial facilities.

At the same time that the shift in private sector industrial locational policies was occurring, it was found that the process of agglomeration was having the effect of depopulating the already thinly populated rural areas. In addition, a process of deconcentration was occurring within agglomerated regions, whereby central cities decreased in size while medium sized cities located on the periphery of the urban areas were growing.

The reasons behind these population shifts were based upon the political ideology of the time. In the 1950’s, politicians were convinced that
any structural/infrastructure problems that existed would be solved by the free market. This belief was based upon the fact that since growth had increased at an average of eight percent a year this rate of growth would continue. Due to the revenue provided by such growth, local government was able to provide the necessary infrastructure, schools, and housing to ensure a good standard of living. Cities also provided incentives such as tax relief and cheap land to attract industry to the area. The result of this action was the physical expansion of the urban areas. Developments in the towns, for the most part unplanned, eventually led to the functional and physical segregation of the various areas for living, including areas for business, housing, shopping, and leisure. This in turn resulted in increased efforts to extend town infrastructure to provide for additional development. This scenario sounds very much like what has occurred in many parts of the United States, as cities attempted to outbid other cities to attract either large employers or businesses that provide significant sales tax revenue, such as Wal-Mart.

Suburban areas around the cities were swallowed up by the expansion. "In the wake of fairly high economic growth, there was no room for radical rethinking." Inevitably, municipalities were soon caught up in a cycle of feeding the needs of business without balancing the social needs of the country. Through this process, government authorities soon realized that they were unable to reduce regional disparities required by the Constitution. Such a realization "resulted in considerable pressure being
brought to bear on the central state to implement regional policy measures. "17

Economic Development

Much of the older literature I have read has focused on the issue of economic development. While the stated goals and objectives of planning include a variety of issues such as housing, recreation, open space, and transportation, a significant amount of effort is devoted to ensuring that the proper level of economic development occurs. I have used the phrase "proper level" to emphasize the fact that while the German government is democratic in nature, it is also socialistic in its operation and function. One need look no further than the Basic Law or the 1965 Federal Spatial Planning Law, which states that "in regions in which the living conditions in their totality are significantly lagging behind the federal average, or in which such lags are to be anticipated, the general economic and social conditions as well as the cultural facilities shall be improved."18 In 1973, Chancellor Willy Brandt reiterated his country's constitutional mandates by stating "It is our task to create and guarantee for all citizens in our federal state equal chances in life. To this end a concept for the regional development of the federal territory will be elaborated and federal measures better coordinated regionally."19 Based upon this goal and the realization of the problems created by the existing growth pattern the following initial government objectives for regional planning efforts were established:
• Meet the requirements of the Federal Constitution, (that portion related to the guarantee for equal living conditions).
• Create an economic structure to efficiently and effectively utilize labor and materials.
• Facilitate the process of creating or modifying structural problems in developed area.
• Respond to the division of Germany into two countries and different occupation zones.

From these issues, the following policies were derived:

a) "Assistance for investments in promising long-term growth industries;
b) Assistance for the expansion of economic facilities with the objective of improving the prerequisites for creating new industrial jobs; and

c) Development of tourism in appropriate regions."

Current Programs and Plans

The actual delineation of spatial planning efforts can best be illustrated through those prepared at the state level. Such plans not only specify the general guidelines to follow and delineate the various sub-regional planning areas, but also establish a spatial order of land use through the extensive use of maps. The categories used to delineate the various functions or characteristics on a map include, for example, that of central places and development axes and the designation of areas for conservation or development.
I have noted the use of the categories "central places" and "development axes" to further highlight the mixture of economics and land use arrangements. The term central places "relates to communes which, by reason of their private and public services, are capable of supplying themselves and their surroundings in this respect... Such a system of concentrating the supply of services finds its justification in the minimum population numbers that are a pre-condition to the provision of many services, since below that minimum the establishment or facility concerned would not pay, or in other words, the financial expenditure involved would be excessive."\(^{21}\)

The term development axes also has an economic connotation since "Alongside these development axes, preconditions for the settlement of housing and enterprises are particularly favorable. For one thing, development axes are aimed at establishing order in highly populated areas and for another they are meant to assist the development of rural areas."\(^{22}\)

**Spatial Development Issues**

The 1991 Regional Planning Report prepared by the Federal Ministry for Regional Planning, Building, and Urban Development identified a number of "determinatives of spatial structure."\(^{23}\) While these topical areas are fairly self-explanatory, these create a framework for identifying the important issues in German regional planning efforts. These topical areas also highlight the relationship between spatial and economic issues.

