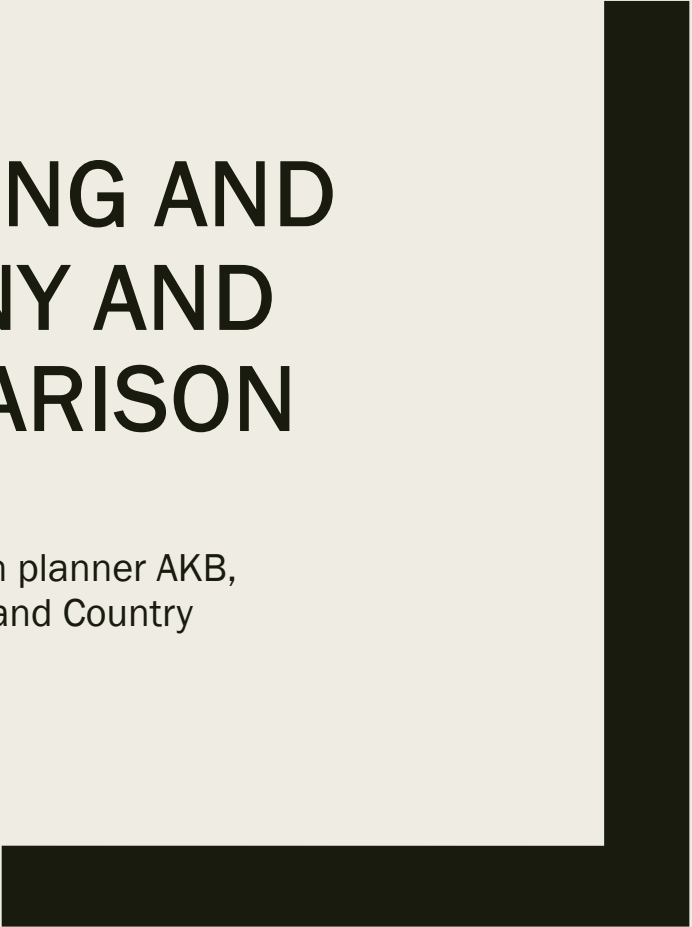




SPATIAL AND URBAN PLANNING AND DEVELOPMENT IN GERMANY AND UKRAINE – A SHORT COMPARISON

Prof. Dr. János Brenner

Honorary professor at the Technical University of Budapest, urban planner AKB,
SRL, corresponding member of the German Academy of Town and Country
Planning (DASL), Berlin



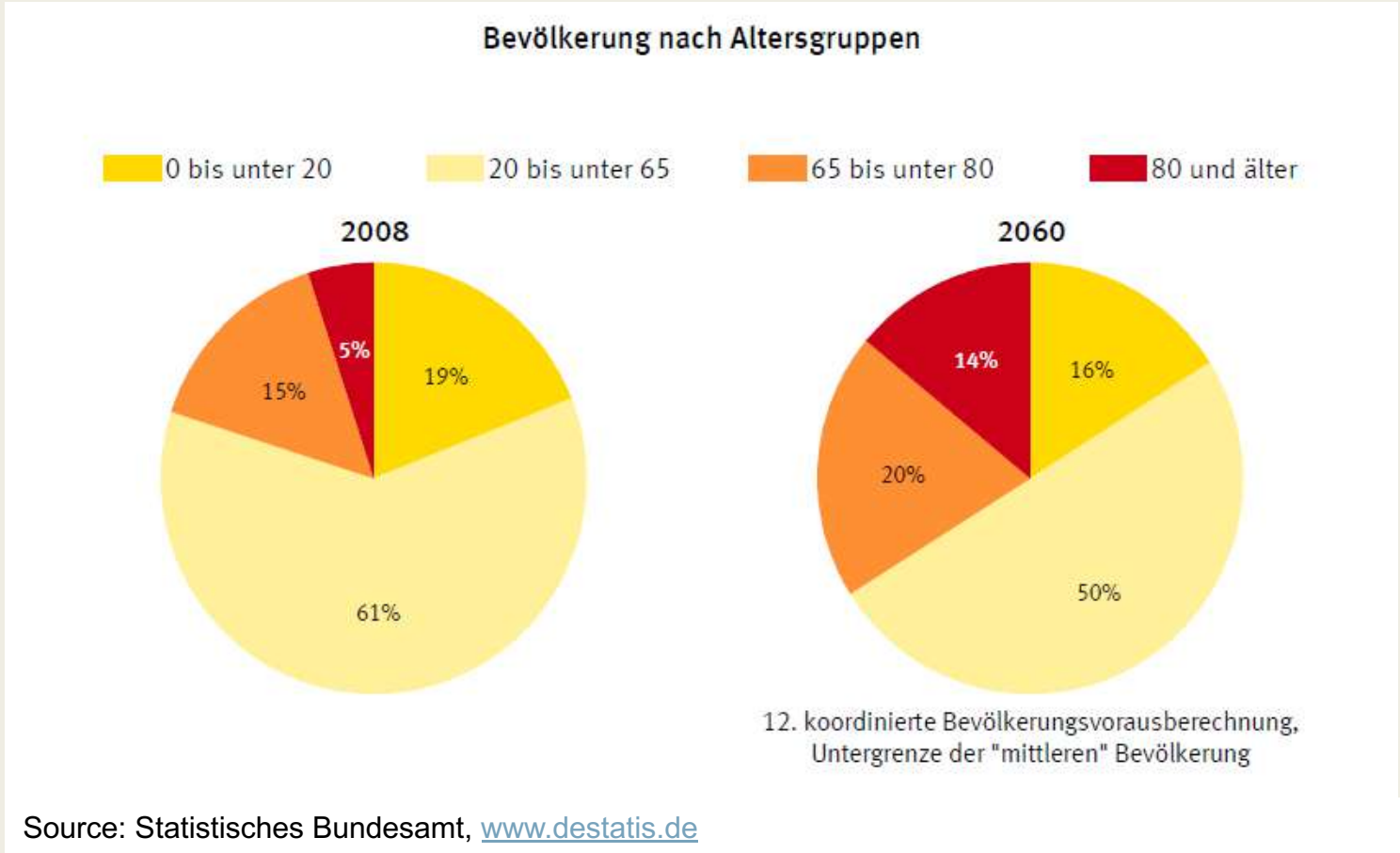
I. DEMOGRAPHIC AND SPATIAL TRENDS OF DEVELOPMENT

LONG-TERM TRENDS OF GERMAN DEMOGRAPHY

	2008	2020	2030	2060
Untergrenze	82 002	79 914	77 350	64 561
Obergrenze	82 002	80 437	79 025	70 120

Source: Statistisches Bundesamt, 12. koordinierte
Bevölkerungsprognose, www.destatis.de

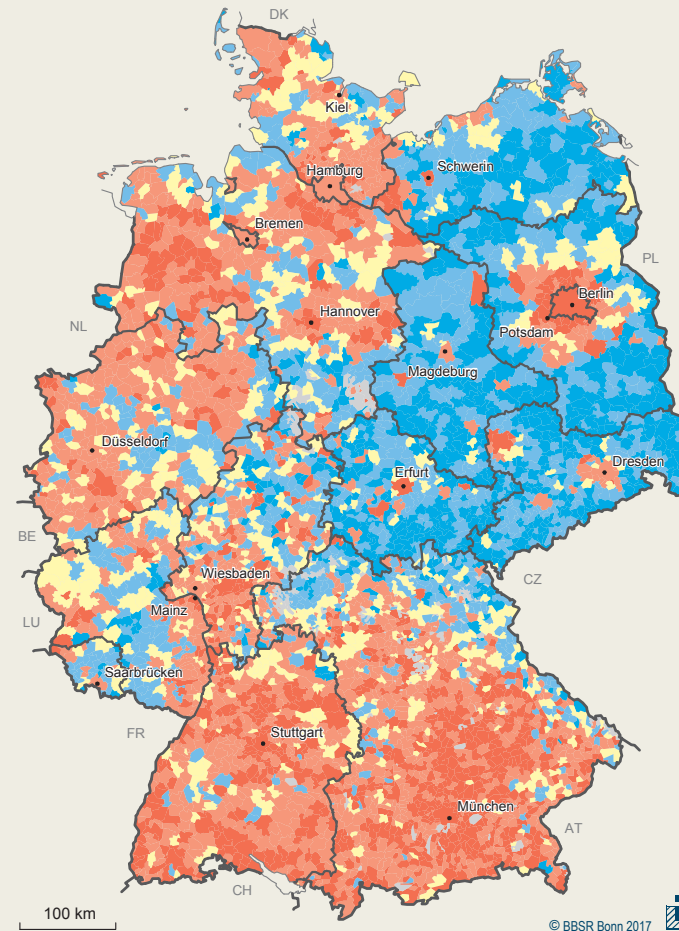
DEMOGRAPHIC CONDITIONS OF SPATIAL AND URBAN DEVELOPMENT IN GERMANY



TRENDS OF SPATIAL DISTRIBUTION OF THE POPULATION

Area: 357.386 km²;
„wedge of shrinking“ from the “new” Länder to the Ruhrgebiet (exemption: metropolitan areas of Berlin, Leipzig-Halle and Dresden); strong growth in metropolitan areas in the „old“ Länder

Source: BBSR, 2017



Wachsen und Schrumpfen von Städten und Gemeinden im Zeitintervall 2010 bis 2015 im bundesweiten Vergleich

- überdurchschnittlich wachsend
- wachsend
- keine eindeutige Entwicklungsrichtung
- schrumpfend
- überdurchschnittlich schrumpfend
- gemeindefreie Gebiete

Datenbasis: Laufende Raumbewertung des BBSR
Gemeindeverbände (generalisiert),
31.12.2015
© GeoBasis-DE/BKG
Bearbeitung: A. Milbert

FOR COMPARISON: UKRAINE, BASICS (1)



Area: 603.700 km² (including 26.080 km² AR of Crimea and 864 km² city of Sevastopol)

FOR COMPARISON: UKRAINE, BASICS (2)

Inhabitants: **42.854.106**, except AR of Crimea and city of Sevastopol (2015)

Age structure (2016, before the full-scale russian aggression):

0-14:	15,51%
15-24:	10,3%
25-54:	44,47%
55-64:	13,68%
65 and older:	16,05%

- ageing population like in Germany -

II. SPATIAL PLANNING AND DEVELOPMENT – SOME BASICS

WHY SPATIAL PLANNING?

§ 1 sections 1 and 2 Raumordnungsgesetz (ROG – Spatial Planning Law):

- Balance of interests and solution of conflicts
- Precaution for different spatial uses and functions
- Guiding principle: sustainability – balance of social, economic and ecologic interests, balanced development of regions with life conditions of equal value

HIERARCHY OF SPATIAL PLANS IN GERMANY

LEVEL	PLAN	LEGAL BASIS
Federal	Guidelines for Country Planning Policy	Country Planning Act (Raumordnungsgesetz)
States (Länder)	different terms, e.g. Country Planning Program of the State, and Regional Plans	different terms in the State legislation, e.g. Country Planning Act of the State
Local (remark: <i>the only plan binding all legal subjects is the Local Plan; all other plans are binding the public bodies involved into the planning procedure!</i>)	a) whole area of the municipality: <i>Land Use Plan (Flächennutzungsplan)</i> b) part of the area: <i>Local Plan (Bebauungsplan)</i>	Federal Building Code (Baugesetzbuch)

FOR COMPARISON: ACTUAL SYSTEM OF SPATIAL PLANNING IN UKRAINE

Whole country	„General Planning Scheme“ of Ukraine
Parts of the country	„Planning Schemes“ of parts of the country, e.g. cross-border planning areas or the area around Tchernobyl
Oblast	„Planning Scheme“ of the oblast
Rayon	„Planning Scheme“ of the rayon
Hromada (community)	<ul style="list-style-type: none">• „Complex Plan“ for the whole hromada• „General Plan“ of the settlement (town or village)• „Zoning Plan“ of the settlement• „Detail Plan“ of a part of the settlement (functional area, neighbourhood,...)

SPATIAL PLANNING ON FEDERAL LEVEL IN GERMANY

- No formal spatial plan at Federal level, but...
- **“Visions and Strategies for Spatial Development in Germany”** as adopted by the Standing Conference of Ministers responsible for Spatial Planning on March 9th, 2016

THE FOUR MAIN ISSUES OF THE “VISIONS....”

- Enhance competitiveness
- Ensure the provision of public services
- Control and sustainably develop land uses
- Shape climate change and the transformation of the energy system
- (will be shown on indicative – not legally binding – maps as follows)

ENHANCE COMPETITIVENESS

Competitiveness



The map illustrates the concept only exemplarily.
The symbols do not represent a planning provisions.

