

LAND USE PLANNING AS TOOL FOR SUSTAINABLE DEVELOPMENT

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Abstract

The purpose of the article is to evaluate role of land use planning project (hereinafter - LUPP) specified in the legislation of Latvia in sustainable development of territory. In Land Use Planning Law adopted in 2006, LUPP is project for arrangement of territory and measures of improvement of land use conditions, for part of an administrative territory of local government, separate immovable property or land parcel, which is developed for exchange of land parcels or elimination of inter-areas, for reorganisation of land parcel boundaries, as well as for subdivision of land parcels. In Latvia for sustainable development of the territory, legislative acts of spatial development planning system have been adopted at several levels, from which for detailed arrangement of territory detailed plan should be developed. The detailed plan often includes reorganisation of land parcel boundaries, but legislation determines that detailed plan should be developed in territories specified in spatial plan, mainly before commencing new construction. The LUPP is not planning instrument for territory development and may be developed in territories in which regulatory framework do not provide development of detailed plan. However, in local governments it is relatively common that for areas intended, for example, for individual building, for subdivision of land parcels, LUPP rather than detailed plan has been chosen to develop. In order to clarify these concerns, the study carried out survey of specialists of local governments and the article summarises analysis of results about development of LUPP in relevant local governments, as well as, on the basis of relevant regulatory enactments, compared the objectives and conditions for development of LUPP and detailed plan.

Key words: land use planning, land use planning project (LUPP), detailed plan, sustainable development, land consolidation.

Introduction

In order to launch developing idea of area, the area and configuration of the parcel is not always such as needed for planned land use, and it is often necessary to make changes in the boundaries of real property. To perform it legally justified, the legislation of Latvia should provide two instruments for such purposes: development of detailed plan or LUPP oject. The detailed plan should be one of the documents at the local level of the spatial development planning system, which has been established in accordance with the Spatial Development Planning Law adopted in 2011. It is detailed plan of part of local government territory developed in order to lay down the requirements for the use of specific land parcels and building parameters, as well as to adjust the boundaries of land parcels and restrictions (Spatial Development Planning ..., 2011). Development of detailed plan, as well as other spatial planning documents, is regulated by the Regulations of Minister Cabinet No 628 "On local government territorial development planning documents", adopted in 14 October 2014 (Noteikumi par pašvaldību..., 2014). Detailed plan should be developed to implement specific development proposal or planning task, detalyzing the requirements specified in the local government spatial plan or local plan.

Legislation provides that detailed plan should be developed:

- in cases specified in spatial plan or locational plan;
- if creation of new land parcels is planned and new streets or municipal roads are needed to ensure access to newly created land parcels;
- if it is intended to construct the road and in the local government spatial plan, in the local plan, in transport development plan or in thematic plan is not resolved access possibilities to one or more land properties;
- before the commencement of new construction, if a redeployment of an existing transport organisation is required, by removing or moving existing streets or municipal roads, or the planning of a new traffic infrastructure by creating new streets or municipal roads, or if the buildings needed to ensure the functioning of the planned site are intended to be placed in several land parcels.

However, development of LUPP in Latvia is determined by the Land Use Planning Law (Land Use Planning Law, 2006). Within the meaning of this Law land use planning is legal, economic and technical

measures for arranging the territory of real property or land parcel for sustainable use of the land resources.

The LUPP should be developed for following land use planning works:

- elimination of inter-areas or exchange of land parcels by reorganisation of land parcel boundaries;
- division of land parcels.

