



The Governance of Land Use

Country fact sheet Germany

The planning system

Levels of government and their responsibilities

Germany is a federal country with four levels of government. Below the national government, 16 federal states exist. At an intermediate level, there are 402 administrative districts and at the local level 11 092 municipalities. For historical reasons three of the federal states – Berlin, Hamburg, and Bremen – cover only the territory of individual large cities and combine the functions of states and the municipal level. While smaller municipalities usually belong to a district, larger ones with roughly 100 000 or more inhabitants are independent of districts and combine the functions of municipal and district administration.

According to the constitution, federal and state governments have overlapping legislative authority in spatial planning matters. The federal government can pass laws related to spatial planning (*Raumordnung*), but states may do so too. If both levels of government adopt spatial planning laws, the latest enacted law (either federal or state law) takes precedence.

States largely follow federal legislation, but frequently pass laws that deviate in parts. This leads to a system that is broadly comparable in all German states, but contains a lot of variation in the details. The system follows the so-called “counter flow principle”, where decision-making mechanisms contain a mix of top-down and bottom-up elements. States generally develop spatial development plans for their territory that, depending on the state, impose more or less restrictive guidelines on lower levels of government. Often, deconcentrated parts of the state administration also create regional plans that are binding for local land-use plans.

In most states, districts have only limited powers related to spatial planning, with the exception of Niedersachsen, where they are responsible for the preparation of regional plans. The constitution allocates considerable powers related to land-use decisions to municipalities. In all states, they are responsible for the preparation of local land-use plans and other detailed urban planning instruments.

Spatial and land-use plans

No comprehensive spatial plan exists at the national level in Germany, but the Standing Conference of Ministers responsible for Spatial Development in Germany prepared a policy document. The paper adopted in 2016 highlights four strategic concepts: enhancing competitiveness, ensuring the provision of public services, controlling and developing land use sustainably and adapting spatial structures to the effects of climate change and the increasing use of renewable energy. Additionally, there is the specific case of *spatial plans for the exclusive maritime economic zone*, which are within the responsibility of the Federal government. At the subnational level, common types of plans exist in all federal states, but they might differ in important details from each other. States prepare *State Spatial Development Plans* that formulate the spatial goals and strategies for the state. They are used to co-ordinate spatially relevant aspects of sectoral planning at the state level and to provide legally binding guidelines for spatial development to lower levels of government.

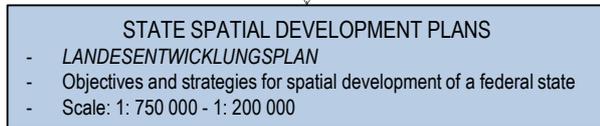
Organisation of spatial and land-use planning in Germany

General framework

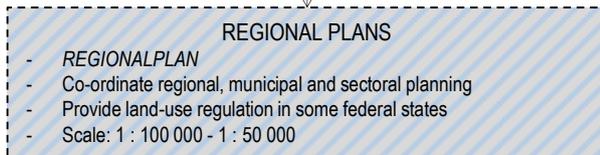
National



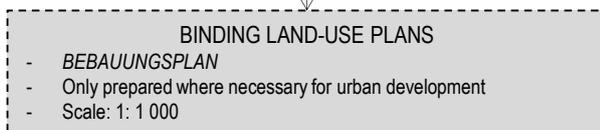
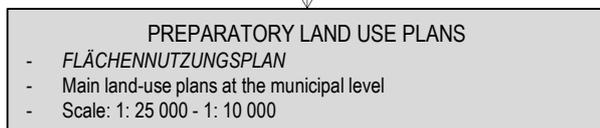
State



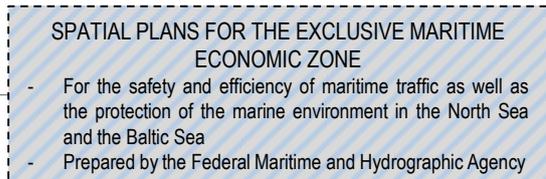
Regional



Municipal



Sectoral Plans



- Sub-ordinate plans must conform
- Sub-ordinate plans do not need to conform
- Primarily policy / strategic guidelines
- Primarily land-use plans
- Strategic and land-use guidelines
- Partial geographical coverage

More detailed *Regional Plans* are created for so-called planning regions, each of which covers typically between 10% and 30% of a state. They are the central instrument for co-ordination between the top-down planning of the federal and state level and the bottom-up planning from the local level. The level of detail that is contained in *Regional Plans* and their

restrictiveness can vary considerably. According to the *Federal Spatial Planning Act* (Raumordnungsgesetz), regional plans should contain specifications concerning the spatial structure (of settlements and open spaces). They may designate growth areas, indicate important community functions and safeguard the extraction of location-specific raw materials. Furthermore, they can show planned infrastructure, for example for transport and public utilities.

