

# The Planning process in the US and Germany: A Comparative Analysis

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## The Planning process in the US and Germany: A Comparative Analysis

**Abstract:** This paper compares the planning process in Germany and the United States. We note fundamental institutional and structural differences between the two countries and discuss recent trends and patterns. Contrary to the US, planning in Germany is mediated through a vertically integrated and consensus oriented institutional framework. In response to the socioeconomic consequences of reunification and European integration, German planning has experimented with new regional associations. In the US, concerns over sprawl have led to increased state level planning and intervention. We conclude that these trends are in response to different circumstances and are subject to different institutional constraints.

### Introduction

Comparisons between the planning model in the US and other countries often provoke bewilderment, because the planning system in the US seems unique, if not incomprehensible to planners from other countries. Likewise, US planners often react with incredulity to the planning system of other countries, citing the vast structural or cultural differences that exist. Nevertheless, an enduring theme in urban research in recent years is the gradual convergence and homogenization of urban patterns and processes, due to parallel changes in the economic base, spatial organization and social structure of cities (Sassen, 2002) (Cohen 1996), (Newman and Thornley, 1996).

The purpose of this paper is two fold; First, to compare and contrast the planning process between Germany and the US, and second, to examine whether, and the extent to which, the respective planning processes are converging, if at all. We chose these two countries for various reasons. First, over the last 40 years, both countries have had similar Gross Domestic Product per capita growth rates (OECD 2005) to which the automobile industry has been a major contributor. Second, both countries have faced similar patterns of deindustrialization and economic restructuring, as the manufacturing sector has lost importance relative to the service sector. This has affected regional economies

differently. The Rhein Ruhr Area in Germany and the US “rust belt” have seen population and economic decline, while simultaneously, southern Germany and the “sun belt” states have experienced growth. Third, Germany and the US are both liberal democracies with federal systems of governance, a polycentric urban system, and a history of local self-government. Finally, both countries are characterized by suburbanization and growing rates of car ownership. However, despite all these similarities, the US and Germany have produced vastly different planning systems.

These differences have generally been attributed to a variety of explanations. Cultural and ideological explanations emphasize the influence of thought, cultural conceptions, and ideology in shaping the manner in which planning occurs. For example, the lack of comprehensive state or regional planning in the US is often attributed to an anti-government ideology. Structural comparisons cite the greater availability of land and lower settlement densities, or the relationship between planning and the market, as explanations of why planning is different in the US (Downs, 1999) (Nivola, 1999). Institutional comparisons are concerned with the relationship between various levels of government and place importance on policy environments in which planning occurs. Alterman (2001) argues that institutional explanations, although rare, are valid as “...nations are legal-institutional entities that, like people, come in various sizes, but have similar limbs” (p.4). She notes similarities in the basic hierarchy of planning functions according to level of governance. Therefore, as the US and Germany both have federal systems of government, an examination of the role and function of each level of government (national, provincial, local) as it pertains to planning would uncover important similarities and differences.

This paper is organized as follows. We first compare the institutional framework in which planning occurs in the US and Germany. Although planning operates in both countries within a federal division of powers, German planning is far more integrated between levels of government and consensus oriented than planning in the US. We then examine the scope and goals of the planning process, as well as opportunities and limitations of local planning in both countries, noting the fragmented and often more competitive nature of planning in the US. We do not address specific planning projects, strategies or approaches, instead focusing on a broad institutional and structural analysis. We argue that the existence of an integrated yet flexible planning framework is a fundamental difference in the manner in which German planning is organized, acknowledged, undertaken, and accepted.

The second portion of this paper will examine more recent trends and patterns in the planning processes of both countries, with a particular focus on whether or not planning is converging. Advocates of globalization view the global economy as operating outside the influence of local political actors, thus reducing the power of local policy makers and planning regimes. Alterman (2001) outlines several common trends affecting the planning process in democratic, industrialized nations. First, planning (at least at the national level) has become less ideologically driven, as witnessed by the increasingly non-partisan discourse concerning the role of the state. Second, the planning process has become more decentralized. This is manifest in the shifting role of national-level intervention from legally binding mandates to more of an advisory status, increased emphasis on public participation, and a shift from 'command and control' regulation to a greater focus on negotiation. In both the United States and Germany, such developments

have been attributed to the weakening of the welfare state, deregulation, and an increased role of public-private partnerships. However, global convergence dismisses the state and political environment as a contingent actor in shaping cities and regions. As mentioned, planning in Germany is mediated through an institutional framework organized by the Federal government. In addition, Sassen (2002) points out that the State and processes of globalization are not mutually exclusive; while some components of the state have been weakened, others have been strengthened. We note how German planning has decentralized in response to social and political consequences of reunification and European integration, while in the US, state level planning has played an increasing role in recent decades. We conclude that these trends are in response to different circumstances and are subject to differences in the way planning is organized in both countries.

### **The Planning Framework**

Perhaps one of the most striking differences between planning in the US and Germany is the structure of the planning systems, and in particular, the manner in which the various levels of government interact. In Germany, planning occurs within a decentralized decision-making structure and a strong legal framework, something associated with the Basic Law (*Grundgesetz*) of 1949 (Newman and Thornley, 1996)<sup>1</sup>. The primary actors involved in the process are the Federal government (*Bund*), the 16 State governments (*Laender*), 114 planning regions, and the approximately 14,000

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<sup>1</sup> Spatial planning was not explicitly included in the Basic Law of 1949, as central government planning was considered politically unacceptable after the Third Reich. During the 1960s, however, justifications for planning and government intervention in general were argumentatively linked to the Basic Law (Fuerst 2003).

municipalities (BBR 2000). In recent years, the European Union (EU) has also played an increasing (albeit non-binding) role.

Although planning is a shared task among all levels of government, the Federal Government does not create or implement plans, but rather sets the overall framework and policy structure to ensure basic consistency for state, regional and local planning (Newman and Thornley, 1996), while states, regions and municipalities are the actual planning bodies (See Figure 1). The framework distinguishes between *Bauleitplanung*, or local land use planning, and *Raumordnung*, or spatial planning (Schmidt-Eichstaedt, 2001). These are organized by two federal acts. First, the *Baugesetzbuch* (Federal Building Code) requires lower levels of government to make plans which are vertically and horizontally consistent and standardizes the level of expertise, rules, and symbols utilized in compiling plans (this is additionally supplemented by the *Planzeichenverordnung*, or Plan Symbols Ordinance). Second, spatial planning is guided by the *Bundes-Raumordnungsgesetz* (Federal Spatial Planning Act). This Act outlines broad guidelines to be met at the *Laender* level, and defines the relationship between the *Laender* and the federal government. Much federal activity is spent advising lower tiers of government on the interpretation of the regulatory framework. Furthermore, municipal plans are required to take into account federally mandated goals laid out in both the Federal Building Code and the Federal Spatial Planning Act.

Planning is organized as a process of reciprocal influence by federal, state, and municipal authorities on each other's proposals, commonly referred to as the "counter current principle" (*Gegenstromprinzip*). The system is organized around mediation and consensus building, and allows for input and participation from lower levels, as long as

the plans are consistent with higher level goals and objectives, once these goals are (often collaboratively) established. Municipalities are represented at the regional level, while regional representatives provide input into state plans, and state ministries are involved in setting Federal planning guidelines and visions. The level of responsibility and degree of plan detail increases with lower levels of government. Specialized sectors (i.e. Federal ministries for transportation, water, energy) provide input through *Fachplaene* (Sector plans), which are formulated independently from spatial plans and then integrated by planning authorities. In addition, the federal government publishes an informal, non-binding *Federal Spatial Planning Review*, which influences all planning levels through the use of information, statistics, and projections, and defines key issues and goals (e.g. sustainable development) to be addressed (Wiegandt 2004).