Metropolitan regions

- cores of the capital region and of existing European metropolitan regions
- further locations of metropolitan functions
- immediate metropolitan zones of influence
- larger metropolitan zones of influence including rural areas
- transition zones between metropolitan zones of influence
- cores of metropolitan border regions (IMeG as of 2015)
- immediate metropolitan zones of influence in metropolitan border regions (IMeG as of 2015)
- metropolitan border regions (IMeG as of 2015)
- examples of potential cross-border zones of influence

Rural and urbanized economic growth regions



Areas with special structural need for action



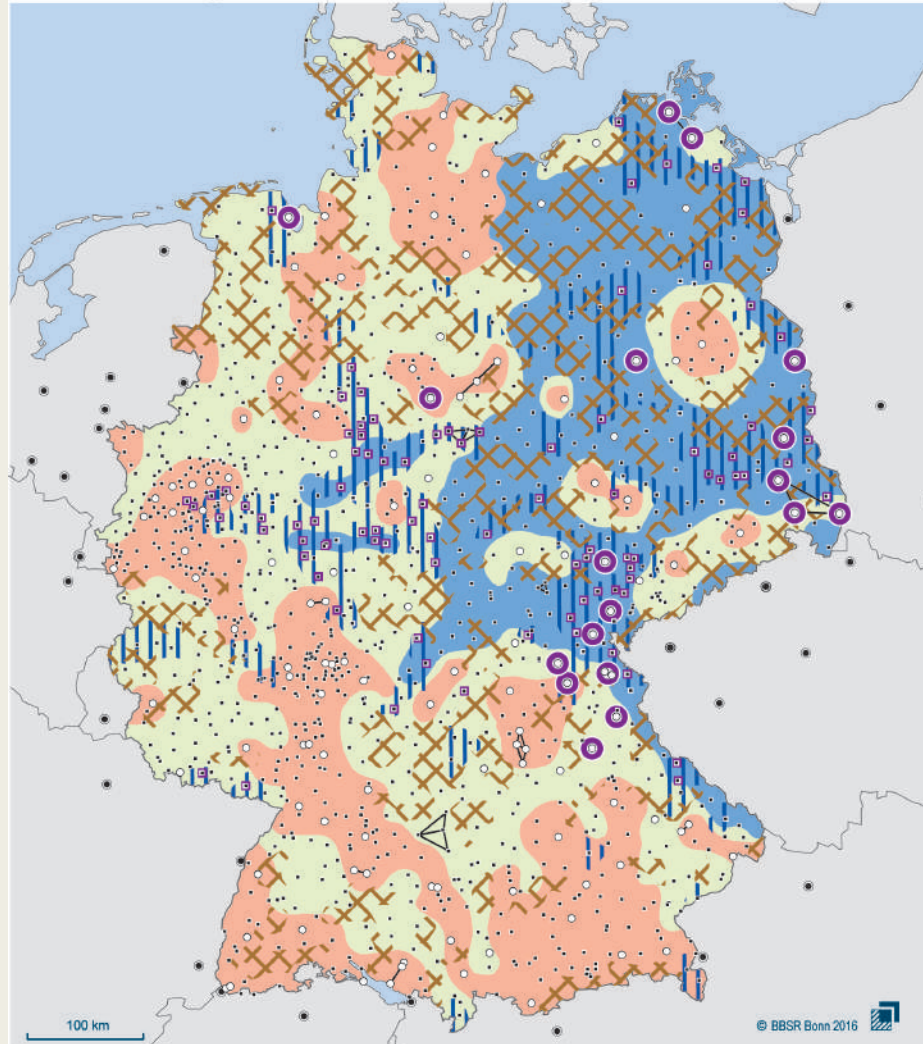
Transport infrastructure

(according to Trans-European Networks: Regulation (EU) No 1315/2013 of 11 December 2013)

- road network
- rail network
- international airport
- international seaport
- main shipping routes
- Kiel Canal
- maritime planning area

ENSURE THE PROVISION OF PUBLIC SERVICES

Services of general interest



The map illustrates the concept only exemplarily.
The symbols do not represent any planning provisions.

**Need for action due to demographic reasons -
affectedness by ageing and
decline of the population**

- low
- middle
- high

**Carrying capacity of services of
general interest und supply quality**

- high-order centre the carrying capacity
of which has to be secured
- middle-order centre the carrying capacity
of which has to be secured
- areas the carrying capacity
of which has to be secured
- accessibility of supply facilities
to be ensured

Central Places as of 2014

- high-order centre
- middle-order centre
- network of
high-order centres
- network of
middle-order centres
- Cities with high-order functions in
neighbouring countries

CONTROL AND SUSTAINABLY DEVELOP LAND USES

Land uses



The map illustrates the concept only exemplarily.
The symbols do not represent any planning provisions.

Shape and carefully develop urban and rural cultural landscapes

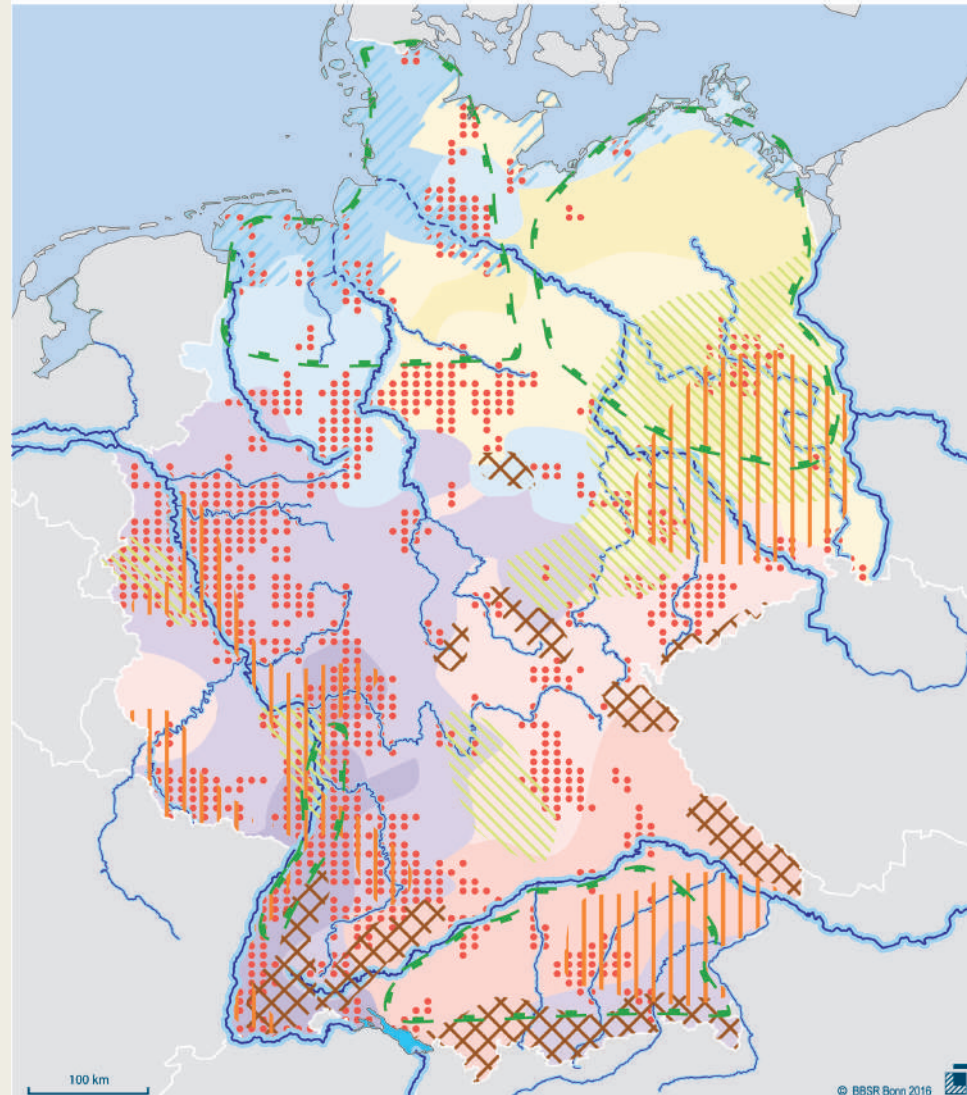
- urbanized areas with a high degree of competing uses
- supra-regional unfragmented areas with low traffic density
- open spaces with increasingly competing use
- large protected landscapes with a special nature conservation value (national parks, biosphere reserves, nature parks, "Alpenplan")
- open space alliances to provide recreation facilities in close proximity to settlement areas and with climate compensation functions
- significant ground water resources
- preventive flood control in river corridors

Protect and sustainably use marine landscapes

- minimizing conflicting uses in the exclusive economic zone
- reconciling conflicts of use by spatial plans and Integrated Coastal Zone Management, ensure coastal flood protection

SHAPE CLIMATE CHANGE AND THE TRANSFORMATION OF THE ENERGY SYSTEM (1) – ADAPTION TO CLIMATE CHANGE

Climate change



The map illustrates the concept only exemplarily.
The symbols do not represent any planning provisions.

— preventive flood control in river corridors

▨ coastal protection

⊠ protection in mountainous areas

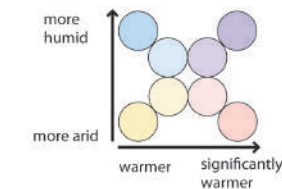
▨ areas with a bioclimate with an adverse impact on health (impacts from hot spells)

••• areas with a bioclimate with an adverse impact on health (impacts from hot spells in urbanized areas)

▨ areas affected by drought

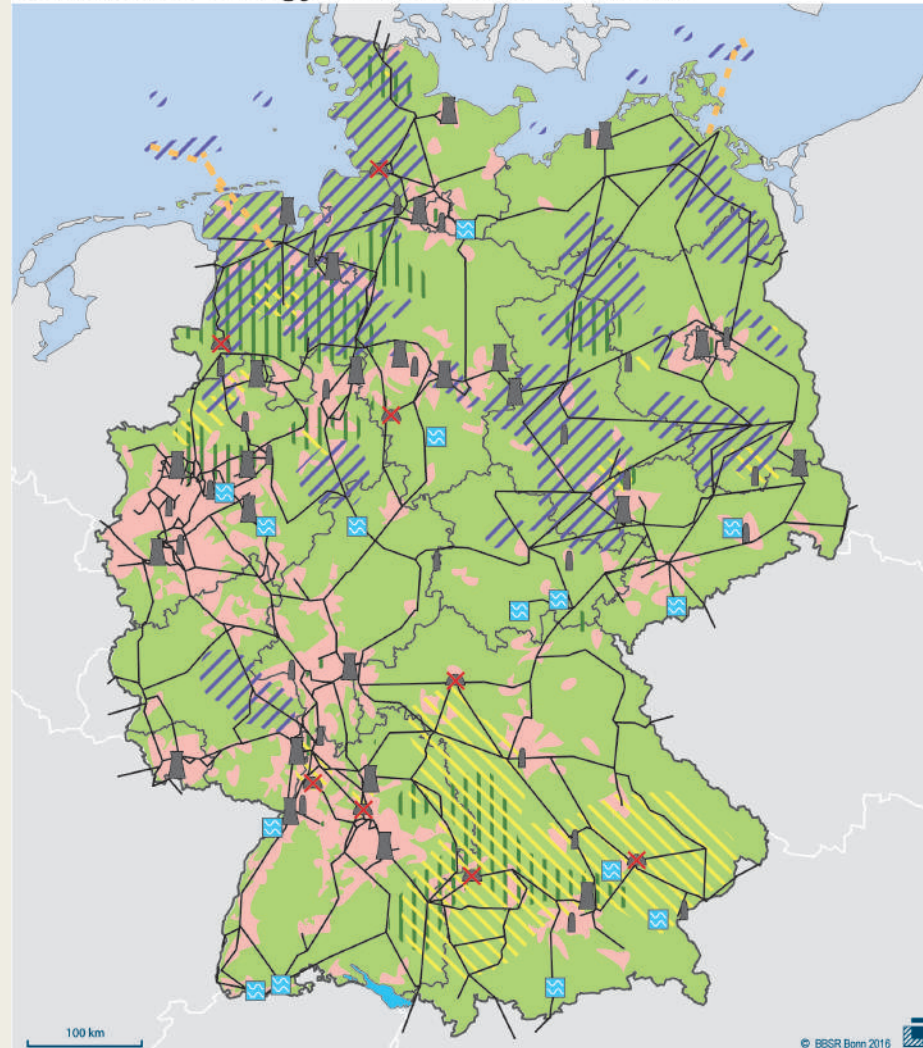
▨ sensitive natural carbon sinks

Background map: future trend of temperature and precipitation development (changes between 2071-2100 compared to 1961-1990)



SHAPE CLIMATE CHANGE AND THE TRANSFORMATION OF THE ENERGY SYSTEM (2) – RENEWABLE ENERGIES AND GRIDS

Renewable energy sources and networks



The map illustrates the concept only exemplarily.
The symbols do not represent any planning provisions.