1. Population and Settlement Structure
   
   - Population
• Settlement Structure and Urban Development
• Housing Stock

2. Economic Structure and Labor Market
• Economic Structure and Labor Market
• Agriculture

3. Infrastructure
• Traffic and Communication Infrastructures
• Supply and Disposal Infrastructures
• Educational Facilities
• Social Welfare and Cultural Amenities, Public Health Services

4. Ecological

Applying the philosophy that German planning is an integrated system, it would naturally follow that these categories of analysis should evolve into the key objectives for regional planning efforts in the country. This is indeed the case and is reflected in the discussion contained in the following chapter.
In February 1993 the Federal Ministry for Regional Planning, Building and Urban Development adopted guidelines to "outline the framework for future spatial development in the Federal Republic of Germany." The basis for the Guidelines was to respond to the significant changes that had taken place not only since the unification of Germany but also the structural changes taking place in Europe due to the continuing integration of individual countries into the European Community.

The primary objectives of the Guidelines are to:

- "Promote equivalent living conditions in all parts of the Federal territory and above all in the new Länder;
- Integrate the fundamentally changed situation in Europe (completion of the internal market/opening up of Eastern Europe) into a spatial precept;
- Safeguard and develop the poly-central spatial and settlement structures; and
- Protect the environment and natural resources."

The Guidelines also reiterate the special linkage that exists between the different levels of German government when it pronounces that "... it is a fact in regional planning as in other sectors that political objectives are not elaborated and enforced centralistically ‘from the top to bottom’. Rather, it
is a characteristic feature of German federalism that solutions to problems are worked out in productive processes of cooperation between the various levels of government, each level retaining responsibility for its remit." This philosophy is further re-enforced though the statement that "The Guidelines for Regional Planning are addressed to decision-makers at Federal and Laender [States] level as well as in the communes and local-authority associations, whose plans and measure exercise a prominent influence on spatial development."27

The Guidelines have established five (5) general topic areas from which to direct future spatial development within the country:

1. Settlement Structures
2. Environment and Land Use
3. Traffic Planning
4. Europe
5. Planning and Development

Each of these topic areas contain issues or principles which respond to identified concerns. Each specific issue has been extracted from the Guidelines and summarized as part of each major topic area. Each topic area may include both policies and generalized diagrams, depending upon their applicability.

General Principles for Settlement Structures

The focus for German regional planning is based upon the spatial characteristics of development. Spatial issues are related not only to the
locations of land use and their interaction upon one another but the interdependencies which develop between sectors of the economy, such as industry and services, and the influence of particular regions upon their neighbors.

The issues identified as having a relationship to settlement structures include the following:

**Growing Spatial Interdependencies**

This issue highlights the linkage which exist between Germany’s cities and states including their relationship with adjoining countries. This and subsequent issues contained in the Guidelines also attempt to establish a baseline set of characteristics such that a common perspective or level of understanding can be achieved for those attempting to understand the German system.

**Developing and Strengthening Poly-Central Spatial and Settlement Structures**

This issue not only highlights the strength of the existing development pattern, which supports big cities and/or centers through small and medium sized cities, but also acknowledges its benefits as well. This issue is also reflective of the central place theory of economics used by German planners.

**Utilizing and Developing Synergetic Effects**

This issue recognizes the benefits of agglomerations through their development of specified functions. However, this issue does not intend to promote a gathering together or expansion of areas which destroy the environment through urban sprawl.
This issue also focuses on establishing urban networks, particularly those in the newly unified states of the former East Germany. The Federal Ministry for Regional Planning, Building and Urban Development is in the process (as of the date of this document) of developing policies intended to restructure the new states by concentrating economic activities in 12 developing regions.