### **FIGURE 1 ABOUT HERE**

The planning framework as depicted in Figure 1 is the point of departure for justifying planning's role in German society, both substantively and procedurally. This has aided in fostering a spirit of cooperation and consensus, which is often achieved through informal exchanges before, during and after plan making (Interviews: Herzberg 2006, Schneider, 2006, Kilper 2006). There are a number of reasons for the degree of planning consensus in Germany. First, there is a long tradition of state intervention at both the national and regional level in Germany, dating back to the 19<sup>th</sup> century. For example, Bismarck implemented the first social welfare system in the 1870s to guarantee citizens state protection from the vagaries of the market (Hansjuergens, 2000). State intervention has been accepted, and expected, ever since. Second, Germany is a

proportional democracy with a multiplicity of parties, in which coalition building is not only paramount to maintaining power, but also fosters a spirit of cooperation. Third, relative to the US, Germany is demographically, economically, and politically more homogeneous (Leipold 2000), and at least in recent decades has experienced little in the way of population growth. Fourth, recognized private interests (economic, industrial, agrarian, and professional groups) have non-competitive governmental access and play a role in the decision-making process (Evers, Ben-Zadok, and Faludi, 2000). This stands in contrast to the more pluralistic model of the US, in which interest groups have much less formal access to legislature, and consequently, there is fierce competition among interest groups who frequently resort to the court system.

Of particular note is the existence of a regional planning level in Germany, something which is largely absent in the US. The origins of German regional planning can be traced to the early 20<sup>th</sup> century (Kunzmann 2001), when municipalities in both the Ruhr and Berlin metropolitan areas began to voluntarily organize themselves. For example, the Ruhr Coalfield Settlement Association (*Siedlungsverband Ruhrkohlenbezirk SVR*) was successful in guiding development and preserving open space in the highly urbanized Ruhr area.

Although Federal law requires regional planning, the exact organization of the regional association varies from state to state. As administrative boundaries often do not align with planning issues, regional associations have traditionally been the most flexible and experimental level of planning, and can either be driven from below, by municipalities, or from above, by the *Laender*. Regional assemblies, financed by



intergovernmental transfers, serve a meditative role between levels of government and private interests and help to coordinate the goals of local plans to ensure vertical consistency. State plans outline both goals (*Ziele*), which regions and municipalities are bound to follow, and principles (*Grundsätze*), which they are encouraged, but not bound to follow (Section 3 Federal Planning Law). Municipalities have some input into the regional planning process, but ultimately regional plans need to be legally enforced by State authorities in order to become legally binding. For example, in 2003, the State of Bavaria passed a clause, against the wishes of the Munich regional government, which allowed municipalities directly bordering on Munich much more leeway in allowing retail and commercial development (Blatter, 2006).

By contrast, the role of state intervention, let alone the existence of a structured planning framework in the US, has historically been a very much-contested topic. This has produced a far more diverse and heterogeneous planning system at all levels of governance. As Kayden (2001) notes, spatial or territorial planning, commonly used terminology in Europe, is not a part of the American legal or professional planning vocabulary.

With the exception of the “taking clause” of the Constitution, land use decisions have been the province of state legislature which have historically given much deference to municipal “home rule”, and the role of higher levels of government in the planning process is still challenged. An attempt at passing a Land Use Policy Act, which would have facilitated information exchange between national, state, and local levels, was aborted in the early 1970s (Kayden, 2001). Federal intervention is generally confined to

indirect means such as environmental regulation, the management of nationally owned lands, investment in transportation infrastructure, the provision of financial assistance and housing subsidies, and the dissemination of information and technical assistance. In general, planning has traditionally been organized along sectoral lines as opposed to engaging a stronger, more comprehensive approach.

At the state level, some states have only in place basic zoning and planning enabling legislation dating to the 1920s. A recent American Planning Association (APA) report found that only half the states have updated these laws to one degree or another (APA, 2002). State level growth management planning has become more common in recent decades; however, for the most part, these efforts have “not shown uniformity in their intergovernmental structures or program objectives.” (Bollens,1992). For example, although a key feature of most state planning is that local governments prepare land-use plans, Gale (1992) notes that state plans show great variation according to whether jurisdictions are required to plan, what jurisdictions are required to plan, the stringency of sanctions for noncompliance or nonparticipation, the roles assumed by state and regional governments, and even discrepancy in regards to the object of state planning. Furthermore, state and regional efforts have also not been uniform nationwide.

Nelson and Duncan (1995) categorize state planning according to the degree and scope of state intervention, from “imposed” (Hawaii) to “mandatory planning with weak state roles” (Georgia). Both Wilson and Patterson (2002) and APA (2002) classify state planning along a continuum of how far along each state is in the implementation process, for example from “dormant” (North Dakota) to “thriving” (New Jersey). Furthermore, unlike German *Laender*, state plans in the US, with the exception of New Jersey’s brief

experimentation with the “Big Map,” have generally been focused on non-spatial regulatory intervention.

Specific efforts at regional planning have a long history in the US, dating back to the Regional Plan Associations in New York, Chicago, and Los Angeles of the 1920s. However, despite federal support, regional planning has largely been fragmented and uncoordinated. Success stories, such as the Portland, Oregon growth boundary and tax base sharing in the Minneapolis-St. Paul metropolitan area are rare. The role of metropolitan planning organizations (MPOs) was expanded with the passage of the 1991 Transportation Act (ISTEA), which gave MPOs more control over the allocation of federal transportation funding (Orfield, 2002). ISTEA encouraged MPOs to take an integrated view of coordinating land-use, transportation, and air quality considerations, the first example of multi-sectoral planning decisions being made at the Federal level. However, as Cullingworth and Caves (2003) note, regional planning has been largely dependent on federal support in such cases, serving more as a coordinator for federal funding, and limited in terms of implementing any regional plans. Although the 1990s saw a vigorous debate over regional governance, particularly in regards to economic development, actual regional reform, with the exception of the merger between the Louisville, Kentucky and Jefferson County in 2001, has been minimal (Johnson, 2006).

### **Scope and goals of planning**

The German planning framework has allowed the government to outline broad goals such as social equity or sustainable development which must be addressed by the various planning levels. For example, the German Constitution promulgates equality of opportunity and an “individual right to self development,” which implies equal access to

equivalent infrastructure, services, and opportunities to each individual. This vision was manifested spatially through the Federal Spatial Planning Law of 1965, which outlined a broad aim to develop and spatially organize the country to ensure equal conditions, regardless of geography, and gave primary responsibility for doing so to the *Laender* (Hall, 1992). Several policies were implemented to meet these goals. First, at both the federal and state level, redistribution efforts were directed towards remote rural areas (*Bundesausbaugebiete*), the frontier zone with the former East Germany (*Zonenrandgebiet*), and more recently, depressed coal mining areas in the Ruhr and Saar areas. Federal intervention efforts have included the provision of infrastructure, financial incentives, tax benefits, and priority for federal contracts (Hall, 1992). A strong spatial component has been a long established element of German planning, something exhibited in Dutch plan making as well (Evers, Ben-Zadok, and Faludi, 2000). This applies not only to investment, but also the identification of areas for development and preservation.

Second, in order to minimize social disparities across space, a hierarchy of “central place” cities have been defined and identifies. According to their importance or rank in the urban hierarchy, these “central places” provide services and infrastructure for the surrounding regions. See figure 2 for the distribution of first and second tier “central places” in Germany. Both federal and state funding is then distributed according to a place’s rank and tasks within the central place hierarchy. Cities with more service functions receive proportionally more funding in order to provide these services (BBR 2000). Third, the federal government engages in wealth redistribution (*Finanzausgleich*), to equalize differences between richer and poorer *Laender*. Rich *Laender*, such as

Bavaria, contribute to a compensation fund, while poor *Laender*, such as Schleswig-Holstein, receive money from the fund (Friedrichs 2003).

