I. Constitutional System of Latvia

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Introduction

Latvia lies in northwest of the Eastern Europe lowland near the Baltic Sea. Latvia borders with Estonia in the North, Russian Federation in the East, Belarus in the South East and Lithuania in the South and has sea border with Sweden in the West.

The size of country’s total area is 64 589 km². In summer the average temperature is 15.8°C and in winter time it is -4.5°C. At the beginning of 2007 Latvia had 2281,3 thousand inhabitants. In recent years depopulation of inhabitants is very characteristic for Latvia – the number of population has decreased for about 300 thousand or more than 10%. Density of
population is 36 people per km². Capital city dominates the country - about half of its population or 1148 thousand inhabitants live in functional Riga city-region.

Latvia is market economy oriented country. After regaining independence Latvia experienced rapid structural changes - in 2000 primary sector gave not more than 5% from the produced value, secondary sector – 25% and tertiary sector or services dominates the economy with 70% from the produced value. In 2005 GDP was 11,1 thousand EUR and it increases on average more than 8% per year.

I. Constitution, government and state administration

1. Constitutional system

Satversme is the constitution of the Republic of Latvia. It includes basic constitutional principles – sovereignty, rule of the people, division of state power, law based state and basic human rights. The Constitution states that Latvia is independent democratic republic the territory of which is defined in international agreements. The state power is owned by the nation. Latvian parliamentary regime is strictly formulated as democratic and republican where the main legislative power is owned by Latvian Parliament (Saeima).

The Constitution is characterised by strong parliamentarian power, weak presidential institution, strict order of changes in the Constitution – any changes shall be supported by two thirds of parliamentarians or vote of the nation. The Constitution includes prevention and counteraction principles. It envisages wide opportunities for the nation to participate in legislation and in solution of conflicts between powers. Two institutions have legislative power - nation itself or entirety of citizens and representative institution – the Parliament. The Cabinet of Ministers and the President represent executive power. State administration institutions are subordinated to the Cabinet of Ministers. The Parliament elects the President of the State, expresses the trust to the Cabinet of Minters and controls its activities. Parliamentarians are responsible for activities of the Cabinet of Ministers and for each minister individually. Person invited by the President forms the government. Independent legislative power is fixed in the Constitution as well as independent and collegiate institution of the State Control.
The Constitution’s Chapter 8 on human rights defines that the State recognises and protects fundamental human rights in accordance with Constitution, laws and international agreements mandatory to Latvia. The Constitution, Chapter 8 states equality of individuals before the law and the court, rights to freedom, life and immunity of private life. It fixes also the most essential political rights to communication and freedom of expression as well as rights to assemble and freedom of peaceful political activity. Several articles are essential for spatial planning including such legal regulations as “everyone has the right to defend his or her rights and lawful interests in a fair court … (Article 92); “everyone residing lawfully in the territory of Latvia has the right to freely move and to choose his or her place of residence…” (Article 97); “everyone has the right to freedom of expression …” (Article 100); “every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government…” (Article 101); “Everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply…” (Article 104); “everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation” (Article 105); and “the State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment” (Article 115).

Constitutional Court acts in the framework of the Law “On Constitutional Court”. It deals with cases on correspondence of laws, signed or contracted international agreements of Latvia, decisions of the Parliament, legal acts of the Cabinet of Ministers, laws and regulations of the President, the Chairman of the Parliament and the Prime Minister as well as those of municipalities and their correspondence to the Constitution. Furthermore, the Constitutional Court deals with issues of mutual hierarchy between laws and regulations. The Constitutional Court is competent to declare laws or other legal acts or their parts as invalid.

Relevant legislative acts and institutions

The Constitution of the Republic of Latvia (adopted by Joint Constitution Setting Meeting of Latvia on 15.02.1922), link to the text in English:
1.2 History of constitutional system

After attrition of Russian Imperia due to the 1st World War and revolution, on 18 November 1918 Latvia declared it as an independent republic. It was done by the National Council. National Council’s Political Platform that was adopted on 18 November 1918 defined the model of founding state in Latvia territory - 1) a republic based on democracy principles and 2) Latvia as associated, independent and sovereign State in the Union of Nations.

National Council’s Political Platform stated also a political and economic system of the country, national defence, rights of other nationalities – cultural and national rights, political freedoms of press, expression, meetings and assemblies. Election of local authorities was built on the same principles as election of the Constitutional Assembly. It was defined that the National Council is represented by political parties, national minorities and administrative areas of Latvia. On 19 August 1919 during its meeting the National Council adopted “The Law on Election of Latvian Constitutional Assembly”. As a result the elected Constitutional Assembly became the first elected parliament of the Republic of Latvia. The Constitutional Assembly was entrusted constitutional function of the state that means a parliamentary function. The Law provided that Constitutional Assembly shall be elected in general, equal, direct, by secret ballot and proportional elections. Latvian citizens of both genders had rights to participate in the elections if they had reached the age of 21 on the first day when election lists had been prepared and if they lived in Latvia at the time when voters lists were made. Elections of the Constitutional assembly were held on 17th and 18th April 1920 and there participated 80% of the electorate.

The Constitutional Assembly came together on its first meeting on 1st May 1920. It faced two major tasks: 1) it had to elaborate and approve the basic law of the state – the Constitution and 2) it had to develop agrarian reform and start its realisation. The text of the Constitution was prepared based on several best practices available at that time in Europe - constitutions of France, Switzerland and the Republic of Weimar were used as examples.
On 15 May 1934 operation of the Constitution was partly stopped as a result of coup of the state; however the constitution was formally effective. By this authoritarian regime the state of emergency was declared, political activity was prohibited, the Parliament and other assemblies were dissolved or did not function; press was subject to censorship, local authorities, labour unions and other associations were controlled. The unity of nation was central idea of propaganda. Irrespective to the agreement of mutual help, the USSR occupied Latvia on 17 June 1940 and took over the power. Marionette government was created and soon after the Sovietisation of the state was carried out. During German Nazi occupational regime (22.06.1941.-05.1945.) parliamentarian activities were not renewed.

By the USSR totalitarian regime the last democracy signs disappeared. Free will of the nation became impossible – all parties were forbidden, except from the communist party. Similarly, freedom of assemblies and expression were throttled. Institutions of legal power – Supreme Council and local deputy councils of working people acted formally and under strong control of the Communist Party. In 1978 formal principles of Soviet system were fixed in the Constitution of USSR, including rights to dissolve from the Soviet Union. The Soviet Constitution included a set of general human rights. The constitution was declarative as it was unrealistic to appeal its violation acts.

