

SECTION 7. MANAGEMENT

DOI: 10.46299/ISG.2023.MONO.ECON.3.7.1

7.1 Spatial planning in the territory of the united territorial community as a mechanism for improving the management of land resources

The study is devoted to such an urgent problem today as spatial planning of the territories of united territorial communities. After all, since 2022, the rules of territorial planning have changed, the purpose of land plots has changed, new requirements have been established regarding the forced alienation of land plots for reasons of public necessity, etc. According to Art. 140 of the Constitution of Ukraine [137] the main subject of local self-government in Ukraine is territorial communities - residents of a village or a voluntary association of residents of several villages, towns and cities into a rural community - to independently resolve issues of local importance within the limits of Ukrainian legislation. The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Land Use Planning" [138] provided for the planning of territories at the local level through the development of special urban planning documentation, which is also land management documentation, - Comprehensive spatial development plan of territories, which applies to all lands included in the unified territorial community, and allows the territorial community to determine guidelines for planning and development of its own territory and serves as a territory management mechanism.

The comprehensive plan for the spatial development of the territory of the territorial community determines the planning organization, functional purpose of the territory, the main principles and directions of the formation of a unified system of public services for the population, road network, engineering and transport infrastructure, engineering training and improvement, civil protection of the territory and the population from dangerous natural and man-made processes, protection of land and other components of the natural environment, formation of an eco-network, protection and preservation of cultural heritage and the traditional nature of the environment of settlements, as well as the sequence of implementation of decisions,

including the phased development of the territory. The comprehensive plan provides for coordinated decision-making regarding the integral (complex) spatial development of settlements as a single settlement system and the territory beyond them.

The comprehensive plan should include planning decisions regarding the prospective use of the entire territory of the territorial community, as well as: the general plan of the settlement - the administrative center of the territorial community; general plans of settlements and detailed plans of the territory within the territory of the territorial community, approved before the adoption of the comprehensive plan, which, in accordance with this article, are recognized as meeting the requirements of the law, are consistent with the planning decisions of the comprehensive plan and are subject to inclusion in it; general plans of settlements within the territory of the territorial community, the need for development of which is established by the decision on approval of the comprehensive plan (included in the composition of the comprehensive plan at the same time as their approval); planning decisions of general plans of other settlements and detailed plans of territories within the territory of the territorial community to the extent determined by the Cabinet of Ministers of Ukraine; detailed plans of the territory within the territory of the territorial community (included in the comprehensive plan simultaneously with their approval); boundaries of functional zones of the entire territory of the territorial community with requirements for development and landscape organization of such zones (zoning plans for the territories of settlements within the territory of the territorial community are developed as part of master plans and included in the complex plan simultaneously with the approval of the corresponding master plans); historical and architectural reference plans of the historical areas of settlements included in the List of Historical Settlements of Ukraine.

Therefore, the comprehensive plan of the spatial development of the territory should regulate the issue of the target designation of land plots and the functional use of the territory - the direct establishment of functional zones on the territory of settlements. Issues of inconsistency between the purpose and functional use in the registers sometimes created problems for landowners and land users in the use of their

plots, and the mechanism for solving them was not properly regulated at the legislative level.

Functional zones, defined in accordance with the comprehensive spatial development plan of the territory or the general plan of a separate settlement, will determine the set of permitted types of purposeful use of land plots within a certain territory. The Cabinet of Ministers of Ukraine must establish the classification of the types of functional purpose of territories and the types of purposeful use of land plots allowed within them.

When registering land plots, the database of the State Land Cadastre will be filled with information not only about the purpose of the land plots, but also about the functional zones within which these plots will be located.

This information will be used to maintain land and urban cadastres.

When developing a comprehensive plan for the spatial development of the territory of the territorial community, it is necessary to take into account the combination of the following constituent parts:

- orthophoto plan for the territory of the community;
- digital model of the relief of the territory of the community;
- a set of geospatial data in accordance with the composition of the complex database;
- spatial development plan of the territory of the territorial community.

The state geodetic reference system of coordinates USK-2000 is the coordinate basis for creating a cartographic basis for a comprehensive plan of spatial development of the territory. The altitude system is Baltic. All geospatial objects must have identifiers and coordinates, their geographic names and addresses must be established, and topological relationships must be described.

