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Regional planning



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Regional planning

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Regional planning is the most specific level of spatial planning at the interface with urban land-use planning by local authorities. The central design and coordination instrument of regional planning is the regional plan. It resolves land use conflicts, specifies the regional objectives for spatial development and integrates the local authority's concepts for development. With its mediating function and its claim to enable optimised, comprehensive regional development, regional planning has to deal with a high potential for conflict.

1 Regional planning as a planning level

Regional planning is the most specific level of spatial planning and is of central importance in the German planning system, particularly owing to its function at the interface between superordinate spatial planning and the local authorities' ▷ *Urban land-use planning*. It has the task of unravelling or resolving rivalries and conflicts between different claims for using sites that do not have to or cannot be clarified at the level of federal state spatial planning (▷ *Federal state spatial planning, federal state development*). The specific task of regional planning is to put the requirements of the federal state spatial planning into concrete terms for local authorities and other planning agencies and to specify the concrete regional objectives of spatial development in such a way that they can be directly implemented. At the same time, regional planning must take up and integrate development proposals from the local authorities as much as possible. Clearly, given this intermediary and translation function and the demand to optimise comprehensive regional development, regional planning inevitably has to deal with a high potential for conflict.

2 Planning regions and regional planning authorities

2.1 Planning regions

The Federal Government's Federal Spatial Planning Act (*Raumordnungsgesetz, ROG*) stipulates that regional plans are to be drawn up in each federal state. These are defined as spatial development plans for the various sub-areas of each federal state. This obligation does not apply to city states and Saarland. Accordingly, all other federal states have divided their area into planning regions (▷ *Region*). Their demarcation should in principle follow functional criteria, in particular the interactional area of higher-order or middle-order centres. However, for practical reasons, it must also observe administrative borders, in particular the borders of districts and urban districts. The demarcation often results simply from the area of responsibility of the authority in which the regional planning is based. In connection with other specific circumstances in each federal state, this results in clear differences in the spatial layout of the planning regions:

- The largest planning regions can be found where they are identical to the district administration, for example in Hesse and partly in North Rhine-Westphalia. In other federal states as well, such as Brandenburg and Mecklenburg-Western Pomerania, regional planning is carried out in large spatial units.
- In most federal states, a planning region comprises a cluster of several districts and urban districts; for example, Baden-Württemberg has 12 planning regions and Bavaria has 18.
- A particularity of large parts of Lower Saxony is that the districts and urban districts are themselves planning regions. The solution in Lower Saxony is not uncontroversial, as some of the planning areas are very small and there is no planning bridge between most of the urban districts and their interactional areas. In addition, equating a city with a region is a contradiction in itself.

2.2 The bodies responsible for regional planning

With regard to organisation, the responsible body for regional planning is regulated very differently in the individual federal states. This does not only concern official responsibilities, but also the question of how much the state itself is responsible for regional planning and of how independent the regional planning authorities are. Four organisational approaches can be distinguished, according to a rough categorisation:

- The arrangement in Lower Saxony goes the furthest, as regional planning is fully municipalised. The regional planning authorities are the Hanover region, the special purpose association for the greater Braunschweig area and in the rest of the federal state, the districts, urban districts and the city of Göttingen.
- In a number of federal states, regional planning groups and associations with their own decision-making bodies and their own planning administration have been set up for each planning region as sub-areas of the federal state. Examples are the regional associations in Baden-Württemberg and the associations in Brandenburg and Saxony, which are formed for the respective planning region. The members of the respective decision-making body (hereinafter also referred to as regional assembly regardless of the specific designation in each federal state) are mainly delegated indirectly by other municipal committees (district assemblies and city/local councils). An exceptional feature of the association of the region of Stuttgart is that the regional assembly is directly elected by the population.
- In some other federal states, in which regional planning groups and associations or at least separate decision-making bodies have also been formed for the planning regions as sub-areas of the federal state, the planning administration tasks are performed by state authorities. In Bavaria, for example, regional representatives are responsible for compiling and updating regional plans in the state intermediate authorities (governments), while in Rhineland-Palatinate, headquarters for the planning groups have been set up at the state level and in the approval authorities. In Mecklenburg-Western Pomerania, the four state offices for spatial planning and federal state spatial planning are also the headquarters of the regional planning associations that are organised on a municipal level.
- Different arrangements can be found in the federal states that have a strong state influence on regional planning. In North Rhine-Westphalia (outside the *Ruhr* regional association), regional councils have been formed for the planning regions, which include not only elected municipal officials, but also business representatives and members of other groups in society who decide on the plans drawn up by the regional governments. On the other hand, there is a federal state spatial planning authority at ministry level in Schleswig-Holstein that is responsible state-wide. This authority is not only responsible for the Federal State Development Plan (*Landesentwicklungsplan, LEP*), but also for drawing up the regional plans; there are no separate planning administrations or decision-making bodies for the three regional planning areas.