At the beginning of 1980, active part of Latvian nation started using these Soviet formal principles and state structure to restore a democratic power of the nation taking advantage of global communism crises and legitimate actions of perestroika and glasnost in the USSR. In the meantime from 4 May 1990 to 6 July 1993 together with efforts to restore democratic and independent Latvian State, the Constitution (Satversme) was gradually restored.

Constitutional law of the Republic of Latvia “On the status of the Republic of Latvia” stated renewal of the Constitution. It was adopted by the Supreme Council on 21 August 1991 taking into account declaration of 4 May 1990 “On Renewal of the Republic of Latvia”. Results of national polling of Latvia of 3 March 1991 and taking into account the fact that USSR constitutional state power and administration institutions stopped their activities on 19 August 1991 as a result of the state coup in the USSR. The Constitutional Law declared a renewal of the Constitution (Satversme). It stated that the highest state power had to be realised by the Supreme Court of the Republic of Latvia until dissolution of the occupation and annexation and the convocation of the Parliament (Saeima). At that time only laws and
decisions of highest state and administration institutions of the country were in force in the Republic of Latvia.

In general the Latvian Constitution adopted in 1922 has remained almost unchanged. The most essential amendment is the Chapter 8 “Basic human rights” that was added in 1998. In 2003 regulation on referendum due to participation of Latvia in European Union was added (Article 68).

1.3 Basic elements of Constitutional system

The constitution defines fundamental principles and rights of political system and structure of the parliament, president of the state and the Cabinet of Ministers as well as basic features of decision making processes. It states the main functions of the state - legislation, state finance, rule of law, state administration and control as well as national defence.

According to the principle of division of state power, legislative power belongs to the institutions of state representation - Latvian parliament or Saeima, entire nation and national referendum with participation of citizens having the right to vote.

Executive power is divided between the President and the Cabinet of Ministers having explicit duties including legislation functions. Independent courts realise jurisdiction.

The President nominates the person forming the Cabinet of Ministers. The Cabinet of Ministers require trust of the Parliament. The Prime Minister and ministers are responsible before the Parliament. The Prime Minster has to submit a governmental declaration and nominate the members of government.

The Cabinet of Ministers is responsible for its policy before the Parliament. If the Parliament supports the policy, the Cabinet of Ministers receives trust of the Parliament – this means consensus on the main political views and their realisation.

The Parliament controls the government. The parliamentarian commissions have rights to ask necessary information and explanations to ensure their work. They have right to ask and receive answers from ministers and municipal institutions as well as they are entitled to ask explanations to individual representatives of the ministries and local authorities.
The State President announces laws adopted by the Parliament, performs functions of the “upper house of the parliament” and initiates referendum for the reprieved laws.

**Parliament**

The Parliament is a representative institution of the nation formed by citizens of Latvia. It is one-chamber multiparty parliament that performs decision making functions. The parliament consists of one hundred parliamentarians who are elected on general, equal, direct, by closed ballot and proportional elections. Elections are held each four years and only Latvian citizens participate. Voters cannot recall elected individual members of the Parliament.

The Constitution of Latvia gives wide and diverse functions and authorities to the Parliament. It is responsible for management of legal, administrative and economic life of the state. Firstly, the Parliament performs legislative function – it approves the state budget, controls, elects, appoints and displaces officials. The Parliament realises administratively economic, defence, federative, legal (checking the powers of deputies as well as giving to trial parliamentarians or the State President) and other functions. The Parliament approves international agreements. With the trust of parliamentarians the Government, the Prime Minister and the President are appointed. Later for their activities the Government and the President are responsible before the Parliament.

Draft laws may be passed to the Parliament by the President, the Cabinet of Ministers, parliamentarian commissions, not less than five deputies as well as by one tenth of voters in the national elections according to cases envisaged in the Constitution.

Annually, the Parliament decides on the budget, the draft of which is presented by the Cabinet of Ministers. In case if the Parliament decides on issues that are connected with expenses not indicated in the budget - it has to provide funds from which these expenses will be covered.
Figure I.1.1: Political system of Latvia (modified Rajevskis and Rajevska, 1999)

Relevant legislative documents and institutions

Normative documents that regulate activities of the Parliament, link to texts in Latvian:
www.likumi.lv/?inc=tema.php&id=40

Rules of Parliamentary Procedure (28.07.1994), link to text in English:
www.saeima.lv/Likumdosana_eng/likumdosana_kart_rullis.html

Parliament of the Republic of Latvia (Saeima) www.saeima.lv

President of the State

President is elected by the Parliament for the period of four years in secret ballot with not less than 51 vote of the Parliament. President is dissolved in secret ballot by voting of not less has two thirds of its members. Position of the President of the State may not be connected to any other administrative position and the President must not be elected for the
period longer than eight years. The President does not bear political responsibility for its actions.

The President represents the state internationally; he/she nominates and receives diplomatic ambassadors. He/she executes decisions of the Parliament on ratifying international agreements; he/she is the highest manager of the state military force. The President has amnesty rights for those the sentence is legally in force. The President accepts attestation of the judges and manages the National Safety Council. He/she have suspensive veto rights to ask for the second review of the law as well as rights to stop publishing law for a period of two months. The State President has rights to initiate legislation, require and receive information, give advice, call and lead extraordinary sessions of the Cabinet of Ministers. He/she is entitled to encourage dissolving of the Parliament, soon after this action a national referendum has to be organised.

Relevant legislative documents and institutions

Legislative acts that regulate activities of the President of the State, link to texts in Latvian: www.likumi.lv/?inc=tema.php&id=43
Institution of the President of the Republic of Latvia www.president.lv

The Cabinet of Ministers

Executive power is realised by the help of state administration institutions. The Cabinet of Ministers realises subordination over state administration organisation (institutional subordination) and over functions of state administration (functional subordination). This is realised by separate member of the Cabinet of Ministers directly or by means of direct administration institution, its structural unit or official. The state administration is organised in a single hierarchical system.

In Latvia the government is formed by the Cabinet of Ministers. It consists from Prime Minister and his invited ministers. The Cabinet of Ministers that get together in their meetings discusses draft laws developed by relevant ministries, issues related to activities of several ministries as well as issues related to state policy initiated by any of the Cabinet’s Member.
The person, invited by the State President, forms the Cabinet and nominates ministers. The Cabinet of Ministers have to receive voting of trust from parliamentarians. Ministers are responsible before the Parliament. As the Cabinet of Ministers is the highest institution of executive power, it is responsible for implementing decisions of the Parliament. The Parliament, State Control, prosecutor's offices and courts controls the activities of the Cabinet of Ministers.

