

# Comparison of Informal Planning Methods between France and Germany

*Martin TÖLLNER*

Dipl.-Ing. Arch. Martin Töllner, BTU-Cottbus / INSA de Lyon, Im Moore 25, D-30167 Hannover,  
martin@toellner.org

## 1. INTRODUCTION

Informal planning methods become more and more important in urban planning. This fact is based on the knowledge that formal methods given by law often do not match the problem. Since the late eighties informal planning methods play an important role in Germany, especially in problematic areas of Berlin (Kreuzberg) but also in other major Cities such as Hanover, Hamburg etc. Since the fall of the Wall informal planning methods got a new role in urban development. Almost everyone (at least in Germany) dealing with urban planning knows about the 'round table', 'Anwaltsplaner', Stadtforum and so on. Computer based information and participation becomes more and more important as well.

During the last things changed in France but no-one outside France noticed. Since decentralisation began in the eighties, French municipalities got more and more possibilities to plan their own future. The last and most important change was the law SRU (solidarité et renouvellement urbain) which modified the code d'urbanisme and gave a new order to urban planning and increased the rights of citizens in public participation.

Regarding the fact that Germany and France are neighbours and the two biggest countries within the EC it is astonishing how few comparisons about the situation in France and Germany exist. Urban planning is a field where European law only play a secondary role – mostly within environmental directives. But nevertheless both countries always had a certain influence to each other and one will find similar as well as different planning methods in the two countries.

This paper can only give a very brief overview about a large and complex subject. Therefore this comparison is reduced to the cities of Berlin and Lyon as they both play a major role in informal planning.

## 2. LEGAL BASES IN FRANCE AND GERMANY

### 2.1 France

Since decentralisation began in France in 1982 municipalities got more responsibilities to decide about their future and to plan their own development. A preliminary end was the law about solidarity and urban renewal (solidarité et renouvellement urbain) which came into effect in December 2000. From January 2002 on it will completely replace the regulations from the old 'code d'urbanisme'

The major modifications have been made in content and elaboration process of zoning and development plans (SCOT and PLU). The SCOT (schéma de cohérence territoriale) which replaced the zoning plan (SDAU) is now an inter-communal strategic planning tool. The PLU (plan local d'urbanisme) is meant to be the operative tool – the only plan to derive concrete rights actions from. The (almost) same process of elaboration has been applied to both plans and public participation has been strengthened. Two phases of participation have been established as well as the obligate integration of almost all concerned persons and institutions.

### 2.2 Germany

The Bundesbaugesetz established in 1962 the zoning plan (Flächennutzungsplan) and the development plan (Bebauungsplan). Both plans have to be developed with two phases of public participation (frühzeitige und förmliche Beteiligung). With the transformation to the Baugesetzbuch all major lines were kept. While second phase of the citizens' participation is relatively precisely described by the law, the first phase of citizens' participation leaves a larger latitude which aims quite consciously informal methods.

### 2.3 Comparison

Today the development plan (Bebauungsplan / Plan local d'urbanisme) and the zoning plan (Flächennutzungsplan / Schéma de cohérence territoriale) are elaborated in equal processes. The major difference between France and Germany is now that in France public participation is asked as a continuous process following the whole project (préalable et pendent tout le projet) therefore informal tools shall be used. In Germany the process 'formal participation' (förmliche Beteiligung) is described in detail. In France an 'enquête publique' is proposed but may be extended by any other method.

Since April 2000 every Citizen in France has the right on information about all acts executed by public authorities. This right is based on an EC-directive for environmental purposes. While in Germany this directive still has not been transferred to national law, it has been extended to a general right on information in France which strengthens the position of each citizen. It will have a deep impact on the relation between actors in urban planning.

### 3. INFORMAL PLANNING METHODS

Formal planning according to the law is more and more completed by the 'informal planning.' The formal planning represents thereby the obligatory framework, which is absolutely to be kept and which defines the minimum of citizens' participation. Eberhard Boning defines three characteristics of informal acts<sup>1</sup>:

- legal non-regulation, which does not mean infringement of law
- an alternative process which under the same circumstances would have led to the same result as the legal process
- a deal between all actors concerning all kinds of action as well as non-acting

This definition has been extended and refined by others but its principals are still valid.

It is important to acknowledge that formal methods always have to be integrated in every planning process otherwise it will not be legal! But informal methods often play the more important role in the urban planning process and the formal process is just integrated in this mother-process.