**City Regions: Counteracting Overburdening and Improving Development Opportunities**

As noted in the previous issue the Germans recognize that agglomerations (the growing together of cities or areas) are "regional engines of economic growth for spatial development in the entire country. Yet at the same time their efficiency is being increasingly impaired..." due to a deteriorating environment. This issue raises the specter that should these "engines" be adversely affected through either economic or social action the entire country could be significantly affected as well. In response to this potential, the government has given the highest priority to protecting and enhancing these areas.

**Sparsely Populated Areas Far from Agglomerations: Stabilizing them and Developing their Potential**

This issue highlights both the importance of rural areas and their inherent weaknesses throughout the country. Rural areas continue to be affected by depopulation or urban expansion.
Berlin/Bonn: Implementing the Decision on the German Capital in Regional Policy

In 1991 the German Parliament approved the relocation of certain key ministries to Berlin. Such a move significantly affects both the previous site of government (Bonn) and the development potential of the Berlin area. This issue identifies the fact that efforts have been undertaken by the government to designate the Bonn area as a "science region" in an effort to replace the loss of jobs and regional prominence.

General Principles for the Environment and Land Use

It is of interest to note that the tenor of the language employed by this section of the Guidelines differs from that used for the previous section "because the current situation in the individual Laender [States] and regions differs greatly in terms of spatial conditions and settlement structures." This understanding of the inherent differences of each region results in the avoidance of specific policies and a focus toward broad objectives which can then be implemented to meet specific local needs. Although not stated, another reason for the difference is probably due the method of land use planning applied by the various levels of government. Planning at the various governmental levels includes the use of text and land use maps which cover a variety of issues. The usefulness or applicability of condensing such information to be made available at the national level would be marginal at best and not in keeping with the German concept of decentralized government. Therefore a policy framework for the actual
preparation and evaluation of plans is more beneficial to state and regional
governments.

In order to effectively implement a method of resolving conflicts
between land use and environmental protection policies, German regional
planning has focused upon two (2) primary objectives: First, inter-regional
environmental resources must be preserved; and Second, actions must be
taken to reduce environmental degradation by preserving or improving spatial
efficiency. The principles identified as part of these objectives include:

[The] Rising Number of Land Use Conflicts: Approaches to Solving Them

As noted by the title of this principle, general guidelines have been
created to aid in the evaluation of land use conflicts. These guidelines do
not seem to be directive in nature but rather establish a starting point from
which decisions are based.

Protection of Resources in Regional Planning: Relieving, Redeveloping,
Protecting

This principle relates to those pro-active approaches which can
safeguard environmental resources. "The main approaches to a space-
oriented protection of resources and of the environment are settlement
structures and land use. This is why a reasonable correlation between
places of work and housing locations as well as the attribution of
appropriate sites help to avoid new pressures on the environment on a
regional scale."31
From this principle four (4) issue areas were developed to govern ecological protection in regional planning:

a) Safeguarding and ameliorating the quality of the environment
b) Putting ecological quality to use
c) Remedying damage to the environment
d) Alleviating and avoiding pressures on the environment

Conversion of Former Military Sites: Putting Regional Development Opportunities to Use.

This issue has grown in importance due to the end of the Cold War and the resultant decrease in the size of NATO. The availability of these sites presents a significant opportunity for regional planning. The objectives discussed as part of this topic area include either exploiting the sites for open space, if they are of high ecological value, or using them for non-open space uses such as for housing or industrial uses.

General Principles for Traffic Planning

The intent of this section of the Guidelines is to integrate transportation factors into the discussion of settlement patterns, land use, and environmental issues. The Guidelines take a general rather than a specific approach to responding to this topic area similar to that noted in the previous topic area. As such specific transportation needs are not identified, except to the extent of how they should be prioritized. Several examples include prioritizing the need for buses and railroad in overburdened urban areas or the need to shift freight transportation from roads to railroads.
The primary issue discussed in this section is entitled: Rapid, Differentiated Approaches to Developing the Traffic Infrastructure and Relieving the Traffic Situation. The objectives of this issue include:

1. The inter-regional transport networks in united germany need to be restructured.
2. Improving linkages between inter- and intra-regional traffic networks and deconcentrating traffic flows
3. Reorganizing inter-regional traffic flows
4. Taking advantage of the further development of spatial and settlement structures to relieve the traffic situation
5. Extending the high speed rail network
6. Leconcentrating inter-regional traffic

General Principles for Europe

German regional planning concepts reflect an understanding that issues can extend far beyond the arbitrary boundaries established by government. In addition, it attempts to identify specific geographic areas and general issues which are important in the development, growth and maintenance of regions. The Guidelines are divided into two (2) areas of discussion:

Expanding Interrelationships and Trans-Border Cooperation in Europe.

