

UDC 332.5:332.33:332.14

**SPATIAL PLANNING AS A TOOL FOR MANAGING LAND RESOURCES IN
TERRITORIAL COMMUNITIES**

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The article examines topical issues of spatial planning of land in territorial communities. The author analyzes the legal acts, namely: The Land Code of Ukraine, and a number of Laws of Ukraine, such as: "On Amendments to Certain Legislative Acts of Ukraine on Land Use Planning", "On Regulation of Urban Development", "On Land Management", and Resolutions of the Cabinet of Ministers of Ukraine, in particular: "Some Issues of Providing Subventions from the State Budget to Local Budgets for the Development of Comprehensive Plans for Spatial Development of Territories of Territorial Communities", "On Determining the Format of Electronic Documents of a Comprehensive Plan for Spatial Development of Territories of a Territorial Community, Master Plan of a Settlement, and Detailed Plan of a Territory".

The reasons that provoked the process of delaying the full functioning of management structures in territorial communities and the development of comprehensive plans for spatial planning of the territory are analyzed.

The data from the Prozoro web service in the context of "Urban Planning

Services", the type of documentation is a comprehensive plan for the spatial development of territorial communities, are analyzed.

The composition of project documentation for spatial planning of resource use in territorial communities is studied and its impact on the efficiency of community management is substantiated.

The need for integrated planning in territorial communities is substantiated and the prospects for creating a database for integrated planning of the community territory are determined.

It is determined that spatial planning is an effective tool for managing land resources in territorial communities of Ukraine.

Key words: *comprehensive plan of spatial development, land management documentation, urban planning documentation, land resources, spatial planning, management tool, territorial community, land resources management.*

Formulation of the problem.

On July 24, 2020, the Verkhovna Rada of Ukraine published the Law of Ukraine (the "Law") No. 711-IX "On Amendments to Certain Legislative Acts of Ukraine on Land Use Planning" (the "Law No. 711-IX"). The legal act entered into force on July 24, 2021. This legislative act introduces the concept of a comprehensive plan for the spatial development of territories of territorial communities (hereinafter referred to as the comprehensive plan), which amends the Land Code of Ukraine (hereinafter referred to as the LCU), the Law of Ukraine "On Regulation of Urban Development" and the Law of Ukraine "On Land Management". The main problem faced by local governments is what kind of documentation it is, what is the purpose of its development and the prospects for practical application of this type of documentation. At the same time, developers are faced with the problem of content and combining two types of documentation (documentation on land management and urban planning) into one type.

Analysis of the latest research and publications.

Spatial or territorial planning is a rather broad and interesting concept that has

long attracted attention, and with the adoption of Law No. 711-IX, it has become widely relevant to a number of scholars. Dorosh, O. researched and proposed methodological principles of institutional environment formation, paying great attention to the development and planning of foreign countries and was able to propose a hierarchical structure of territorial planning [7]. Lakhotska, E. studied territorial planning in terms of comparison with European countries [14]. Stepaniuk, A. and Kuntsli, R. studied the issue of spatial planning as a new type of documentation, considering its main problems and prospects [19]. Stupen, R. and Stupen, O. studied spatial planning as a tool for effective territory management, focusing on the prospects for community development [20]. A number of scientists: Tretiak, A., Tretiak, V., Tretiak, N., Pryadka T. studied the topic of spatial planning, theoretical and methodological foundations, and showed the system of territorial and spatial planning on the example of European countries [21]. At the same time, foreign scholars began to actively study the issue of spatial planning of the territory at the beginning of the 21st century. A number of German scientists: Amler, B., Bötke, D., Eger, H., Erich, C., Kohler, A., Kutter, A., A., von Lossu, A., Müller, U., Seidemann, S., Sterer, R., Zimmermann W. were able to thoroughly study the issue of land use planning and proposed methods, strategies and tools for its implementation, taking into account all the interests of the parties and providing examples of land formations [1].

The aim of the study.

To study the impact of spatial planning on the efficiency of land management in territorial communities.

Materials and methods of scientific research.

In the course of the scientific research on the application of spatial planning as a tool for land management, monographic, abstract and logical, calculation, and comparative methods were used.

The monographic method was used to study the changes in the legislation of Ukraine introduced by Law No. 711-IX in the field of urban planning and land management.

Using the abstract and logical method, the author analyzed the logical interrelationships that have arisen in the areas of land management and urban planning, highlighted the main features of Law No. 711-IX, its prospects and shortcomings.

Using the calculation method, the author assessed the status of development of the comprehensive plan with regard to the occupied territories.

The comparison identifies the main changes in the country's legislation since the entry into force of Law No. 711-IX.

Research results and discussion.

Spatial planning of community territories is currently one of the most important activities for managing land within a community. The relevance of spatial planning is undeniable, because after the formation of communities, local governments are interested in organizing their territories, effective land management and promising, economic, investment-based development of territories [21], which will have a positive impact on community budget revenues in the future.