Regional plans are typically drawn at a scale of 1: 100 000 or 1: 50 000. Depending on the state, Regional Plans are drawn-up by deconcentrated parts of the state administrations, by districts or by regional associations of local governments or by specially created organisations such as metropolitan authorities.

Municipalities exercise their constitutional right to planning through the preparation of a two-tier system of land-use plans. The *Preparatory Land Use Plan* covers the territory of the entire municipality and outlines the type of land use from intended urban development. It is typically drawn at a scale between 1: 25 000 and 1: 10 000 and provides legally binding guidelines for the preparation of the *Binding Land Use Plan*. This plan determines which developments are permitted at a certain location. It is usually drawn at a scale of 1: 1 000. The existence of a *Binding Land Use Plan* is not mandatory and often only parts of a municipality are covered by it. The *Binding Land Use Plan* is the only plan which gives landowners the right to development (construction or alteration of land use); higher level plans provide legally binding guidance to the municipality in setting up this plan. If no *Binding Land Use Plan* exists, new developments must be approved by local authorities if they fit into their immediate surroundings.

In addition to the plans listed above, a number of sectoral plans exist. In particular, *Landscape Plans* mirror the structure of the general spatial plans and focus on environmental protection and conservation. In addition, some states create further sectoral plans as required.

Major laws and regulations

Two federal laws provide the main framework for spatial planning; the *Federal Spatial Planning Act* and the *Federal Building Code*. Further important details are provided in the *Federal Land Utilisation Ordinance*, which defines and regulates the different types of land uses (for example with respect to maximum densities). Aside from those laws and regulations, especially laws on the federal road and rail network and the *Federal Nature Conservation Act* have strong effects on land use.

Co-ordination mechanisms

Co-ordination between levels of government occurs through the above-mentioned counter flow principle, in which lower levels of government have to adapt their plans to plans at higher levels, while at the same time providing input and shaping those higher level plans. A special instrument for the co-ordination of important development projects is the *Spatial Planning Procedure*. It is a structured process at an early stage of the planning procedure that assesses the different regional and local impacts of a planned development. It involves regional and local actors and aims at identifying and mediating potential conflicts over land use. While the outcome of the *Spatial Planning Procedure* has no direct legal force, it must be considered in subsequent planning decisions by public authorities.

Expropriations

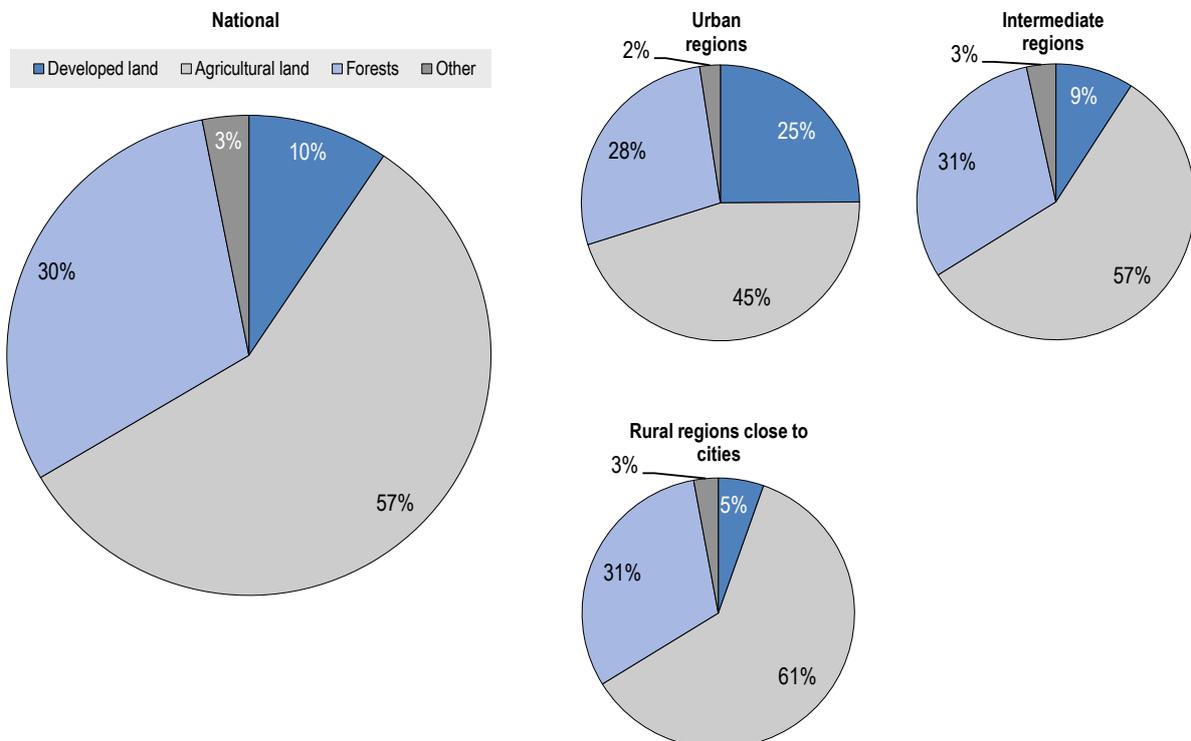
Expropriation of land is only possible if it is in the public interest. It is a measure of last resort and is only allowed if all possibilities for an amicable arrangement have been exhausted. Main reasons for expropriation are making land available for use according to the regulations of the binding land-use plan, developing empty or lightly developed plots in urban areas and urban renewal projects. As long as a project is in the public interest, no distinction between private and public use is made by the law.

