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REGIONALVERBAND FRANKFURTRHEINMAIN

DEZERNAT I – ABTEILUNG REGIONALENTWICKLUNG, WIRTSCHAFT UND EUROPA

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### **Structures of spatial planning in Frankfurt Rhein-Main Region:**

#### **A simplified overview to inform discussions at the PURPLE Poznan conference**

To understand spatial planning in and for Frankfurt Rhein-Main region you need to have an idea of the planning system in Germany. Although that does have complicated details it is straightforward if you link it to the layers of government:

EU	EU
Bund	Federal State
Länder	Federal States; usually the German term is used in English (Land, plural Länder or Laender)
Gemeinden	Municipalities

To simplify the picture let's omit the EU in the following explanation. We need, however, add two sub levels:

Bund	
Länder	
Regierungsbezirke	
Kreise	Kreisfreie Städte
Gemeinden	

*Regierungsbezirke* are provinces of the traditional style, branch offices of the Land government in the larger Länder. As opposed to modern provinces like those in the Netherlands there is no parliament and no government.

*Kreise* (singular: Kreis) literally translates as “circles”, common translations are “districts” or “counties”; it is a group of municipalities. The idea behind this is to increase efficiency of local government by providing certain functions and services centrally, functions and services the smaller towns couldn't provide. Larger cities needn't that, so they are independent, free, of the *Kreise*, this is what the term “Kreisfreie Städte” indicates. Although there is that difference in size and status it is important to realise that all municipalities are equal as far as their autonomy is concerned: According to the Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland), the Constitution of Germany, “Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility, within the limits prescribed by the laws” (Article 28 (2)). – Article 30: “Except as otherwise provided or permitted by this Basic Law, the exercise of state powers and the discharge of state functions is a matter for the Länder.” To

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conclude: This leads to a guaranteed bottom-up structure with the federal government unable to directly interfere with local affairs.

For reasons of comparability let's now use the European NUTS system:

NUTS 0	Bund	
NUTS 1	Länder <sup>1</sup>	
NUTS 2	Regierungsbezirke	
NUTS 3	Kreise	Kreisfreie Städte
LAU 2	Gemeinden	

It is important to note that the LAU levels are, strictly speaking, outside the NUTS system, so that any EU documentation confined to NUTS 0 to 3 is an over simplification of the German administrative reality. By the way, we do not have LAU 1 in the Land Hessen.

Let's move to spatial planning now:

NUTS 0	Raumordnungsgesetz
NUTS 1	Landesentwicklungsplan
NUTS 2	Regionalplan
NUTS 3	Bauleitplanung
LAU 2	Bauleitplanung

*Raumordnungsgesetz:* A law, not a plan. It defines the structure of planning, not the contents. Only recently federal powers for federal plans have been introduced, now in force is one about wind energy in the North Sea. The federal ministry responsible for that focuses on studies and incentives.

*Landesentwicklungsplan:* A real spatial plan, with text and maps. "Entwicklungsplan" means "development plan". It is a top-down instrument of the Land government; however, it is fairly abstract. It does define the polycentric structure and hierarchy of centres, mainly by declaring certain cities "Oberzentren" (centres of higher centrality), where e.g. high level infrastructure should be concentrated (actually, this is more a description of what is already there than a spatial vision). Important for the PURPLE context is that this plan defines rural areas, everything else is urban or peri-urban.

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<sup>1</sup> EU publications about "regions" usually mean NUTS 1, sometimes might mean NUTS 2. As long as they say it is all right, but usually they don't.

*Regionalplan*: A closer look at about one third of the Land's territory, taking the Landesentwicklungsplan to a more concrete level.