Existing priority areas for renewable energies

- wind energy (as of 12/2013)
- solar energy (as of 12/2013)
- biomass (as of 12/2013)
- hydropower (as of 06/2015)

Existing priority areas of conventional energy generation (as of 06/2015)

- nuclear power (potential grid connection point)
- coal
- gas

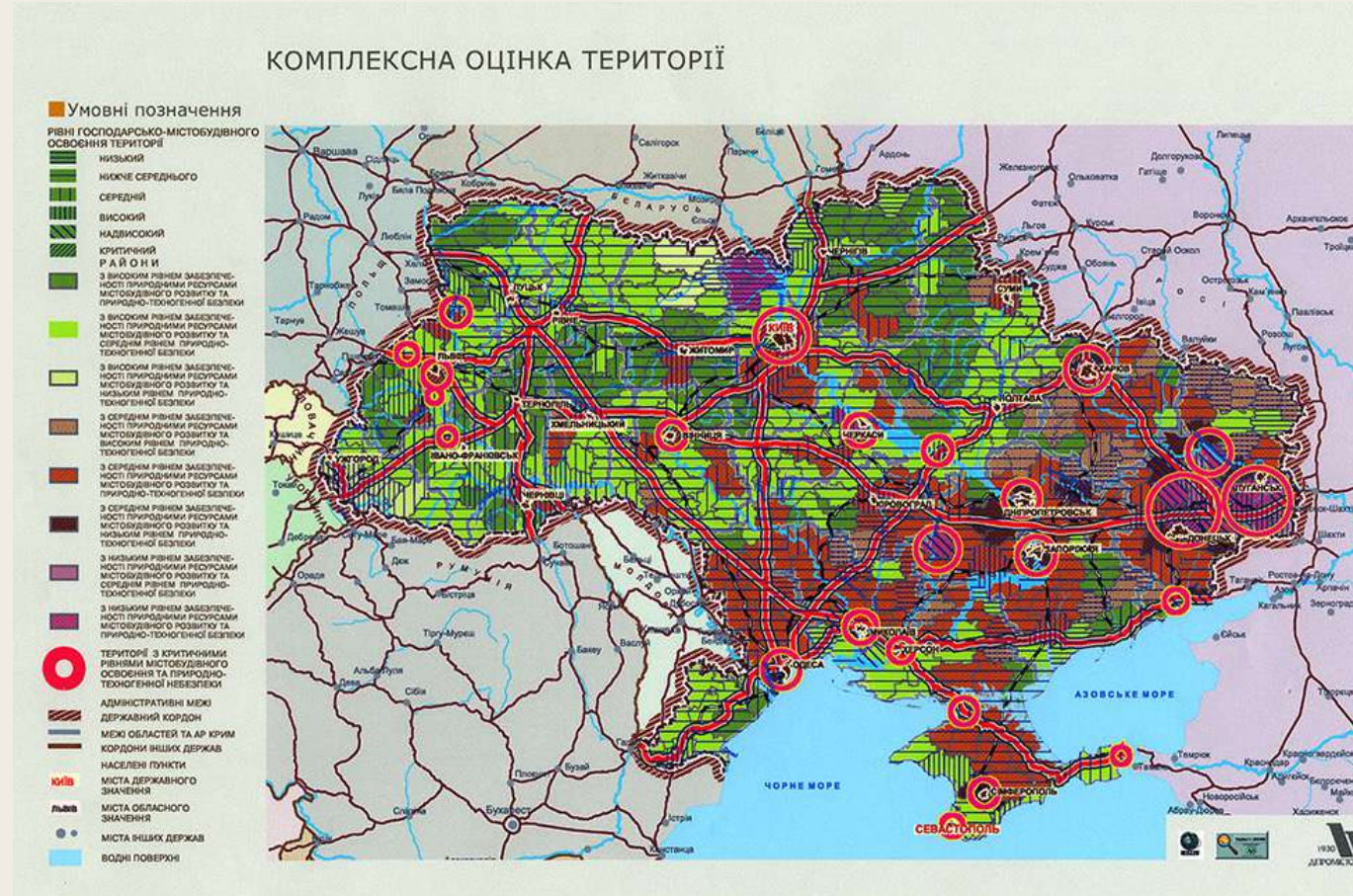
Transmission network corridors

- expansion of the offshore wind farms (Offshore Grid Development Plan 2014)
- existing high-voltage transmission network including planned expansions (as of 03/2014)

Spatial structure

- urbanized areas
- semi-rural and rural areas

FOR COMPARISON: SPATIAL PLANNING IN UKRAINE AT NATIONAL LEVEL

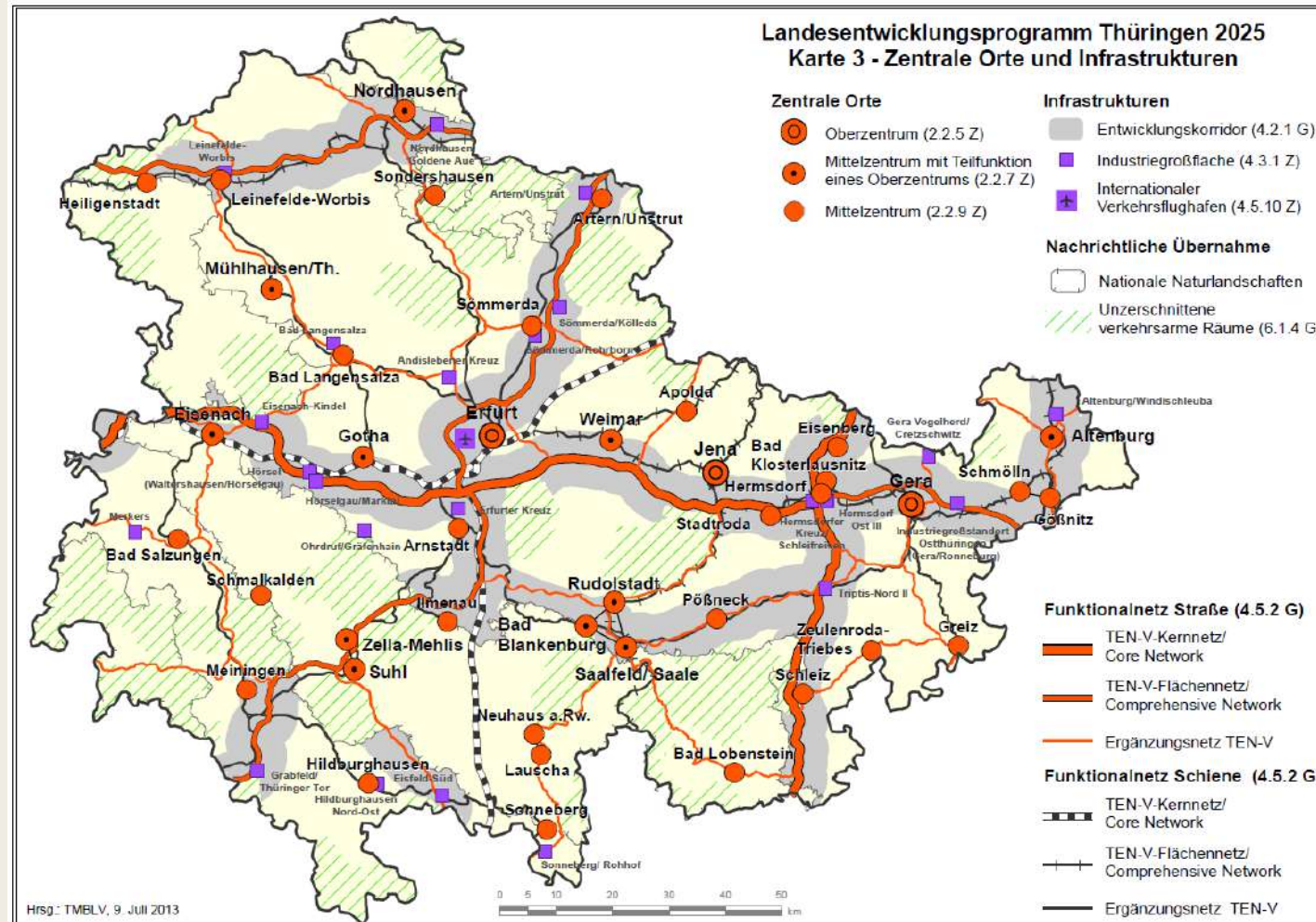


„General Planning Scheme“ of Ukraine, source: Dipromisto

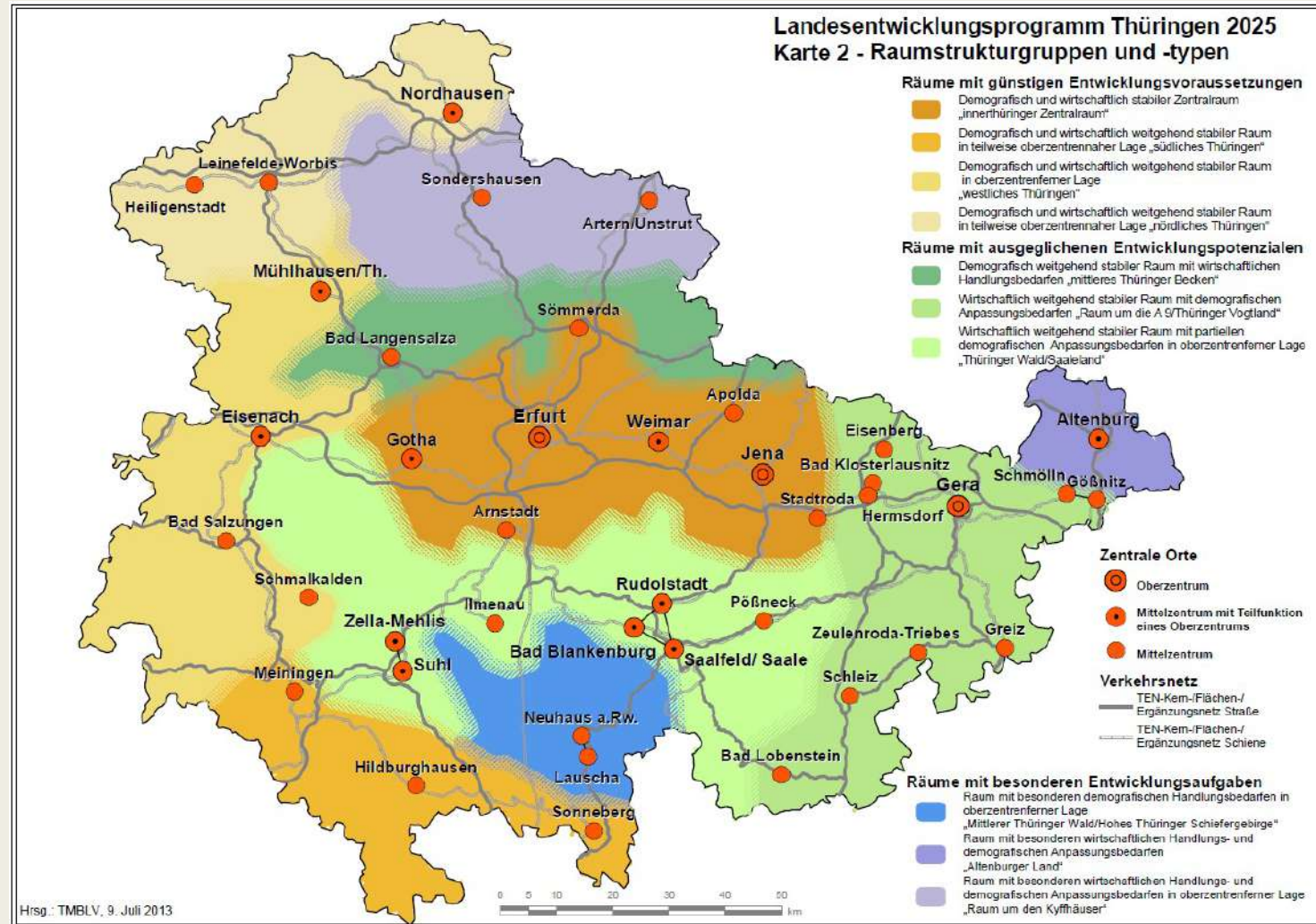
SPATIAL PLANNING AT STATES (LÄNDER) AND REGIONAL LEVEL

As an example, some aspects of the Country Development Plan (Landesentwicklungsplan) of the State of Thuringia as issued on July 9th, 2013, will be shown