Accordingly, data collection is carried out in the relevant services and structures to form an actual baseline for the development of a comprehensive plan for the development of the territory.

In order to ensure the sustainable development of the territory of the territorial community while observing the balance of state, public and private interests, the

comprehensive plan should provide for the development of the territory as a whole, both outside the boundaries of settlements and within them, and therefore the planning decisions of the comprehensive plan contain prospects for the use of the entire territory of the territorial community.

Proposals regarding the prospective use of the territory of the territorial community consist of the definition of planning, project solutions and measures by thematic sections for comprehensive plans.

Planning decisions are calculated for short-term (up to 5 years), long-term (6-10 years) and indefinite periods, depending on their prioritization and the possibilities of their implementation.

The planning decisions of the general plan of the settlement are determined by the project decisions of the comprehensive plan and detail them. The planning decisions of the general plan of the settlement as part of the comprehensive plan (Fig. 1) are project decisions of the general plan of the settlement in an abbreviated form.



Fig. 1. Planning decisions of the general plan of the village of Dokuchaevske of the Rohan territorial community of the Kharkiv region [140]

Planning decisions of master plans are developed for those settlements in which demographic growth does not occur, development of social infrastructure and production potential is not foreseen.

In order to create comfortable living conditions for the population, the planning decisions of the general plan establish restrictions and burdens on land use rights that exist today in a certain territory. Then they conduct an analysis of the existing functional use of the territory, determine the territories of residential, industrial, and recreational buildings. An analysis is carried out for the perspective and, in accordance with the adopted design decisions and the design functional use of the territory, design restrictions are established from drawing their boundaries on a planning and cartographic basis.

For example, it is impossible to officially carry out reconstruction or new residential construction in residential areas that fall into the sanitary protection zone with a radius of 300 m from the operating cemetery. Therefore, the project proposals (Fig. 2) envisage closing the cemetery and establishing a sanitary protection zone with a radius of 100 m for rural settlements and 50 m for cities. The decision to close is taken by the city, village, village council.