## **FIGURE 2 ABOUT HERE**

In the US, there is no comparable effort at wealth redistribution. Although federal investment, such as defense expenditures, has had large impacts on local and regional economies, it is never aimed at assisting economically depressed areas (Downs, 1999). At the local level there is a far greater reliance on private sector in determining land use policies. The dependence on the private sector often leaves the planner to serve the role as developers and/or land-assemblers themselves. This is particularly apparent in the history of urban redevelopment and urban renewal in the US, and in the shift of many planning functions to quasi-independent planning agencies. Furthermore, as the planning system is more reliant on, and constrained by, private property, private capital, and the private market system, planning in the US is justified and supported when it serves to correct market failures but is considered unjustified in interfering with the private market. Consequently, justifications for planning intervention frequently rely on economic efficiency arguments, rather than appeals to “the public interest” or “social justice” (Klosterman, 2003).

### **Constraints and opportunities of local level planning**

Although the US and Germany both have long traditions of local self government, the ability for local land use regulation is constrained in both countries for different reasons. In the US, a legal, institutional, and ideological framework encourages

individual, fee-simple property ownership protected from government intrusion, which limits the ability of local planning efforts. The German constitution guarantees municipalities the right to independent self-government (Article 28). However, as described earlier, municipalities operate within a strong economic, political, and administrative planning system, requiring cooperation of all levels of government. As such, decisions concerning land use, taxation, and economic development often do not flow from the immediate jurisdiction, but often must function within a regional, state, or national framework.

In addition to these basic ideological constraints, a number of structural differences exist between the US and Germany which impact local planning practice in both countries. First, due to the lack of any centralized distributive mechanisms, local governments in the US generally rely for the most part on their own tax base for revenue, something referred to as “fiscal federalism”. In 2002, general-purpose local government (municipalities, townships, and counties) received 66.6% of their general revenue from their own sources, according to the latest data available from the Census Bureau<sup>2</sup>. Property tax contributed 36.2% of this amount. When all forms of local government are taken into account (Counties, municipalities, Townships, Special Districts, and School districts) property taxes constitute 45% of all local own-source revenues.<sup>3</sup> By contrast, property tax provides for only 9% of local revenue to German *Gemeinde* (municipalities) and *Kreis-frie Gemeinde* (municipalities not belonging to a county).<sup>4</sup> German municipalities are in general more dependent on intergovernmental transfers, which

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<sup>2</sup> Source: US Census Bureau, 2002 Census of Governments, State and Local government finances

<sup>3</sup> Source: Ibid.

<sup>4</sup> Source: Destatis (German Federal Office for Statistics) (2006). Vierteljaehrliche Kassenergebnisse der Kummunalen Haushalte. 1.-4. Vierteljahr 2005. Wiesbaden: Destatis.

account for 41.1% of local revenue,<sup>5</sup> as compared with 25% for US municipalities and townships.<sup>6</sup> These transfers are partially contingent on local city planners and administrators administering, executing and fulfilling tasks for the Federal and State governments, such as issuing passports or building permits (BBR 2000).

As such, there exists a great deal of competition for increasing tax base between jurisdictions in the US, and the role of local planning is often reduced to one either of planning amenities or offering various tax and economic incentives to private businesses and residents, a phenomena commonly referred to as the "ratables" chase. Planning efforts and abilities are often circumscribed by residential and commercial mobility, as restrictive regulations or excessive taxation may lead investment to move to other municipalities. Fiscal zoning, the deliberate attempt by local government to reap the best fiscal dividend by zoning accordingly, has led to housing inequality issues across metropolitan regions.

Second, the emphasis on local control and governance is exacerbated by the sheer number of local governments. In the US, local autonomous governments include not only general-purpose governments described above, but also school districts and special district governments<sup>7</sup>, a situation praised by public choice theorists as ideal in its ability to approximate the market and allow individuals to make choices about services, taxes,

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<sup>5</sup> Source: Ibid.

<sup>6</sup> Source: US Census Bureau, 2002 Census of Governments, State and Local government finances.

<sup>7</sup> In the US, there were 13.5 general-purpose governments (municipalities, towns, and counties) per 100,000 in 2002. In Germany, there were 17.84 (municipalities, counties, and 'kreisfreie städte – municipalities not belonging to a county) per 100,000 in 2000 (Destatis, German Federal Office for Statistics). However, the number of special purpose governments has increased dramatically in the US. Between 1952 and 2002, the number of special purpose governments increased 186%, from 12,340 to 35,356 (2002 Census of Governments, US Census Bureau). They have outnumbered the number of municipalities and counties, and have witnessed accelerated growth during the 1990s (Blatter, 2005).

and other policies. However, the consequent lack of viable regional governance institutions prevents any sort of political integration. Furthermore, nearly half of all local municipal governments have populations of less than 1000. (Cullingworth and Caves, 2003). In Germany, several public services, such as school administration, are left to the *Laender*.

In Germany, the Federal Building Code requires municipalities to devise local land use plans that are both vertically and horizontally consistent. Non-binding preliminary plans are prepared, discussed, and altered, after which the local legislature votes on the final plan. The Regional governing body then scrutinizes the plan to ensure procedural and legal compliance before granting approval (BBR 2000). Although the process varies between the *Laender*, each *Land* generally has a representative present to ensure that the Land has input into the plan's approval. The power to develop in non-urbanized areas is highly circumscribed by higher levels of government, and the development process is generally limited to areas adjacent to existing development. In addition, local municipalities often acquire or own property, and once detailed plans have been drawn up, sell the land to private developers with specific conditions attached, thus insuring a high degree of government involvement in the development process (Beatley, 2000).

By contrast, the reliance on the private sector to fulfill planning functions has left the US planning process more open to individual entrepreneurship and public participation. In fact, some have noted that the emergence of state planning in recent years has led to a resurgence in non-profit groups and citizen participation in the planning



and decision making process (Callies, 1980, Innes, 1992). Ballot initiatives are an increasingly popular tool for planning advocates to win popular approval, thereby bypassing the legislative process (APA, 2002). However, the pivotal role individuals and the private sector in general play has also led to a backlash against state planning (APA, 2002). In numerous states that have enacted some form of state planning, legislation has been passed to protect individual property rights and curb the ability of states to use eminent domain.

### **The practice of local planning**

In Germany, local planning efforts consist of a non-binding preparatory land use plan (*Flaechenutzungsplan*), which identifies future land uses according to projected needs, and a more detailed land use plan (*Bebauungsplan*), which addresses only those areas planned for growth. The *Bebauungsplan* must conform with the *Flaechenutzungsplan*, and is binding on private landowners. It defines design specifications such as coverage type, height of building, floor area ratio, required set backs (BBR, 1993) and indicates to what level the developer or owner has to build to, thus giving the municipality control over the form of development.

In the US, zoning has been the primary form of local regulation, and is conferred on the municipality by the state government. Traditionally zoning has been used to segregate land uses. Although it has evolved over the course of the 20<sup>th</sup> century from rigid single use specifications to include and allow for greater flexibility, zoning typically only specifies a limit or maximum that the developer or owner cannot exceed. Comprehensive planning has generally received much less attention, and the US has

produced a wide diversity and disparity of approaches. Pendall, Puentes, and Martin (2006) survey the 50 largest metropolitan areas and find a range of approaches to local land use regulation across the country, which they categorize from “Traditional” to “Reform.” Although zoning is supposed to be made in accordance with a comprehensive plan, relatively few states demand consistency with a comprehensive plan. Some municipalities have interpreted this to mean that zoning should be comprehensive, others have chosen not to zone at all. If a plan does exist, often it is legally subservient to the zoning ordinance; in other cases, the plan serves to legitimate the zoning ordinance. In any case, zoning has often taken the place of planning. The conversion of zoning as planning allows municipalities to ignore several key aspects of planning: the need to plan for future residents (not just existing) and undesirable land uses, such as power stations and land fills (Cullingworth and Caves, 2003).