HIERARCHY OF CENTRES AND INFRASTRUCTURE



SPATIAL STRUCTURES AND TYPOLOGY



FOR COMPARISON: SPATIAL PLANNING AT OBLAST LEVEL

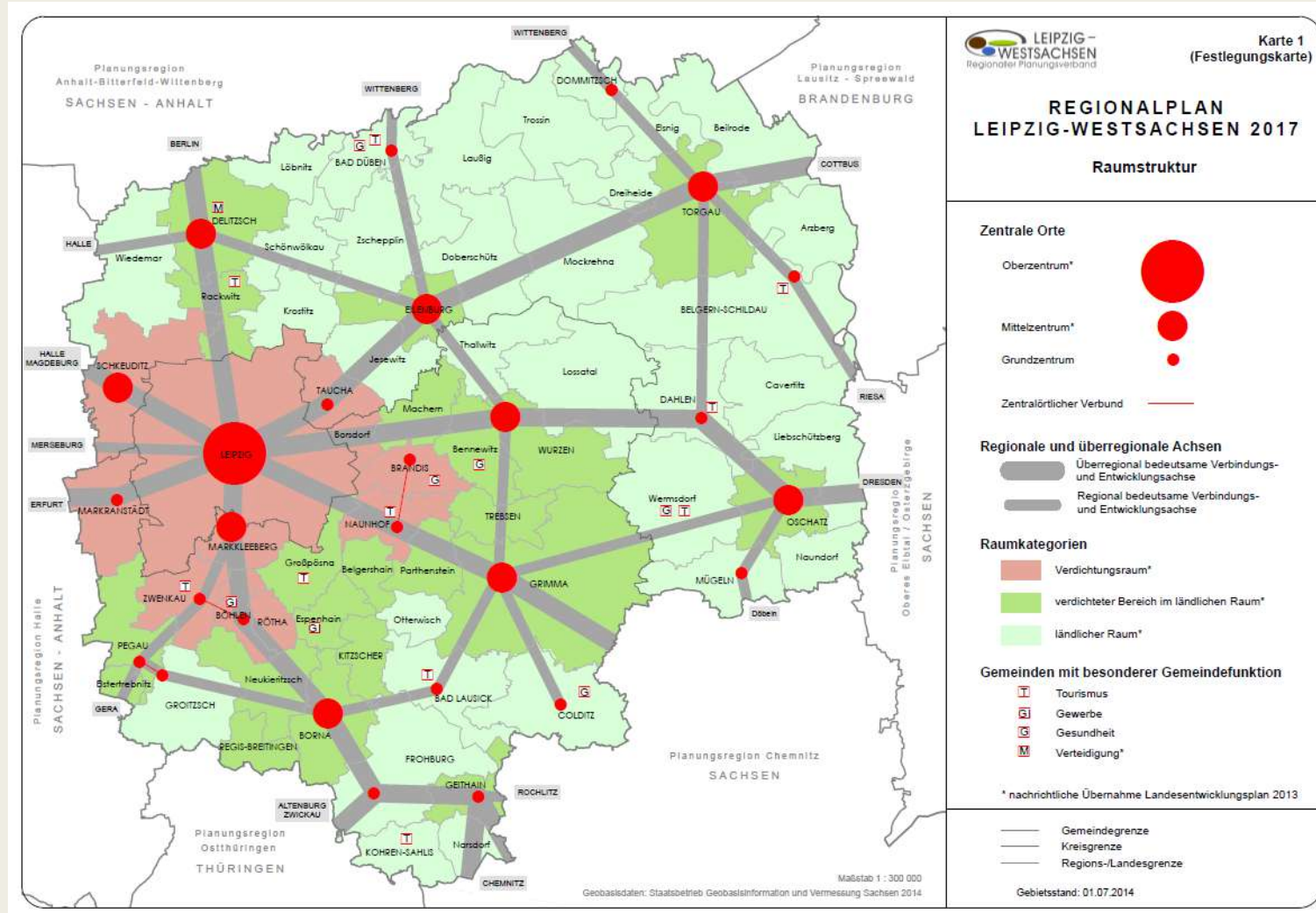


„Planning Scheme“ of Poltava Oblast, source: Dipromisto

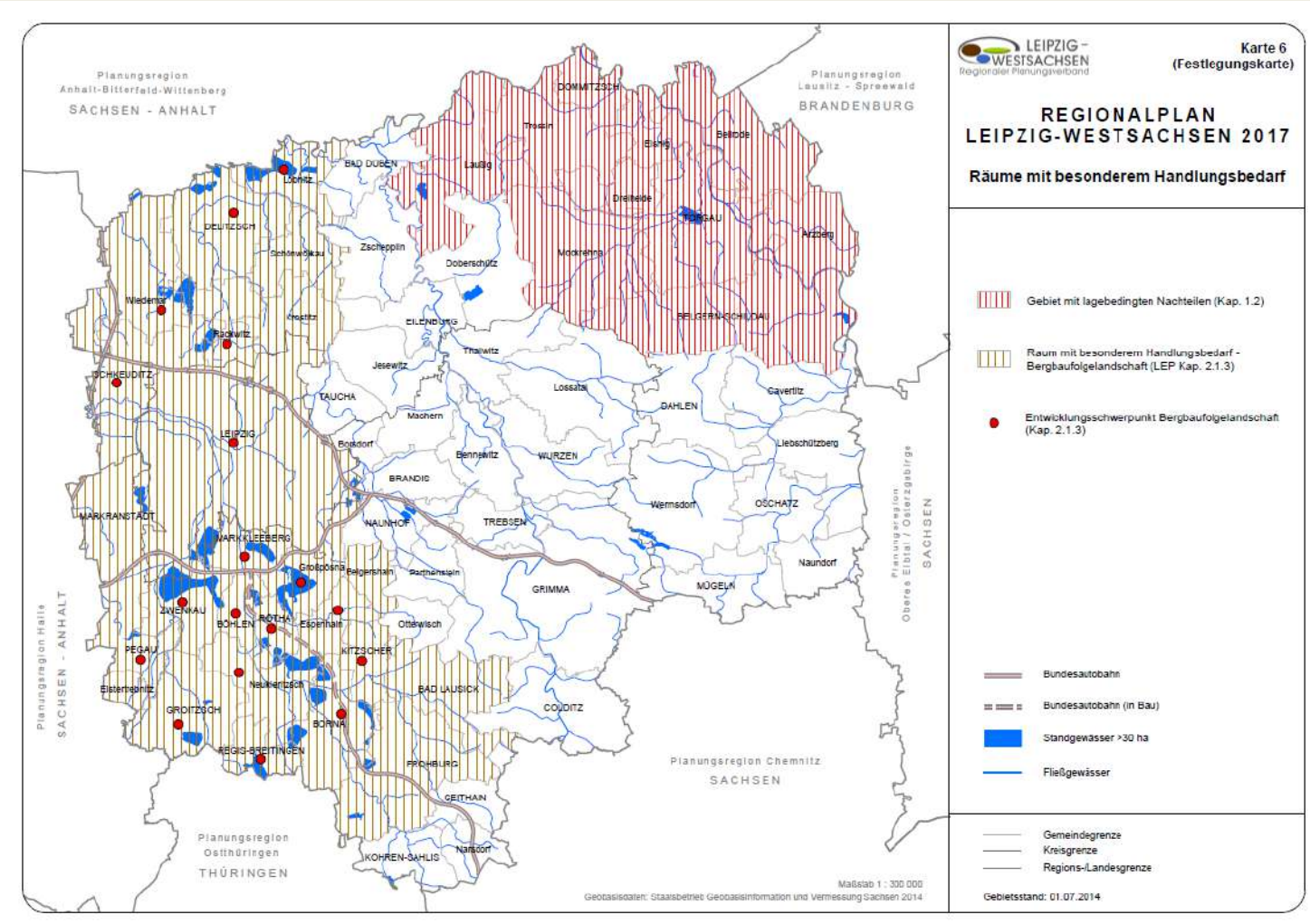
SPATIAL PLANNING ON REGIONAL LEVEL

As an example, some aspects of the Regional Plan Leipzig-West Sachsen (in the State of Saxony), as issued in 2014, will be shown

