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BSR INTERREG III B Project

"COMMIN - Promoting Spatial Development by Creating COMMON MINDscapes"

Comparison of Planning Systems

Table 1: The national constitutions and planning systems

Sub-theme	1 Planning legislation	2 State-municipal division	3 Main responsibilities: state, regional and municipal planning agencies			4 Access to public authority matters
Question	Which types of by-laws exist outside the central legislative council(s) of the state and by whom are they adopted?	Which constitutional principle(s) regulating state-municipal relations exist and what is it called?	What are the main responsibilities of the state, the regional and the municipal planning agencies? (answers sorted by the three levels)			The people's right to be informed and their right to give their voice: Are they defined as constitutional rights and what is the name for that principle?
Country						
BELARUS	No by-laws exist outside the central legislative council(s) of the state.	State-municipal relations are regulated by self-government = Councils of Deputies; Municipal council.	Main responsibilities of the state: Comprehensive planning, specialized (sectoral) planning at the national level.	Main responsibilities of the regional planning agencies: Comprehensive planning, specialized (sectoral) planning at the regional level.	Main responsibilities of the municipal planning agencies: Comprehensive planning, specialized (sectoral) planning at the local level; detailed planning.	Yes. The constitutional right is the Public information principle.
DENMARK	No by-laws exist outside the central legislative council(s) of the state.	State-municipal relations are regulated by the municipal autonomy (municipal government) and at national level by the Minister for the Environment.	Main responsibilities of the state: Comprehensive planning; Principles and framework for planning (national planning) , Sectoral planning.	Main responsibilities of the regional planning agencies: Comprehensive planning (regional spatial development planning) and Sectoral planning.	Main responsibilities of the municipal planning agencies: Comprehensive planning (municipal planning) and Sectoral planning.	Yes. The constitutional right is the Public information principle.



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Country						
ESTONIA	No by-laws exist outside the central legislative council(s) of the state.	State-municipal relations are regulated by municipal self-government - all local issues shall be resolved and managed by local governments.	Main responsibilities of the state: legislative framework for planning; provision of national planning guidelines by initiating, preparing and adopting the National Spatial Plan; supervision over the preparation of county plans.	Main responsibilities of the regional planning agencies: initiation, preparation and adoption of county plans; supervision over the preparation of comprehensive plans and detailed plans; concertation of the National Spatial Plan.	Main responsibilities of the municipal planning agencies: initiation, preparation and adoption of comprehensive plans and detailed plans; concertation of a county plan.	Yes. It is a duty to provide information about the activities of state agencies, local governments, and their officials - public disclosure; public display of plan; the right to address state agencies, local governments, and their officials with memoranda and petitions - presenting proposals and objections during a planning process; exercising the supreme power of state by electing the Riigikogu; electing local councils of cities and rural municipalities.
FINLAND	There are by-laws which are adopted by the building ordinance (a statutory local municipal code).	State-municipal relations are regulated by municipal self-government.	Main responsibilities of the state: National interest, national guidelines, sectoral planning.	Main responsibility of the regional planning agencies: Comprehensive plan.	Main responsibility of the municipal planning agencies: Sectoral plan.	Yes. The Right of access to information (PerL) and Participation in policy-making (Hall) are constitutional rights.



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Country						
GERMANY	There are by-laws which are adopted by the council and ordinances which are adopted by officials.	Principles regulating state-municipal relations are local self-government, local planning autonomy and mutual feedback principle.	Main responsibilities of the state: guiding principles for spatial planning and for urban development (national level) , principles of spatial planning , guidelines of spatial planning , sectoral planning.	Main responsibilities of the regional planning agencies: state (Länder) and regions: spatial structure plans (federal states level), sectoral planning.	Main responsibilities of the municipal planning agencies: Urban land-use-planning contains preparatory land-use plan , binding land-use-plan , urban development plan.	Yes. The constitutional right is the obligation to provide information and obligation to participation.
LATVIA	There are by-laws existing (Binding regulations) which are adopted by the local councils.	There is no principle regulating state-municipal regulations in the constitution, but in law. It is called subsidiarity principle.	Main responsibilities of the state: Single programming document.	Main responsibilities of the regional planning agencies: Comprehensive planning.	Main responsibilities of the municipal planning agencies: Comprehensive plan.	Yes. The constitutional right is the Public information principle.
LITHUANIA	By-laws do not exist for legislating laws, but for passing the resolutions and decrees (postlegal acts). The by-laws consist of regulations and schedules and are adopted by officials.	The principles regulating state-municipal relations are: 1. State supports the municipalities. 2.Municipalities act free in the frames of laws.	Main responsibilities of the state: 1. Passing the Laws and Planning Regulations; 2. Supervision the regional planning. 3. National appeal authority 3. Organising the preparation of general (comprehensive) and special plans of national level.	Main responsibilities of the regional planning agencies: 1. Organisation of preparation of the general (comprehensive) and special regional plans; 2. Supervision of the municipal planning, 3. Regional appeal authority	Main responsibilities of the municipal planning agencies: Organisation of preparation of municipal general (comprehensive), special and partly - the detail plans.	The constitutional right is a principle that the searching, getting and the distribution of the information by the people can not be disturbed. This right can be limited only by law (The 25th paragraph of Constitution).