2.3 Differences in the relationship between federal state and regional planning

An assessment of how well these varying arrangements work in practice is unfortunately beyond the scope of this article. In any case, it is clear that sound, committed regional planning can in principle take various organisational forms. The decisive factors are which design options and instruments (▷ *Instruments of spatial planning (Raumplanung)*) are available to the respective planning agencies, what human and financial resources the planning administrations have at their disposal, what political support there is for regional planning and what constellations of stakeholders can influence the process in the respective regions. Another interesting question is how independently and confidently the regional planning level can act in each federal state. Here, the prevailing opinion that regional planning is part of federal state spatial planning must be taken into account, although it clearly has the character of an independent planning level in terms of how the regional planning authorities understand their role and how others perceive it. Again, there is a broad spectrum of arrangements in the various federal states:

- In those federal states in which a state authority is fully or at least partially responsible for planning, the interlinking between the federal state and regional planning levels is most evident. However, with the exception of the regional planning in Schleswig-Holstein, which takes place entirely at the state level, the final decision on the elaboration of the regional plan is left to the regional assemblies.
- Regional planning is more independent in those federal states in which it has both its own planning body and its own regional assembly as a decision-making body, as is the case for example with the regional associations in Baden-Württemberg and the regional planning groups in Saxony.
- The regional planning authority in Lower Saxony has the greatest independence. There, the state has delegated regional planning to the local authorities for their own sphere of activity, with the result that the state only undertakes legal supervision and the regional planning authorities have a great deal of leeway as long as they operate within the framework of applicable law.

Even where the regional planning authority is an independent body, federal state spatial planning can have a considerable influence on the shaping of regional plans through formal specifications. The federal states sometimes have very specific regulations for the content and structure of the regional plans; the Bavarian State Spatial Planning Act (*Bayerisches Landesplanungsgesetz, BayLplG*), for example, enumerates the stipulations to be made in the regional plan. Other federal states specify a minimum content which each regional plan must have, meaning that additional stipulations specific to each region can be added. However, all federal states have a very effective set of instruments to implement their ideas on the regional planning level – at the very least since the conditional approval instrument was added. The approval authorities can reject a regional plan or set specific conditions for its approval. In individual cases, they can also subsequently enforce special interests at federal state level via the approval process, if they found that those interests were not sufficiently taken into consideration in the regional ▷ *Weighing of interests*, for example when determining excavation sites, which are always unpopular in the respective regions. Given the tension that occasionally arises between federal state and regional planning, in the overall interest of spatial planning, any opportunity to present a unified front and speak with one voice should always be taken.

2.4 Additional tasks of the regional planning authorities

There are also considerable differences in the federal states with regard to the further responsibilities of the regional planning authorities. The responsible body for regional planning and the official functions, i.e. the use of spatial planning instruments (▷ *Spatial impact assessment procedure (Raumordnungsverfahren)*; ▷ *Prohibitions in spatial planning (Raumordnung)* etc.), is not always the same. In those federal states in which a regional (planning) association has been appointed as regional planning authority, a state authority, e.g. a regional government, is generally responsible for enforcing the matters of planning. In contrast, both functions are carried out by the same body in the federal states where regional planning is dominated by the state, but also in Lower Saxony, where the municipally organised regional planning authority has been assigned the function of the lower federal state spatial planning authorities.

A distinction must also be made between the regional planning authorities which are exclusively responsible for this task, for example in Brandenburg or Rhineland-Palatinate, and those which are also responsible for additional spatially-relevant tasks, such as ▷ *Public transport* and economic development (e.g. the Greater Braunschweig special purpose association and the association of the region of Stuttgart). In some federal states, regional planning is organised within authorities with a wide range of tasks, namely the State Chancellery (Schleswig-Holstein), a regional government (e.g. North Rhine-Westphalia) or a district or an entity similar to a district (Lower Saxony). Finally, special aspects of regional planning that transcend national borders should be mentioned here (*Donau-Ilter* regional association, *Rhein-Neckar* regional association).