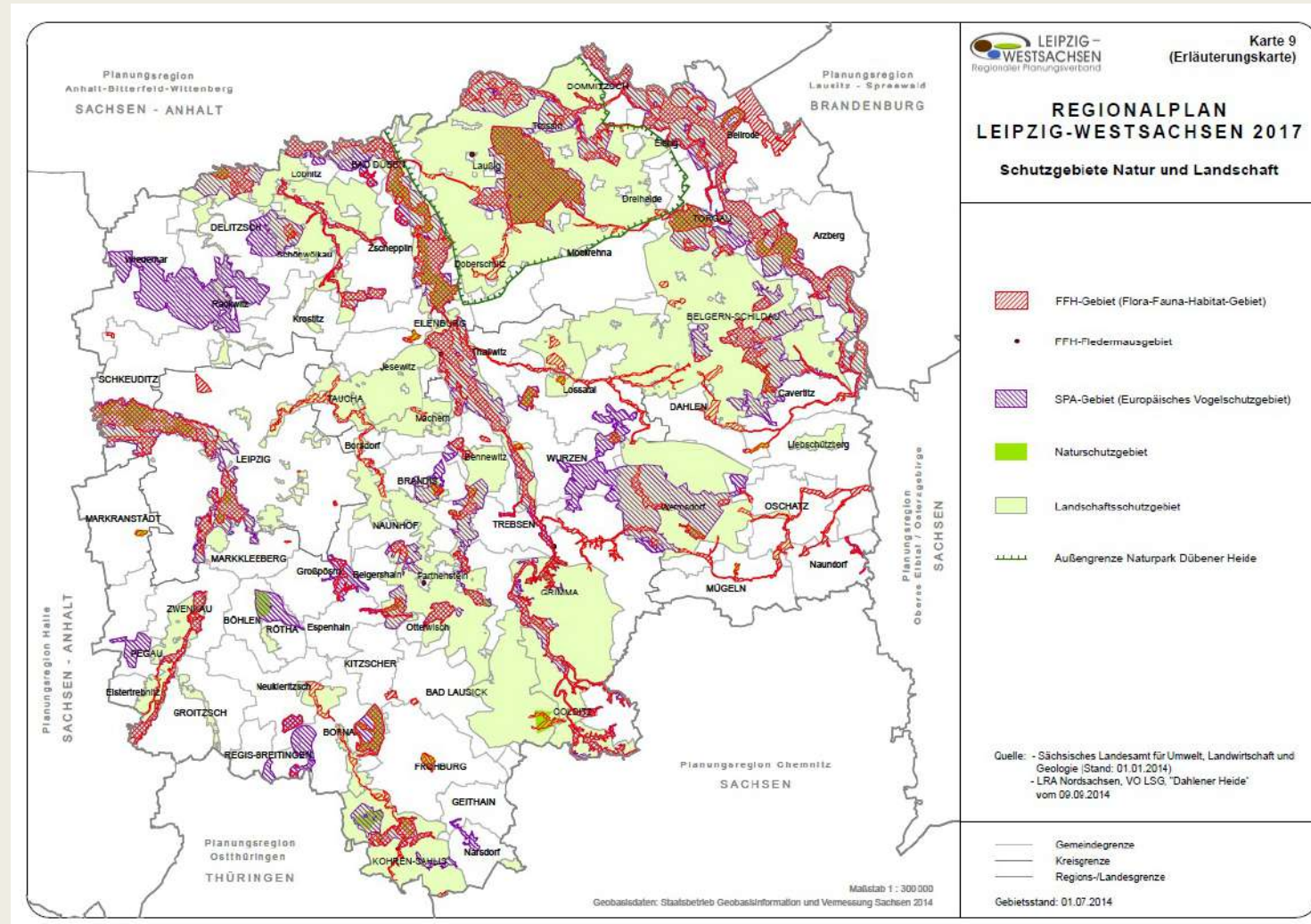
HIERARCHY OF CENTRES AND SPATIAL CATEGORIES



AREAS WITH SPECIFIC NEEDS OF ACTION

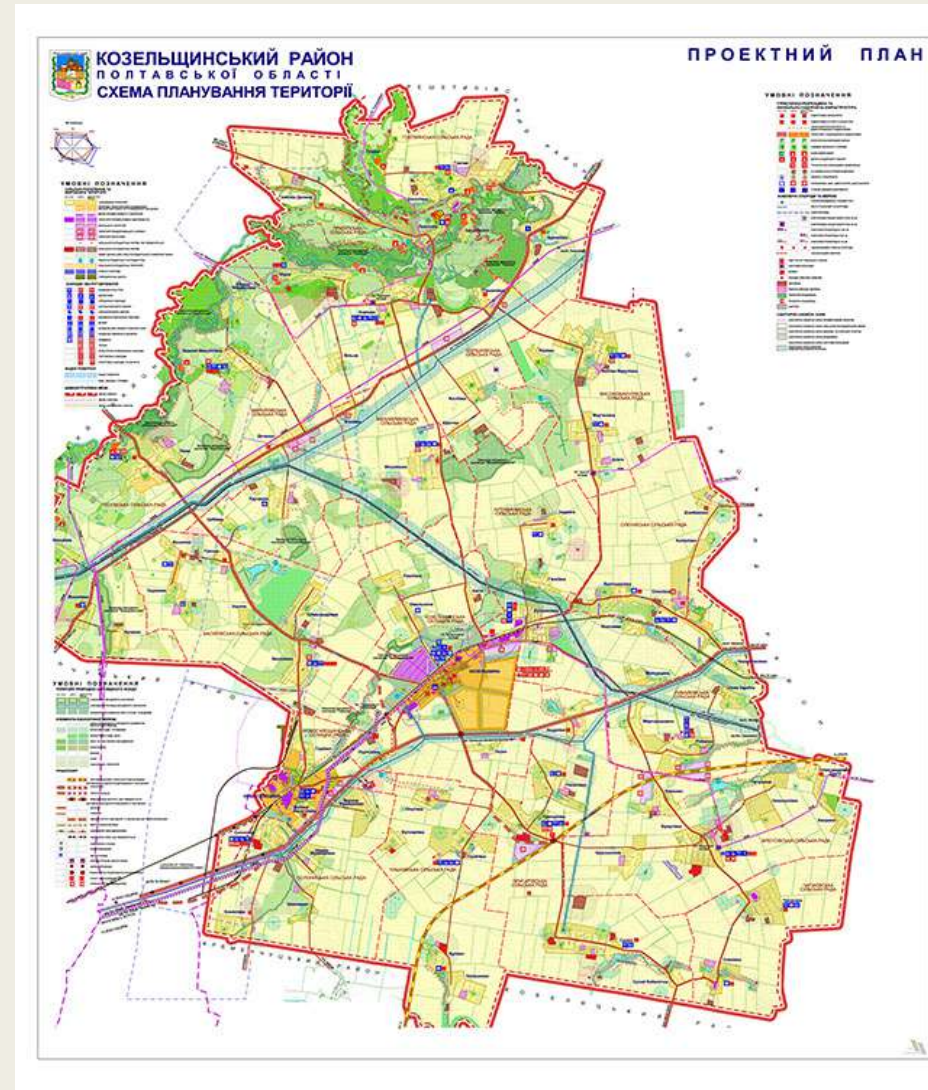


PROTECTED AREAS OF LANDSCAPE AND NATURE



FOR COMPARISON: SPATIAL PLANNING AT RAYON LEVEL

„**Planning Scheme**“ of
Koselshinsk Rayon in Poltava
Oblast, source: Dipromisto

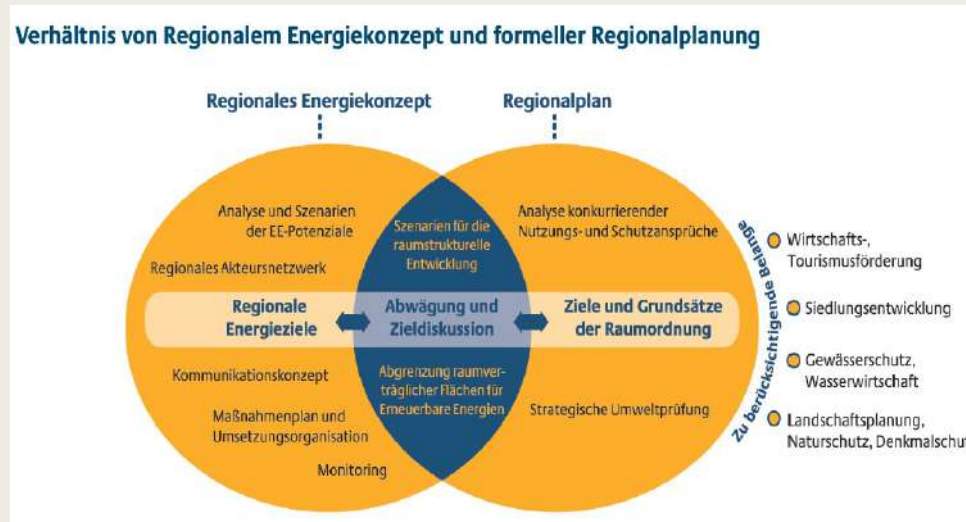


MODEL PROJECTS AS INSTRUMENTS OF FEDERAL POLICY (MORO) – REGIONAL ENERGY CONCEPTS

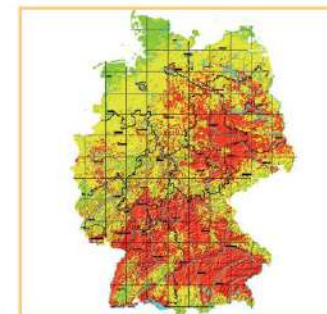
Some questions:

- How to bring in line the (informal) regional energy concepts with (formal) regional planning?
- Spatial distribution of renewable energies (sun, wind, water)

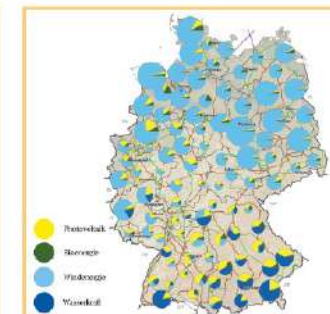
Source: BBSR



Globalstrahlung in der BRD (2012)



Windkraftnutzungseignung



Verteilung der elektrischen Leistungen

MODEL PROJECT CLIMATE ADAPTION (“KlimaMORO”)

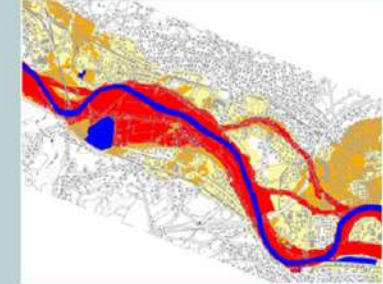
An example: flood risks in the Upper Elbe Valley
– the closer to the river,
the bigger risks



Legale Bebauung
im Gefahrenbereich



Abschied von
Wahrscheinlichkeiten als
Planungsgrundlage



Entwurf einer raumordnerischen Zonierung
zur Hochwasservorsorge auf der Grundlage
Extremhochwassers / Gefahrenintensität

§

Rechtsgutachten zu
Anforderungen an
regionalplanerische
Festlegungen zur
Hochwasservorsorge
d. Univ. Leipzig
BMVBS Online 13/2013

www.rpv-elbtalosterz.de/index.php?id=hochwasser

- Vorranggebiete für die Hochwasservorsorge auch im Siedlungsbestand festlegbar
- Vorranggebiete zulässig auch für > HQ 100
- Räumliche Differenzierung nach Gefahrenintensität rechtlich vertretbar
- Vollständige Abkopplung raumplanerischer Festlegungen zur Hochwasservorsorge von Eintrittswahrscheinlichkeit nicht zulässig
- Regionalplanung ist es (...) untersagt, pauschale Bauverbote festzulegen



III. URBAN DEVELOPMENT IN GERMANY

URBAN DEVELOPMENT IN GERMANY - BASICS

Goals: a balance of economic performance, saving the environment and social cohesion (according to “Leipzig Charter”)

Main challenges: demographic change, climate change, digital change

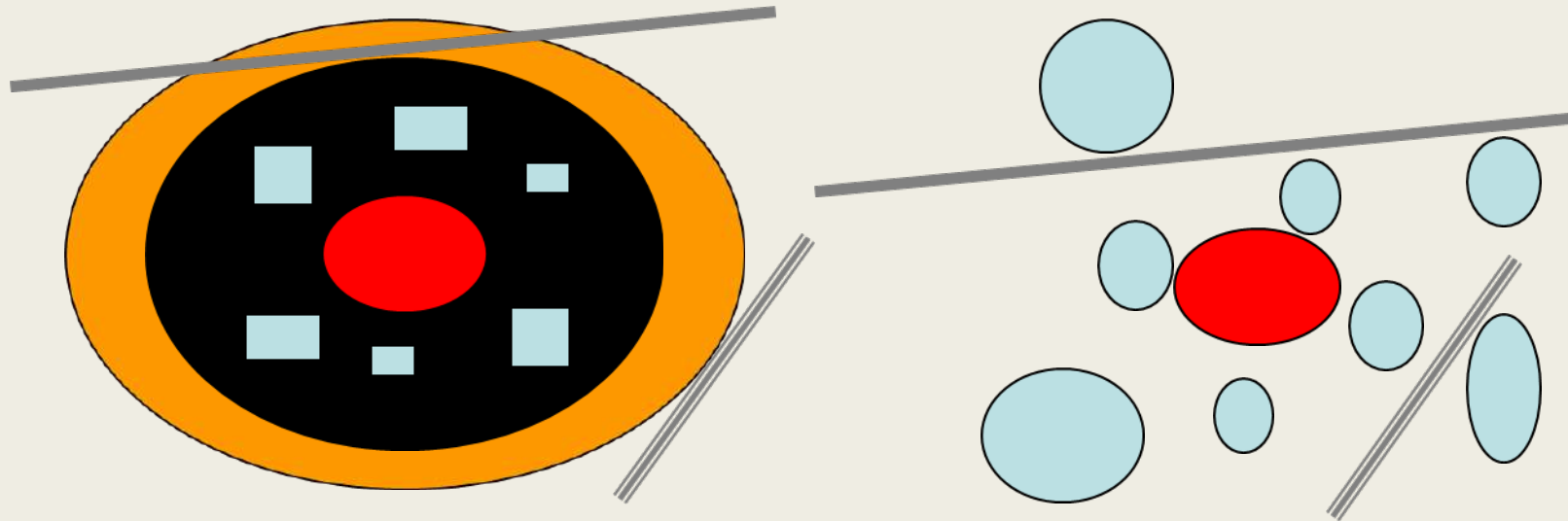
STRATEGIC ELEMENTS AT FEDERAL LEVEL



- **Legislation** (acts and regulations)
- **Financial incentives** (for federal states, local authorities, private sector)
- **“Soft instruments”**: public relations and research funding
- **The instruments are to be used together (integrated approach)!**

OVERALL URBAN PLANNING APPROACHES

Spatial model: **the compact, but green city** - the intention is to prevent urban sprawl, to encourage mixed use development and to give priority to public transport
(picture left side: good practice, right side: worst case)



IV. PLANNING AND CONSTRUCTION LEGISLATION IN GERMANY

Legislation and administration

PLANNING AND CONSTRUCTION LEGISLATION IN GERMANY (1)

- Relevant matters of **exclusive federal legislation** (according to Art. 73 of the Constitution):
 - aviation
 - federal railways
 - mail and telecommunication
 - **country planning (Raumordnung) at federal level**

- Relevant matters of **concurrent legislation** (Art. 74):
 - law of economy
 - use of nuclear power
 - **land use -> Federal Building Code**
 - federal highways
 - federal waterways
 - non-federal railways

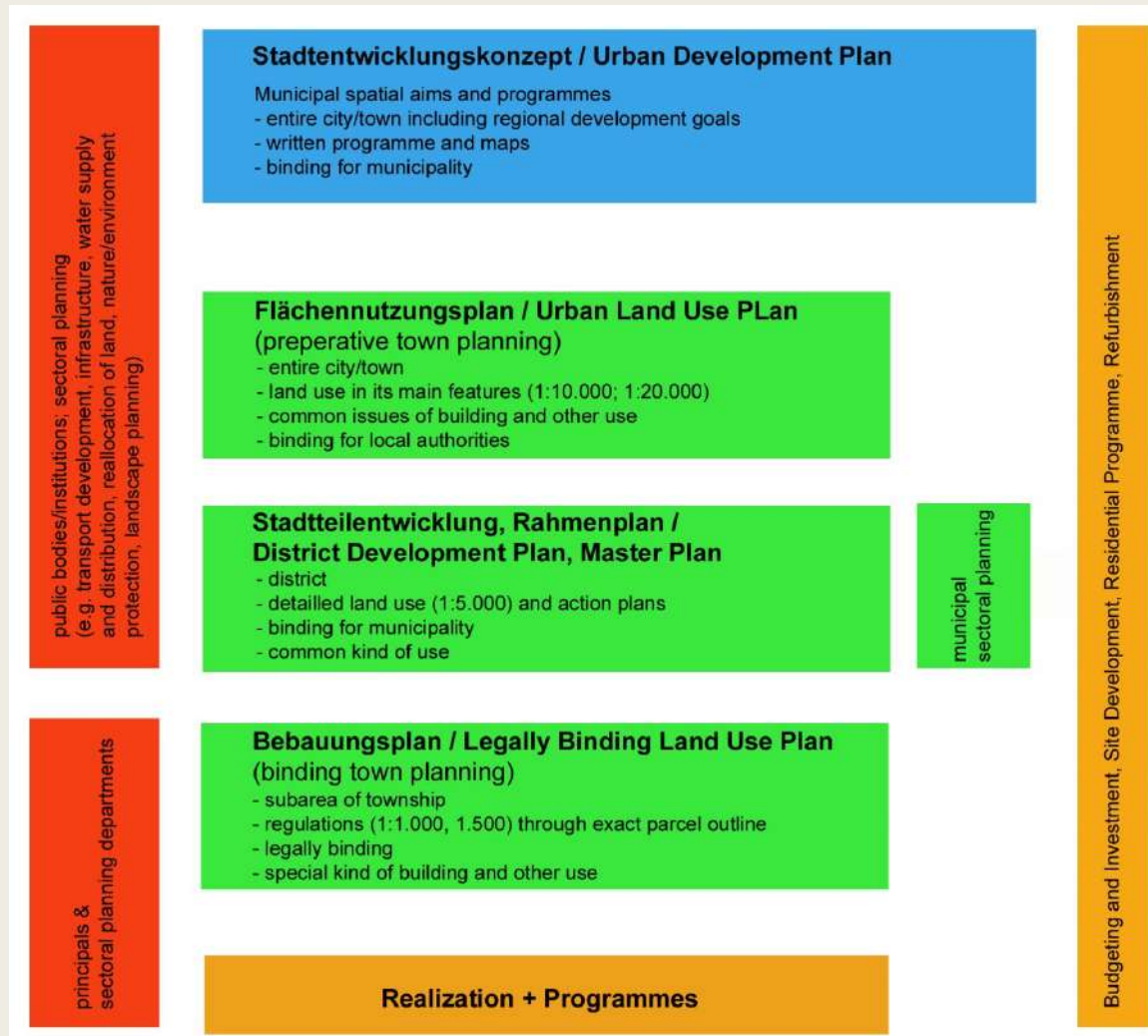
PLANNING AND CONSTRUCTION LEGISLATION IN GERMANY (2)

- **Financial supports** of the Federal Government to the States and to the municipalities for supporting **investments of the municipalities** being important under the aspect of balanced regional and economic development (Art. 104b of the Constitution)

V. URBAN PLANNING

Some Methods and Principles

DEVELOPMENT CONCEPT AND URBAN PLANS IN GERMANY



Not legally required, but very important as a prerequisite of physical planning!