Therefore, the issue of improving the provisions of spatial planning and developing a clear model of the planning structure has arisen. This will not only increase the budget of communities through taxation, but also increase the investment attractiveness of the territory. In the field of urban planning and land management, Law No. 711-IX came into force on July 24, 2021 [8]. The adoption of this regulatory act introduced a novelty to the Law of Ukraine “On Regulation of Urban Development” and such concepts as “Comprehensive plan of spatial development of territories of the territorial community” is urban planning documentation at the local level and, at the same time, land management documentation that establishes the planned location and functional purpose of land, the main principles and directions of formation of the community's public service system, road network, engineering and transport infrastructure, engineering training and improvement, civil protection of the public, land protection and other components of the surrounding natural resources, formation of the ecological network, protection and preservation of cultural heritage, as well as the sequence of implementation of decisions, including the phased

development of the territory [10].

Having studied the amendments to the Law of Ukraine “On Regulation of Urban Development” No. 3038-VI, it is clear that of the laws that have been amended with the entry into force of Law No. 711-IX, it is Law No. 3038-VI that has undergone the most significant changes. Among the main changes:

1. Introduction to the concept of a comprehensive plan and its purpose;
2. Combining the types of work on the creation of a master plan, a zoning plan, a detailed plan of the territory into a single documentation - a comprehensive plan;
3. Restrictions on the use of land determined by the comprehensive plan are subject to registration in the urban planning cadaster and the State Land Cadaster;
4. Creation of a geospatial data base;
5. Entering information into the State Land Cadaster on the functional zone will be carried out on the basis of the approved comprehensive plan;
6. The general and detailed plans of the territory become an integral part of the comprehensive plan;
7. The comprehensive plan will be developed for the entire community;
8. The term of validity of the comprehensive plan is not established, but based on the results of urban planning monitoring, it is subject to amendments no more than once a year.

Article 20 of the Land Code was amended to provide that the category and type of land designation will be established in accordance with the functional purpose determined by the comprehensive plan. Article 60 stipulates that the width of the coastal protection strip will be established in accordance with the information of the comprehensive plan of the settlement, and in the absence of such, if their boundaries are not established by urban planning documentation, for seas, bays, estuaries - 100 meters wide along the water's edge, while for other water bodies in accordance with Part 2 of Article 60 of the LCU. Article 79 provides that the formation of land plots may be carried out according to approved comprehensive plans [11]. Based on Article 147, in order to satisfy the interests of the state and communities, owners of real

estate, on the basis of information determined by the comprehensive plan, compulsory alienation of land plots for reasons of public necessity is permissible [11].

The main changes to the Law of Ukraine “On Land Management” include the following:

- A comprehensive plan is a special type of land management documentation that is public and generally available;

- Urban planning documentation and land management documentation are combined, which are jointly called a comprehensive plan and are documentation at the local level;

- The term of implementation of the comprehensive plan is not limited to 6 months;

- The comprehensive plan may form communal land plots and enter information on plots of all forms of ownership formed before 2004 into the State Land Cadaster [8].

According to Resolution No. 632 of 09.06.2021 “On Determining the Format of Electronic Documents of the Comprehensive Plan for the Spatial Development of the Territory of the Territorial Community, the Master Plan of the Settlement, the Detailed Plan of the Territory”, the comprehensive plan is developed in the form of an electronic document that contains a package of files in the format of the File Geodatabase (GDB) or JavaScript Object Notation (GeoJSON) [18].

The law has a number of advantages, including updating urban planning documentation, transferring it into electronic form, simplifying the procedure for changing the designated purpose, granting urban planning documentation the status of land management documentation[5], and rational use of agricultural land, while scientific practice recommends combining ecological and landscape and ecological and economic approaches to land management, this system will also help assess the state of resources[2] and understand the prospects for use. Therefore, spatial planning is one of the essential attributes of management activities. After all, thanks to the updated planning, mapping framework and programs, it is possible to use resources

more efficiently at all levels and types of activities to ensure quality of life, protect cultural heritage and meet community needs [14].

The main objective of the decentralization reform is to create capable territorial communities that are able to solve local issues on their own, using their own resources, where spatial development is a key and integral part. Given the martial law in the country, which has been in place for more than 2 years, communities should pay special attention to controlling the rational use of land resources in the post-war period. After all, the state authorities have provided for restrictions on the regulation of land relations, but have also significantly simplified the system of land relations regulation [6]. Spatial planning for communities is a way to improve their performance and investment development [12]. However, the spatial planning process has not been fully operational. Some authorities believe that the development of a comprehensive plan is not the most important issue during martial law. However, it is worth noting that the state is in extremely difficult conditions, so given the critical state of the economy, communities should look for sources of new income through effective and rational land management.

There is a widespread opinion among local governments that the development of a comprehensive plan is not an important issue, while others believe that it is very expensive. However, analyzing the data available to communities, we have a number of problems: outdated, poor-quality cartographic basis; unclear boundaries of communities and settlements; lack of quality land records; incorrect land cadaster data, which does not allow for complete information; lack of normative monetary valuation; lack of cooperation between departments and research organizations to share experience and improve skills. These shortcomings do not allow for a full assessment of the community's capabilities and prospects, while the elimination of these shortcomings is covered by the high cost of work.

Analyzing open data on communities that understand the need and want to develop a comprehensive plan, we see that most communities, which is almost 90%, are afraid of something new, do not see prospects for completion of the work, or are simply not interested in developing their territories.