The LUPP should be developed for territories, to which the regulatory enactments in the field of construction, environmental protection, regional and spatial planning policy or the decisions of the city council (board) of local government do not prescribe development of detailed plan. LUPP may be developed as supplement to detailed plan for territory for which there is valid detailed plan or, in accordance with the spatial plan of local government, development of detailed plan is intended, but also the land use planning works should be performed. Taking into account the tasks specified for development of detailed plan and land planning project, it can be concluded that detailed plans should be developed mainly in areas where construction works are provided, but LUPP should be developed in other cases, so the detailed plan is more necessary in cities and in other densely populated areas, while the LUPP – in rural areas. However, after consultation with several Latvian surveying companies, as well as with spatial planners of local governments, it has been clarified that often before new construction not development of detailed plan, but LUPP is initiated in areas where it is necessary to split or reorganize the boundaries of land parcels. The reason for this choice could be differences in procedures for developing detailed plan and LUPP. Although the LUPP is being developed taking into account the spatial plan, regulatory enactments and conditions specified in spatial plan, it is not part of the legal framework of spatial development planning system of Latvia. Consequently, for development of LUPP, legislation does not foresee public discussion, contrary to the procedures for detailed plan, which provides public discussion within three to six weeks, which extends, complicates and also makes more expensive the project process. In addition, mandatory part of the detailed plan, contrary to the LUPP, is development of planned building parameters, layout scheme for traffic infrastructure and engineering communications, and preparation of other information according to the task. The process of developing of LUPP also includes determining of conditions of local government and other institutions for development of the project. These conditions include list of institutions with which the project should be coordinated, but may also include conditions of building-up parameters, traffic infrastructure and engineering scheme and other conditions, if necessary. Accordingly, contractors and local governments, for the purpose of shortening and simplifying process, in cases where, for example, the building of individual residential houses is envisaged at the building site, often choose the development of LUPP rather than detailed plan.

The purpose of this article is to evaluate the role of the LUPP in sustainable development of the territory in Latvia. To achieve this, the following tasks have been identified:

- carry out survey of specialists of local governments about development of LUPP and their importance;
- compare the procedures and conditions for development of LUPP and detailed plan in accordance with regulatory documents adopted in Latvia;
- on the basis of these two studies to assess the role of LUPP in sustainable development of administrative territories of Latvia.

Methodology of research and materials

The object of the study is LUPP as legal, economic and technical measures for arranging the territory of an real property or land parcel for sustainable use of land resources. In view of the fact that the Latvian legislation provides two instruments (detailed plan and LUPP) to determine whether LUPP are being developed, the survey was conducted. The survey was organised in order to find out the current situation about development of LUPP, how and for what purposes the LUPP are developed in the various local governments of Latvia. The questionnaire was produced and distributed digitally using the Google.com personal account, in which questionnaire was inserted electronically with number of questions concerning the development of LUPP in the local governments. Survey questions in the questionnaire were created in standardised way, offering the option of selecting one or more response options. Questionnaires were sent out to all 119 of Latvia local governments. Local government specialists were chosen as respondents because local governments are the first that confront with land boundary relocations. And also, the local government is the one that takes decision to initiate or reject the project.

The questionnaires were completed and returned by nearly half - 50 (42%) of Latvia local government specialists, but questionnaires about joint ownership distribution, which was sent out separately from the questionnaire, even 55 or 46%. The ranks of the survey participants in municipalities were mainly specialists in real property or land affairs, as well as land use planners. In order to assess the needs and differences of the LUPP and detailed Plan as instruments for development of territory, the study on the basis of relevant regulatory acts, analysed and compared the procedural progress and conditions for development of these two projects.

Discussions and results

Adoption of the Land Use Planning Law on the 14 September of 2006 may be considered as the beginning of development of LUPP in Latvia in accordance with the current procedures. Until then, the division of land parcels could be legally justified only through decision of the local government or through a detailed plan.

In order to find out how popular LUPP is as an instrument for reorganisation of land parcel boundaries, specialists of local government in response to the question "How many LUPP have been developed in your municipality since adoption of Land Planning Law, had to choose one of the options: up to 10; 11 - 30; 31 -100; more than 100. Of the 50 respondents 25 or 50%, the last option choosed, while 18 or 36% choosed for 31-100. Only two respondents indicated that less than 10 projects were developed in their municipalities, but it should be noted that these are Alsunga and Lubana novads, smallest territories in Latvia and they are located on remote part of country (Table 1). Consequently, it can be concluded that development of LUPP is relatively popular today, because without LUPP land parcel cannot be divided into two or more separate plots, which are essentially the basis for formation and further development of new real property. Land Use Planning Law adopted in the 2014 identified seven cases when LUPP have to be developed, but after number of amendments, only two cases left listed above. In response to the question "For which purposes LUPP have been developed in your local government", respondents were able to choose more than one answer. However, as the most common purpose for development of LUPP, which was indicated by all respondents, is division of land parcels, and number of 35 respondents (70%), also indicated the reorganisation of land parcel boundaries. Only 30% of all respondents pointed elimination of inter-areas (Table 1).