The Cabinet of Ministers is independent from the Parliament. The Parliament is not able to withdraw legislation adopted by the Cabinet of Ministers; however, the Parliament has rights to submit application to the Constitutional Court about inadequacy of respective legislation act to law or to the Constitution. The State Control monitors the Cabinet of Ministers, its financial activities and operations with property of the State. The State Control is entitled to examine all institutions possessing property of the State or financed from the State Budget.

In 2007 the Cabinet of Ministers consists of Prime Ministers and invited by him 15 ministers: minister for defence, minister for foreign affairs, minister for economics, minister for finance, minister for interior, minister for education and science, minister for agriculture, minister for transport, minister for welfare, minister for justice, minister for environment, minister for culture, minister for health, minister for regional development and local governments and minister for children and family affairs. The Prime Minister may appoint a state minister to manage some particular policy branch that is included in the competence of a ministry. The state minister manages the policy branch of his/her competence independently; however, he/she acts in good communication with the minister under which ministry umbrella he/her is operating.

The state minister may participate with a deliberate function in the sessions of the Cabinet of Ministers. He has right to vote only on the issues concerning his/her policy branch. In addition to his direct responsibilities, the Prime Minister may permanently lead the work of one ministry. The Prime Minister may invite one Deputy Prime Minister as freeman of the Cabinet and one or several ministers for special assignments. Since 7 November 2006 in the government of the Prime Minister Aigars Kalvītis there are minister for special assignments for electronic government affairs, minister for special assignment for society integration affairs and minister for special assignment for administration of European Union funds.
In the ministries according to suggestion of ministers the Prime Minister may appoint parliamentary secretaries. They help to maintain contacts between the ministries and the Parliament and its commissions.

The Cabinet of Ministers is a collegial institution adopting decisions in the meetings of the Cabinet of Ministers. They are chaired by the Prime Minister. The Cabinet of Ministers reviews policy planning documents, external and internal legislation, orders of the Cabinet of Ministers, informative reports, national positions and opinions. Legislative acts are published in the official newspaper “Latvijas vēstnesis” (Messenger of Latvia) after they have been approved in the meeting of the Cabinet of Ministers.

The law states that the Cabinet of Ministers may form committees of the Cabinet of Ministers. These committees prepare issues that will be reviewed in the meetings of the Cabinet of Ministers. The existing Cabinet of Ministers has a single Committee. It deals with draft policy planning documents and draft legislation acts that are not coordinated between institutions and that are not agreed on the State Secretary Meetings.

The Cabinet of Ministers has legislative rights; rights to appoint a broad range of civil servants or approve their status. The Cabinet of Ministers discusses or decides on all issues within its scope of competence pursuant to the Constitution and laws. The Cabinet of Ministers is the main in producer of draft laws. Draft laws are developed in ministries. Prior to submitting draft laws in the Parliament, the Cabinet of Ministers review and adopt these legislative acts in its meetings. The Cabinet of Ministers has rights to issue legislative and non-legislative acts. Legislative acts are of imperative character but non legislative acts have only recommendation character. The Cabinet of Ministers may issue regulations on administration, instructions, recommendations, orders, and decisions of protocol. The regulations of the Cabinet of Ministers are the most common legislation act issued by the government.

Instructions belong to the legislative acts issued by the Cabinet of Ministers. They are normative acts that are compulsory only for institutions mentioned in the instruction – for the State Chancellery, ministries and institutions that are subordinated to ministries. Instructions of the Cabinet of Ministers have internal character. However, instructions are taken into account by all those who are involved in the relevant field of governance. Recommendations of the Cabinet of Ministers have advisory character. Most often they are addressed to local
self-governments. Irrespective of the addressee, it has choice of freedom to act differently than it is envisaged in the recommendation. Orders of the Cabinet of Ministers give definite tasks and settle other administrative issues. These orders are of single character. They may be addressed to both physical and legal persons. Secret decisions of the Cabinet of Ministers are issued according to the Law “On the State Secret” and they contain secret information.

At the Cabinet of Ministers draft legal acts are initially announced and considered at the State Secretaries’ Meeting where they decide upon further procedure – coordination and discussion. State Secretaries’ meetings announce draft legal acts on which the ministries and other institutions listed in the meeting’s protocol have to present within two weeks their opinion on these drafts. During this period representatives of non-governmental organisations can also present their opinions as all draft legal acts are made public.

State Secretaries’ meeting considers draft legal acts for which no agreement was reached during the coordination procedure, approves a list of drafts cancelled and not progressed for consideration by the Cabinet of Ministers, as well as considers fulfilment of the tasks included in laws, decisions, legal acts and orders of the Prime Minister. State Secretaries’ meetings are chaired by the Director of the State Chancellery and usually take place once a week. Voting members of the meetings are the Chief of the Deputy Prime Minister’s Office, ministerial State Secretaries, Heads of Secretariats of the ministers for special assignments, Director of the State Chancellery and Head of the Corruption Prevention and Combating Bureau. Participants in the advisory capacity can be officials of the State Chancellery, representative of the State Control, representative of the General Prosecutor’s Office, Parliamentary Secretaries, representative of the Latvian Association of Local Governments, representative of the Public Services Regulatory Committee, representative of the National Trilateral (state – employers – employees) Cooperation Council, representative of the National Regional Development Council, representatives of non-governmental organisations and other persons invited by the Director of the State Chancellery (for consideration of a specific issue in the agenda).
Relevant legislative documents and institutions


The Cabinet of Ministers of the Republic of Latvia: [www.mk.gov.lv](http://www.mk.gov.lv)


State Civil Service Law (adopted 7.09.2000), link to text in English:
Judiciary power

Judiciary power is the state’s administration form realising jurisdiction. The Parliament approves judges and they cannot be dismissed. Legal proceeding is carried according to the legislation of the Republic of Latvia.

In the Republic of Latvia the judiciary power belongs to district (city) courts, regional courts, the Supreme Court and the Constitutional Court. Courts act according to definite hierarchy. As a result, cases viewed in the court of lower level may be reviewed in the court of higher instance according to the cases defined by the law. District (city’s) courts are the first instance courts for civil cases, criminal cases and administrative cases. Regional court may be both the court on the first instance and court of appeal. It is the court of first instance in cases when it is clearly defined by the Law on Civil Proceedings or the Criminal Process Code that the particular case shall be heard in regional court. Usually they are more complex or voluminous cases. In the Republic of Latvia there are six regional courts – Regional Court of Riga, Regional Court of Kurzeme, Regional Court of Latgale, Regional Court of Vidzeme, Regional Court of Zemgale and Administrative Regional Court.