For the sake of comparison, we are depicting a portion of the *Flaechenutzungsplan* for Efringen – Kirchen in Baden-Württemberg in figure 3, and the zoning plan for Yorktown, NY in figure 4. Although the intent and scope of each of these plans is different, they are indicative of their respective approaches to local land use regulation. We readily note several things. First, although both plans are comprehensive, the Yorktown zoning plan acknowledges an inherent right to develop, only limiting, but not prohibiting development, while the Efringen-Kirchen plan identifies areas in which future development is not permitted. Areas in white (*Aussenbereich*) are off-limits to development, and can only be developed by planning permission from higher levels of government (Section 35 Federal Building Code). This permission “provides official confirmation that a proposed development is not in conflict with any regulations under

public law” (BBR, 1993). Development permissibility depends largely on whether the parcel lies within territory covered by the legally binding land use plan (*Bebauungsplan*). Thus, a landowner whose property is not identified for future development can’t seek compensation for the denial of development privileges which he does not have. By contrast, development in Yorktown occurs by zoning right - as long as developers conform to zoning requirements and building codes, planners have minimal leverage power to intervene. If the municipality rezones the property, thereby decreasing its value, discussion will inevitably revolve around concerns over violating the “takings” clause of the Constitution.

Second, the number and type of zones depicted in the Yorktown map are unique and not standardized with the other towns surrounding. This is not the case for the Efringen – Kirchen plan, which is subject to the specifications of the Federal Building Code. Also of note is the presence of all utility and transportation routes on the Efringen – Kirchen plan, indicating the integration of sector (*Fachplanung*) and land use planning.

**FIGURE 3 ABOUT HERE**

**FIGURE 4 ABOUT HERE**

### **Challenges to German Planning**

West Germany was politically, economically, and demographically relatively stable in the period after World War II. However, since the 1990s, the German planning framework has had to face new challenges. These include first, increased spatial disparities in income, employment, and growth due to economic restructuring and the

reunification of East and West Germany, and second, a changed policy environment due to further European Union integration. We examine each of these and then discuss some of the implications for the planning process.

Economic restructuring and deindustrialization actually began long before reunification. Beginning in the 1960s, the Rhine-Ruhr district entered a period of economic stagnation as its traditional economic base, natural resource extraction and manufacturing, suffered declining demand and productivity. In addition, global competition led to plant closures and corporate mergers (Friedrichs 2003). This led to rising unemployment rates and overall population loss. Conversely, cities and regions in southern Germany, such as Stuttgart, Frankfurt, and Munich, have been more prosperous, having attracted not only displaced industries from the East after World War II, but also foreign investment and high tech job growth (Hall, 1992), so much so that Germans speak of a *Nord-Sud Gefaelle* (North-South Gradient).

During the 1990s, German reunification served to exacerbate interregional differences, and has made apparent the glaring economic disparity between east and west. Underestimated costs associated with bringing infrastructure up to western standards brought additional political and fiscal stresses. Increasingly, jobs in the East disappeared and people migrated from east to west. Figure 5 below shows the percent change in unemployment between 1995 and 2004, indicating unemployment growth rate of over 3.5% in the East. Figure 6 indicates population changes (1995-2003), indicating a loss of population in the East as well as the Ruhr area. Particularly hard hit have been smaller

and mid sized cities in the East<sup>8</sup>. In addition, income inequalities have increased (Nuissl and Rink, 2003).

### **FIGURE 5 ABOUT HERE**

Ironically, however, population loss and economic decline in the East has coincided with increased rate of land consumption, as central cities have lost jobs and population to the surrounding suburban areas (OECD, 1999) (Nuissl and Rink, 2003) (Bontje, 2004). As depicted in Figure 6, despite an overall population loss of 10%, land consumption has increased 17% in the East. Nuissl and Rink (2003) argue that this is due to latent demand for automobiles and housing, the lack of any planning structure in the wake of reunification, and tax policies that tended to favor greenfield development.

### **FIGURE 6 ABOUT HERE**

However, sprawl is not limited to Eastern Germany. Figure 7 depicts population growth in major metropolitan areas (those with a population of 300,000) across Germany. The table indicates population loss in central cities to the surrounding suburban and rural areas. These changes have had severe consequences for cities, as revenues from personal income and business or trade tax have declined and expenditures for public assistance have increased, particularly in poorer cities. The decline in revenue led the Association of German Cities (*Deutscher Städtetag*) to appeal to the Federal government in 2001 for increased assistance (Friedrichs, 2003). In addition, increased immigration in recent years

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<sup>8</sup> For example, between 1990 and 2005, total population decreased 25% in Gorlitz, 22% in Zwickau, 11% in Plauen, and 38% in Hoyerswerda. Source: Statistische Landesamt des Freistaates Sachsen

added social and political tension. Between 1990 and 2002, German cities have received 4.5 million immigrants, largely in the west (Destatis 2006).

### **FIGURE 7 ABOUT HERE**

A second factor affecting the planning process has been European Union integration. In 1999, the European Union has published its own spatial plan, the *European Spatial Development Perspective*, with the equalization of inter-regional socioeconomic differences as a primary goal (Alterman, 2001). The introduction and influence of EU policies and leveraging of EU structural funds have been instrumental in instituting environmental impact analyses (Interview: Herzberg 2006) and placing renewed emphasis on regional planning.

In response to these new challenges, German planning has undergone a certain amount of transformation, with a particular emphasis placed on decentralization. First, in the face of increasing regional disparities, the constitutional guarantee of equality of access and opportunity has been weakened at both the federal and *Laender* level. Article 72 (2) of the German constitution was revised, so instead of advocating “equal living conditions” for all citizens, it now reads “similar living conditions.” Second, the focus has shifted from substantive outcome of plan making to more procedural concerns over equity and representation. Changes instituted by the federal government during the 1990s have placed a greater emphasis on decentralized control, local initiatives, public participation, and increased competition among German states as a means to acknowledge this new globalized, post-socialist reality. For example, in 1996 and 1997,

the Federal Planning Law was reauthorized, and focused more on management, and less on direct federal intervention (Fuerst 2003). The influence of European Union standards has also ensured a certain amount of public participation into the formulation of local, regional, and state plan making (Interview: Herzberg 2006).

Locally, there has been an increasing reliance on public private partnership in urban development (OECD, 1999). This is exemplified by the introduction of the *Vorhaben und Erschliessungsplan*, which gives planning permission without a local *Flaechenutzungsplan* in place, as long as the developer promises to prepare one and agrees to finance and implement the servicing of the development. This has sped up the planning process, and allowed greater flexibility and interpretation (Newman and Thornley, 1996) at the local level.

However, shifting patterns of state intervention have probably been most pronounced at the regional level, which has traditionally focused on mediation and negotiation and is ideal for administrative and policy experimentation. After a retreat from regional planning during the 1980s, cities and municipalities began experimenting with new regional associations during the 1990s, both as a response to the changing European level policy environment, and as means to remain globally competitive. Blatter (2006) finds that the form of these regional associations are changing, diverging not only in geographic scope, but also becoming functionally differentiated. He finds that several regional government associations have become more narrow in scope, geared specifically toward promoting economic development and competing within the global economy, and less interested in economic redistribution or fighting sprawl (Blatter, 2006).

These new regional associations influence planning decisions made at the state level, and increasingly certain responsibilities have been decentralized to them (Newman and Thornley, 1996). For example, a number of city and state led efforts to combat neighborhood decline and other consequences of deindustrialization (particularly in North Rhine-Westphalia) focused on organizing neighborhood groups, encouraging public participation, and the inclusion of largely foreign born population (Friedrichs, 2003). In this case, it was the federal government that followed the lead of the cities and states, organizing a “Social City” program in 2000 to address inner city decline. It should be noted that the increasing role for regional planning is not specific to Germany, but has been noted as well in Belgium (Albrechts, 2001) and Italy (Gelli, 2001).

### **Changes in US Planning**

Several recent trends in US planning are worth noting. First, the introduction and implementation of state level planning in the US, despite the fragmented nature of much of this legislation, indicates the successful introduction of a layer of planning which did not previously exist. A 2002 APA report found that 37 states had already implemented or were pursuing statewide reforms, and only 13 were not pursuing any reforms. Second, there has been a shift in the scope of US planning, from purely regulatory intervention to an increased focus on comprehensive planning, and the inclusion of economic development as an objective of planning intervention. These have long been standard in Germany.