Legally required

Not legally required (an informal plan in big cities)

Legally required (in the following slides called “local plan”)

URBAN PLANNING – SOME ADDITIONAL ASPECTS

- Urban planning is **one of the central tasks of local self-government!**
- **Principles of urban planning in Germany:**
 - a) physical planning is based on a **strategic development concept of the community**
 - b) planning is based on a **broad participation of citizens**

VI. THE FEDERAL BUILDING CODE

FEDERAL BUILDING CODE – CHAPTER 1: GENERAL URBAN PLANNING LEGISLATION (1)

- **Part 1: Urban Land Use Planning**

 - Subdivision 1: General Provisions*

Scope, Definition and Principles of Urban Land-Use Planning; Consideration for Environmental Concerns; The Preparation of Land-Use Plans; Power to Prepare **Statutory Instruments** (especially dealing with categories of land use and density of built-up areas); **Public Participation**; Participation by Public Agencies; Informing Neighbouring Municipalities and Public Agencies Across National Borders; etc.

FEDERAL BUILDING CODE – CHAPTER 1: GENERAL URBAN PLANNING LEGISLATION (2)

- **Part 1: Urban Land Use Planning (continued)**

- Subdivision 2: The Land Use Plan*

- The Content of the Land Use Plan; Approval of the Land Use Plan by the “Higher Administrative Authority” (usually a regional authority of the Land); Adaptation of the Local Plan to the Land Use Plan

- Subdivision 3: The Local Plan*

- The Content of the Local Plan; The Resolution on the Local Plan

- Subdivision 4: Co-operation with the Private Sector; Simplified Procedure*

- The Urban Development Contract; The Project and Infrastructure Plan; Simplified Procedure

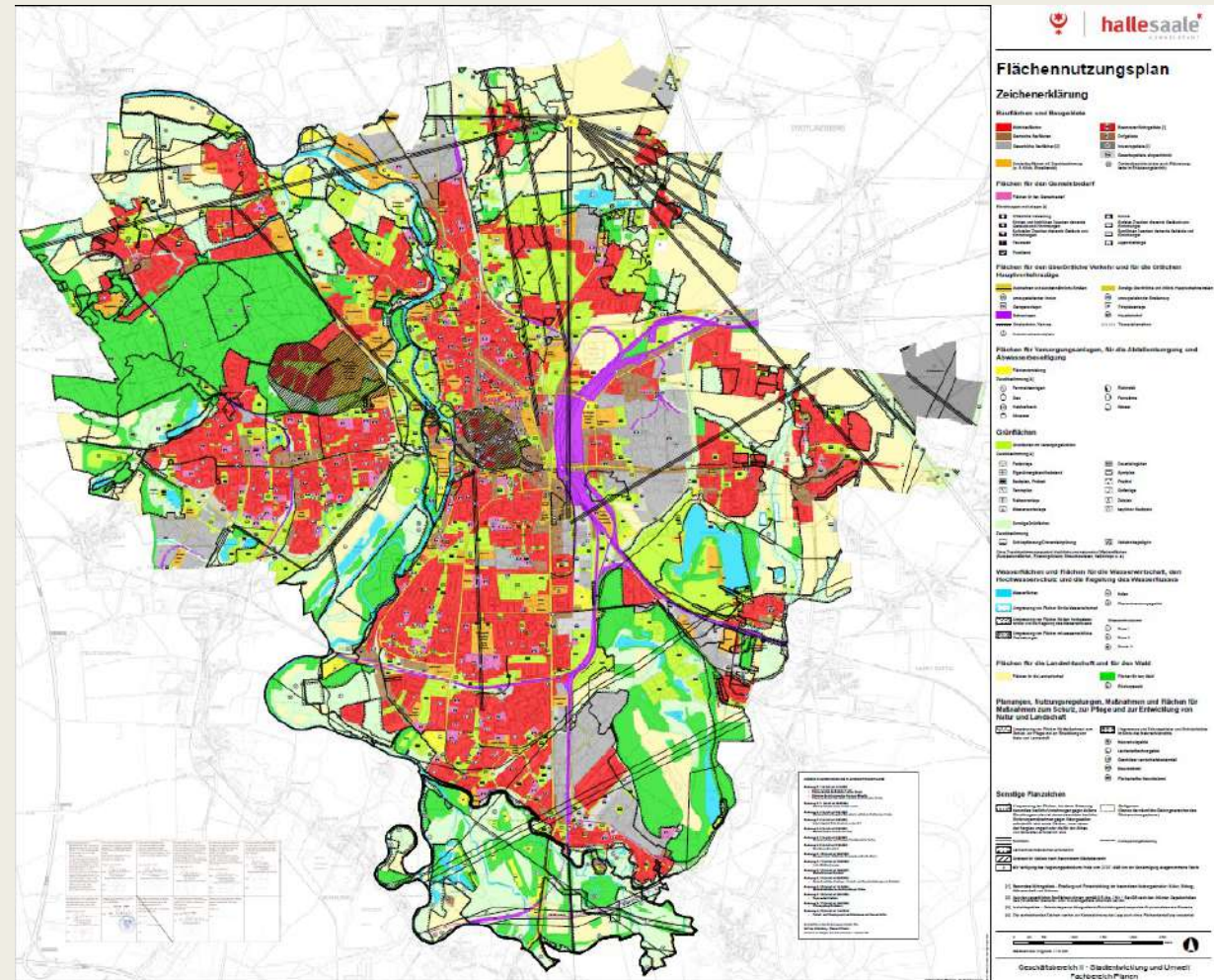
FEDERAL BUILDING CODE – CHAPTER 1: GENERAL URBAN PLANNING LEGISLATION (3)

Extract from the Statutory Instrument dealing with categories of land use and density of built-up areas (“Baunutzungsverordnung”)

Baugebiet		Grundflächenzahl (GRZ)	Geschoßflächenzahl (GFZ)	Baumassenzahl (BMZ)
in	Kleinsiedlungsgebieten (WS)	0,2	0,4	-
in	reinen Wohngebieten (WR) allgemeinen Wohngebieten (WA) Ferienhausgebieten	0,4	1,2	-
in	besonderen Wohngebieten (WB)	0,6	1,6	-
in	Dorfgebieten (MD) Mischgebieten (MI) dörflichen Wohngebieten (MDW)	0,6	1,2	-
in	urbanen Gebieten (MU)	0,8	3,0	-
in	Kerngebieten (MK)	1,0	3,0	-
in	Gewerbegebieten (GE) Industriegebieten (GI) sonstigen Sondergebieten	0,8	2,4	10,0
in	Wochenendhausgebieten	0,2	0,2	-

LAND USE PLAN HALLE (SAALE), LAND SACHSEN- ANHALT, 2015

(binding public bodies which took part in planning procedure, generally not binding citizens!)



FOR COMPARISON: GENERAL PLAN

General Plan of Odessa, source: Dipromisto



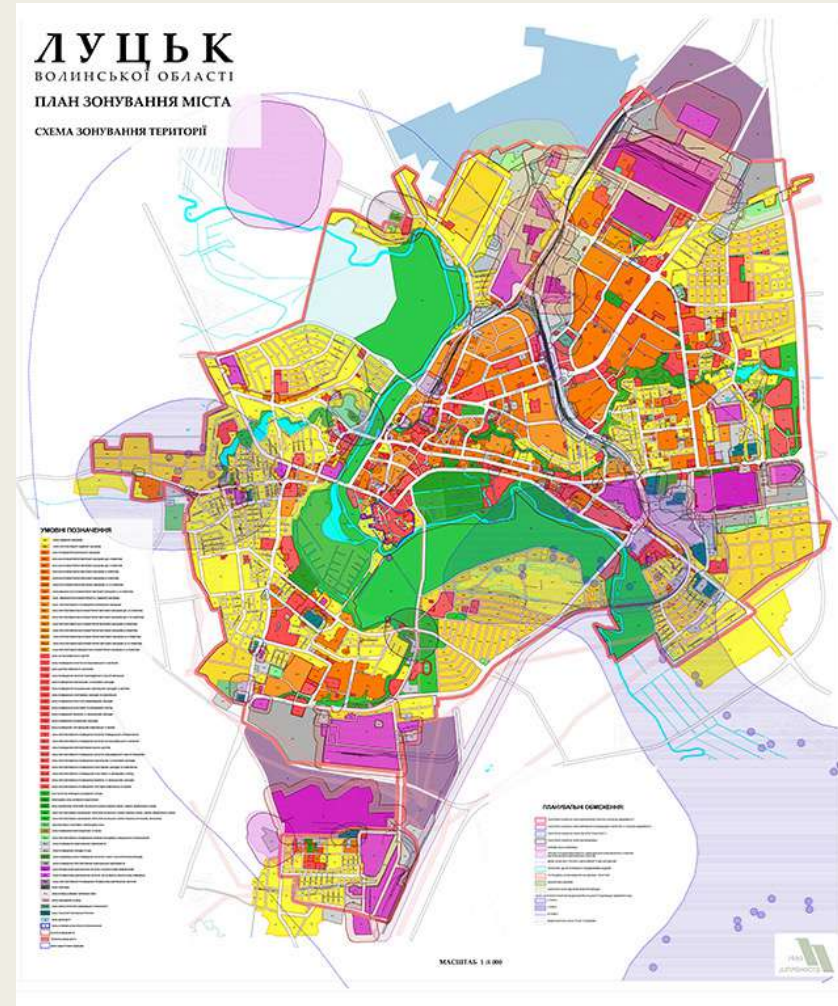
LOCAL PLAN (A PART OF THE CITY OF GIESSEN, LAND HESSEN)

The Local Plan is a **local regulation („Satzung“)**, containing a mandatory text, a mandatory map, and a non-mandatory justification („Begründung“)