3 The regional plan as a central design and coordination instrument of regional planning

The regional plan is the central design and coordination instrument of spatial planning. The federal states have different designations for this instrument (regional spatial planning programme, regional spatial development plan, regional spatial development programme). With the regional plan, the regional planning authority defines the objectives and principles of spatial development in the planning region within the framework of the federal state's requirements. The main functions of the regional plan are:

- The regional plan is a development strategy and represents the spatial vision that the respective region is aiming for. It shows how the region and its sub-areas should develop in the medium term (approximately 10 to 15 years) and where and which developments (e.g. settlements, logistics centres, recreation and tourism) are defined as the objectives of regional planning.
- The regional plan is an instrument for organising the use of space. In drawing up the plan, the conflicts between competing demands for land use must be resolved from a planning and political perspective. For example, it must be decided which uses of ▷ *Open space* (such as ▷ *Nature conservation*, local recreation, raw material extraction and wind turbines) have priority and which other options should be ruled out.
- The regional plan is a safeguarding instrument: many spatial functions, locations and routes

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require binding and long-term safeguarding against other interests and demands. It is therefore essential to permanently secure certain areas for drinking water production or raw material extraction, as well as locations for energy production and waste treatment as well as pipeline routes and traffic routes.

The importance of the regional plan varies considerably between the individual regions. In some places it is perceived as a dry, technical planning document, whereas in others it is used to develop committed regional visions for the future. It has recently become clear that the regional plan is being used more as a strategic instrument again (▷ *Strategic planning*). The establishment of a regional plan is used as an opportunity to work out a strategy for ▷ *Regional development*. Similar to the revival of federal state and urban development policy, the active shaping of the future is also recognised as a necessary political process in the regions. Of course, this is only possible if the relevant stakeholders are addressed and involved.

In a strategically oriented regional plan, based on a thorough analysis of strengths and weaknesses, priority fields of action and key regional development projects are to be identified, taking into account the available resources, and details on implementation are to be given. The analysis of the strengths and weaknesses of a region is meant to initiate a discussion about the desired future direction of development. This can take place, for example, through a discussion of guiding principles, which often precedes the preparation of the actual plan and in which both the general public and the regional stakeholders are involved (▷ *Guiding principles for spatial development*). The formulated guiding principle often precedes the actual regional plan; this should be decided in the regional assembly, but is not subject to approval.

The regional plan is usually a cross-sectoral document that encompasses the entire planning region and integrates the sectoral planning. Provided that the options under state law permit this (e.g. in Hesse and Rhineland-Palatinate), spatial and technical plans can be drawn up in sub-sections. In North Rhine-Westphalia, it has hitherto been at least somewhat common practice to subdivide the regional plans of the large regions into spatial sub-sections. In other federal states, such as Lower Saxony, sub-sectional spatial or technical plans are expressly not permitted. It is common practice to update the individual parts of regional plans, for example recently in relation to wind power against the background of the envisaged energy transition. A regional plan can also be supplemented by specific action and implementation programmes for individual areas (e.g. transport or recreation), which can consolidate and increase the timeliness and political relevance of regional planning. However, such programmes and strategies generally do not contain any legally binding provisions.