State-level planning in the US has been a relatively recent phenomenon. During the 1960s and 70s states began taking a more active role in land use decision making (DeGrove, 1984) (Popper, 1988), a movement commonly referred to as the “quiet



revolution”, from an influential book by Bosselman and Callies (1971) (Weitz, 1999). Similar to German state planning, the impetus for the quiet revolution was the widely held perception that local governments had been either unwilling or unable to deal adequately with the externalities of growth that transcended municipal boundaries (Bollens, 1992). Intervention by state government was deemed necessary, and was pushed to the forefront by a coalition of environmentalists, suburban homeowners, planners, and state officials. Consequently, a common objective of state planning at the time was to require local governments to adopt plans and coordinate these plans in a way that produced a uniform framework for dealing with the issues such as rapid population growth, sprawl, and transportation (Carruthers, 2002). These early regulatory state programs were responding primarily to environmental concerns, and tended to employ negative regulations aimed at limiting or deterring growth. Due to the limitations of this approach, a “second generation” of state planning emerged in the mid 1980s. This second wave was designed to address weaknesses of the first generation, filling in gaps between state regulation and inconsistent local efforts. These later programs were generally more comprehensive in scope, addressing growth-accommodating economic policies and quality of life concerns.

During the 1990s, the scope of the state plans was expanded to include limiting urban sprawl (Weitz, 1999) and providing affordable housing (Cullingworth and Caves, 2003), issues which were not addressed in earlier plans. In their study of state growth management and open space policies, Wilson and Patterson (2002) identified 354 state policies enacted throughout the US since 1990, which often addressed multiple concerns such as natural resource protection, urban redevelopment, historical preservation,

infrastructure management, and hazard mitigation. Nevertheless, despite this trend, a 2002 APA study found mixed results, citing that although comprehensive initiatives were "...likely to yield better results, 'piecemeal' reform efforts often are more practical and politically realistic." (p. 8)

In addition, US consistency requirements tend to be weaker, more varied, and less standardized than in Germany. For example, state plans may mandate vertical consistency between state-defined policy objectives and local plans. In such cases, local governments are subject to penalties, such as a loss of funding or a loss of local control to regional or state agencies, if they fail to meet such obligations (Bollens, 1992, 1993; DeGrove, 1992). In other cases, local planning is voluntary and strategies of enforcement tend to rely on incentive based approaches (Carruthers, 2002), such as the use of funding or technical assistance. Another approach tends to rely more on horizontal consistency (called "cross-acceptance" in New Jersey), which demands that local plans to be consistent with one another. In Florida, state laws require that public facilities and services needed to support new development be available concurrently with new development.

### **Conclusion**

In this paper, we have argued that a primary difference between planning practice in the US and Germany is that German planning is mediated through an integrated yet flexible institutional setting which emphasizes cooperation between all levels of government. As such, local planning decisions often do not flow from the immediate jurisdiction, but must function within a regional, state, and national framework. This framework has allowed planning to accommodate recent socioeconomic, institutional,

and demographic changes. In both cases, the roles of the various levels of government have shifted; regions have become more important in Germany and states have become more important in the US. State intervention continues to play a role in shaping the planning process, but contrary to a single globalization narrative, the recent shift in both countries has been in different directions.

In discussing more recent trends in both German and US planning, the term “convergence” is perhaps too strong, as it implies a process of coming together. History, as we are constantly reminded, is path dependent. Nevertheless, certain trends are apparent. In recent years, Germany has faced a domestic situation more similar to the US; in particular, unequal patterns of regional growth and decline, than at any other time in its post-war history. In response to these changes, an increased importance has been placed on Regional planning associations and the role of public participation. Decentralization and public participation are areas long since assumed in the US, and as such, it is not altogether surprising to conclude that Germany can perhaps learn from what the US has, or has not, done. Meanwhile, as a response to environmental considerations and consequences of sprawl, the US has seen a trend in recent decades, however fragmented, toward an increased role for higher level planning, something which has long since been established in Germany through the planning framework. The US, which is characterized by fragmented planning efforts, could learn much from German regional coordination and collaboration, as global competitiveness has increasingly become contingent on the economic viability of regions.

However, it should be noted that these trends are for the most part qualitatively different. First, they are in response to different circumstances. The movement toward an

increased role for higher levels of planning in the US has generally been the result of piecemeal and incremental legislation as well as public pressure, not as part of a legally grounded framework. In Germany, the trends toward decentralization have been in response to the political, social, and economic changes wrought by pressures on the existing system, such as reunification, economic restructuring, and European integration and regulation.

Second, these changes are occurring within different institutional environments. As Evers, Ben-Zadok, and Faludi (2000) note in their study of planning in the Netherlands, a structured planning framework provides the lens through which politicians and the public interpret their country. A flexible and robust framework with a strong spatial component gives identity to an otherwise bureaucratic opaque process. As such, the planning framework is able to transcend much public debate. By contrast, the heterogeneity and diversity of local and state regulatory regimes in US tend to defy easy identification or categorization. Despite these qualitative differences, however, the US and Germany can still learn from where the other has been and is going in terms of the scope, goals, and direction of planning.