Recent and planned reforms to the system of land-use planning

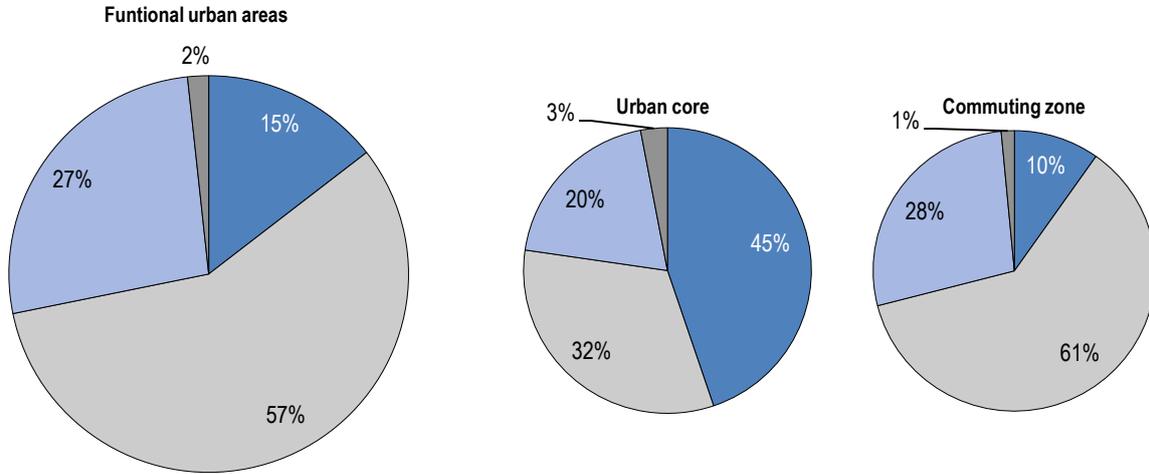
The current system in its broad outlines was created in the 1960s with the implementation of the Federal Building Code in 1960 and the Federal Spatial Planning Act in 1965. Since then, frequent reforms have been made, but the formal planning system for new developments remains broadly similar to the one that was created in the 1960s. A series of reforms beginning in the 1970s implemented provisions for urban renewal and strengthened public participation. Later, European legislation, especially in the field of environmental policy, was integrated into the planning system. After German reunification in 1990, the West German planning system was introduced in the eastern parts of the country.

Land cover in Germany

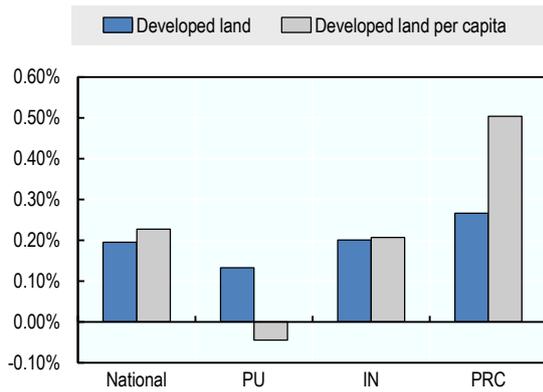
Land cover at the national level



Land cover in functional urban areas (FUAs)

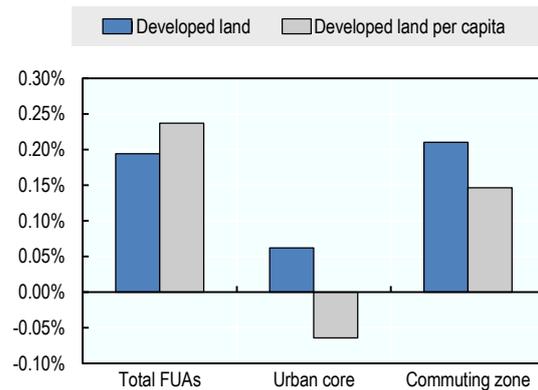


Annual change in developed land, 2000-12



Note: PU: urban regions, IN: intermediate regions, PRC: rural regions close to cities. Changes in per capita land use refer only to regions for which population data is available for 2000 and 2012.