After examining the data from <https://prozorro.gov.ua>, services in the field of urban planning, namely spatial planning of the territory, from July 2021 to January 2024, 21 proposals for the development of comprehensive plans for spatial planning of the territory were published, of which 16 were able to conclude a contract for the performance of work [3] (Figures 1, 2).

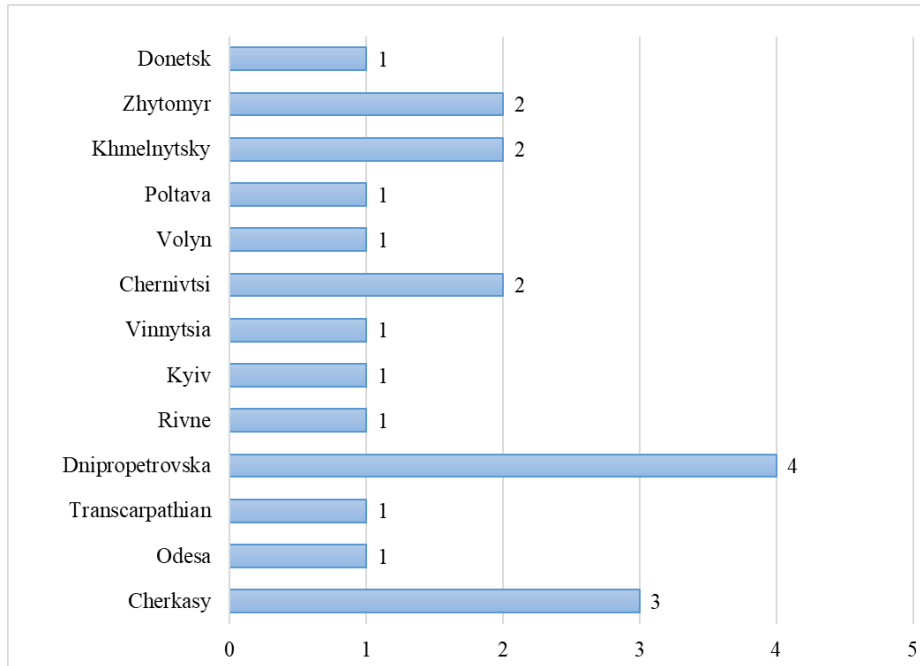


Figure 1. Oblasts with the number of proposals submitted for the development of a comprehensive spatial development plan

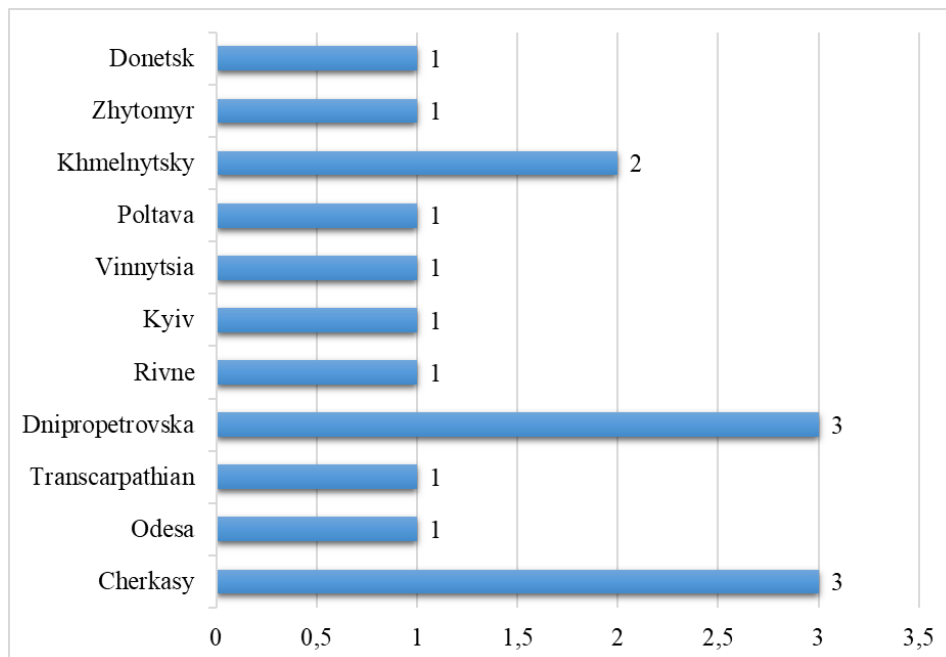


Figure 2. Oblasts that have signed a contract for the development of a comprehensive spatial development plan

At the end of the decentralization process, 1469 territorial communities were formed in Ukraine.