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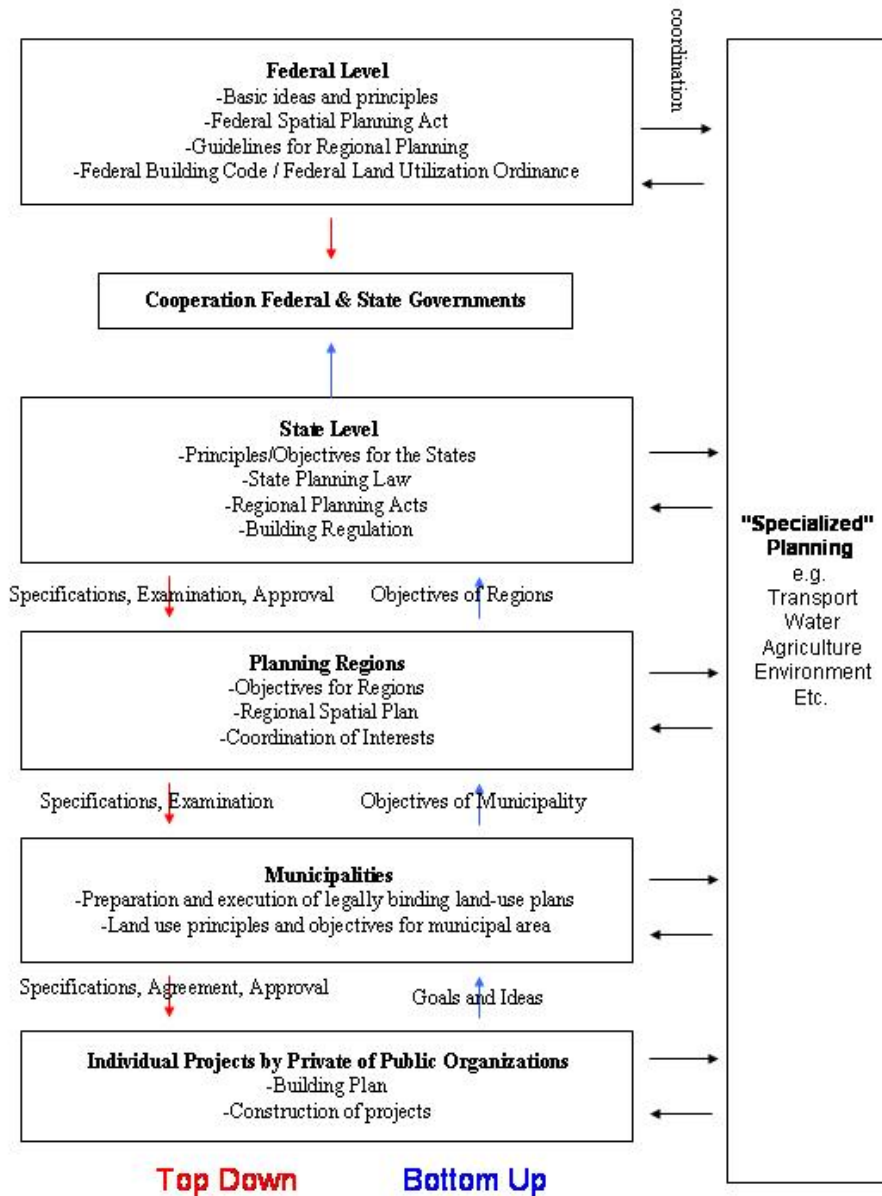
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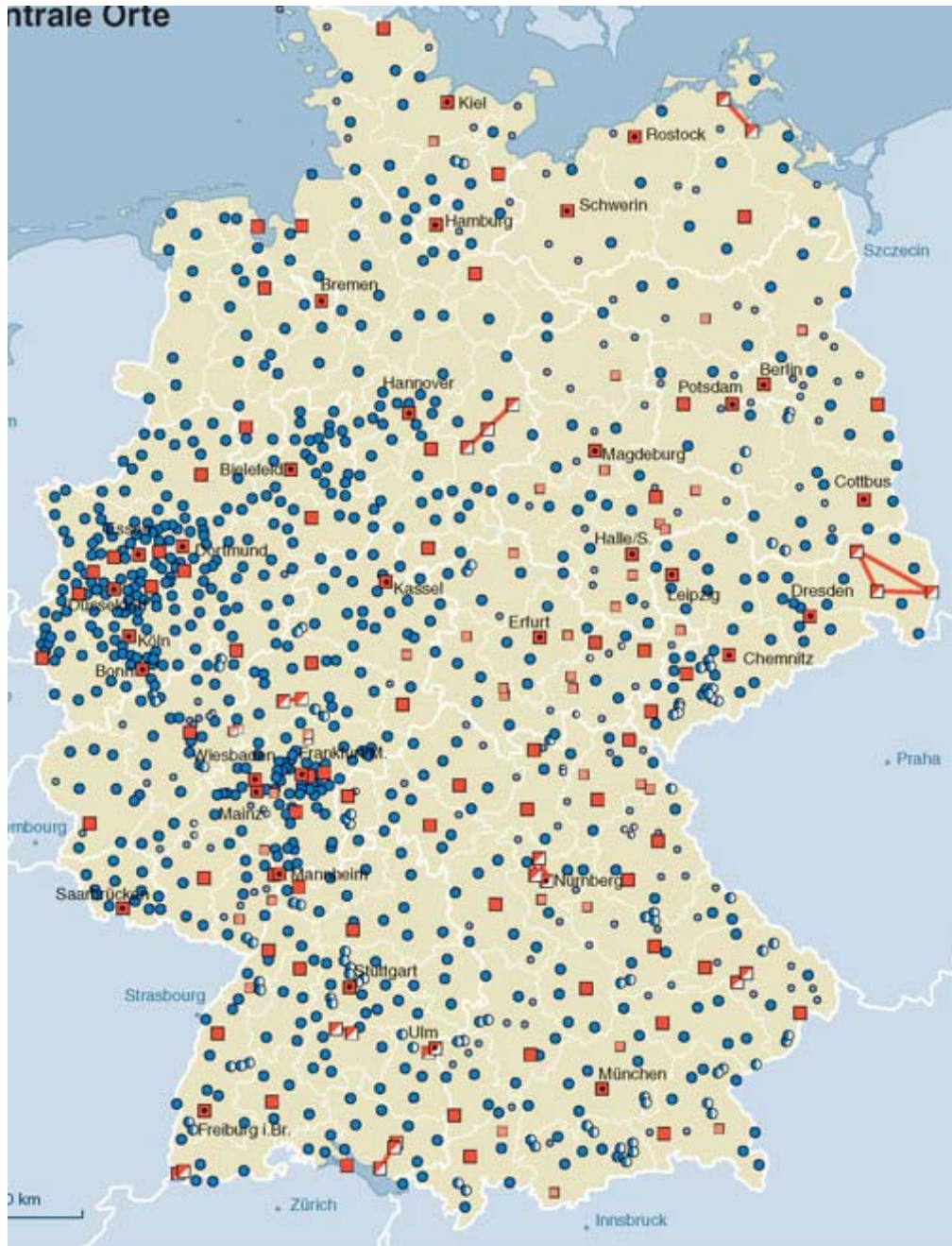
**Figure 1: Germany's "Counter Current" Spatial Planning System**



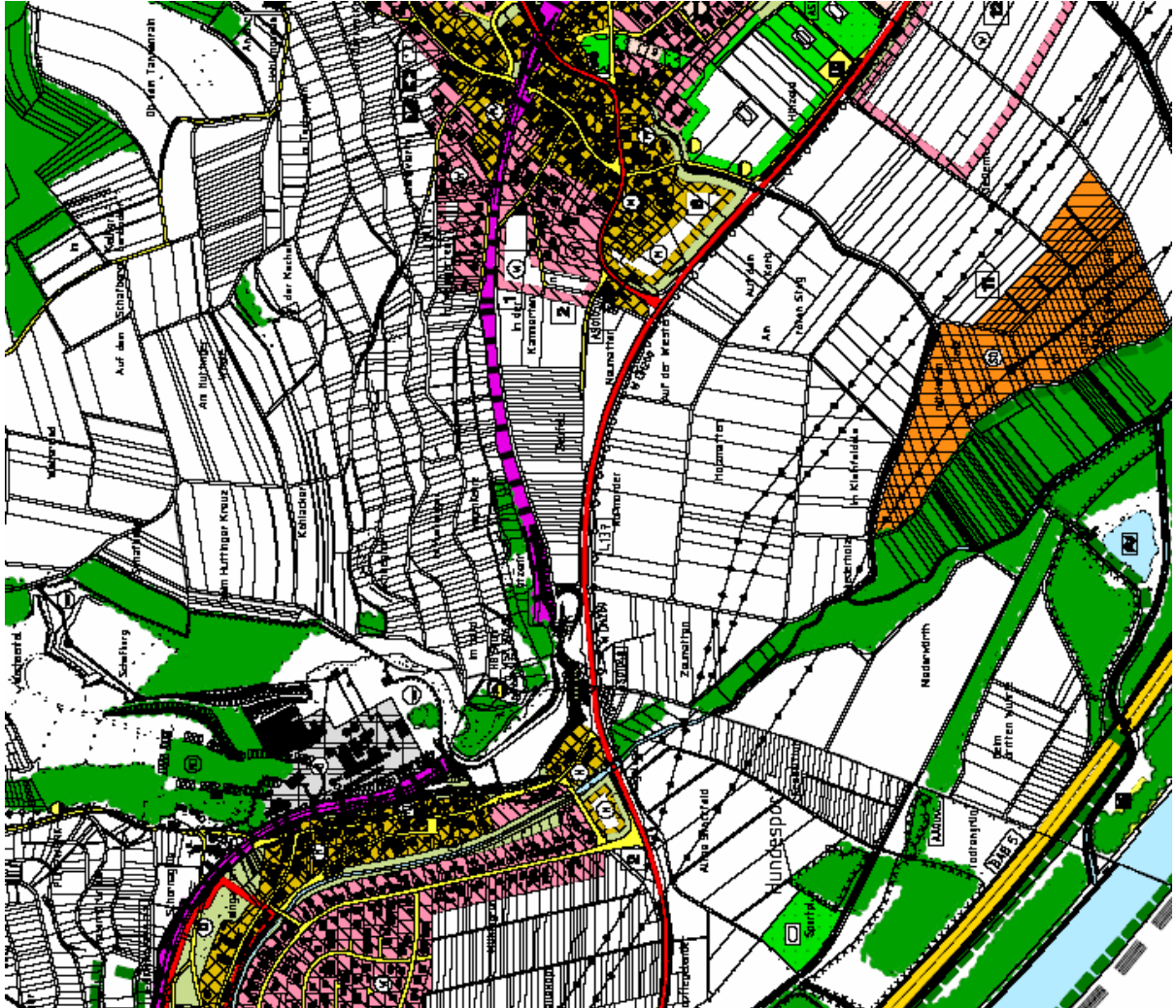
Adapted from BBR 2000 and Kunzmann 2001

**Figure 2: The Distribution of first and second tier central places in Germany**

Source: BBR (2006), [http://www.bbr.bund.de/infosite/karten/zentrale\\_orte.htm](http://www.bbr.bund.de/infosite/karten/zentrale_orte.htm), accessed November 2006