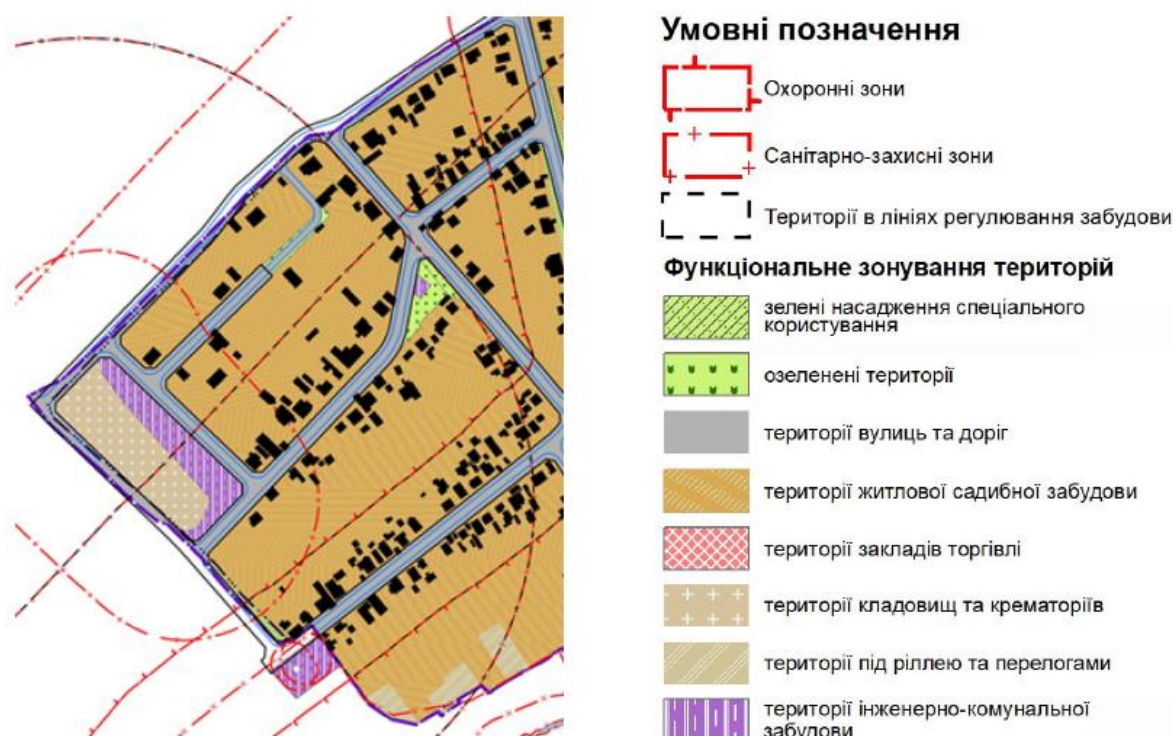


Fig. 2. Design decisions on the territory of the village. Logachivka, Rohan territorial community, Kharkiv region [140]

When evaluating the project solutions of the previously developed master plan, attention is paid to: 1. Correspondence of the project decisions of the general plan with the project decisions of the comprehensive plan, taking into account the role of this settlement in the settlement system of the territorial community. 2. Conformity of the project decisions of the master plan to the urban planning documentation of the highest level (General scheme of planning of the territory of Ukraine, Scheme of planning of the territory of the region).

3. Taking into account the cadastral division of land plots when forming the street and road network. 4. Correspondence of the dimensions of the sanitary and protective zones of the Cabinet of Ministers No. 173 of June 9, 1996. 5. The presence of green spaces of special purpose along transport highways and streets; in areas of sanitary protection zones around industrial enterprises and production facilities; cemeteries and crematoriums, high voltage power lines; in areas of forest improvement, water protection, wind protection, anti-erosion zones.

6. Provision of the population with cultural and household service facilities in accordance with the requirements of Appendix E.1 DBN B.2.2-12:2019. The administrative center of the community should provide a more extended range of cultural and household services for settlements located on the territory of the territorial community. 7. Conformity of water supply and drainage facilities to the estimated capacities, taking into account the demographic forecast, project proposals for the development of the social sphere, production and recreational potential.

8. Availability of a master plan in the form of geo-informational data with the necessary attributive information filled out in accordance with the requirements of the order of the Ministry of Regions. For example, the previously developed general plan of the village of Rohan did not take into account the passage of the international transport corridor Europe-Asia (Fig. 3), which by its influence imposes restrictions on the urban development of the territory.