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Country						
NORWAY	There are two by-laws: the subordinate legislation is adopted by officials of the central government administration and the articles of association are adopted by the municipal council.	State-municipal relations are regulated by the municipal autonomy.	Main responsibilities of the state: Sectoral planning.	Main responsibilities of the regional planning agencies: Comprehensive Community planning, Sectoral planning.	Main responsibilities of the municipal planning agencies: Comprehensive Community planning.	Yes. The constitutional right is the Public information principle.
POLAND	There are by-laws existing which are adopted by the local councils.	There are three levels of self-government regulating state-municipal relations, named territorial self-government.	Main responsibilities of the state: Single programming document.	Main responsibilities of the regional planning agencies: Obligatory spatial and management plan.	Main responsibilities of the municipal planning agencies: Obligatory spatial and management plan.	Yes. The constitutional right is the Public information principle.
RUSSIA	By-laws exist in the form of regional laws and municipal by-laws. They are adopted by municipal councils.	State-municipal relations are regulated by municipal self-government.	Main responsibilities of the state: Territorial planning for large areas, federal laws, technical regulation.	Main responsibilities of the regional planning agencies: Territorial planning for region, regional laws and recommendation concerning urban development standards.	Main responsibilities of the municipal planning agencies: Master plans, zoning ordinances, land (detailed) planning, municipal recommendation concerning urban development standards.	Yes. There is a constitutional right to be informed on environmental matters, called public participation right.



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Country						
SWEDEN	As laws, by-laws can only be decided by the parliament in the field of planning.	State-municipal relations are regulated by municipal self-government.	Main responsibilities of the state: national interests, sectoral planning.	Main responsibilities of the regional planning agencies: Guiding and scrutinizing Municipal comprehensive plans concerning national interests.	Main responsibilities of the municipal planning agencies: Comprehensive planning, legally binding detailed planning.	Yes. The constitutional rights are the Principle of free access to official documents (offentlighetsprincipen) and the Principle of citizens participation in planning.



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Comparison of Planning Systems

Table 1: The national constitutions and planning systems

Sub-theme	5 Property rights	6 Public rights to the use of land	7 Settlement system categories for planning (with legal consequences)	8 Groups to be prioritized in planning
Question	Does the constitution protect property rights against public intervention and what is the constitutional principle in case of public taking?	Is there a general access to land and water and is there a specific right for it?	Which are settlement system categories with legal consequences for planning for urban, for rural and/ or for special areas? (answers sorted by the three levels: for urban areas, for rural areas, for special areas)	Is planning meant to give favour to particular groups of the population and if so, which groups are favoured?
Country				
BELARUS	No, the constitution does not protect property rights against public intervention. In case of public taking the principle of compensation or expropriation is applied.	The public right to the use of land is called Everyman's right: a free right of access to the land and waterways, etc.	The settlement system categories with legal consequences are: For urban areas: National Settlement System; Urban agglomeration/ area; Urban/urbanised structure; Urbanization/ urban sprawl ; Urban structure; Urban areas; large/ medium-sized city. For rural areas: Rural areas, Rural settlements. For special areas: Rural/cottage area/ territory; Protected nature areas.	Planning is meant to give favour to physically handicapped people and villagers.
DENMARK	No, the constitution does not protect property rights against public intervention. In case of public taking the principle of expropriation (followed by compensation) is applied.	There are specific rights for public access to and use of land and water following the Road Traffic Act.	The settlement system categories with legal consequences for planning for urban areas are: Urban zones; for rural areas: Rural zones and for special areas: Summer cottage areas.	Planning is meant to give favour to property owners, neighbours and specific groups of users as well as mobilityimpaired people (accessibility).