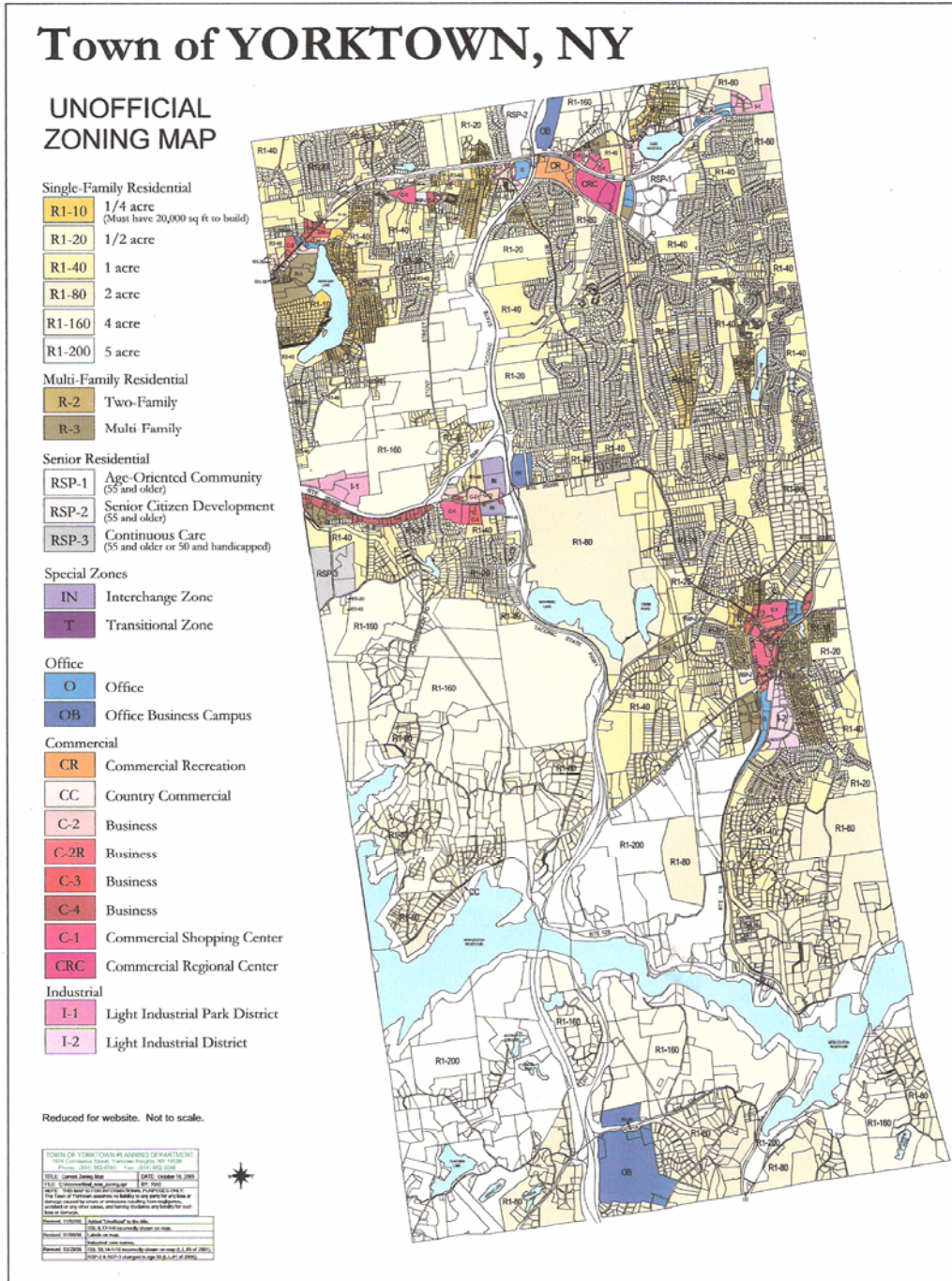
**Figure 3: Flächenutzungsplan for Efringen – Kirchen, Baden-Württemberg (2005)**  
Source: Gemeindeverwaltung Efringen-Kirchen (2005). Areas in pink are zoned residential, yellow indicates mixed use, dark green is forest, and orange refers to special use zoning. The area outlined in pink in the upper right indicates future mixed use development.





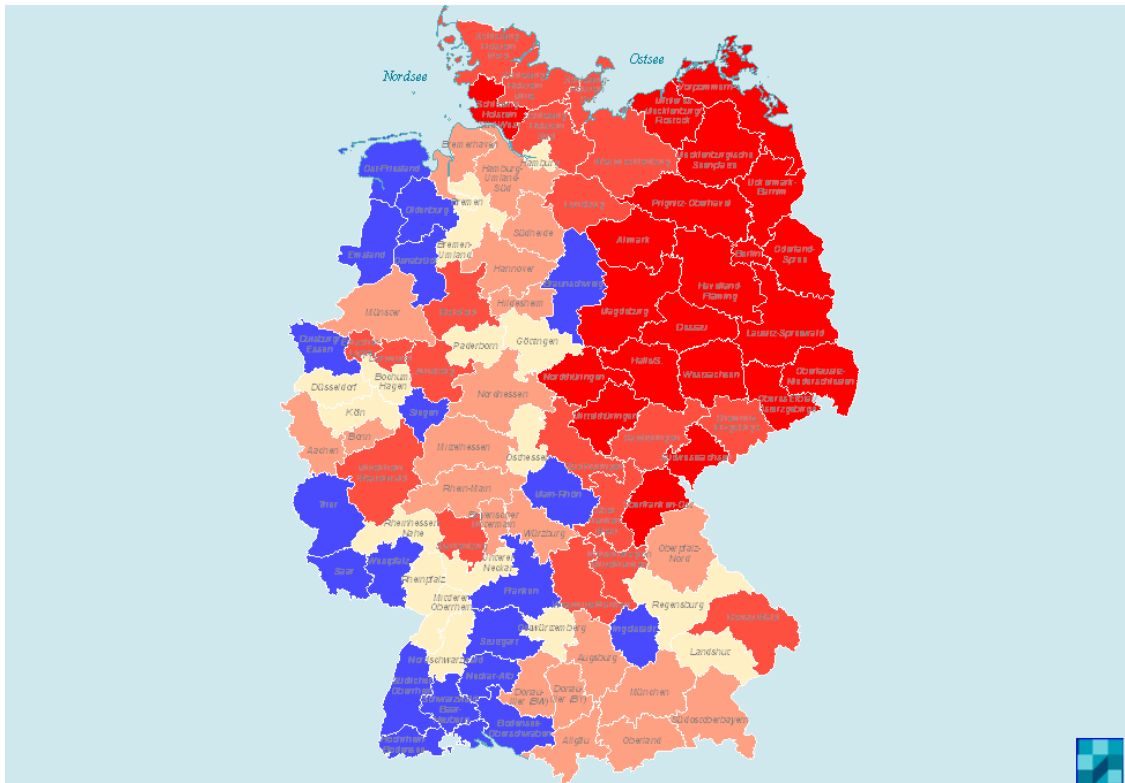
**Figure 4: Zoning Map for Yorktown NY**

Source: [http://www.yorktownny.org/Public\\_Documents/YorktownNY\\_CompPlan/currentzoningmap.pdf](http://www.yorktownny.org/Public_Documents/YorktownNY_CompPlan/currentzoningmap.pdf)  
 Accessed November 2006



**Figure 5: Percent change in unemployment, 1995-2004** Source: Bundesamt fuer Bauwesen und Raumordnung, INKAR CD 2005. Rate increases of over 3.5% are indicated in dark red.