This principle seeks to capitalize upon the strengths of various regions and use it as a springboard for future action through the following actions:
• The effects of proposed projects in international border districts must be investigated to determine whether joint use of these projects is possible. Joint use of such projects shall be encouraged.

• Regional policies within the European Union should be harmonized.

• Improving cooperation with Poland and the Czech Republic should occur as quickly as possible.

• Regional initiatives for international cooperation must be supported. National regulations should be revised if they obstruct cooperation.

• Joint efforts to cooperate in the protection and redevelopment of natural resources within border states must be intensified.

**European Regional Planning Precept**

As noted before, the German’s and in this broader context, the Europeans as well, understand that certain opportunities exist because of the collective abilities or attributes provided them as a group of nations rather than as individual countries or states. However, their strength lies in their individual abilities and cooperation rather than in creating a homogenous community of nations. The Guidelines therefore stress the need to avoid developing specific regional policies for all of Europe. Rather the emphasis should be placed on common cooperation and promotion of ideas.

This principle is not only to be reconciled at a national level but also through the Commission of the European Communities (EC). The "EC’s
spatial policy is meant to coordinate action within the scope of the regional structure improvement funds [and] environmental policy.\textsuperscript{32}

**General Principles for Planning and Development**

These principles focus primarily upon those areas which aid and promote the development of the country (defined not only as just physical development but economic as well). One of the primary features of these principles and the German Constitution as well is the attainment of standardized living conditions. This does not imply a communist style system of individual economic attainment but rather a desire that regions not develop disproportionately to one another whereby the benefit to one area adversely effects another. In an attempt to moderate this type of occurrence various programs can be undertaken, such as the use of federal funds and prioritizing activities. The issues which affect these principles are listed below:

**Standardizing Living Conditions: A Long-Term Task**

As noted above the attainment of equal living conditions is a high priority. However, meeting this objective must be flexible. For example, the Guidelines state "Equivalent living, environmental and working conditions are a dynamic target that depends on the current situation; it is not an absolute standard."\textsuperscript{33} In addition it is recognized that the attainment of this objective is not as important as the process of attainment. This flexibility is reflected in the statement that "while pursuing the aim of equivalent living conditions,
there must be greater differentiation between setting substantive priorities and their time-tabling."^34

Planning and Development as Main Fields of Federal Action

The Guidelines both attempt to integrate and separate the need for planning and development. It is understood that responsible development can be achieved through effective planning. However, the emphasis for a greater level of planning may exist in the "old" German state (prior to unification), while development or redevelopment activities may take precedent in the "new" German states.

Strengthening the Forces Inherent in the Various Regions

This issue attempts to emphasize both the benefits of the existing spatial and settlement pattern (primarily in the "old" states) and the need for formal sub-regional cooperation (primarily in the "new" states).

Regional Allocation of Promotion Funds

The various institutions and responsible authorities within regions should have a greater flexibility in the amount of funds that are distributed from the federal and state governments. This would allow not only the attainment of local priorities but the ability to oversee individual project performance.

Linking Structural Policy at the Regional Level with Selective Action in Specific Areas

The German framework for planning is de-centralized with respect to authority and implementation. However, some issues extend beyond the
boundaries of individual regions and require a more expansive effort than that capable under a regional implementation system. An example of these issues is the diversion of financial and promotional resources to the "new" states.

**Outlook: Keeping the Guidelines for Regional Planning Open for New Developments**

The Guidelines indicate that this Principle is to create a framework for actions which "outline priority tasks, approaches, requirements and perspective for the future design of regional policy from the Federal point of view." In the German system this level of flexibility is seen as a necessary element in the effort to match needs with the dynamic changes occurring in social, economic and the resource structures of society. The two issues which affect this final Principle include:

**Developing Planning Instruments Flexibly**

The Guidelines emphasize action-oriented programs. However, it is necessary to evaluate the applicability or usefulness of these programs against the following measures:

- Efficiency
- Flexibility
- No perfectionism
- Strengthening informal instruments
- Widening sub-regional development concepts
- Coordinate regional promotion concepts
• Balancing regional interests
• New approaches to trans-border cooperation

**Taking up New Developments**

This concluding provision of the Guidelines reiterates the precepts previously stated:

• The Guidelines are not rigid but reflect an open concept.