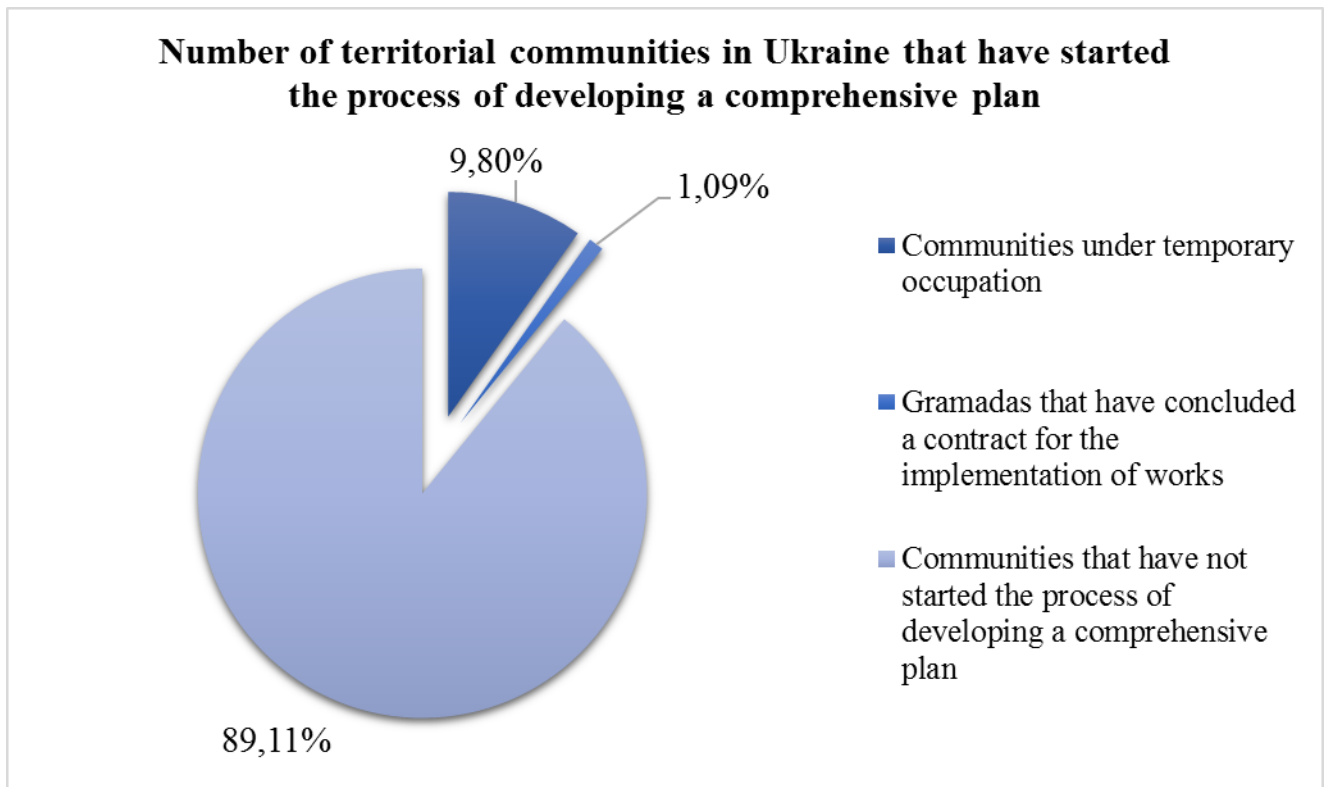


Figure 3. Percentage of territorial communities in Ukraine that have started the process of developing a comprehensive plan

According to the Ministry of Reintegration of the Temporarily Occupied Territories, 144 communities are under temporary occupation as of the end of 2023, which is 9.80%. Between 2022 and January 2024, 16 communities began work on creating a comprehensive plan, which is 1.09%. That is, 1309 communities, which is 89.11%, have not yet begun the process of developing a comprehensive plan.

It can also be assumed that the mechanism for developing spatial planning plans has not been fully operational due to the lack of awareness of local governments (Figure 3).

Local governments should understand the prospects and the need for high-quality spatial planning [16]. After all, communities are widely supported by European countries that have achieved efficient use of resources by their example, while taking into account the interests of citizens, maximizing profits and taking into account land protection issues. In the understanding of foreign colleagues, an

integrated approach to spatial development is an approach that takes into account all factors that may affect the spatial development of a particular territory, regardless of their nature (natural factors such as climate change or natural hazards, human activities, such as those related to private investment or social/cultural behavior, government policy in various areas, etc.) The integrated approach takes into account the coherence of state (sectoral) policies that have a clear impact on the territory in order to ensure a high degree of territorial cohesion and avoid such disadvantages as insufficient synergies, suboptimal effects of resource allocation and production [5].

A comprehensive plan should be developed for the entire territory of the respective community [15]. The documentation includes a large amount of information, which, combined with land management and urban planning documentation, is a more economical option for planning and organizing the community's territory. The advantages of the existing thematic sections of the spatial plan can be found in Figure 4.