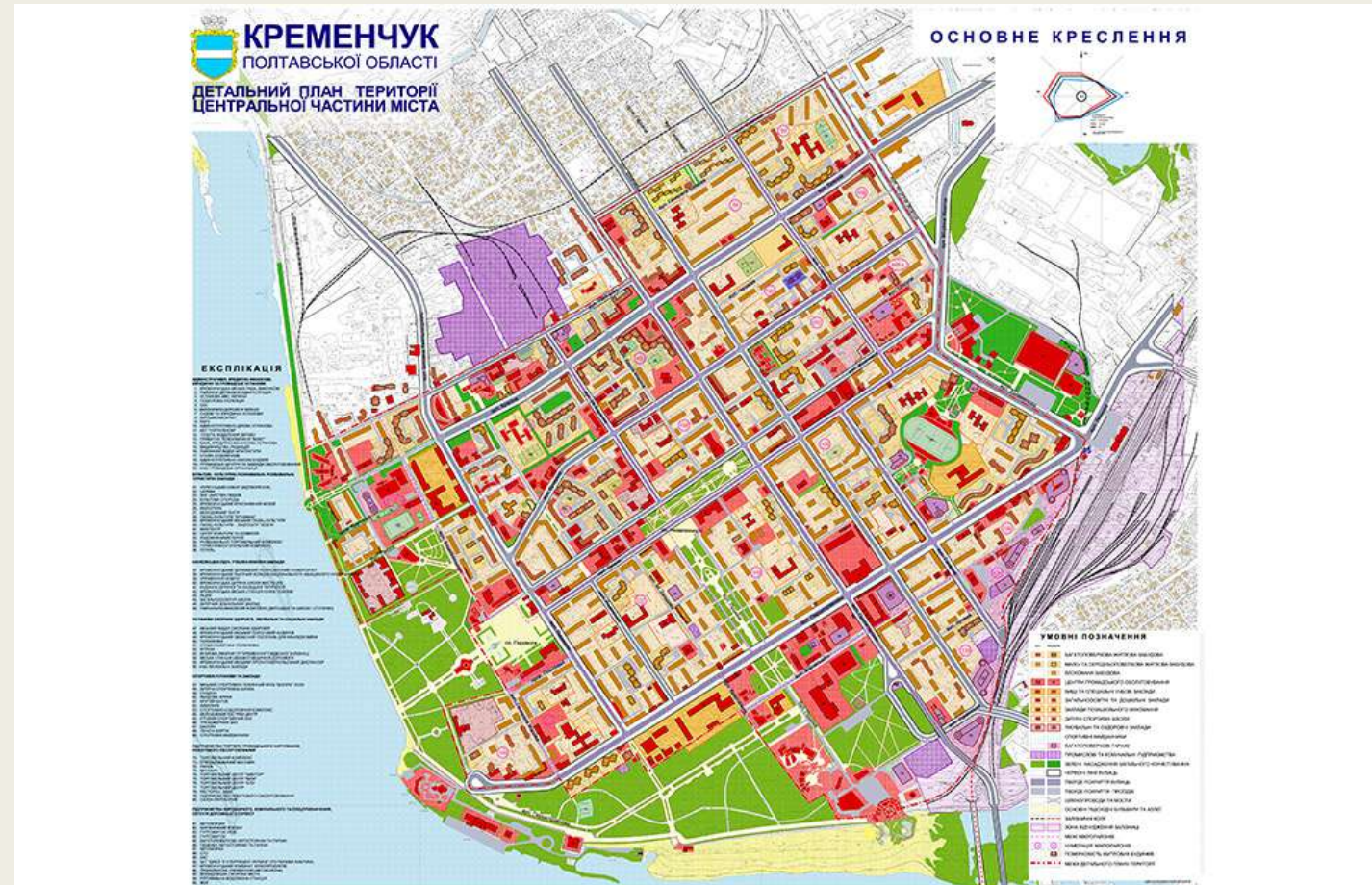
FOR COMPARISON (1): ZONING PLAN

Zoning Plan of Luck
(Volinsky Oblast), source:
Dipromisto



FOR COMPARISON (2): DETAIL PLAN

Detail plan, city center of Kremenchtuk (Poltava Oblast), source: Dipromisto



FEDERAL BUILDING CODE – CHAPTER 1: GENERAL URBAN PLANNING LEGISLATION (4)

■ Part 2: Safeguarding Planning

Subdivision 1: Prohibitions on Development and the Postponement of Building Applications

Development Freezes (if necessary to avoid unwanted developments; this is **also a mandatory local regulation!**); **Postponement of Building Applications** (during the procedure of preparing the Local Plan); The Resolution to Impose a Development Freeze (to be taken by the community); Validity of the Development Freeze; Compensation in Respect of Development Freezes

Subdivision 2: Permission to Subdivide Plots

Subdivision 3: The Community's Statutory Pre-Emption Rights (e.g., if land is needed for public purposes)

FEDERAL BUILDING CODE – CHAPTER 1: PART 3 - BUILDING PERMITS (IMPLEMENTATION OF PLANNING) (1)

- Due to Section 28 subsection 2 sentence 1 of the **Constitution of Germany** (called “Basic Law”, Grundgesetz) the local self-government is guaranteed: **“Local self-governments must be guaranteed the right to regulate all local affairs on their own responsibility within the limits prescribed by the laws.”**
- Planning including its implementation is such a local affair according to this rule. The internal organization of LSG is regulated by the States (Länder) legislation. As an example, in the State of Hessen the elected representation body will decide on the urban plans and the magistrate – elected by the representation body – will decide on planning permissions.

FEDERAL BUILDING CODE – CHAPTER 1: PART 3 - BUILDING PERMITS (IMPLEMENTATION OF PLANNING) (2)

German legislation provides for a unitary procedure covering both planning (implementation of plans or – in absence of plans – the immediate application of BauGB) and building (safety and health issues). Within this context, **BauGB § 36 (involvement of the LSG and the Higher Administrative Authority)** is of high importance:

- **“(1) Decisions on the permissibility of development projects (...) are taken within a building control procedure by the building permit authority in accord with the local self-government. (...)**
- **(2) The accord of the local self-government and the approval of the higher administrative authority may only be withheld for reasons arising from §§ 31, 33, 34 and 35” (...)** <i.e., urban planning issues – the author>.

FEDERAL BUILDING CODE – CHAPTER 1: PART 3 - BUILDING PERMITS (IMPLEMENTATION OF PLANNING) (3)

Is there a Local Plan covering the area to be developed?							
YES (§ 30)			NO (§§ 34, 35)				
Does the development deviate from the Local Plan?			Is the development intended for an urbanised (mainly built-up) area?				
NO (§ 30)		YES (§ 31)		YES (§ 34)		NO (§ 35)	
Building permit will be granted		Does the development violate the basic issues of the Local Plan?		Does it fit into the urban context (land use, distortion to neighbours, etc.) and the Land-Use Plan?		Is the development compatible with a rural area (agriculture, etc.) and the Land-Use Plan?	
		YES	NO	YES	NO	YES	NO
		Building permit will be refused	Building permit will be granted	Building permit will be granted	Building permit will be refused	Building permit will be granted	Building permit will be refused

Source: <https://www.gesetze-im-internet.de/bbaug/> (own diagram according to the relevant paragraphs of BauGB)

FEDERAL BUILDING CODE – CHAPTER 1: PART 3 - BUILDING PERMITS (ADDITIONAL REMARK) (4)

- **Technical (safety and health)** parts of the procedure are to some extent delegated by the State building control authority to **chartered private experts** – e.g., checking the mechanical stability is usually the task of chartered civil engineers
- At the other hand, **implementation of urban planning never can be privatized**, this is a **core part of local democracy!**

FEDERAL BUILDING CODE – CHAPTER 1: PARTS 4 AND 5

- **Part 4: Re-allocation of Land** (concept: bringing size and figure of plots in accordance with the local plan)
- **Part 5: Compulsory Purchase** (if land is needed for public purposes)

FEDERAL BUILDING CODE – CHAPTER 2: URBAN RENEWAL AND DEVELOPMENT AREAS (1)

- **Part 1: Urban Renewal** (powers to the community to define **urban renewal areas by local regulations**; in those areas the communities have the power to control all real estate transactions, construction works etc. which could influence renewal in a negative manner; betterment tax after community measures on renewal have been finished and land value has been increased by public subsidies)

FEDERAL BUILDING CODE – CHAPTER 2: URBAN RENEWAL AND DEVELOPMENT AREAS (2)

Example: Berlin,
part of
Friedrichshain-
Kreuzberg
("Rathaus-
block")

(mandatory text and
map)

Gesetz- und Verordnungsblatt für Berlin 72. Jahrgang Nr. 19 21. Juli 2016 459

Dreizehnte Verordnung
über die förmliche Festlegung von Sanierungsgebieten
Vom 5. Juli 2016

Auf Grund des § 142 Absatz 3 des Baugesetzbuchs in der Fassung der Bekanntmachung vom 23. September 2004 (BGBl. I S. 2414), das zuletzt durch Artikel 6 des Gesetzes vom 20. Oktober 2015 (BGBl. I S. 1722) geändert worden ist, in Verbindung mit § 24 Absatz 1 Satz 1 und 2 des Gesetzes zur Ausführung des Baugesetzbuchs in der Fassung vom 7. November 1999 (GVBl. S. 578), das zuletzt durch Gesetz vom 23. Juni 2015 (GVBl. S. 283) geändert worden ist, verordnet der Senat:

§ 1

(1) Das Gebiet Friedrichshain Kreuzberg – Rathausblock – wird als Sanierungsgebiet förmlich festgelegt.

(2) Ein Auszug der Karte 1:1.000 mit den rechtsverbindlichen flurstücks-genaue Abgrenzungen des Sanierungsgebiets ist in der Anlage 1 dargestellt. Die Anlage 1 ist zur kostenfreien Ansicht während der Dienststunden im Landesarchiv niedergelegt. Gleiches wird zur Information auf der Homepage der Senatsverwaltung für Stadtentwicklung und Umwelt über das Geportal bereitgestellt.

(3) Die Abgrenzung des Sanierungsgebiets ist in der Übersichtskarte der Anlage 2 dargestellt. Im Zweifelsfall bestimmt sich die Abgrenzung nach Absatz 2.

§ 2

(1) Die Sanierungsmaßnahme wird im umfassenden Verfahren durchgeführt. Die besonderen sanierungsrechtlichen Vorschriften der §§ 152 bis 156a des Baugesetzbuchs finden Anwendung.

(2) Für die Sanierungsmaßnahme ist eine Frist von zehn Jahren festgelegt.

§ 3

Für die Sanierungsmaßnahme finden die Vorschriften der §§ 144 und 145 des Baugesetzbuchs über genehmigungspflichtige Vorhaben, Teilungen und Rechtsvorgänge Anwendung.

§ 4

(1) Wer die Rechtswirksamkeit dieser Verordnung überprüfen lassen will, muss

1. eine beachtliche Verletzung der Verfahrens- oder Formvorschriften, die in § 214 Absatz 1 Satz 1 Nummer 1 bis 3 des Baugesetzbuchs bezeichnet sind,
2. nach § 214 Absatz 3 Satz 2 des Baugesetzbuchs beachtliche Mängel des Abwägungsvorgangs,
3. eine Verletzung von Verfahrens- und Formvorschriften, die im Gesetz zur Ausführung des Baugesetzbuchs enthalten sind,

innerhalb eines Jahres seit der Verkündung dieser Verordnung gegenüber der für städtebauliche Sanierungsmaßnahmen zuständigen Senatsverwaltung schriftlich geltend machen. Der Sachverhalt, der die Verletzung oder den Mangel begründen soll, ist darzulegen. Nach Ablauf der in Satz 1 genannten Frist werden die in den Nummern 1 bis 3 genannten Verletzungen oder Mängel gemäß § 215 Absatz 1 des Baugesetzbuchs und gemäß § 32 Absatz 2 des Gesetzes zur Ausführung des Baugesetzbuchs unbeachtlich.

(2) Die Beschränkung des Absatzes 1 gilt nicht, wenn die für die Verkündung dieser Verordnung geltenden Vorschriften verletzt worden sind.

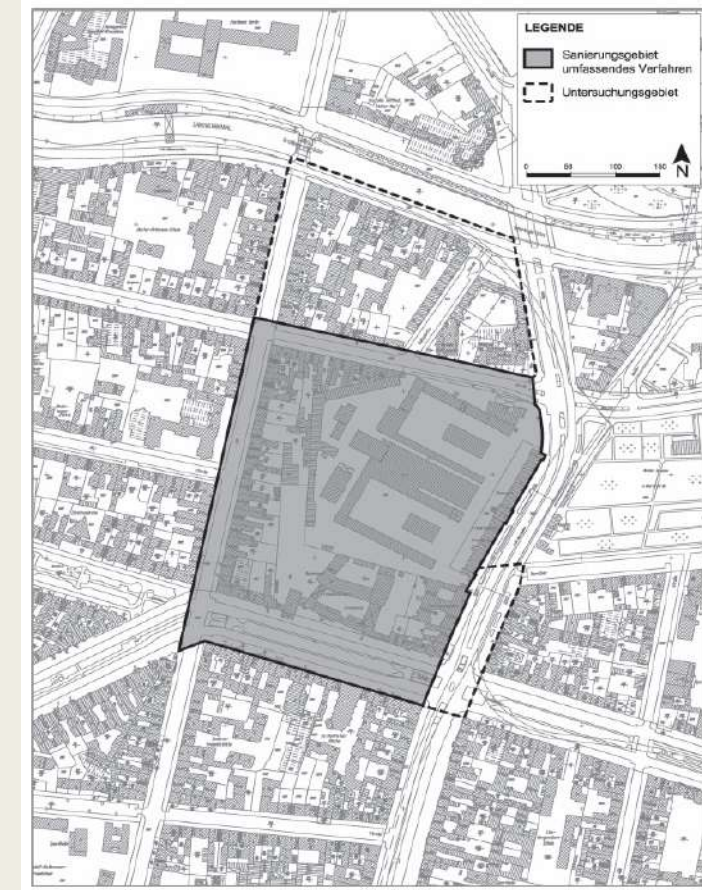
§ 5

Diese Verordnung tritt am Tage nach der Verkündung im Gesetz- und Verordnungsblatt für Berlin in Kraft.