As result of land reform, when landowners received former land properties, two or more persons often become as landowners and joint property has been created. Joint property right is not comfortable for co-owners, because when co-owners want to do any business, they need consent of the other co-owners. Otherwise it is not possible to deal with their property. However, each co-owner may at any time initiate division of joint property into real shares and it may be done by developing LUPP.

Unfortunately, authors of the article do not have information about amount of joint properties in specific local governments, so in order to discover it, one of the questions in the survey was "How much LUPP have been developed for joint property distribution in local government since 2006". And following options were given - up to 10; 11 - 20; more than 20 projects. The highest number (67%) of respondents mentioned the first response (less than 10 projects), but 18% indicated that more than 20 projects were developed for joint property and 15% of respondents selected option 11 - 20 projects (Table 1). These results of survey indicate that joint property exists as problem in Latvia and their owners are trying to get rid of it.

As mentioned in the introduction, the regulatory framework provides the development of detailed plan before the commencement of new construction, where also reorganisation of land parcel boundaries is planned. However in practice frequently there are cases where LUPP is being developed in populated area where the area is planned for new constuction, particularly for construction of residential houses.

In order to realise extent of this situation, the questionnaire contained the question "Which plan usually is developed in local government for new construction sites?" The most frequent answer to this question was that both detailed plans and LUPP (42%). It depends on complexity of each particular case. Almost equally, these cases usually involve development of LUPP (40%), and only in 18% for new construction sites have been developed detailed plans (Table 1).

Table 1

Survey questions and response variants on development of land use planning projects (LUPP) in local governments

No.	Survey questions and answers	Answers	
		number	%
1.	Number of LUPP developed in your government since adoption of Land Use Planning Law:		
	up to 10	2	4
	11 - 30	5	10
	31 - 100	18	36
	more than 100	25	50
2.	For which purposes LUPP have been developed in your local government? (more than one answer is possible)		
	for division of land parcels	50	100
	for reorganisation of land parcel boundaries	35	70
	for elimination of inter-areas	15	30
3.	Number of LUPP developed for joint property distribution:		
	up to 10	37	67
	11 to 20	8	15
	more than 20	10	18
4.	What is usually developed in the local government for sites for new construction?		
	LUPP	20	40
	detailed plans	9	18
	both LUPP and detailed plans	21	42
5.	How does the local government deals with access to planned land parcels? (more than one answer is possible)		
	using existing municipal roads	31	62
	construction of new roads and streets	13	26
	by servitude or by a designed servitude after establishing the servitude	28	56

Source: Created by authors on the basis of results of survey

Development of detailed plan differs from LUPP with public discussion, as well as specification of planned land use (functional zoning) and conditions for use and building of the site, including provision of engineering equipment, etc. On the other hand, as mentioned above, it is also possible to define these requirements as specific conditions of the local government for development of LUPP. Consequently, local governments, when taking decisions on development of detailed plan or LUPP, are apparently guided by the complexity of each particular case.

One of important conditions for developing LUPP or detailed plan and for creating new land parcels is to establish access opportunities to each new land parcel, as well as access to publicly exploited areas (Vispārīgie teritorijas plānošanas..., 2013; Zemes ierīcības projekta..., 2016). The survey therefore included the question “How local government deals with access to planned land parcels in the projects?” There could be number of answers to this issue and, as shown in Table 1, the most frequent is - using access from local government roads and streets (62%), relatively few (26%) by arrangement of new roads or streets. However, relatively often (56%) in LUPP access to new land parcel is ensured by servitude right or by planned servitude after its establishing.

As can be seen from results of survey, local governments often accept development of LUPP, also in cases where new construction is planned in the developing area and the regulatory framework determines the development of detailed plan. Therefore, in order to assess the importance of these two projects for sustainable development of territory and their differences, comparison of their development processes and conditions was made on the basis of an assessment of laws and regulations (Tabl. 2).