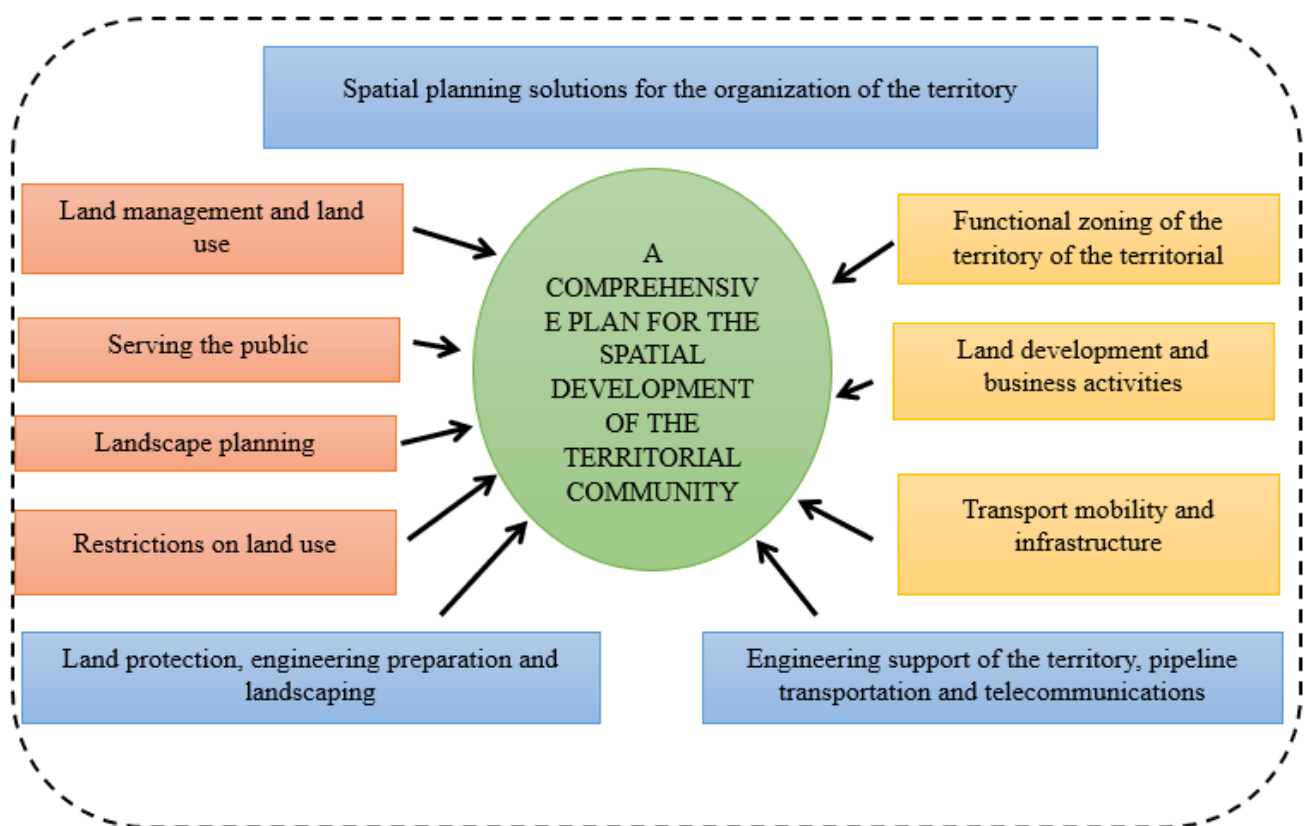


Figure 4. Sections of the comprehensive plan

The main legislative and regulatory acts in the development of a

comprehensive plan can be found in Figure 5.