Informelle Planung, in Germany an established term, in France as term almost unknown, is already practiced in both countries. In their majority most of these informal planning tools can come to application in both countries. Others are closely connected with the planning culture of the country and cannot so easily be transferred, sometimes this does not make sense or it exists simply no reason to do so.

The above mentioned legal plans (SCOT / PLU and Bebauungs- / Flächennutzungsplan) are generally completed by informal plans: the more strategic sectorial plans (Stadtentwicklungspläne / plans sectorielles) are an obligate addition to the SCOT in France. Berlin invented the Stadtentwicklungspläne by local law but no-one can derive a right of building from these plans.

A more precisely plan dealing with volumes and usages of constructions are local development plans (Bereichsentwicklungspläne) and their French equivalent plan de référence. As well as the sectorial plans they are made for internal use only.

There are many ways to categorise informal planning methods. Some are tools like the above mentioned informal plans. Concerning participation it seems to be sensible to categorise these tools by the degree of participation. The first step is to inform about a project - which leads to communication. Communication is the base of either participation or – to go one step further – cooperation.

#### 3.1 Information

On first sight the methods of information seems to be quite similar between France and Germany. In fact a lot of information-tools are quite the same like public discussion, meetings, information in newspapers etc. But information about projects in Lyon is rarely found in the internet while the quantity and quality of print-media seems to be much larger than in Berlin.

Concerning inquiries, Lyon regularly asks a sociologist to perform this inquiry and to fix the peoples demands in a dossier. In Berlin this only happens in a few often very problematic cases.

#### 3.2 Communication

Here again you can find mostly equivalent methods and tools like public discussions, but also intermediate organisations like Stadteilausschuß (in Germany) and permanences / relais de quartier (in France) which shall improve the relations between local authorities, planners and residents. These intermediate organisations are mostly run by residents with a little support from the authority (urban design department).

Even though the right on information in France is much stronger it does not exist a person in charge with communication like the Bürgerbeauftragte who helps the residents in all questions concerning his relation to local authorities. The 'chargé de communication' often only provides one-way information.

In Germany exists the possibility for residents to assist on council sessions and to put questions which should be answered by the representatives. This direct way of communication between citizens and politics does not exist in France.

#### 3.3 Participation

A large variety of tools for public participation exist in both cities such as public and non-public meeting or target group participation where especially minor groups are integrated into a planning process. Workshops where residents can work on solutions together with professionals are not practised in Lyon. The idea of a planner who takes part for the residents and works out solutions that matches the residents demands (a so called Anwaltsplaner) to present an alternative project to the official one, is quite common in Germany and absolutely unknown in France.

#### 3.4 Co-operation

Co-operation does really mean working together on a solution. This can happen in a workshop (Kooperativer Workshop, Berlin) or in a working group where representatives from all concerned groups work together (Arbeitsgruppe / groupe de travail).

Moderation and mediation are known in both countries but the related term consensus has more weight in Germany. The idea of a round table, where all participants come together to find a consensus has been established successfully in Berlin. No vote will ever happen around a round table, but a large discussion about possible solutions. This method is absolutely unknown in Lyon.

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<sup>1</sup> Eberhard Bohne: *Der informale Rechtsstaat*, 1981

Another way of cooperation are urban design competitions where the participants have to present their work in an intermediate presentation and get additional input from the other actors such as residents, politicians, investors etc. These kinds of competitions are known as ‚kooperativer Wettbewerb‘ or ‚marché de définition.‘

#### 4. CONCLUSION

These are in brief the major results of a comparison between France and Germany. But even though both planning systems have come to a high equivalence one can not say that they are equal. Due to a different cultural background details often do not match at all. The exchange of experiences and ideas has almost been done by urban designers and architects - scientific research and comparison has rarely been done.

Informal planning is at a time old and very young: since ever people have negotiated about projects. But to use it as a regular planning tool appears in the sixties. Since the eighties informal planning has been developed to wide range of tools. This developing process is still not finished. With the uprising of computer and internet services new methods and tools has been invented and developed. Most of the presented informal planning methods can be supported by Internet services. To bring together ‚traditional‘ planning tools and EDP-supported tools bears enormous potentials for all who have to deal with urban design and planning.

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This paper is a resume of the first part of the thesis ‚Methods and Tools of Informal Planning – a Comparison between France and Germany‘ which will be published in Summer 2002. For further information see [www.martin.toellner.net](http://www.martin.toellner.net) or from summer 2002 on [www.projet-urbain.de](http://www.projet-urbain.de).