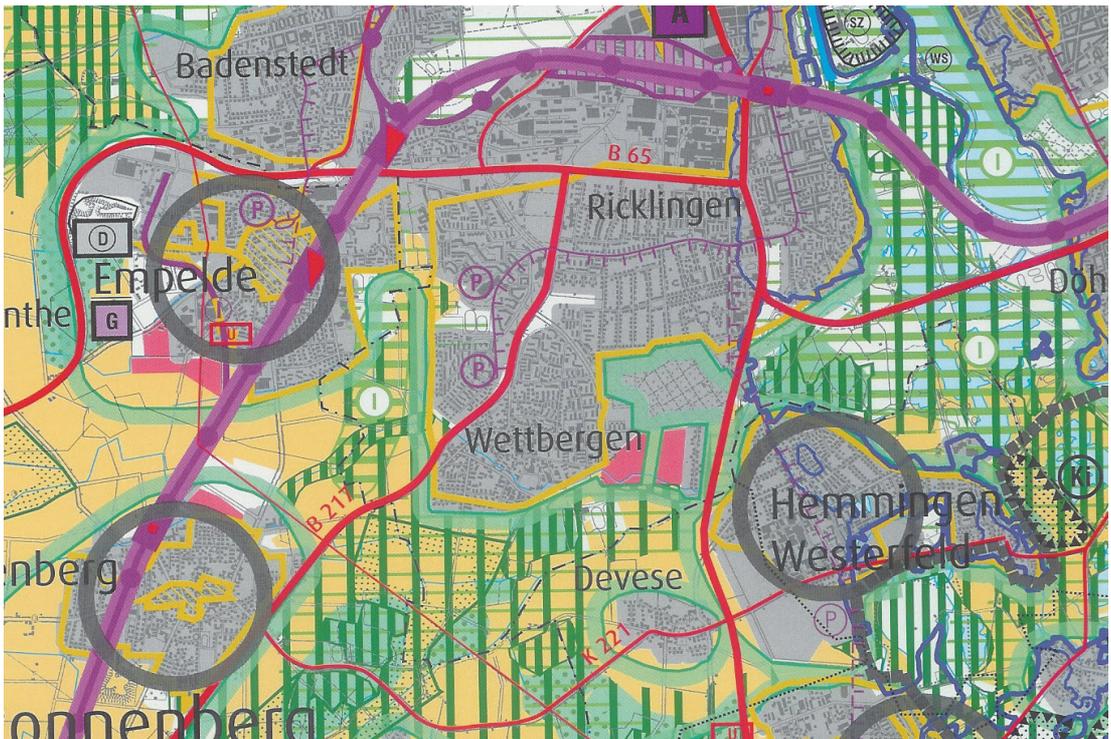
4 Structure of the regional plan

Regardless of the legal differences in content, each regional plan consists of several parts. Of course, the most important requirement is the binding presentation of the regional plan, which in all federal states consists of a textual component and a map component. Each of the two parts develops specific legal effects and has its specific strengths. Both parts are fundamentally equal and must be properly coordinated with one another. Both the textual component and the map component contain the principles and goals of spatial planning. In addition to these two binding components, justifications or explanations must be attached to the regional plan. As mentioned

above, the regional plan can be preceded by a (usually non-binding) guiding principle.

The binding textual component of the regional plan is structured thematically. In view of the heterogeneity of each federal state's legal requirements and the region-specific practice, only very general statements can be made about the structure of the textual component of the regional plans. Typically, the more fundamental stipulations on the spatial and settlement structure and on the open spaces are found at the beginning, followed by the individual planning sectors (e.g. stipulations on transport, water management, water management and utility services, etc.). Through case law, the planning agencies have been required to formulate objectives as specifically as possible so that the addressees can apply them. For this reason, there are strict technical and legal requirements for the textual formulation of the objectives, which ultimately have a largely binding effect. The objectives in the regional plans must also be specifically identified in order to distinguish them from the principles that relate to the local authority's weighing of interests (▷ *Objectives, principles and other requirements of spatial planning (Raumordnung)*).

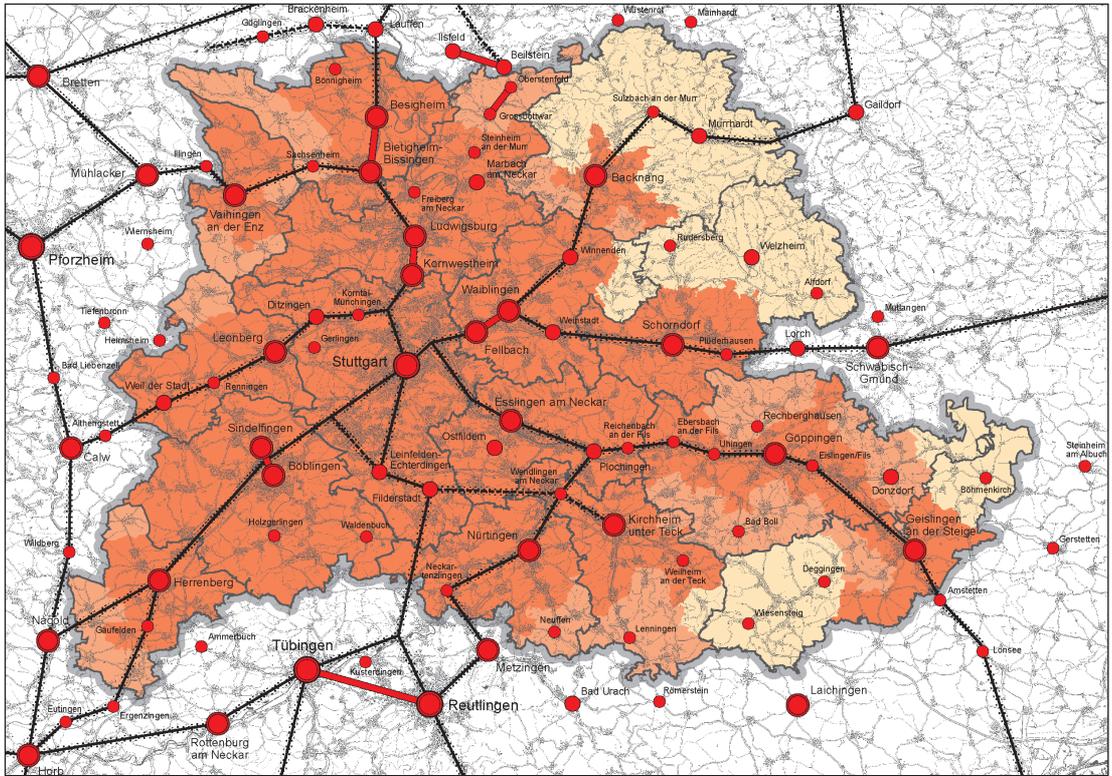
Figure 1: Integrated planning map – excerpt from the Regional Spatial Planning Programme (Regionales Raumordnungsprogramm, RROP) of the Hanover region 2006