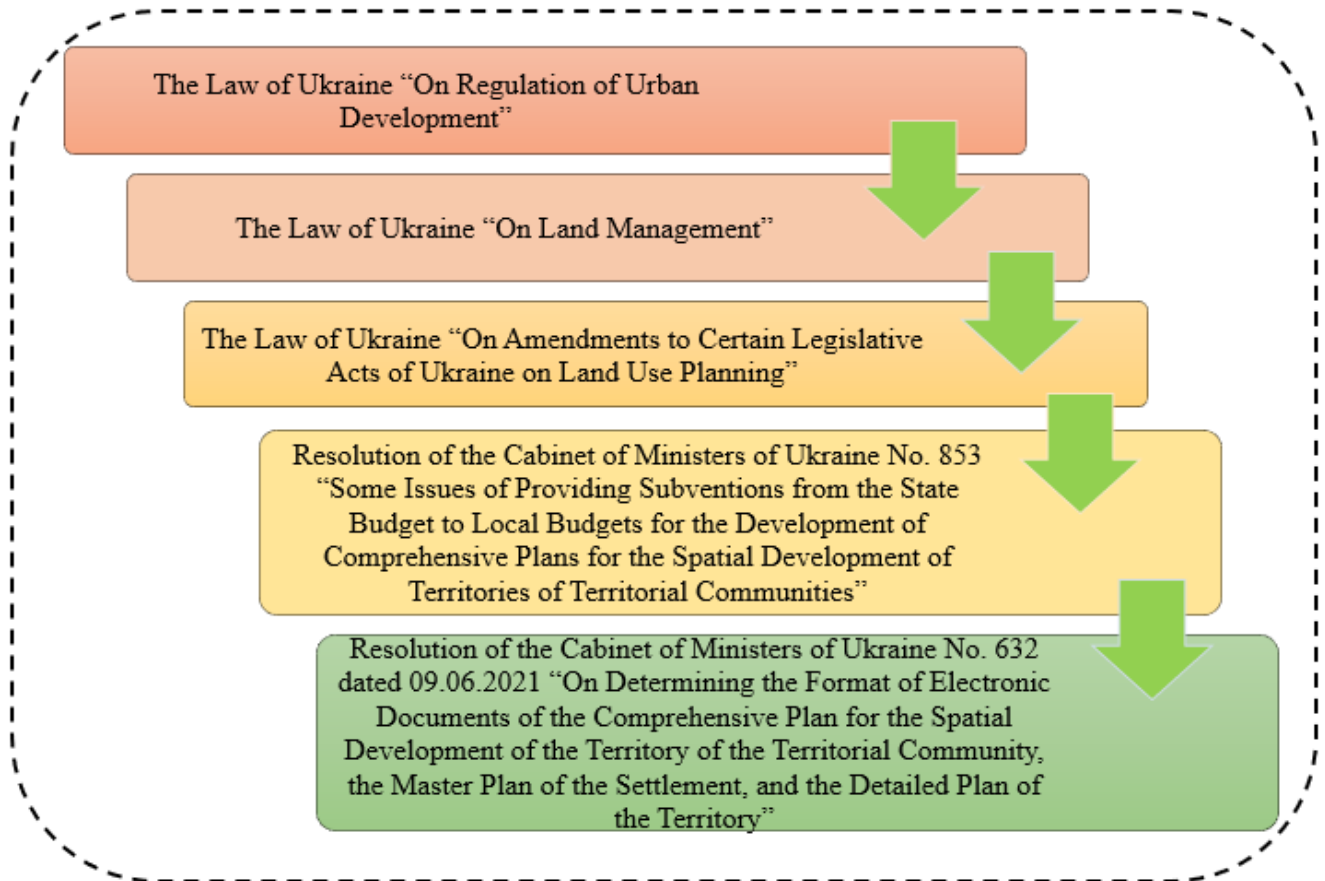


Figure 5. Legislative and regulatory acts in the development of a comprehensive plan.

The comprehensive plan includes spatial planning decisions on the organization and prospective use of community land, which is based on an analysis of land resources available within the community and provides it with a mechanism for integrated growth with further resolution of problematic and conflict issues, while adhering to the principle of balancing state, public and private interests. Coordinated management decision-making on the unified spatial development of the community's settlements, taking into account the settlement system and the territory beyond its borders, is also provided for in the comprehensive plan.

Spatial planning is a very voluminous type of documentation that combines a large amount of information and types of documentation, which can be found in Figure 6.