Arbeitslosenquote



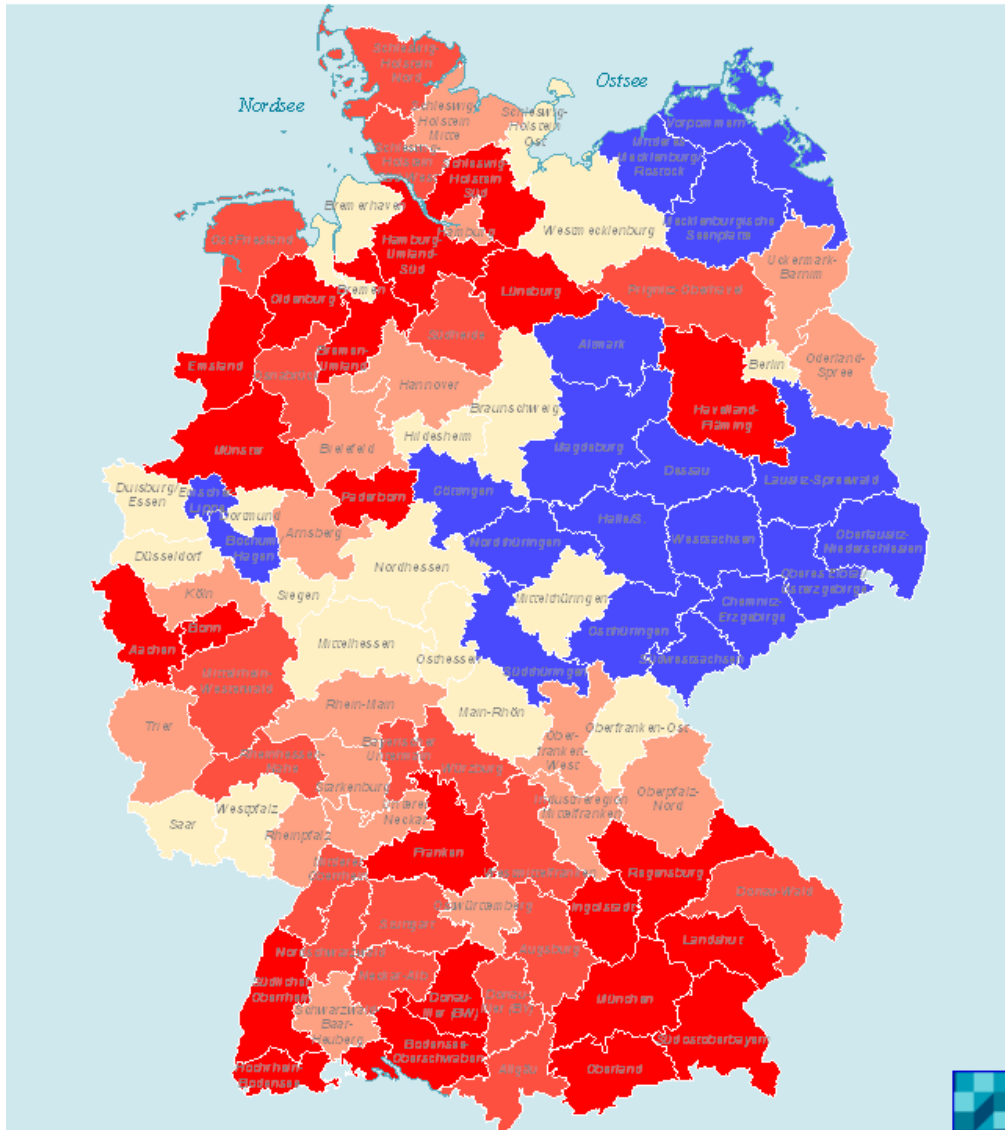
Entwicklung der Arbeitslosenquote in %-Punkten

- bis unter -0.1
- -0.1 ... 0.5
- 0.5 ... 1.3
- 1.3 ... 3.5
- 3.5 und mehr

Raumordnungsregionen  
 Zeitbezug 1995/2004  
 Datengrundlage: Arbeitsmarktstatistik der Bundesagentur für Arbeit,  
 Eurostat Regio Datenbank

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**Figure 6: Percent change in population, 1995-2003** Source: Bundesamt fuer Bauwesen und Raumordnung, INKAR CD 2005. Population losses of greater than 2.5% are indicated in blue.  
Bevölkerungsentwicklung



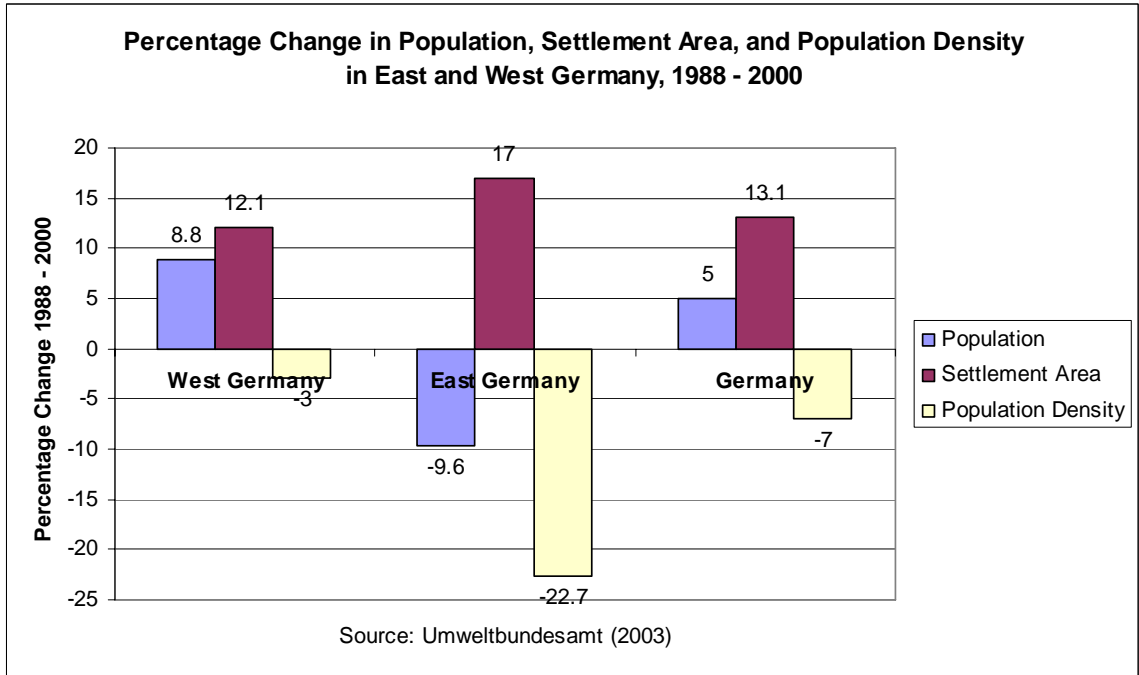
### Entwicklung der Zahl der Einwohner in %

- bis unter -2.5
- -2.5 ... 1.0
- 1.0 ... 2.7
- 2.7 ... 4.2
- 4.2 und mehr

Raumordnungsregionen  
Zeitbezug 1995/2003  
Datengrundlage: Fortschreibung des  
Bevölkerungsstandes des Bundes und  
der Länder; Eurostat Regio Datenbank

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**Figure 6: Percent population change in East and West Germany, 1995-2002** Source: Schluz, B. And F. Dosch. 2005. Trends der Siedlungsflaechenentwicklung und ihre Steuerung in der Schweiz und Deutschland. In: **Netzwerk Stadt und Landschaft ETH. 2005. DISP 160. Urban Sprawl. Strategien und Instrumente einer nachhaltigen Flaechenhaushaltspolitik** (Zurich: ETHZ)



**Figure 7: Percentage population change in metropolitan areas with population over 300,000, 1995- 2002** Source: Bundesamt fuer Bauwesen und Raumordnung