Source: © Region Hannover (Hanover region) 2006

Figure 2: Structure map – regional plan for the Stuttgart region

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Spatial categories according to the Federal State Development Plan 2002

- Densely populated area, PS 2.1.1 (O)
- Peripheral zone around densely populated area, PS 2.1.2 (O)
- Rural area in the strict sense, PS 2.1.3 (O)

Central places

- Higher-order centre according to the Federal State Development Plan 2002, PS 2.3.1 (O)
- Middle-order centre according to the Federal State Development Plan 2002, PS 2.3.2 (O)
- Lower-order centre, PS 2.3.3 (O)
- Small centre, PS 2.3.4 (O)
- Common central places (Double centres), PS 2.3.6 (O)
- Central zone border pursuant to the Federal State Development Plan 2002 (O)

Development axes

- Federal state development axis according to the 2002 Federal State Development Plan, elaborated, PS 2.2.1 (R/O)
- Regional development axis, PS 2.2.2 (O)

(O) = Objective
 (R) = Recorded for information purposes from the 2002 Federal State Development Plan according to section 11(6) of the federal state spatial planning act (*Landesplanungsgesetz, LplG*) in the version of 10 July 2003 (*GBl. [Law Gazette]*, p. 385). Last amended by the Act of 14 October 2008 (*GBl.*, p. 338).

The descriptions outside the regional borders are recorded for information purposes.

Source: © Verband Region Stuttgart (association of the region of Stuttgart) 2010; basic geographic data © LGL www.lgl-bw.de

Equally, alongside the binding textual component, there is also the binding graphic presentation in one or more planning maps. These also show considerable differences across the federal states and regions in terms of the type and density of specifications, the scale (usually between 1:100,000 and 1:50,000, with additional and special maps even smaller) and the map image. The most widespread approach is to summarise all plan statements in a single map (integrated planning map). This can lead to a high density of map information, but at the same time this type of presentation makes it clear at a glance where certain demands for land use overlap or can be found in critical proximity (cf. Fig. 1). Some regional plans contain a rather schematic spatial structure map such as the plans in Baden-Württemberg (cf. Fig. 2) and Saxony, in addition to a

more detailed spatial use map. This makes the main features of the spatial structure easier to recognise, because large-scale structures are difficult to identify in very detailed planning maps. In a few federal states, the binding stipulations are divided into several planning maps. In addition to a main map, the regional plan contains thematic maps, each of which closely corresponds to the technical chapters in the textual component of the regional plan. As a result, the technical specifications are clearly recognisable in themselves, but the spatial overlapping of specifications and potential conflicts are not easily recognisable because several maps must always be used. In the Thuringian and Saxon regional plans, which also comprise a larger number of planning maps, the regional plan also takes on the function of the landscape outline plan through the use of primary integration. The visual language and design of the map also vary across federal states. While the regional planning in North Rhine-Westphalia assumes a generally comprehensive ‘positive representation’ of the intended use of space and the map in the regional plan is therefore similar to the ▷ *Preparatory land-use plan*, the regional plans in other federal states concentrate more on coordinating the use of open spaces. This makes it clear that in Germany there is no generally applicable way of presenting a regional plan, as there is with urban land-use plans.

The explanatory or justification element has an essential function for the possible uses and legibility of the regional plan. It helps with the interpretation and application of the planning stipulations and contains legal or technical background information. The structure and scope of the explanatory and justification element are not uniformly regulated. The explanations are not limited to textual statements; rather, especially in the case of complex, integrated planning maps, it makes sense to present certain technical aspects (e.g. the transport network, water protection areas or raw material areas) in more detail in explanatory maps. Although it is not legally binding, the explanatory component can certainly achieve legal relevance, for example when it comes to interpreting the statement of objectives in administrative court disputes and in understanding the intention of the planning agency as regards a certain stipulation.