• Implementation of the Guidelines can only occur with close cooperation between all levels of government and the public/private sectors.

• The applicability of the Guidelines must be continually reviewed and evaluated.
CONCLUSION

The German system of regional planning and of planning in general represents an integrated governmental system which provides for and ensures that adopted goals and programs can be effectively implemented. The ability to achieve this level of integration is derived from both an historical and political basis and is represented through its governmental structure. Urban and regional planners should find this type of system very attractive for a number of reasons:

1. It establishes specific methods to achieve desired results.
2. It promotes the philosophy that programs should be undertaken for the greater good, rather than the benefit of the few.
3. It incorporates a decision-making process which, while potentially very bureaucratic, ensures input from all affected stakeholders.

These types of themes can be characterized as socialistic in nature; and as such, they do represent both a major philosophical basis of the German government as well as that of the urban planning profession. However, even beyond these potentially negative characteristics, the German system does represent a more unified approach to problem-solving which views issues in a more global context rather than the parochial view employed here in California and other parts of the United States due to our emphasis on a home-rule style government.
It may be the position of many individuals that our cultural differences and geographic distances would prevent a full implementation of the German planning structure. The sharing of tax revenue between regions, the associated heavier tax burden for each individual, and the non-capitalistic premise of these ideas would be examples of the major hurdles to overcome if such a system were implemented. However, the advent of regional (the Southern California Association of Governments) and sub-regional (Western Riverside Council of Government and the Coachella Valley Association of Government) governments along with special agencies (Metropolitan Transit Agency) and their perceived benefit to citizens indicate the need for and acceptance of a greater level of regional interaction by government. The continued growth of urban areas and the extensive movement of people and goods throughout our urban regions will continually push us toward and eventually necessitate a greater level of governmental integration and coordination.

appendix
FEDERAL REGIONAL PLANNING ACT (Raumordnungsgesetz)

Section 1 Tasks and Objectives of Regional Planning

(1) With due regard to natural facts, to population trends as well as to economic, infrastructural, social and cultural requirements and in line with the objectives given below, the general spatial structure in the entire Federal Republic of Germany shall be developed so as:

1. To serve best the free development of personality within the community.

2. To ensure the conservation, care and development of the natural foundations of life.

3. To leave open over the long term opportunities for future land use arrangements and

4. To offer or lead towards equivalent standards of living for the people in all parts of the country.

(2) Spatial coherence and correlations between the territories separated until the unification of Germany shall be given attention and improved.

(3) Regional Planning within the Federal territory shall play its role in creating and furthering the spatial pre-conditions for cooperation among the European countries.
(4) The order of the individual parts of the territory shall match the order of the territory as a whole. The order of the territory as a whole shall allow for the facts and requirements that exist in its various parts.

Section 2 Principles of Regional Planning

(1) Regional planning shall be governed by the following principles:

1. The structure of the entire territory shall be developed with a balanced proportion of agglomerations and rural areas. Interrelations between these subareas shall be improved and furthered.

2. The spatial structure of areas with sound living conditions and, in particular, with balanced economic, social, cultural and ecological conditions shall be safeguarded and further developed. In areas where there is no such structure, measures for structural improvement shall be taken. The opening-up and operation of traffic, supply and disposal services shall be brought into harmony with the desired development. Within reasonable distance for the population, central places accommodating the relevant facilities shall be furthered.

3. In areas where the general standards of living lag far behind the Federal average or where deterioration in this respect is to be feared, the general living conditions of the population, and, in particular, employment opportunities, housing conditions, environmental conditions as well as traffic, supply and disposal services shall be generally improved, with increasing use of technological developments.
4. The performance potential of the territory referred to in Article 3 of the Unification Treaty, in particular of its border regions, shall be strengthened with the objective of creating everywhere in it conditions of life as well as economic and social structures that are equivalent to those prevailing in the rest of the Federal territory.