Berlin, den 5. Juli 2016

Der Senat von Berlin

Michael Müller Regierender Bürgermeister	Andreas Geisel Senator für Stadtentwicklung und Umwelt
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FEDERAL BUILDING CODE – CHAPTER 2: URBAN RENEWAL AND DEVELOPMENT AREAS (3)

- **Part 2: Urban Development Areas** (an instrument originally created for “green field” development areas, main goal: avoiding speculative real estate prices – compulsory purchase by the community before development; legal status: **local regulation**)
- **Part 3: urban restructuring** (addressing urban structural problems arising from high vacancy rates in the housing stock in the new Länder and “brown field” areas in the old Länder)

FEDERAL BUILDING CODE – CHAPTER 2: URBAN RENEWAL AND DEVELOPMENT AREAS (4)

- **Part 4: The Social City** (addressing neighbourhoods with high rates of unemployment and lack of social inclusion)
- **Part 5: Private initiatives in urban development** (e.g., BID and HID)

N.B.: especially urban renewal, urban restructuring and the social city are backed by specific financial support programs – this leads to the next point: **urban renewal policy**

VII. URBAN RENEWAL POLICY

URBAN RENEWAL POLICY OF THE GERMAN FEDERAL GOVERNMENT – HOW THE SYSTEM WORKS

- Article 104 (4) of the Constitution (Grundgesetz) gives power to the Federal Government to give financial support to the Länder (States) and to the municipalities for supporting investments of the municipalities being important under the aspect of balanced regional and economic development.
- The States governments add the same amount of money to the Federal aid and forward both – Federal and States support – to the municipalities involved. Based on the federal budget, an administrative agreement (“Verwaltungsvereinbarung Städtebauförderung“) on the conditions of spending support between the Federal Government and the States governments is subject to negotiations each fiscal year. The municipalities themselves spend the support – together with their own money – for investments, especially into public infrastructure and for other investments.
- On the basis of municipal applications, the States ministries choose the municipalities participating in the programs. The local government applications refer to particular assisted areas in the cities (not to companies or individuals), to be defined by decision of the elected bodies of the municipality.

URBAN RENEWAL POLICY OF THE GERMAN FEDERAL GOVERNMENT – THE SPECIFIC PROGRAMS (1)

The financial support (subsidies) of the Federal Government on urban renewal are in the fiscal years 2020, 2021, and also 2022) after a fundamental restructuring of the programs:

- “Vital City Centres”: 300 million €
- “Social cohesion”: 200 million €
- “Growth and sustainable renewal”: 290 million €

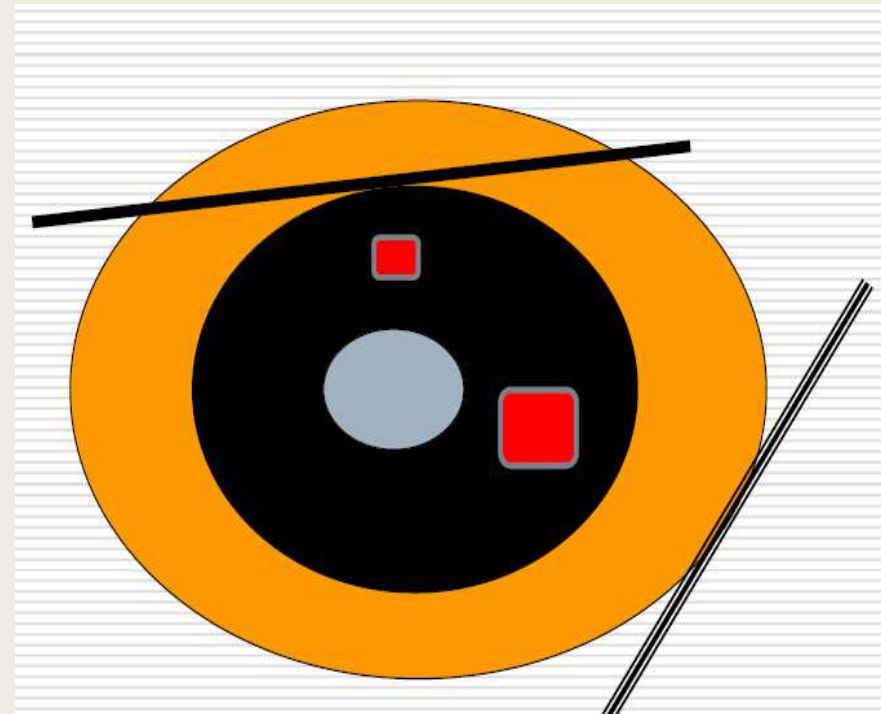
Total federal subsidies in fiscal year 2022: 790 million €

URBAN RENEWAL AT MUNICIPAL LEVEL (1)

- As a prerequisite to subsidies, each municipality has to perform a **development concept** for the whole municipal area **and** the area to be assisted!
- This development concept shall include the long term development trends and the consequences to be taken
- For instance, at the program “**Urban Restructuring**” it was necessary to have realistic figures of expected population decline and its consequences in terms of demolition of derelict panel housing, parallel to saving inner city building stock and structures)
- The concept was **subject to broad public discussion** in each city

URBAN RENEWAL AT MUNICIPAL LEVEL (2)

A structural diagram on problems of “shrinking cities” in Germany: inner city (grey) – 19th century city (black) – outer city (yellow) – areas to be assisted for a sustainable development (red)



URBAN RENEWAL AT MUNICIPAL LEVEL (3)



As an experience from East Germany: too much panel and other high-rising housing stock can lead to a lot of derelict buildings

URBAN RENEWAL – EXAMPLES (1)



Plauen, Klostermarkt 1990 and 2010 – making public areas attractive, restoring old buildings, a new building fits into the urban pattern (photos: BMVBS)

URBAN RENEWAL – EXAMPLES (2)



Halberstadt, „Grauer Hof“ – renewal of a 17th / 18th century housing area (photos: BMVBS)

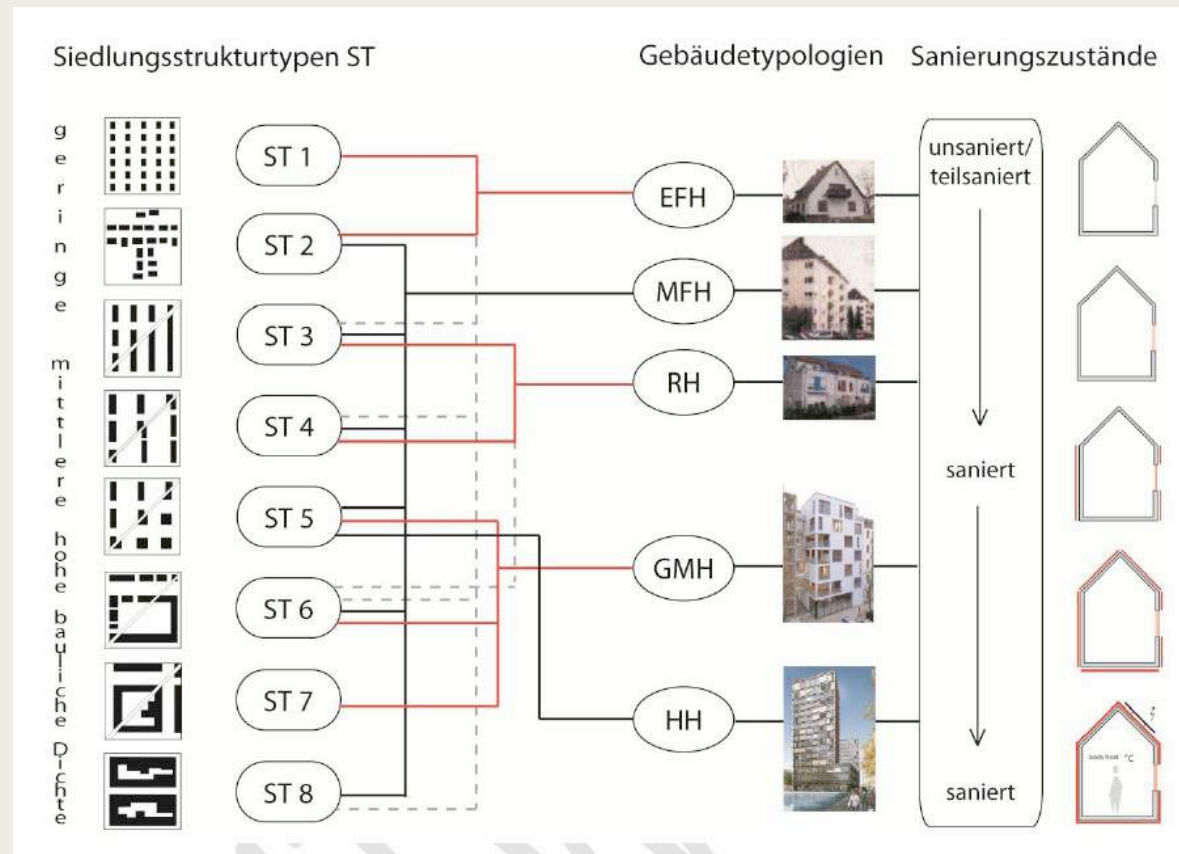
VIII. „SOFT INSTRUMENTS“

Research including the dissemination of results, e.g.:

- adaptation of cities to climate change,
- urban approach to energy saving and efficiency

ENERGY EFFICIENCY OF CITIES

Plausibility check: the interdependence of urban pattern, typology of buildings and their energetic performance makes possible to choose the optimal energy supply system for specific areas of the city (source: BTU/IWU)



URBAN PLANNING: ENERGY EFFICIENCY OF CITIES

- Renewal of 19th century housing stock with a mix of sophisticated technologies of heating and ventilation, no need for façade insulation



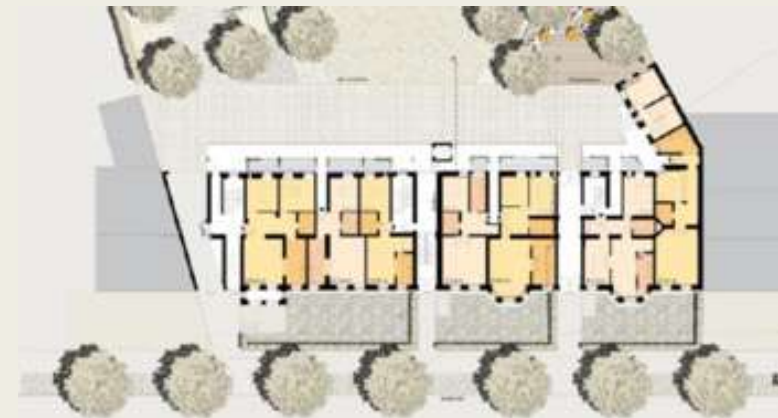
Systembeschreibung

Bestandsbau, bestehende Lüftungssysteme werden beibehalten (3 Lüftungssysteme, bestehende Lüftungssysteme werden beibehalten).
Neue Lüftungssysteme werden in den Bestandsbauten (z.B. 1910) durch neue Lüftungssysteme ersetzt (z.B. Lüftungssysteme mit 100% Frischluftanteil).
Bestandsbau, bestehende Lüftungssysteme werden beibehalten (3 Lüftungssysteme, bestehende Lüftungssysteme werden beibehalten).

- Bestandsbauten: EnEV 2009, Bauteilnachweis
- Ersatzneubau: 30% unter EnEV 2009 (=KAW-Effizienzhaus 70)
- Anforderung EEG: Anschluss Fernwärme / alternativ: Solarkollektoreinsatz

- kontrollierte Wohnraumlüftung in allen Wohnungen ABER:
- keine Innendämmung in den Bestandsbauten

Heinrich



URBAN PLANNING: ADAPTATION TO CLIMATE CHANGE

- Reducing heat vulnerability: model project “Cool City Essen”



IX. OUTLOOK: EUROPEAN URBAN POLICY

THE „LEIPZIG CHARTER“ 2007 AND 2020

- **Balance** of economic performance, saving the environment and social cohesion
- The Charter points out the **importance of saving urban heritage** and of **high quality public areas**
- It also points out the **necessity of co-operation** between the State, the local government, the business sphere and the residents
- The **integrated approach** is a new element of European urban policy
- German EU Council Presidency in the first half year of 2020: “**New Leipzig Charter**” – **new challenges** to be addressed, e.g. digitalization

THE SUCCESS DEPENDS NOT (ONLY) ON MONEY, BUT ALSO ON....

- an integrated development concept,
- a broad debate on this concept with all actors to find a consensus,
- the flexible and concentrated use of legal and financial instruments (legislation is necessary, but not enough!),
- that is to say: a professional implementation of local policy.

FOR FURTHER DETAILS...

... please see:

- <https://www.bmwsb.bund.de/Webs/BMWSB/DE/themen/stadt-wohnen/stadtentwicklung/stadtentwicklung-node.html>
- <https://www.bmwsb.bund.de/Webs/BMWSB/DE/themen/stadt-wohnen/staedtebau/staedtebau-node.html>
- <https://www.bmwsb.bund.de/Webs/BMWSB/DE/themen/stadt-wohnen/staedtebaurecht/staedtebaurecht-node.html>

Thank you for listening!