5 Content and essential matters for regulation in the regional plan

5.1 Content regarding spatial structure

Notwithstanding the differences among federal states and regions with regard to the content of regional plans, they always contain general and overarching statements on regional development as well as spatially specific and use-related stipulations. The essentials of regional development either precede the regional plan in a guiding principle or are included as the principles of regional planning in the binding textual component of the regional plan. The spatially specific and use-related stipulations are presented in both textual and graphic form. In order to give an overview of the essential plan contents and the items that are regulated in regional plans in this article, the stipulations for the spatial structure are subdivided below in accordance with section 8(5) of the Federal Spatial Planning Act into

- the desired structure of settlements,

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- the desired structure of open spaces and
- the locations and routes to be secured for ▷ *Infrastructure*.

A systematic discussion of all federal state-specific regulations would go beyond the confines of this article; they can only be taken into account in the form of basic categorisations or through examples.

5.2 The desired settlement structure

A classic task of regional planning is to provide an effective framework and set priorities for the development of settlements on the basis of supra-local and general functional relationships and requirements, which includes not only residential areas, but also the structural development required for trade, industry and services (▷ *Settlement/settlement structure*). The Federal Spatial Planning Act prescribes a careful handling of settlement activities by stipulating that these should be spatially concentrated and primarily focused on existing settlements with sufficient infrastructure and on central locations (▷ *Central place*) (section 2(2) of the Federal Spatial Planning Act). With regard to the primary significance of the concept of central places for regional development, it should be mentioned that regional planning is only entitled to designate the lower-level central places (basic and potentially small centres), while middle- and higher-order centres are designated on the level of federal state spatial planning according to state-wide standards and criteria.

5.3 Settlement areas

A distinction must be made between the large-scale structural perspective and the binding and detailed planning and allocation of use in relation to settlement areas. To what extent and to which level of detail regional planning should and may make stipulations about this varies across the federal states. Some of the federal states envisage exclusive responsibility for municipal urban land-use planning, which is why no settlement areas may be designated as a planning objective in the regional plans. In Lower Saxony, where the settlement areas are otherwise only described for information purposes, future settlement areas can at least be secured as priority areas in the regional as well as municipal interest. On the other hand, in Schleswig-Holstein and North Rhine-Westphalia settlement areas are always presented as objectives of regional planning. The regional planning designations in Hesse go even further, as all settlement areas are differentiated and the maximum settlement need of the municipalities is specifically defined, and subdivided by density values (▷ *Density*). In some federal states, the objective of ▷ *Self-development* plays an important role for managing settlements in regional planning. Indirect management of the development of settlements is of course also possible. Settlement activity is effectively excluded if there is a relevant basis for giving priority to other uses for certain areas, e.g. for securing the supply of raw materials or for safeguarding nature and the landscape. In some federal states, establishing a physical framework through binding open space borders is particularly important for metropolitan areas with growth pressure, because these allow a particularly effective framework for settlement development as a spatial planning objective.

This demonstrates that the clearest differences in the approach to developing settlements appear in the regional plans of the individual federal states. The federal states that give regional

planning little or no opportunity to manage settlement development consider this a particularly municipal-friendly attitude, although limited readiness to deal with conflicts may also play a certain role. This reluctance to enforce regional planning in some federal states explains why there are hardly any supra-local management options for developing settlement areas in some federal states, contrary to what is often expected from a scientific perspective. Binding quantitative specifications for new settlement areas in the regional plans have become an exception rather than the rule. However, in view of the public discussions about increasing urban sprawl into the landscape and excessive land take of open space due to settlement development, there are also efforts to give regional planning more management options for this. In particular, settlement development in the inner zone should be given priority over development in the outer zones (▷ *Inner development*).

5.4 Large-scale retail trade

The management of large-scale retail trade (▷ *Retail trade*) through regional planning is also of great importance for the spatial and settlement structure. Although such management is not directly expressed in the list in section 8(5) of the Federal Spatial Planning Act, it necessarily arises from section 2(3) of the Federal Spatial Planning Act and section 11(3) of the Federal Land Utilisation Ordinance (*Baunutzungsverordnung, BauNVO*). The guiding principle on which the building and planning laws in Germany are based is the ▷ *Europeancity* with a compact, mixed structure. The guiding principle includes the percepts of sustainable development (▷ *Sustainability*) and the realisation of balanced settlement and supply structures according to a spatial planning oriented towards the common good and an ▷ *Equivalence of living conditions*. Since the trade seeks locations that are at least partially at odds with this, regional planning sees a clear need for regulation with regard to developing locations for large-scale retail trade. Above all, large-scale retail businesses, that is to say commercial premises with a retail space of generally more than 800 m², and to an increasing extent the commercial agglomerations, are immediately relevant to this. The regional plans, some of which contain extremely exacting retail trade strategies (e.g. the association of the region of Stuttgart), exhibit significant similarities across Germany with regard to the handling of large-scale retail trade projects. The focus is on protecting the town centre, the ▷ *Inner city* and other integrated trade locations, but not certain enterprises or types of enterprise. New enterprises and locations must always be integrated into the central local system and meet certain requirements (the concentration rule, the congruence rule, the no adverse effects rule and the integration rule).