5. In agglomerations with sound conditions of life and with balanced economic and social structures, these conditions and structures and also the functions of such areas as centers of housing, industry and trade as well as of the service sector shall be safeguarded. Where air pollution, noise pollution, the overloading of traffic networks, and other detrimental effects due to congestion of an area have led to unhealthy conditions of life or imbalances in the economic and social structures in agglomeration, or where this must be feared, measures for structural improvement shall be taken. Such measure shall also cover the sub-areas at the periphery of these agglomerations. Particular efforts shall be made towards the improvement of traffic and housing conditions as well as to an extension of services and other supply and disposal amenities. Open spaces for near-by recreation and for the ecological equilibrium shall be safeguarded.

Type and scope of these measures shall not interfere with the realization of the principles laid down in sub-paras 1 to 3 and 6 in other regions.
6. For rural areas, a sufficient population density shall be aimed at; the settlement structure developed in the course of time shall be preserved, if possible, and efforts shall be made to ensure an adequate supply of services, public transport and other utilities even in the event of decreasing population figures. Economic efficiency with sufficient skilled training and employment opportunities also in sectors other than agriculture and forestry shall be aimed at.

The function of such areas as locations of agricultural and forestry production, as locations of housing and economic enterprises, and also as close-to-nature recreation and holiday areas shall be safeguarded and improved. Provisions shall be made towards the conservation and strengthening of ecological functions.

7. The prerequisites shall be created or safeguarded to preserve the agrarian and forestry cultivation of soil by an agriculture constituting an efficient sector of the economy and featuring a family farm structure and, together with an efficient forestry, contributing to protect the natural bases of life as well as to preserve and shape the cultural landscape.

Site-specific family-farm agriculture shall enjoy particular protection and shall be given priority over other forms of agriculture. Soils well-suited for cultivation by agriculture or forestry shall be preserved on a sufficient scale. When changing over to another kind of land use, ecologically compatible modes of use shall be aimed at.
8. Provision shall be made for the conservation, care and development of nature and landscape and, in particular, of the ecosystem, climate, plant and animal life, and the forests, for the protection of soil and water, for preventing air pollution as well as for safeguarding the water supply, for the avoidance and disposal of sewage and refuse, and also for the general public’s protection against noise. Thereby, the various possible reciprocal actions shall be taken into account. Care shall be taken to ensure the thrifty and considerate use of natural resources, in particular of water, land and soil.

9. The requirements of preventive safeguarding and of the well-ordered prospecting and winning of natural resources shall be taken into account.

10. The requirements of civil and military defense shall be taken into account.

11. Relations among traditionally linked fellow-countrymen as well as historic and cultural correlations shall be allowed for. Attention shall be given to the preservation of cultural monuments and unique natural phenomena.

12. Human needs for recreation in nature and landscape as well as for leisure-time and sports shall be ministered to by safeguarding suitable areas and locations with environmentally compatible conditions.

(2) The Länder may establish further principles provided that these are not contradictory to Paragraph 1 and Section 1.
(3) The principles shall be considered and weighed against one another by the authorities and bodies referred to in Section 3 [not included in this material] within the limits of their discretion and subject to the provisions of Section 1.
ENDNOTES


3 Ibid., p. 37

4 Ibid., p. 39

5 Ibid., p. 41

6 Ibid., p. 84

7 Ibid., p. 120

8 Ibid., p. 121

9 Ibid., p. 122

10 Ibid., p. 124

11 Ibid., p. 128

12 Guidelines for Regional Planning, P. III

13 Kristen Kötter. Pamphlet prepared by her to explain the regional planning program in North Rhein-Westphalia, p. 1


15 Ibid., p. 12


17 Ibid., p. 77
18 "The Experience of Nine Western Countries", Public Policy and Regional Economic Development (1974), p. 113

19 Ibid., p. 114

20 Ibid., p. 116


22 Ibid., p. 37

23 Ibid., p. 12


25 Ibid., p. 1

26 Ibid., p. III

27 Ibid., p. 1

28 Ibid., p. 6

29 Ibid., p. 8

30 Ibid., p. 11

31 Ibid., p. 12

32 Ibid., p. 20

33 Ibid., p. 21

34 Ibid., p. 21

35 Ibid., p. 25

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