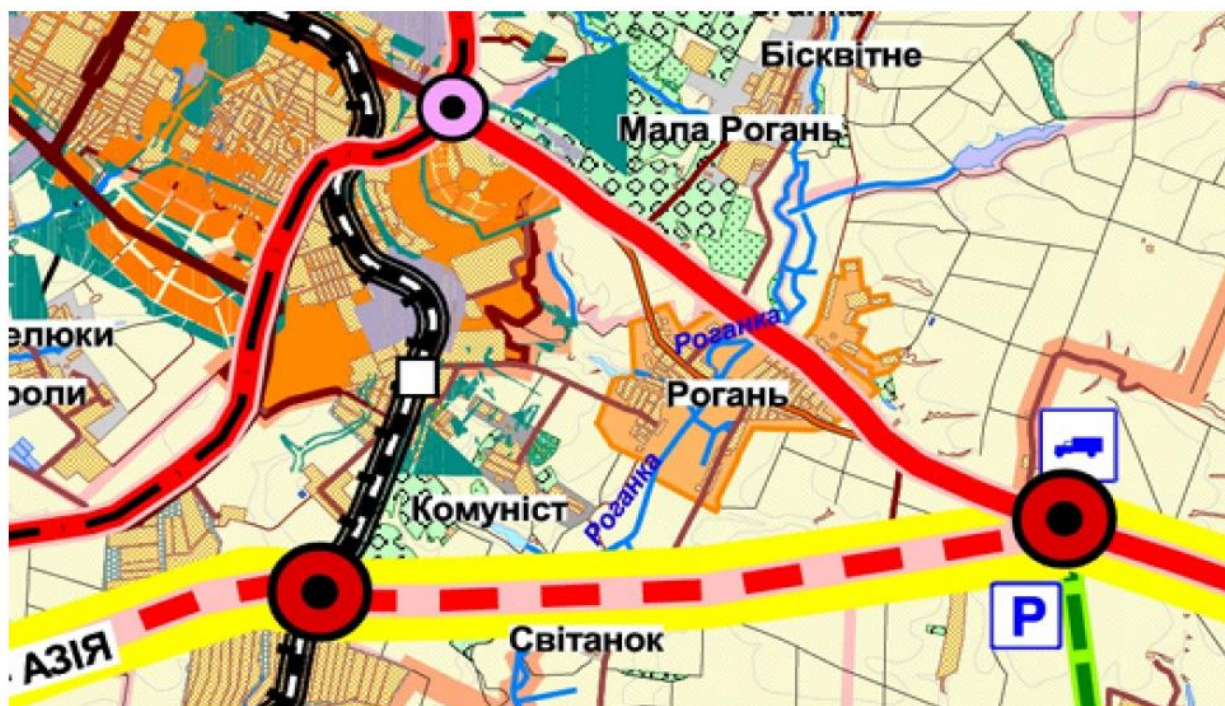


Fig. 3. Fragment of the Kharkiv region territory planning scheme with the Europe-Asia international transport corridor drawn [140]

The master plan must be developed for the administrative center of the territorial community. The master plan can be developed for those settlements in which demographic growth is taking place, which requires the development of social infrastructure and production potential.

The master plan consists of textual and graphic materials and is developed as a set of geospatial data.

Project decisions of the master plan are based on:

- analysis of initial data regarding the current state of use of the territory and other resources of the territorial community;
- substantiating the project boundaries of the settlement;
- spatial planning organization of its territory;
- existing and prospective functional zoning;
- placement of residential areas, formation of a network of public service facilities;
- formation of industrial and recreational areas;

– development of engineering and transport infrastructure, engineering training and improvement of the territory.

In order to ensure the rapid adoption of urban planning decisions, detailed plans of the territory are developed, which detail the provisions of the master plans of settlements, and for territories for which master plans are not developed, a comprehensive plan is developed. The detailed plan of the territory consists of textual and graphic materials and is developed as a set of geospatial data.

Thanks to the availability of a detailed plan of the territory, we will have the opportunity to quickly build the necessary social infrastructure facilities on the territory of the territorial community (Fig. 4).