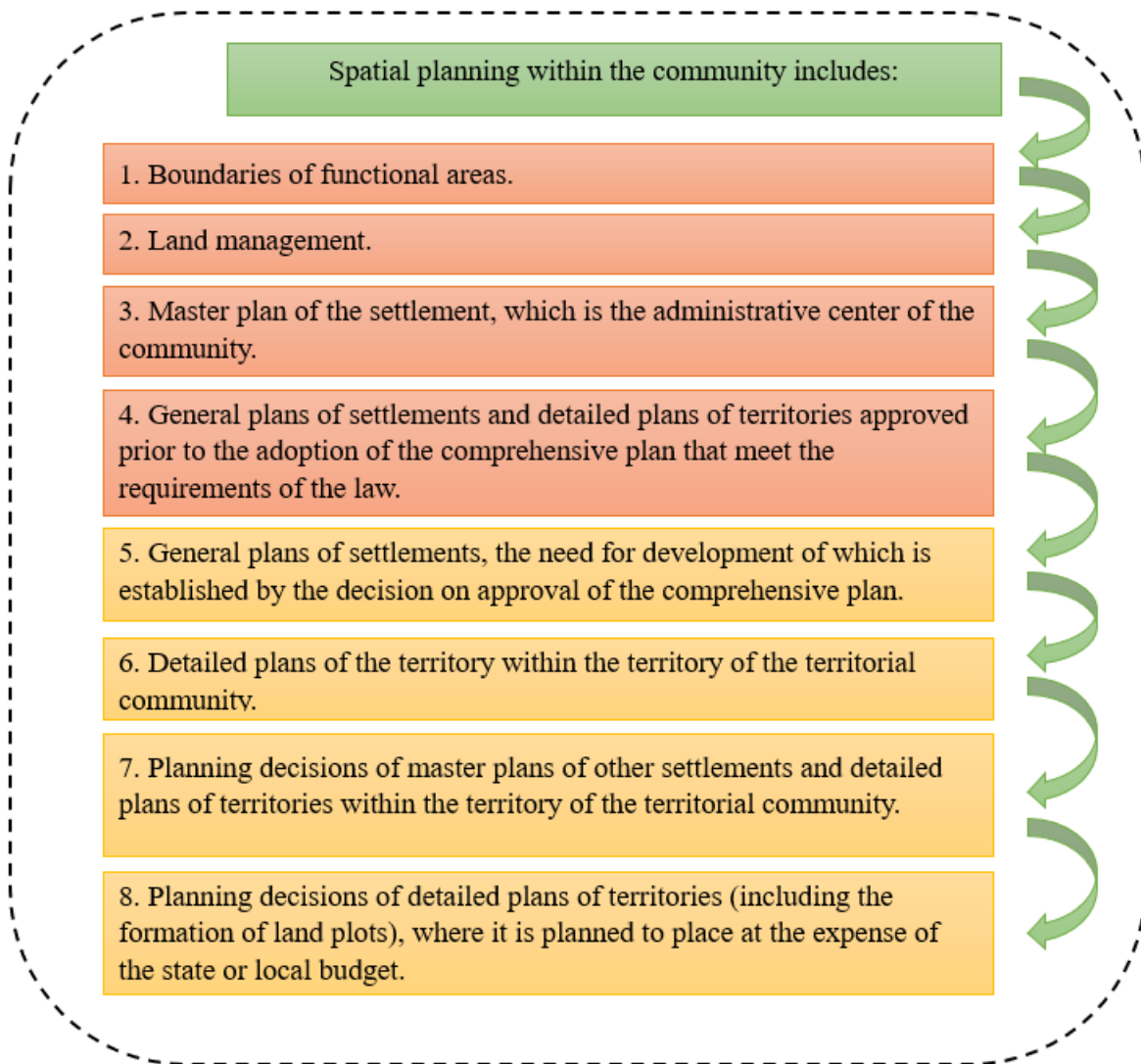


Figure 6. Information included in spatial planning.

Schematically, the combination of types of documentation in a comprehensive plan looks like this:

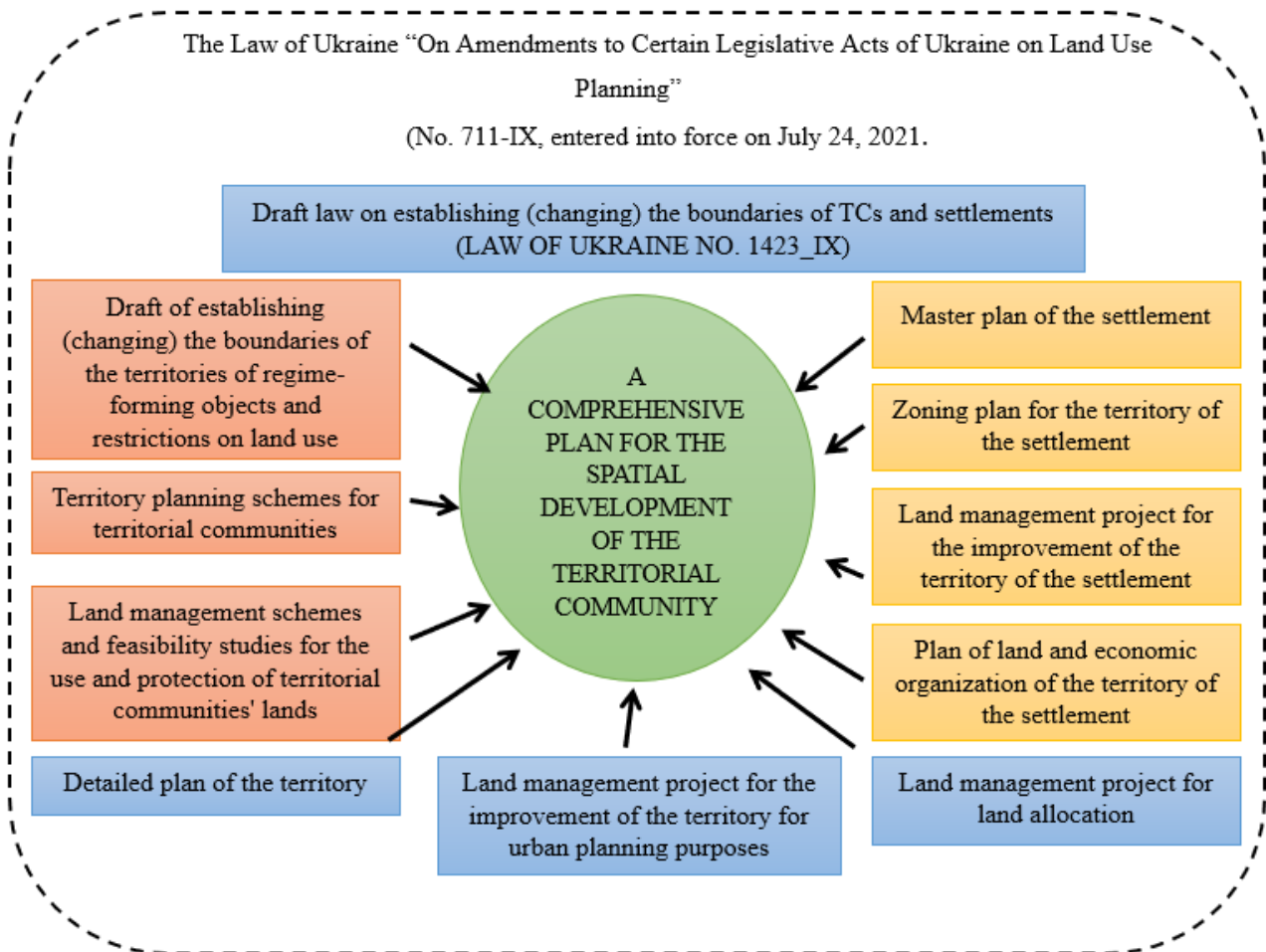


Figure 7. Scheme of combining types of documentation in a comprehensive plan.