Land Book divisions to manage Land Book or register are structural units at regional courts. Judges of the Land Book have legal status like judges of district (city’s) courts. They register land, building or flat real estate properties in the Land Book and secure legal rights connected to real estate.

Supreme Court of the Republic of Latvia comprises of Senate and two judicial chambers: Civil Cases Chamber and Criminal cases Chamber. Court Chamber is appellation institution in cases that have been viewed by regional court as the court of first instance. Senate of Supreme Court is cassation institution in cases that have been viewed by district (city’s) courts and regional courts. Senate of Supreme Court is the first instance in cases that concerns decisions of the Council of the State Control.

Constitutional Court examines cases on normative acts compliance to the Constitution as well as mutual hierarchy of these normative acts. Constitutional Court consists of seven judges that are approved by the Parliament on the term of ten years in accordance with
special nomination procedure. Cases in the Constitutional Court are review by collegial manner – in full or by three judges. Rights to submit an application on the cases on normative acts compliance to the Constitution have the State President, at least twenty deputies of the Parliament, the Cabinet of Ministers, Chief Prosecutor, the Council of State Control, the council of self-government, Ombudsman Bureau, a court, a judge of Land Book division, and a legal person if its fundamental rights defined by the Constitution are violated.

Prosecutor’s Office is judiciary institution that supervises compliance with legislation. Its objective is to react on cases of law violation and to ensure the decision on these cases according to the order defined in legislation.

Competence of the Ministry of Justice is the administration of courts, it approves methodical guidelines for district (city’s) courts, regional courts and Land Register divisions to organise their administrative work. The Ministry requires information necessary to fulfil its functions and supervises organisational management.

Ombudsman is independent in its activities and he subordinates only to laws. He/she is the official approved by the Parliament and its functions are: to favour protection of rights and legal interests of private persons, avoid any discrimination, evaluate and promote good governance principles in state administration and human rights. Ombudsman has to find drawbacks in legislation and its appliance as well as promote public information and understanding of human rights and their protection. Ombudsman institution has started operating since the beginning of 2007.

Relevant legislative documents and institutions

Law on Constitutional Court (adopted 05.06.1996), link to the text in English: www.ttc.lv/index.php?id=10&tid=59&l=LV&seid=down&itid=15821
Legislative documents that regulate judiciary power, link: to texts on Latvian [www.likumi.lv/?inc=tema.php&id=39](http://www.likumi.lv/?inc=tema.php&id=39)


Portal of Latvian Courts: [www.tiesas.lv](http://www.tiesas.lv)

**Figure I.1.3: Hierarchy of courts** (Portal of Latvian Courts, accessible at [www.tiesas.lv/index.php?id=49](http://www.tiesas.lv/index.php?id=49))

1.4 Basic principles of political and administrative system
Political party can be established by at least 200 members who are Latvian citizens. Political party is an organisation with created with an aim to perform political activity, participate in election campaigns, appoint candidates of the Parliament, and participate in the work of the Parliament, local authorities or European Parliament. Political parties realise their programmes with the help of parliamentarians as well as they get involved in creation of institutions of public administration.

**Relevant legislative documents and institutions**


### 1.5 Operations of Prevention and Repulse system and relation between legislation, executive power and jurisdiction

<table>
<thead>
<tr>
<th>Legislative power</th>
<th>Executive power</th>
<th>Judiciary power</th>
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<tbody>
<tr>
<td>Parliament (Saeima)</td>
<td>President</td>
<td>Cabinet of Ministers</td>
</tr>
<tr>
<td>Adopts laws (also citizens having the right to vote)</td>
<td>Passes draft laws; announce laws, suspensive veto</td>
<td>Passes draft laws; adopts regulations with an effect of law</td>
</tr>
<tr>
<td>Elects President; appoints officials; may cancel veto of the President</td>
<td>Implements laws</td>
<td>Realizes laws</td>
</tr>
<tr>
<td>Amnesty; appoints judges, form courts</td>
<td>Amnesty (pardon)</td>
<td>Introduce candidates of judges</td>
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</tbody>
</table>

*Table I.1.1: Relation between legislative, executive and judiciary power*
Local authorities have dual functions. They ensure state administration at local and district administrative level but simultaneously, they are basic units of self-governance of citizens.

2. Political system

2.1 General description, history and basic facts

In Latvia democratic principles are realised indirectly – by means of elections and participation of elected national representatives in several levels of legislation and executive power. The Constitution provides direct participation of citizens having the right to vote in legislation process in the form of referendum. The parliament is elected in equal, direct, secret ballot and proportional elections for the period of four years. The same principle applies to elections of local authorities – city and town council, rural and amalgamated self-government council as well as for election of deputies in European Parliament.

Elections of the Parliament (the Saeima)

The existing election system is quite similar to those principles that were used in elections before the state coup of 15 May, 1934. National representatives or deputies are elected in the Parliament according to proportional election principle using lists of party representatives. When compared to inter-war period, the most essential difference is the fact that 5% elections' barrier has been introduced after regaining independence. It was done with an aim to reduce number and influence of small parties in Latvian parliament. 100 parliamentarians are represented in the Parliament; they are elected for the period of four years. The Central Election Commission monitors election process and observance of law.

Latvian citizens who have reached the age of 18 have rights to elect parliament. A person has rights on choice to participate in the elections in any of five electoral districts – Riga, Vidzeme, Latgale, Kurzeme or Zemgale. The Central Election Commission declares number of deputies to be elected in each electoral district proportionally to the number of voters. The number of voters is clarified four months prior to the date of elections according to data provided by Population Register.

Each Latvian citizen may be elected in the Parliament if he/she is more than 21 years old on the day elections and in case if this person is not subject to any of limitations mentioned in the Parliament Elections Law. Taking into consideration the circumstances in the framework
of regaining independence of Latvia, there are introduced passive restrictions to be elected for those Latvian nationals who have been staff employees of the Soviet intelligence service or who have actively participated in the Soviet Union’s Communist Party or closely related organisations (that are listed). The list of election candidates may be submitted by: 1) political organisation (party) registered as stated by the law and 2) by alliance of political organisations (parties). One and the same candidate may be nominated only in the list of candidates of one political organisation/alliance of political organisations in one or in several election districts. Lists of registered candidates must not be recalled. The Central Election Commission publishes lists of deputy candidates and their pre-election programmes not later than 20 days prior to elections in the official newspaper “Latvijas vēstnesis”.