5.5 The desired structure of open spaces

The second major area of the stipulations in the regional plan relates to the desired structure of open spaces. Although it is one of the central spatial planning categories, open space is also the complement of settlement space. Open spaces are characterised by the fact that they are not occupied by settlements or traffic structures. They have ecological functions (species and biotope protection as well as biotope cross-linking, protection of the soil and groundwater as well as climatic functions), economic functions (production of food, provision of drinking water, raw material extraction, energy production, wood production) and social functions (flood protection, preservation of typical regional cultural landscapes, experience of nature, tourism and recreation). These functions and usage requirements are equally important for society, which is why the uses

of open spaces must be planned and coordinated in a targeted manner. To protect open spaces, both the large-scale regional green belts and the small-scale breaks between settlements can be specified in the regional plans (▷ *Open space concepts, regional*).

5.6 The locations and routes to be secured for infrastructure

The third group of specifications in the regional plan includes the long-term securing of routes and sites for local and interconnecting infrastructure. This is where regional planning can show its strengths, particularly in relation to the longevity and binding nature of such designations, since infrastructure like roads, power plants and waste treatment plants (▷ *Utilities*) is sometimes only necessary or financially feasible in the distant future, but must be secured against competing demands for land use in the here and now. This is also intended to prevent incompatible uses from encroaching, such as residential developments on a planned street. The long-term, effective securing of routes and locations for required (but generally unpopular) local ▷ *Infrastructure* can only be achieved through spatial planning objectives that trigger a corresponding obligation to adapt the local authority's urban land-use planning.

5.7 The legal effect of extensive stipulations

Finally, the different legal effects of the extensive stipulations of the regional plan should be briefly pointed out. In particular, in accordance with section 8(7) of the Federal Spatial Planning Act, areas such as the ▷ *Priority area, reserve area and suitable area for development* will be mentioned. Areas that are intended for certain spatially-relevant functions or uses can be designated as priority areas. Other spatially-relevant uses are excluded, if they are not compatible with the priority functions or uses. The priority areas are among the goals of spatial planning, with which regional planning achieves a particularly extensive binding effect, not least in relation to municipal urban land-use planning. Reserve areas (also referred to as provisional areas) are those areas in which particular importance is to be attached to certain spatially-relevant functions or uses in the weighing of interests in relation to competing uses. This territorial category is based on the principles of spatial planning which, in the event of a conflict, have a significantly lower impact than priority areas. The option to identify suitable areas for development in the regional plans is used by the federal states to a varying degree. These are areas in the outer planning zone in which certain spatially-relevant measures or uses, which are to be assessed in terms of urban development in accordance with section 35 of the Federal Building Code (*Baugesetzbuch, BauGB*), do not conflict with other spatially-relevant interests. At the same time, these measures or uses, mainly applied in the management of wind power locations, are excluded elsewhere in the planning area.

6 The process for drawing up the regional plan

Compiling a regional plan is a complex and time-consuming process. The plan is drafted by the planning administration, but the formal order for this usually comes from the respective regional assembly. An important external step is the public announcement of the general planning objectives. In this way, the regional planning authority invites a large circle of public agencies with an interest in planning to participate – especially the local authorities and the various specialist authorities, e.g. energy providers and nature conservation organisations.

During the actual process of drawing up the draft plan, the most demanding part lies in the regional planning itself, although of course clarifications and coordination between regional planning and other parties also take place in this phase. The draft of the regional plan is subjected to an ▷ *Environmental assessment* in accordance with section 9 of the Federal Spatial Planning Act and corresponding federal state regulations in order to determine, evaluate and take into account significant effects of the regional plan on the environment at an early stage. For this purpose, an environmental report must be drawn up with the involvement of the environmental authorities concerned. At the end of this process, there is a draft of the regional plan which has been optimised from all specialist points of view. Before this is passed on for the formal ▷ *Participation* process, it is usually politically legitimised by a resolution of the regional assembly.