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Country				
ESTONIA	Property may be expropriated without the consent of the owner only in the public interest, in the cases and pursuant to procedure provided by law, and for fair and immediate compensation. Everyone whose property is expropriated without his or her consent has the right of recourse to the courts and to contest the expropriation, the compensation, or the amount thereof.	The public right to the use of land is called Everyman's right: a free right of access to the land and waterways, and to collect berries etc.	The settlement system categories with legal consequences are: For urban areas: Location in cities and towns makes the preparation of detailed plan mandatory for building activities in most cases, although there are certain exceptions described in Planning Act. For rural areas: In small towns and villages the preparation of detailed plans is mandatory only for clearly delimited built-up parts of the settlements. For special areas: The preparation of detailed plans is mandatory only for clearly delimited built-up parts of the settlements in small towns and villages.	An owner of land and the owners of a land in neighbouring areas should be informed in a more personal and formalized way (by way of registered letter) during the planning process, compared to other interested persons.
FINLAND	Yes, the property of everyone is protected by the constitution. In case of public taking, the principle of expropriation for public needs against full compensation, is applied.	The public right to the use of land is called Everyman's right: a free right of access to the land and waterways, and to collect berries etc.	There are no settlement system categories with legal consequences for planning for urban areas and for rural areas, but for special areas (protected nature areas).	Planning is not meant to give favour to particular groups of the population.



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Country				
GERMANY	Yes, the constitution protects property rights against public intervention. In case of public taking the principle of expropriation for public needs against full compensation, is applied.	There is a general access to public land, if there are no other regulations, but not to private land. A specific right for a general access does not exist.	The settlement system category with legal consequences for planning for urban areas is the central-place system at national level as guideline) and for rural areas the central-place system at national level as guideline) as well. For special areas, the settlement categories are metropolitan areas and protection areas.	Planning is not meant to give favour to particular groups of the population.
LATVIA	Yes, the constitution protects property rights against public intervention. The constitutional principle in case of public taking is the compensation principle.	There is a public right to out-door access and activities named 'Towpath'.	There are no settlement system categories with legal consequences for planning for urban areas and for rural areas, but for special areas (protected nature areas).	Planning is not meant to give favour to particular groups of the population.
LITHUANIA	Yes, the constitution protects property rights against public intervention. "Property may be taken over only for the needs of society according to the procedure established by law and shall be justly compensated for." (Article 23)	The general access to land and water is limited: only the public recreation objects, the nature and cultural heritage complexes and strand protection strips are generally accessible. The access is regulated by the Law on Land.	There are no settlement system categories with legal consequences for planning for urban areas and for rural areas, but for special areas: The Law on Land subdivides land use into five "principle specific purposes of land use": 1) land designated for agricultural purposes; 2) land designated for forestry purposes; 3) land designated for water purposes; 4) land designated for conservation purpose; and 5) land designated for other purposes.	Planning is not meant to give favour to particular groups of the population.



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Country				
NORWAY	No, the constitution does not protect property rights against public intervention, but expropriation will need specific legal justifications. The principle in case of public taking is called compensation principle.	There is a public right to out-door access and activities.	There are no settlement system categories with legal consequences for planning for urban areas, only regarding regulations for certain kinds of protection, e.g. Shore belt protection. There are neither settlement system categories for rural areas and for special areas.	Planning is meant to give favour to children's environment.
POLAND	Yes, the constitution protects property rights against public intervention. The constitutional principle in case of public taking is the compensation principle.	There is no right for a general access to land and water.	There are no settlement system categories with legal consequences for planning for urban areas and rural areas, but for special areas: Protected nature areas, closed areas.	Planning is not meant to give favour to particular groups of the population.
RUSSIA	Yes, the constitution protects property rights against public intervention. In case of public taking, the principle of compensation is applied.	There is a general access to public space but no specific right.	The settlement system categories with legal consequences are: For urban areas: Urban areas; For rural areas: Areas of rural settlements; For special areas: Areas for dachas (summer cottages) and garden-lots.	Planning is meant to give favour to handicapped people only.



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Country				
SWEDEN	Yes, the constitution protects property rights against public intervention. In case of public taking the principle of expropriation for public needs against compensation is applied.	It is regulated in the right of public access: Everyone has the right to cross and stay on another's land and water areas and to collect wild berries, mushrooms and non-protected flowers.	There are no settlement system categories with legal consequences for planning for urban, for rural and/ or for special areas.	Planning is not meant to give favour to particular groups of the population.