Table 2

Comparison of objectives and conditions for development of land use planning projects (LUPP) and detailed plans

No	Project development indicators and conditions	Land use planning project (LUPP)	Detailed plan
1.	Purpose of Project/ Plan development	Division of land parcels, exchange of land parcels, elimination of inter-areas	Implementation of specific development proposal or planning task, detailing the requirements specified in the spatial plan or local plan
2.	Does the development of the project/plan always involve changes in the boundaries of land parcels?	Yes, with changes in boundaries of land parcel	Common, but not always
3.	Should the project/plan developer be certified person?	Works shall be performed by certified persons	Not always, but, if division of land parcels or exchange of land parcels or development of minimum composition of building project is planned, it should be performed by certified person
4.	Graphic base for the graphic part of the project/plan	Should be based on cartographic materials in various scales (1:10000, 1:2000, 1:50 000), reciprocally incorporated with a land-boundary plan	On the basis of a valid high-detailed topographic information topographical plan, using current information about land parcel in the Cadastre Information System
5.	Public involvement and participation in project/planning solutions and openness	The developed project should be co-ordinated with initiator and owners of land parcels included in the project territory	Draft of detailed plan should be released for public consultation and receipt of the opinions of the institutions
6.	Approval of project/plan	The local government should approve LUPP, issuing an administrative act	The local government should approve detailed plan, issuing an administrative act, entering into force after notification
7.	Validity of project/plan	LUPP should be implemented within four years after its approval.	The time period has not been specified, but the local government may prescribe a time period within which the implementation of the detailed plan has to be commenced.
8.	Conditions for implementation of the project/plan	LUPP has been implemented if the project territory has been cadastrally measured, registered in Cadastre Information System and in the Land Register	Detailed plan has been implemented if territory of detailed plan has been used in conformity with the solution of the detailed plan and the specified requirements.

Source: drawn up by authors on the basis of the regulatory enactments in the development planning of the territory of the Republic of Latvia and land use planning (Noteikumi par pašvaldību..., 2014; Zemes ierīcības projekta..., 2016)

When analysing the purposes for development of LUPP and detailed plan, it may be established that each of documents has its own purpose. LUPP should be developed for division of land parcels or for redeployment of boundaries, so that after implementation of project transactions with real property can be carried out - to sell a part or all of the former land property or to split the land in real parts of the joint property between co-owners. On the other hand, the purpose of development of detailed plan is an implementation of specific spatial development or planning task and detalizing the land use and building conditions specified in spatial plan. Development of detailed plans often is also linked to division of land parcels or redeployment of boundaries, but changes in land parcels are more of subordinate nature and not necessary in all cases of development of detailed plan (Table 2).

Developers of LUPP should have the certificate for land use planning works. But within development of detailed plan, if division of land parcel or development of minimum composition of building project is planned, it should be performed by certified person. On the other hand, in accordance with the Law, development of detailed plan may be combined with construction project, and in such case the developer of detailed plan should have certificate in construction, too (Table 2).

Taking into account the fact that detailed plan is designed for concretisation of land use specified in spatial plan, the graphical part of plan should be performed on the basis of highly-detailed topography plan, as it should show in detail all encumbrances, detailed conditions for use of the site, building and other parametres. However, for development of graphical part of LUPP, depending on tasks and situation of project, regulatory framework allows for great variety: topographic map in scale of 1:10000 or topographical plan in scale of 1:2000; a plan with highly-detailed topographic information; an orthophoto map in scale of 1:10 000, 1:50 00 or 1: 2000; situation or encumbrance plans, etc. (Table 2). In order to ensure public awareness and participation in the spatial development planning process, mandatory requirement for development of planning documents at all levels is to release the draft of plan for public consultation. Process of developing detailed plan should specify the need for public consultation, setting a time limit of not less than three and not longer than six weeks. On other hand, the regulatory framework for development of LUPP does not provide for this public consultation, except for individual cases where co-ordination with other land owner, not included in the project, is required, if it is specified in the conditions of project development.

In view of the fact that development of these two projects is related to land use, which may be burdened with protection zones of different objects or otherwise limited, co-ordination of projects with institutions specified by government or by laws is intended in both cases (Table 2). Completion of these two projects have to be approved by local government in the same way - with adoption of administrative act, but the follow-up is different.

The term specified in Law for implementation of LUPP is 4 years during which the project area must be cadastrally measured, registered in Cadastre Information System and entered in Land Register. If these works have not been performed within 4 years, the developed LUPP should cease to be valid. However for detailed plan the time period has not been specified, but local government may prescribe time period within which implementation of detailed plan has to be commenced. If implementation of detailed plan has not been commenced within specified time period and has not been extended within one year after the expiry of this period, the detailed plan should cease to be valid. In addition, realisation of changes of land larcel boundaries in detailed plan should not be considered as implementation of the detailed plan, which is the result of implementation of LUPP (Table 2).