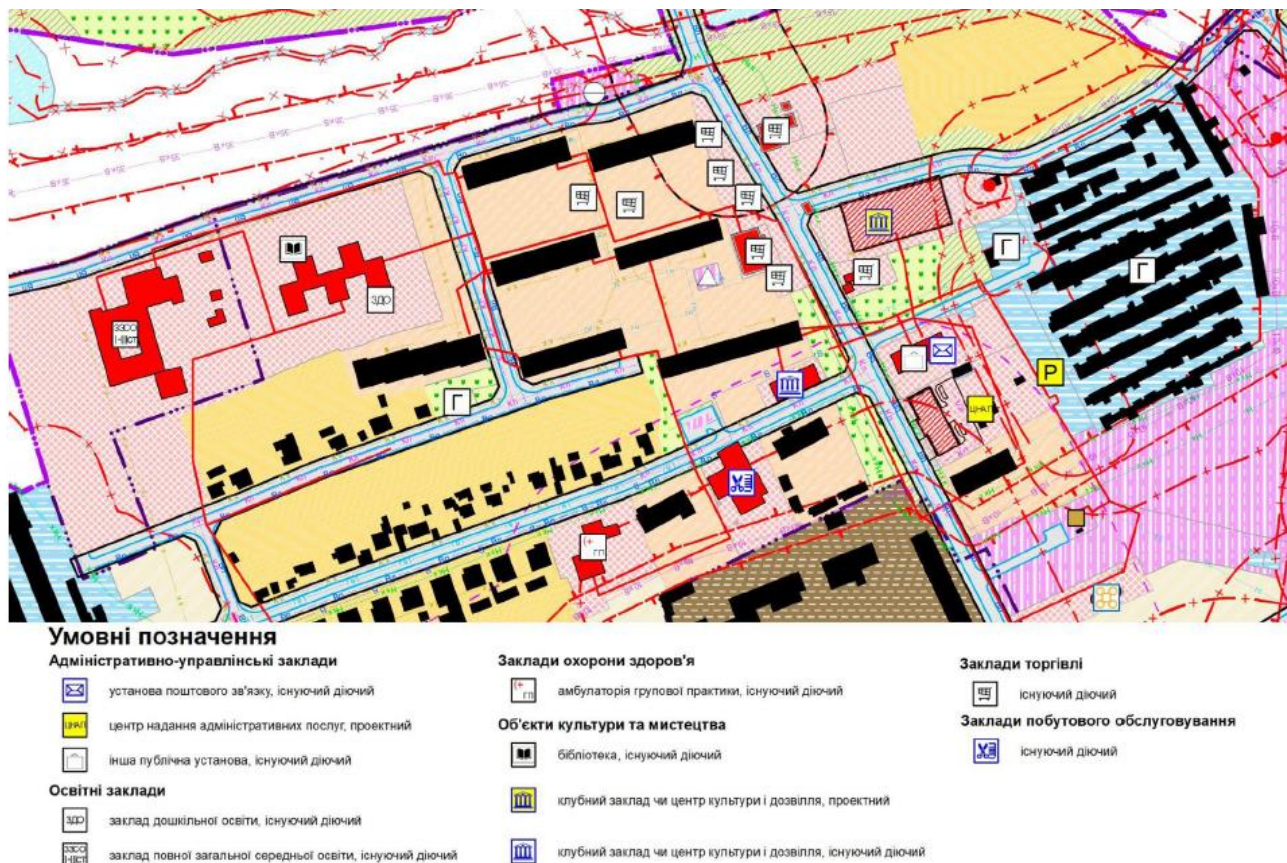


Fig. 4. Fragment of the network of service facilities of the village. Chrols of the Rohan Territorial Community of the Kharkiv Region [140]

The change in the target purpose of land plots will be carried out without development of land management documentation from the moment information about functional zones is entered into the State Land Cadastre (from January 1, 2025 or earlier, subject to the development and approval of a comprehensive plan for the spatial development of the territory). Land users of plots of state or communal property belonging to land for residential and public development, land for industry, transport, communication, energy, defense and other purposes (with the exception of lands of the nature reserve fund), on which their buildings or structures are located, will receive it is possible to apply directly to the cadastral registrar with an application to change the intended purpose of such plots within the defined type of functional purpose of the territory without the adoption of relevant decisions by the executive authority or local self-government body.

In order to ensure the interests of the state, territorial communities, as well as real estate owners, information about the borders of the territories, which include land plots necessary for the placement of objects, in respect of which, in accordance with the law, land plots can be forcibly alienated for reasons of public necessity, are noted in comprehensive plans for spatial development of the territory of territorial communities, general plans of settlements, detailed plans of the territory. Information about such boundaries is entered in the State Land Cadastre [141].

A comprehensive plan for the spatial development of the territory at the local level will be developed taking into account information from the State Land Cadastre on an updated cartographic basis in digital form in the state coordinate system in the form of electronic documents containing basic and thematic geospatial data. The comprehensive plan for the spatial development of territories will include the following electronic documents in the following formats: File Geodatabase (GDB), which contains a complete set of spatial data and documentation metadata; eXtensible Markup Language (XML), which contains a set of information that, in accordance with the law, must be entered into the State Land Cadastre, the requirements for the content, structure and technical characteristics of which are established by the Procedure for maintaining the State Land Cadastre, approved by the resolution of the Cabinet of

Ministers of Ukraine [139]; Adobe Portable Document Format (PDF), which contains textual, tabular and graphical documentation materials. File packages will be created in Lempel Ziv Welch (ZIP) format.

The creation of an electronic document in the form of a package of files is completed by the imposition of qualified electronic signatures and seals of an architect who has the appropriate qualification certificate and a certified land engineer.

The first comprehensive plans for the spatial development of the territory in the Kharkiv region were developed and approved in accordance with the established procedure for the territory of the Pischynska United Territorial Community and the Rohansk United Territorial Community.