Multi-party system is typical for Latvia. Often coalitions are created to ensure necessary votes to candidates. In the elections of 9th Saeima candidate lists from 7 parties and political alliances won the elections and gained 100 deputy seats –People’s Party (Tautas partija) (23 seats), alliance of parties “Union of Greens and Peasants” (Zaļo un Zemnieku savienība) (18 seats), Party “New Era” (Jaunais laiks) (18 seats), alliance of parties “Consensus centre” (Saskaņas Centrs) (17 seats), election alliance of parties Latvia’s First Party (Latvijas Pirmā partija) and Party “Latvia’s Way” (Latvijas ceļš) (10 seats), alliance “For Fatherland and Freedom/ LNNK - Latvian National Independence Movement” (Tēvzemei un Brīvībai”/LNNK) (8 seats), alliance of political organisations “For human rights in unified Latvia” (Par cilvēka tiesībām vienotā Latvijā) (6 seats).

Relevant legislative documents and institutions

Parliament of the Republic of Latvia (Saeima) www.saeima.lv
Central Election Commission http://web.cvk.lv

Referendum and collection of signatures

All nationals, having the right to vote and vote in the elections of Parliament, are entitled to participate in referendum. The Constitution of Latvia provides six cases when referendum shall be held:
1) the parliament has amended Articles 1, 2, 3, 4, 6 or 77 of the Constitution. These amendments are considered as accepted in the National referendum if they are accepted by at least half of the citizens having the right to vote.

2) the President of Latvia has proposed the dissolution of the parliament. The parliament is considered as dissolved if this is accepted by more than half of voters having the right to vote. If more than half of voters do not accept dissolving of the parliament in the referendum this means that the state’s president is considered as dissolved and the parliament has to elect a new president for the rest of terms of office of the dissolved president.

3) the President of Latvia has suspended the promulgation of a law for two months, and during this period a petition by not less than one-tenth of the electorate has been received to put the suspended law to a national referendum. The law is suspended if in the referendum there participate at least half of voters who have voted in the last elections of parliament and majority of them vote for suspension of the law.

4) the parliament has not adopted without change as to its content a draft law or a draft amendment to the Constitution submitted by not less than one-tenth of the electorate. The draft amendment to the Constitution is adopted if it is accepted by at least half of nationals having the right to vote in referendum. The draft law is adopted if in the referendum there participate at least half of voters who have voted in the last elections of parliament and majority of them vote for the adoption of the law.

5) membership of Latvia in the European Union must be decided in the referendum.

6) substantial changes in the terms regarding the membership of Latvia in the European Union must be decided, and at least one-half of the members of the parliament have requested a national referendum on this matter.

Collecting signatures is one of the means that allow electorate of Latvia to participate in decision making process. Collection of signatures is organised in two cases:

1) a draft law or a draft amendment to the Constitution are brought in.
Not less than 10 000 Latvian citizens eligible to vote have to have the right to submit to the Central Election Commission a fully elaborated draft law or a draft amendment to the Constitution. The Central Election Commission has to organise collecting signatures for the support of this activity. If the draft law or the draft amendment to the Constitution has been
signed by not less than one-tenth of Latvian citizens who were eligible to vote in the previous elections of parliament, the President of Latvia shall submit to the Saeima the draft law or the draft amendment to the Constitution. If the parliament does not adopt without change as to its content a draft law or a draft amendment to the Constitution, this is passed to national referendum.

2) Initiation of national referendum on suspension of a law. The Constitution provides that the President of Latvia may suspend the promulgation of a law for two months. Also one third of parliamentarians may ask the President to suspend the promulgation of the law. After the promulgation of the law has been suspended, the Central Election Commission shall start collecting signatures to start national referendum on revocation of the law. The national referendum shall be organised if a petition by not less than one-tenth of the electorate has been received. The law is suspended if in the referendum there participate at least half of voters who have voted in the last elections of parliament and majority of them vote for suspension of the law. However, the national referendum does not take place if the parliament votes again for the same law and if not less than three thirds of parliamentarians vote for the adoption of the law.

Relevant legislative act


Elections of local authorities

System of Latvian local authorities is characterised by low constitutional content, rather strong control of local authorities by the authorities of higher level and medium autonomy level (Vanags un Krastiņš, 2005: 139).

The administrative territory of any urban, rural or amalgamated local self-government makes a single electoral district. Rights to participate in the elections of local authorities are to Latvian citizens and nationals of European Union who have reached the age of 18 and are not Latvian citizens but are registered in the Register of Residents. Voters shall be registered on the Voters Register and filed with their place of residence on the administrative territory of
the respective local authority at least 90 days before the day of the election, or persons who own real estate which is filed with the territory of the respective local authority according to the procedure set out by law.

The number of deputies to be elected to the councils is determined in proportion to the number of residents registered in the Residents' Register in the territory of the respective local authority on the date the elections are announced:

- up to 2,000 residents - 7 Council members;
- from 2,001 to 5,000 residents - 9 Council members;
- from 5,001 to 20,000 residents - 11 Council members;
- from 20,001 to 50,000 residents - 13 Council members.
- over 50,000 residents – 15 Council members.

Exceptional case is The Riga City Council that consists of 60 Council members. On average there are about 8 council members in the councils of Latvian local self-governments. The number of council members was considerably decreased after 1994 and it is one of the least in Europe. It is essentially smaller than during the Soviet period and smaller than in Latvia during inter-War period. In Latvia according to law the proportion between voters and council member is less in smaller local authorities and greater in larger local authorities.

<table>
<thead>
<tr>
<th>Inhabitants in local municipality</th>
<th>Number of voters per one deputy of the local self-government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1000</td>
<td>63</td>
</tr>
<tr>
<td>1000 – 1999</td>
<td>115</td>
</tr>
<tr>
<td>2000 – 4999</td>
<td>187</td>
</tr>
<tr>
<td>5000 – 9999</td>
<td>390</td>
</tr>
<tr>
<td>10,000 and more</td>
<td>2681</td>
</tr>
<tr>
<td>Average</td>
<td>313</td>
</tr>
</tbody>
</table>

*Table: I.2.1 Number of inhabitants in local municipalities and number of voters per one deputy of local self government (source: Vanags un Krastins, 2005:219)*

The citizen of Latvia and the citizen of European Union which is not the citizen of Latvia but is approved in the Inhabitant Register of Latvia have rights to be elected in the local
authority’s elections. The rights to candidate are form the age of 18 years if there are no restrictions determined in laws which refer to the candidate and if the candidate corresponds to at least one of the following conditions: 1) there is registered placed of residence within the municipality’s administrative territory at least last 10 months; 2) the candidate has worked within the municipality’s administrative territory (as an employee or a self-employed person in accordance with the law “On the state social insurance”) at least last 4 moths; and 3) the candidate is the owner of a real estate registered in the municipality’s administrative territory in accordance with the law. The candidate observing conditions determined by this law is able to candidate only in the one municipality council.