Thus, a comprehensive plan covers all areas of community activity and includes planning decisions on the future use of all community lands. Therefore, the development of a comprehensive plan is an integral part of ensuring sustainable development for communities.

By developing a comprehensive plan, the council receives: a holistic spatial development plan for the entire community. The spatial and socio-economic development of the territory, which makes it possible to strategically identify priority tasks. As already noted, combining the urban planning and land management parts significantly streamlines documentation and saves the community money. Update and actualize the geospatial database. Publication of work materials on the website and geoportal, which reduces the time spent searching for plots, makes them all accessible, involves citizens in decision-making and reconciles the interests of owners. Territory management and possession of information on vacant land makes

the community attractive for investment, which in the future has a positive impact on the community budget. The possibility of changing the designated purpose of land also affects community investments. Providing a kind of transparency in the decision-making process.

Thus, coordinated land management planning is a process that determines sustainable land use decisions through dialogue, taking into account the interests of stakeholders, based on joint initiatives and control. This makes it certain that rational spatial planning plays a key role in building an integrated community resource management system [13]. After all, scientists in the field of land management, as well as based on the practices of foreign countries, have repeatedly found that effective spatial domination will contribute to the functioning of an effective management system. In the opposite direction, ineffective management will generate poor quality of management decisions, which will lead to a decrease in community capital and living standards.

The spatial planning tool is not only an analysis of the community's existing materials, it is a process of spatial and strategic planning that allows modeling and forecasting various situations in different areas of activity. It is an opportunity for the community to organize its processes: strategic, planning, economic, and budgetary, which gives the community confidence and the ability to exercise its powers as effectively as possible.

In the course of spatial planning, communities have a complete assessment, with up-to-date cartographic materials, of all land resources of the community, which allows them to determine the prospects for land use and protection, organization and rational use of land, and redistribution of land in accordance with its purpose. When achieving rational land management based on the principles of social justice and economic viability, social decision-making processes are set in motion, which encourages the formation of decisions taking into account the protection of private, communal and state-owned land.

Thus, spatial planning is a key resource for territorial planning of natural resources, allowing to solve a number of governmental tasks, issues and needs of the

community in the course of resource assessment and the most efficient management of territories, taking into account the needs of community residents and maximizing the profit from the territories, taking into account the rational use and protection of land.

Conclusions and suggestions.

The creation of a comprehensive plan is a rather large-scale, community-wide and progressive step in the development of a community that will be able to intensively plan the use of community land. Spatial planning is key to building an effective land management system and implies coordinated planning based on a dialogue with all stakeholders. Therefore, the development of a comprehensive plan is an urgent issue for a community that wants to use land efficiently, have information about all resources, with the prospect of using them and increasing the budget.

The adoption of Law No. 711-IX is one of the most effective levers for managing the territory. Based on the thematic sections of the comprehensive plan, it is possible to conduct an in-depth analysis of the problems and advantages of the territory, identify development priorities and measures to avoid possible potential threats to the community, and balance the interests of the authorities, business and the community. By carrying out this type of activity, the community will be able to assess all the opportunities and prospects of the territory, which will allow it to manage resources effectively in the future.

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ПРОСТОРОВЕ ПЛАНУВАННЯ ЯК ІНСТРУМЕНТ УПРАВЛІННЯ ЗЕМЕЛЬНИМИ РЕСУРСАМИ У ТЕРИТОРІАЛЬНИХ ГРОМАДАХ

У статті досліджено актуальні питання просторового планування земель територіальних громад. Проаналізовано нормативно-правові акти, а саме: Земельний кодекс України, Закон України «Про внесення змін до деяких законодавчих актів України щодо планування використання земель», Закон України «Про регулювання містобудівної діяльності», Закон України «Про землеустрій», Постанове КМУ «Деякі питання надання субвенції з державного бюджету місцевим бюджетам на розроблення комплексних планів просторового розвитку територій територіальних громад», Постанове КМУ «Про визначення формату електронних документів комплексного плану просторового розвитку територій територіальної громади, генерального плану населеного пункту, детального плану території».

Проаналізовано причини, які спровокували процес затягування повноцінного функціонування управлінських структур у територіальних громадах та розроблення запуску комплексних планів просторового планування території.

Проаналізовано дані Веб-сервісу «Прозоро» в розрізі «Послуги у сфері містобудування», вид документації – комплексний план просторового розвитку

території територіальних громад.

Досліджено склад проектної документації з просторового планування використання ресурсів у територіальних громадах та обґрунтовано її вплив на ефективність управління громад.

Обґрунтовано необхідність проведення комплексного планування у територіальних громадах та визначено перспективи створення бази даних під час комплексного планування території громади.

Визначено, що просторове планування є дієвим інструментом управління земельними ресурсами у територіальних громадах України.

Ключові слова: *комплексний план просторового розвитку, землевпорядна документація, містобудівна документація, земельні ресурси, просторове планування, інструмент управління, територіальна громада, управління земельними ресурсами.*