*Bauleitplanung*: This is the instrument for the local level. It is a two tier system:

- The Flächennutzungsplan (Land Use Plan) covers the complete territory of a municipality. It assigns uses to areas: Housing, industry, transport, forest, agriculture and so on.
- The Bebauungsplan (plural Bebauungspläne) regulates what may be built and where. Usually, there are lots of Bebauungspläne in a municipality; typically, they would cover the area of a proposed new development. Bebauungspläne can (but needn't) go very much into detail (exact position of the houses, colour of roofs). These are bye-laws everybody has to obey: land owners cannot build what they want but only what fits into the Bebauungsplan. In most of the cases the Bebauungsplan is there to set limits. Any Bebauungsplan must be derived from the Flächennutzungsplan (in other words, a Bebauungsplan cannot provide for, say, housing, in an area assigned for agriculture).

The situation in Frankfurt Rhein-Main is a variation on that theme: There is an additional authority, the Regionalverband FrankfurtRheinMain (its predecessors were the Planungsverband FrankfurtRheinMain and the Umlandverband Frankfurt). This authority was created by a Land law. Size-wise this is a regional authority; legally however it counts as local government. There are 75 members, that is, municipalities, including Frankfurt am Main. Its instrument is the Flächennutzungsplan – but different from the standard approach described before this is one single Flächennutzungsplan for the complete territory, so the 75 municipalities do not have their individual Flächennutzungspläne. The idea of this is of course to co-ordinate spatial development through that single, common plan which is binding for the Bebauungspläne still within the competence of the municipalities.

To comply with the Grundgesetz imperative of municipal autonomy decisions are taken by a parliamentary chamber with delegates from the 75 member towns and cities.

Unfortunately, this area doesn't fit the NUTS system at all; you'd need a list with all 75 LAU2 codes to describe it properly. This is why this area is too often ignored in EU publications.

So, in response to the questions asked by the Poznan hosts:

*Does your region produce this type of plan encompassing both city and peri-urban areas?* – Yes. The area covered is almost identical to the area *not* defined as rural by the Landesentwicklungsplan.

*Is this plan correctly/fully implemented and what is its effectiveness?* – Correctly implemented: Yes. These are all formal legal documents with legal procedures, checks and control mechanisms in place. After all, any investor not complying to the rules risks that illegal buildings will be demolished. – Fully implemented:

Depends on the point of view. That plan is an *offer* to municipalities and to investors. German spatial planning instruments lack the implementation component. – Effectiveness: High, apparently: Although this region is prospering for decades it still has a polycentric structure with lots of open space. No urban sprawl (urban sprawl being uncontrolled development). One recent example: The plan contains a retail shopping concept to safeguard inner city locations through a ban on extra out-of-town retail floor space (to be precise: the ban is focused on goods of inner city relevance, not on DIY, cars and furniture). Now there is an ongoing debate about a project of a furniture retailer who is intending to sell the usual add-on cutlery, china and so on, too, but this cannot be granted planning permission unless the Flächennutzungsplan is amended, what needs a majority of the 75 municipal delegates. – Regrettably, stakeholders failed to agree on a concept for wind turbine locations. As a consequence, investors are entitled to get planning permissions for virtually any location outside the built-up areas.

*Is the preparation of the plan mandatory? Yes.*

*Is there cooperation between individual local authorities/municipalities in peri-urban areas? – Certainly, and in various respects: a) The Flächennutzungsplan is the very result of such a cooperation. b) There is a large number of regional companies, quangos in a way because they are owned by the municipalities (and possibly other public shareholders) but act as private businesses – they often fill the implementation gap planning leaves open. Examples: Regional culture companies, marketing of the region, and the Regionalpark companies. c) Other fields of municipal co-operation focus on the provision of utilities and infrastructure (e.g. waste treatment and public transport), d) last not least there is co-operation on a project basis, on any kind of topic (recently, the Regionalverband managed a project with 4 municipal partners to found the Klimaroute for open space climate education, within an Interreg project).*

*Is this cooperation based on bottom-up initiatives or on a top-down-approach? – Various models (see above): a is definitely top down, b is a mixture, c is rather bottom-up, d is clearly bottom up. For b, „I’m going to make him an offer he can’t refuse” applies: Municipalities are encouraged to found these bodies to avoid top-down action by the Land government.*