In the municipalities where the number of inhabitants is more than 5000 deputy candidate lists of the city council, county council and parish council can be submitted by: registered political organization (party); the association of registered political organizations (parties); or two or more registered political organizations (parties) which are not united in the association of registered political organizations (parties). If the number of inhabitants is less than 5000 lists of the deputy candidates besides the mentioned above can be also submitted by associations of voters. These lists have to be signed at least by 20 voters which have registered place of residence in the administrative territory of the respective municipality. A person can agree to candidate only in the one candidate list. The registered candidate lists can not be cancelled. The Ministry of Justice publishes the list of all registered political organizations (parties) and their associations in the official newspaper “Latvijas Vēstnesis” not later than 15 days before the Election Day. Pre-election programmes and candidate lists are placed in the accessible for voters place.

Traditionally in Latvia also second level local authorities (in the period between wars – counties, later – districts) with elected councils which supervised the territory more of the ten civil parishes existed. Though as the result of the administrative territorial reform, the directly elected district councils established1994 in accordance with the Law “On Self-Governments” were abolished in 1997 and replaced by delegates of respective local municipalities – representatives of rural, urban and amalgamated local self-government. At the same moment district council’s functions were considerably narrowed.

Relevant legislative act and institution
## 2.2 Specific features and levels of the political system:

<table>
<thead>
<tr>
<th>aspect</th>
<th>Institutions</th>
<th>competence/ functions</th>
<th>tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>National level</td>
<td>body of the citizens who have rights to vote by referendum</td>
<td>Legislation</td>
<td>Adopt laws</td>
</tr>
<tr>
<td></td>
<td>Parliament (Saeima)</td>
<td>Legislation</td>
<td>Adopt laws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive power</td>
<td>Appoints officials; has rights to delete veto of the President</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jurisdiction</td>
<td>Amnesty; nominated judges, courts</td>
</tr>
<tr>
<td></td>
<td>State President</td>
<td>Legislation</td>
<td>Submits draft laws; validates laws, suspensive veto</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive power</td>
<td>Implements laws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jurisdiction</td>
<td>Amnesty</td>
</tr>
<tr>
<td></td>
<td>Cabinet of Ministers</td>
<td>Legislation</td>
<td>Submits draft laws; adopts rules with law force</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive power</td>
<td>Implements laws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jurisdiction</td>
<td>Comes forward with judge candidates</td>
</tr>
<tr>
<td>Regional level</td>
<td>public organization representing municipality „Latvian Association of Local and Regional governments“</td>
<td>Legislation</td>
<td>Coordinates draft laws, which leave impact on municipality interests</td>
</tr>
<tr>
<td></td>
<td>regional municipalities – planning regions and county or district (regional) municipality</td>
<td>Legislation</td>
<td>Adopts decisions and binding rules for its administrative territory</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive power</td>
<td>Implements laws and binding rules</td>
</tr>
<tr>
<td>Local level</td>
<td>public organization representing municipality „Latvian Association of Local and Regional governments“</td>
<td>Legislation</td>
<td>Coordinates draft laws, which leave impact on municipality interests</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Adopts decisions and binding</td>
</tr>
</tbody>
</table>
### Table: I.2.2 Levels of the political system

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local authorities – city, county and parish municipalities</td>
<td>Legislation</td>
</tr>
<tr>
<td></td>
<td>Executive power</td>
</tr>
<tr>
<td></td>
<td>Rules for its administrative territory</td>
</tr>
<tr>
<td></td>
<td>Implements laws and binding rules</td>
</tr>
</tbody>
</table>

#### 3. Administrative system

**3.1 General description, history, and basic facts of the administrative system**

State administration directed by the Cabinet of Ministers is performing administrative functions of the executive power (state administration functions). These functions are composed of separate administration tasks and responsibility for their realization. The State administration is organized in the single hierarchic system – no institution or administrative official may remain outside this system.

State administration principles: (1) State administration is governed by law and rights. It acts in the framework of the competence determined in normative acts. State administration can use its authority only corresponding to the point and objective of authorization. (2) State administration observes human rights in its activities. (3) State administration acts in the public interest. Public interest includes also proportionate observance of the rights and lawful interests of private individuals. (4) State administration, individual institutions or officials, in implementing the functions of State administration, does not have their own interests. (5) State administration in its activities has to observe the principles of good governance. Such principles include publicity with respect to private individuals and the public, the protection of data, the fair implementation of procedures within a reasonable time period and other regulations, the aim of which is to ensure that State administration observes the rights and lawful interests of private individuals. (6) State administration in its activities has to be regularly examined and improve the quality of services provided to the public. Its duty is to simplify and improve procedures for the benefit of private individuals. (7) The duty of State administration is to inform the public of its activities. This especially applies to that section of the public and to those private persons whose rights or lawful interests are or may be affected by the implemented or planned activities. (8) State administration has to be organised in a manner that is as convenient and accessible to private individuals as possible. (9) State administration has to be organised in compliance with the principle of subsidiarity. (10) State administration has to be organised as effectively as possible. The institutional system of State administration has to be regularly examined and, if necessary, improved.
(11) State administration in its activities also have to observe the principles of law, which principles have been discovered, derived and developed in institutional or court practice, as well as in jurisprudence.

The Republic of Latvia as initial public person in state administration sector acts with the mediation of direct and indirect administrative bodies. Secondary or derived public person in state administration sector acts with the mediation of indirect administrative bodies.

Direct administrative bodies represent the Republic of Latvia which is responsible for the activities of the direct administrative bodies. Indirect administrative bodies acting in the sector which is in the autonomous competence of the respective secondary public person by law represents this public person.

Ministries are constitutional institutions as it is directly stated in the Constitution. Ministries have rights of a legal person. Ministries are central state administrative bodies which are directly subordinated to the Cabinet of Ministers. A Ministry as a part of state administration apparatus represents state power and acts on behalf of the Republic of Latvia.