In the formal participation procedure, the public sphere and public agencies are given the opportunity to express their views on the draft plan and its justification as well as to communicate suggestions and concerns to the regional planning authority in accordance with section 10 of the Federal Spatial Planning Act. While public participation was rejected for legal reasons until around 20 years ago, it is now a natural and necessary part of the planning culture and the planning process from an early stage. In addition, it is only through a comprehensive weighing of interests of all private concerns that the private individuals concerned can be strongly committed to regional planning objectives, which is particularly important when applying the planning proviso for managing the prioritised wind turbines in accordance with section 35 of the Federal Building Code (▷ *Renewable energies*). The evaluation of the comments received from both public agencies and the general public is a demanding and time-consuming phase in drawing up the plan, because these objections require intense discussion and an appropriate weighing of interests.

All documents relating to the participation procedure, i.e. the objections, the results of the discussion meetings and the results of the weighing of interests, are submitted to the regional assembly and its committees with the administrative comments and recommendations. At the end of the political deliberations, a decision must be made regarding the objections raised and the regional plan as a whole.

As mentioned above, once the resolution has been passed, the regional plan must be submitted to the approval authority responsible under federal state law together with all the documents relating to the plan preparation procedure. The approval authority examines (1) whether the regional planning authority has acted within the framework of the law, (2) whether it has observed the requirements of federal state spatial planning in particular and (3) whether a sufficient weighing of interests and correct decision-making have taken place in connection with the participation procedure. The approval is often linked to certain conditions. The regional planning authority then has the option of making changes to the regional plan so that the requirements are met. Only then can the regional plan come into effect.

It should be mentioned that the procedure described here is also used when making changes to regional plans. However, under certain circumstances, especially if the main intentions and principles of the plan are not affected, a simplified process can be carried out in which the environmental assessment can also be omitted.

7 Formal and informal regional planning

Against the background of a changed understanding of the role of the state and a recognition that purely legal and formal planning has its limits, the informal – i.e. the persuasive and consensus-oriented instruments of regional planning – have increasingly come into focus in recent decades (▷ *Informal planning*). This should primarily be understood to mean those processes and courses of action which, alongside or in addition to the formal processes, aim to achieve consensus and cooperation between the regional stakeholders. This can be done through temporary round tables or regional conferences, but especially through establishing, cultivating and making use of long-term regional networks. This is linked to the expectation of being able to advance the implementation of regionally important projects by uniting interests and resources, but also the hope of creating a climate of trust in the region that will allow the divisive points to recede in the medium to long term, even with issues that cause conflict.

If regional planning is determined not only to set up the framework for but also to actively design the actual spatial development according to its guiding principle, it is dependent on cooperation partners. The range of potential strategic cooperation in regional planning is wide and ranges from the local authorities to sectoral administrations and associations to private planning and project management agencies. The prerequisite for establishing successful cooperation is, of course, a fundamental open-mindedness and a willingness to establish contact and to network on the part of the regional planning stakeholders. Such regional planning, which is understood as regional diplomacy, requires constant personal contact and a professional exchange of views between the stakeholders and cannot be limited to formal participation and statements.

One of the essential characteristics of cooperation and consensus-oriented regional planning is that the advice and conviction of the addressees of the planning is highlighted to a greater extent. It is important that regional planning not only concentrates on the restrictions, but also highlights opportunities for spatial development.

Regional planning also fulfils an important advisory function for issues and problems that require decisive action, but which are outside traditional administrative requirements and therefore are not within the know-how of individual local authorities. In many regions, regional planning has addressed new challenges quickly and competently, such as ▷ *Demographic change*, climate change (▷ *Climate, climate change*) and ▷ *Climate protection*. If regional planning creates a regional ‘brain trust’ for such future issues, it can become an ‘innovation exchange’ for regional policy. In this respect, the importance of active political consulting through regional-specific information should not be underestimated (▷ *Reports on urban and spatial development*). The moderating activities of regional planning (▷ *Moderation, mediation*) also builds on many years of experience, for example in conflicts over raw material extraction and in finding locations for regional utility projects. The presentation and documentation of best practice examples have also become increasingly important in regional planning in order to provide suggestions for higher

quality planning.

In the discussion of spatial policy, informal and formal spatial planning instruments have often been viewed as opposites. However, one of the recipes for success in good regional planning and integrated regional development is to use instruments from both categories in a balanced combination. Formal, legally binding stipulations will continue to be indispensable in the future, but setting objectives and implementing them requires the broadest possible consensus, which can often only be achieved through informal instruments.

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