Annual change in developed land in functional urban areas from 2000 to 2012



Note: Values for urban cores and commuting zones refer only to FUAs with more than 500 000 inhabitants.

Land-use trends in Germany

Germany is one of the most densely populated OECD countries and approximately 10%, a relatively large share, of its land mass is covered by developed land. On a per capita basis, its land consumption is slightly below the OECD average. Between 2000 and 2012, growth in developed land has been slow compared to other OECD countries, but as the population remained approximately constant, per capita land use has been growing, nevertheless. An exception to this trend are the core parts of metropolitan areas, where the growth in developed land has been slower than population growth.

Source: OECD calculations based on Corine Land Cover dataset.

Land cover at the national level in Germany

Land cover (km ²)	National	Urban regions	Intermediate regions	Rural regions close to cities	Rural remote regions
Total area	357 782	39 680	180 358	137 744	
Total developed land	33 743	9874	16 437	7 432	
Percentage of total	9.4%	24.9%	9.1%	5.4%	
Annual change in developed land, 2000-12	65.0	13.0	32.6	19.4	
Annual percentage change in developed land, 2000-12	0.20%	0.13%	0.20%	0.27%	
Agricultural land	204 450	17 938	102 754	83 759	
Percentage of total	57.1%	45.2%	57.0%	60.8%	
Annual change in agricultural land, 2000-12	-72.7	-12.7	-39.1	-20.9	
Annual percentage change in agricultural land, 2000-12	-0.04%	-0.07%	-0.04%	-0.02%	
Forests	108 589	10 915	55 059	42 615	
Percentage of total	30.4%	27.5%	30.5%	30.9%	
Annual change in forests, 2000-12	-30.1	-4.1	-17.9	-8.2	
Annual percentage change in forests, 2000-12	-0.03%	-0.04%	-0.03%	-0.02%	
Land cover per capita (m²)					
Total developed land per capita	412	285	430	529	
Annual percentage change in developed land per capita, 2000-12	0.23%	-0.04%	0.21%	0.50%	
Agricultural land per capita	2 498	501	2 778	5 992	
Annual percentage change in agricultural land per capita, 2000-12	-0.003%	0.253%	-0.081%	0.200%	
Forests per capita	1 327	312	1 437	3 076	
Annual percentage change in forests per capita, 2000-12	0.005%	0.223%	-0.074%	0.205%	

Land cover in functional urban areas (FUAs)

Land cover in FUAs (km ²)	FUAs	Urban core	Commuting zone
Total area	128 344	17 452	110 892
Total developed land	18 643	7 814	10 829
Percentage of total	14.5%	44.8%	9.8%
Annual change in developed land, 2000-12	35.8	7.8	27.9
Annual percentage change in developed land, 2000-12	0.19%	0.10%	0.26%
Agricultural land	73 507	5 675	67 832
Percentage of total	57.3%	32.5%	61.2%
Annual change in agricultural land, 2000-12	-37.1	-7.7	-29.4
Annual percentage change in agricultural land, 2000-12	-0.05%	-0.14%	-0.04%
Forests	33 979	3 435	30 544
Percentage of total	26.5%	19.7%	27.5%
Annual change in forests, 2000-12	-5.6	-0.6	-5.0
Annual percentage change in forests, 2000-12	-0.02%	-0.02%	-0.02%
Land cover per capita in FUAs (m²)			
	FUAs (50 000+ inhabitants)	Urban core (only FUAs 500 000+)	Commuting zone (only FUAs 500 000+)
Total developed land per capita	357	242	420
Annual percentage change in developed land per capita, 2000-12	0.24%	-0.06%	0.15%
Agricultural land per capita	1 409	108	1 867
Annual percentage change in agricultural land per capita, 2000-12	-0.01%	-0.27%	-0.12%
Forests per capita	651	68	895
Annual percentage change in forests per capita, 2000-12	0.03%	-0.13%	-0.07%

Note: Changes in per capita land use refer only to regions for which population data is available for 2000 and 2012.

Source: All land cover statistics for Germany are based on OECD calculations based on *Corine Land Cover dataset*.