A Ministry is the leading (superior) administrative body of the respective state administration sector; it is directly subordinated to the Minister which leads the ministry. The Minister – member of the Cabinet of Ministers implements the political control of the ministry. The Minister is responsible for the ministry’s activities to Saeima. The Minister has to submit to The President of Ministers on the state account but in the respect of the administrative law he is self - dependent.

Ministry organizes and coordinates the implementation of laws and other normative acts; it takes part in the elaboration of the sector policy. Ministries can issue legal acts only in the framework of the law and rules of the Cabinet of Ministers. They are obligatory to the ministry and institutions under its subordination and supervision. The State Secretary is the administrative manager of the ministry and he is subordinated to the Minister.

State administrative bodies, which are not in hierarchic relations, cooperate to carry out their functions and tasks. The cooperation is gratis unless provided otherwise in the external normative act. Cooperating in long-term administrative bodies can conclude a joint agreement. Public persons are able to conclude the cooperation agreement. The cooperation can be – the participation of the official of the other administrative body in the implementation
of the particular administration tasks, information exchange, and supplement of resolutions or otherwise. The cooperation can be rejected if it is not possible because of the actual or legal reasons; if another administrative body with the consumption of fewer resources can be involved or if the consumption of human and financial resources is higher than it is necessary for this cooperation.

Regarding the involvement of the society in state administration work please find chapter Public Participation.

Relevant legislative documents and institutions

State Administration Structure Law (adopted 06.06.2002), link to text in English: www.ttc.lv/index.php?id=10&tid=59&l=LV&seid=down&itid=13801


The Cabinet of Ministers and Chancellery of the Republic of Latvia www.mk.gov.lv

Home pages of the state institutions of the Republic of Latvia www.gov.lv

3.2 Regional administration

State administration consists of three administrative levels. Ministries and administrative bodies (state agencies, services, boards, centres, offices, bureaus and administrations) subordinated and controlled by them act on the central government level.

Territorial administrative bodies of the several ministries act on the state regional administrative level, including: State Environment Service’s territorial departments – regional environment boards; State Construction Inspection’s building boards; of State Land Service’s regional departments; and Rural Support Service’s regional agriculture administrations.

There are 33 territorial units or 26 district or county municipalities and 7 republic city municipalities (carrying out also the functions of local self-government) on the state regional administrative level. District municipalities or self-governments with the mediation of local government’s delegate representation – council – and its subordinated institutions ensure the implementation of functions delegated by local self-governments and determined by law, observing interests of state and inhabitants of the respective district’s administrative territory. The republic cities carry out functions of local self-government and district municipality. The
expediency of the district municipalities is discussed since 1990 though the reform is constantly postponed. With the Law “On Self-Governments” of 1994 several functions of municipality were committed to the care of local self-governments. Since 1996 district municipalities do not have their own tax base and since 1997 direct elections were abolish. 33 administrative units are too small for the acquisition of European Union funds. Sectoral ministries have developed different regional sectoral administration systems, very often these sectoral administrative units embrace more than one district municipality (Vanags & Vilka 2005).

By the influence of the accession process European Union with the aim to increase the size and the number of inhabitants of regional territorial division the larger territories were developed in Latvia. Firstly in 1999 there were 5 statistic regions established on NUTS 3 level for needs of statistics.

Secondly, in the period of 2002-2003 initially by voluntarily decisions of local municipalities later in accordance with the Regional Development Law of 2002 and the Cabinet of Ministers’ regulations no. 133 (25.03.2003) 5 planning regions were established for the development planning purpose. Planning regions’ boundaries and comprising administrative units differs from the statistic regions. If Riga statistic region includes Riga and Jurmala cities and Riga district then taking into the account opinion of the municipalities Riga planning region additionally contains districts of Limbazi, Ogre and Tukums. Planning regions are secondary or derived public persons which act on the regional administrative level. The decision making body is planning region’s development council. It is elected by the general meeting of all local self-governments’ chairman in the planning region from the deputys of the respective municipalities. Its decisions are adopted if more than one half of the participants of the general meeting have voted for it and the voters represent at least one half of the inhabitants of the respective planning region. The Chairman of the Planning Region Development Council is elected from the elected members of the council.
Figure I.3.1: Constitutional structure and levels of administration
The planning region’s functions are to ensure development planning of the region, coordination, cooperation of the municipalities and other public institutions, manage and control the preparation and implementation of development programmes and spatial plans; evaluate correspondence of the national plan, national development plan and sectoral development programmes with the planning region’s documents; evaluate project applications of the local authorities and private persons for the regional development state support and give resolutions on them. Planning region development council confirms planning region’s statutes and budget. It has rights to develop, reorganize and liquidate planning region’s institutions and to delegate its functions. Chairman of the planning region development councils or their representatives have rights to take part in the work of the National Regional Development Council. Planning region development council meetings are open and representatives of state administration institutions, nongovernmental organizations, entrepreneurs and other planning regions’ municipalities can participate in the meeting.

To ensure coordination and cooperation with the national level institutions and planning regions in the implementation process of the regional development support activities. Planning Region’s Cooperation Commission is developed in every planning region. The Chairman of the Planning Region’s Development Council chairs the meetings of the mentioned above commission. Commission’s meetings are open and representatives of the planning region development council and cooperation coordinators of ministries participate in them in this way ensuring information exchange between the planning region and the respective ministry.

Relevant legislative documents and institutions

State Administration Structure Law (adopted 06.06.2002), link to text in English: www.ttc.lv/index.php?id=10&tid=59&l=LV&seid=down&itid=13801
Ministry of Regional Development and Local Government: www.raplm.gov.lv
Kurzeme Region Development Agency: www.kurzeme.lv
Riga Region Development Agency: www.rigaregion.lv
3.3 Local and district municipality administration

Local administration is carried out by the local self-government. District (regional) administration is carried out by the district self-government. They ensure the implementation of functions stated by the law as well as tasks and delegated functions of the Cabinet of Ministers and voluntarily initiatives with the mediation of citizen elected representative – council – and its elaborated institutions observing state and interests of the inhabitants of the respective administrative territory. Realizing local and district (regional) administration municipalities are subject of the public law in the framework of the municipality law but in private law municipalities have rights of the legal person. In the framework of public law municipalities have by the law determined functions and initiative implemented autonomous functions, delegated state administration functions, functions of other municipalities which have been passed to the respective municipality and administration tasks which state administration has given to the municipalities.