In administrative agreement regarding implementation of detailed plan, local government and detailed plan implementing body should agree about conditions upon which division of land parcels may be commenced: these are issues about construction, ownership and entry into service of roads and streets, engineering equipment, improvement, and other issues as well.

As result of analysis, it can be concluded that land use planning system in Latvia allows choice of an instruments (detailed plan or LUPP) in each particular case of spatial arrangements related to division of land parcels and rearrangement of boundaries.

However, often in cases of planned buildings, where the situation is not complicated, spatial developers prefer LUPP rather than detailed plan, since development of LUPP is simpler and shorter, and their regulatory framework also allows setting of specific conditions (for engineering and other development work) related to planned development territory. And, although LUPP is not included in spatial development planning system in Latvia, in practice it is legally applied in cases of division of land parcels or boundary relocations, which is the first step towards sustainable development of the territory.

Looking at experience in land use and sustainable development, it can be found that countries such as Germany, Denmark, the Netherlands, also Scandinavian countries are dealing more systematically with sustainable development issues of territory, particularly in rural areas. Land use planning activities in these countries usually take part as basis for further development of territory. In Western Europe rural development and redeployment of territories are carried out through land consolidation. In addition, these land consolidation projects are very diverse: from simplified land-parcel distribution and boundary redeployment to large-scale sustainable development solutions that play an economic, environmental and social role (The Design of Land Consolidation..., 2003; Kummer & Frankenberger, 2012; Elvestada & Skya, 2019).

Also in Latvia adoption of Land Management Law defines set of land consolidation measures within scope of which complex rearranging of land boundaries have to be carried out in order to form rational structure of holdings and area of land parcels, to promote development of rural infrastructure and rural development, as well as environmental protection (Land Management Law, 2014). Although this law already has been in force for five years in Latvia, nevertheless there is not developed and adopted land consolidation methodology. Any land consolidation projects have been developed.

In fact, LUPP and detailed plans as tool for sustainable development are sufficient to carry out larger and smaller land rearrangement measures in Latvia.

As this study showed, this is also demonstrated by practice in local governments. In addition, LUPP have an important role there. LUPP, in substance, are also land consolidation projects, as their aim and objectives are the same. The Land Use Planning Law adopted by the Republic of Latvia in 2006 and the Cabinet regulations issued in accordance with it in current version (Zemes ierīcības projekta..., 2016) do not comply with all requirements for land arrangement and area development. Although in the Land Use Planning Law defines land use planning as set of legal, technical and economic measures, in fact the LUPP deals only with legal and technical issues. In practice in development of LUPP is not observed economic issues and rational land use. For example, development of LUPP for needs of major State infrastructure facilities is very inefficient. Separate LUPP should be developed for each land transfer (from each land property) to alienate land for the construction of roads or railways in Latvia. This is also due to current rules for development of LUPP, which are more focused on division of land parcels. Very often there are small plots of inter-areas that are not currently being addressed. In other countries in such cases, complex land consolidation projects are developed, covering larger part of administrative area, which separates land for infrastructure purposes and sorts land parcels around these sites. Unfortunately, LUPP in Latvia are mainly regarded as an instrument only for division of land parcels. It would be desirable that land use planning would be part of spatial development planning system with greater power for the redeployment of territories, including land consolidation.

Conclusions and proposals

1. In order to modify area and boundaries of real property, there are two legally regulated instruments in Latvia: detailed plan, which is local level document of spatial development planning system, and LUPP that does not belong to this system. However, objectives and conditions of implementation of these two documents are different.
2. Although legislation of Latvia has relatively strict definition of cases and territories for development of LUPP and detailed plan, clients often choose simplest method - development of LUPP instead of detailed plan. It is possible with applying of special conditions system. In such cases, however, an assessment of public attitudes may occasionally be omitted.
3. LUPP in Latvia is not included in spatial development planning system, but in practice it is applied in cases of division of land parcels. Therefore, it becomes as basis for sustainable development of territory.
4. Current legal framework and methodology of LUPP in Latvia do not correspond to wider reorganisation of land parcel boundaries and implementation of land consolidation. Need for reorganisation of land parcel boundaries, particularly in rural areas, in future will increase. Therefore legal framework for development of LUPP should be improved.

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