Municipalities are self dependant carrying out the activities within their competence as stated by the law. They are responsible for the work of the institutions developed by them if it is not stated otherwise by law. Implementing state delegated functions and administration tasks the municipality represents the Republic of Latvia and is under control of the Cabinet of Ministers. In Latvia state and municipality institutions which mostly are autonomous for the state administration purpose cooperate and harmonize interests, this process is coordinated by Latvian Association of Local and Regional Governments in its negotiations with ministries.

The municipality work is supervised by the Ministry of Regional Development and Local Governments. State administration institutions and officials which control legality of the municipalities’ activities as stated by the law have to inform the Ministry of Regional Development and Local Governments if municipality council, its chairman, its deputy chairman, as well as the other institutions default or exceed the Constitution, law, rules of the Cabinet of Ministers or sentences by the court.
The district council consists of all district’s parish council (pagasta padome) chairmen, amalgamated council (novada padome) chairmen and town council (pilsētas dome) chairmen. The administrative territories of the largest seven cites or republic cities (republikas pilsēta) are not part of any district territory but its chairman can be participant of the district council if the republic city council and the respective district council have made such a decision.

The district council organizes the implementation of district self-government’s functions and delegated functions of the local self-governments, as well as the in the cases stated by the law carries out duties which are connected with education, health care, social care and cultural institutions’ activities at local municipalities level and gives to these institutions methodical assistance. The executive director appointed by the council ensures the implementation of district municipality’s functions and work of the district council in accordance with district council’s decisions as well as the preparation of the year public report and publishing of the note regarding it. The executive director is responsible for the work the municipality institutions and as it is stated by the statutes of the council. The district council has to confirm its statutes, budget, year public report, binding rules, district social and economic development plan and spatial development plan; district social and economic development and environment protection perspective programmes; it can give proposals and resolutions for the change of the name or symbol; decide regarding the council’s chairman, executive director, municipality institutions, their directors and other officials, property as well as to impose municipality duties and commission for services.

The elected decision - making body of the local municipality is council. (Chapter: Municipality Elections).

Amalgamated self-governments (novadu pašvaldības) which are established in the framework of the territorial reform by joining together of several local authorities (rural parishes and towns), each becomes a territorial unit of the new amalgamated municipality but there is only one decision – making body in the county – directly elected amalgamated self-government’s council. Establishing the amalgamated self-government in the period between elections all the deputies of the former local municipalities become deputies of the new amalgamated municipality’s council till the forthcoming elections.
The elected council elects, by secret ballots, the chairman who is the head of the local municipality. In his direct control act the executive director and other officials who are also elected by the municipal council. The work of the council is organized in the meetings and regular committees. Every council to prepare the questions for the joint sessions develops regular deputy committees. Law determines that every municipality has to have at least three regular committees – finance, social and education and culture committees. If at least one fourth of the inhabitants registered in the administrative territory of the respective municipality are foreigners and stateless person the local municipality council can develop foreigner and stateless person committee. Other committees can be developed taking into the account needs of the respective local municipality and its statutes. There should definitely act an inspection committee in every municipality. The number of the committee’s members cannot be less than three and it cannot exceed half of the number of the council’s deputies, exception is the finance committee. Each deputy has to be a member of at least one committee.

The council has rights to make decisions regarding all the issues which are in its competence and ask the chairman or executive institutions implementation of them. The council has rights to issue binding rules (by-laws), envisaging administrative responsibility for their violation. In the largest municipalities the executive institutions might be complicated with hundreds of employees while deputies of the most rural local municipalities fulfil also the obligations of the officials. In the municipalities where number of inhabitants is less than 5 thousand the council chairman can fulfil also the obligations of the executive director, in other case these positions cannot be combined. In the case the council is changed the executive director ensures the regularity of work of the municipality institutions and companies. All decisions are taken at the council’s meetings which are open, also the committee sessions are open – all inhabitants, journalists are able to take part in these meetings, get acquainted with the protocols, budget and decisions of the officials.

The organization and structure of the concrete municipality is stated in the statutes of the respective municipality. The statutes are confirmed by the council. It is also regulated by the Law “On the municipalities”, which determines authority and activity regulation of the council. To ensure the accessibility of the municipality’s services in those local centres which are not the administrative centres of the municipality the service centre has to be developed by the municipality. The centre provides with information, accepts applications, claims and
proposals regarding the issues which are in the competence of the municipality; accepts payments and pays out social benefit and also registers civil registration records.

The economic basis of the municipality is property, including finance resources which are formed of tax payments and local duties for municipality budget, state budget subsidies and special purpose grants, credits; proceeds of administration of municipality property and economic activity of institutions, voluntary payments of physical and legal person for the specific objectives. The activities and decisions of the council have to be maximum expedient. The municipality administers and uses its property as it is stated by the law and this property is detached from the state and other legal entity property. The municipality property can be used for needs of inhabitants of the respective administrative territory, whether for public usage (roads, streets, fields, parks), whether developing municipality institutions and companies, which ensure rights of inhabitants and supply the necessary services (administration institutions, social and health care, education, culture and other institutions).

Municipalities can agree to delegate specific functions to each other if there is an agreement on financing of the implementation of these functions. The council which has this duty stated by the law is the responsible body for the implementation of the functions and supervises this process. The local authorities’ councils can delegate the district council and the district council can delegate the local authorities’ councils the implementation of functions determining financing order if all municipalities of the respective district have agreed on that. The functions which are exclusively in the competence of the respective municipality cannot be delegated, for example, to confirm the municipality statutes, binding rules and budget, economic and year public report; municipality territory development programme and the spatial plan; municipality economic and social development and environment protection perspective programmes; territorial division of municipalities and its administration structure; to decide regarding the municipality property and infrastructure utilization, usage of pre-emptive right, liquidation of the respective administrative territory, change in its boarders, name, symbol and other place names; to decide regarding the council’s chairman, executive director, municipality institutions and services and officials as well as regarding assessors, chairmen and members of the parish court and family court. On the possibility to take part in municipality decision making process please find chapter Public Participation.
<table>
<thead>
<tr>
<th>Number of inhabitants</th>
<th>Number of municipalities</th>
<th>Percentage of total municipality number</th>
<th>Number of inhabitants</th>
<th>Percentage of total number of inhabitants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1000</td>
<td>188</td>
<td>35,1</td>
<td>138 064</td>
<td>5,9</td>
</tr>
<tr>
<td>1000 - 1999</td>
<td>205</td>
<td>38,2</td>
<td>290 533</td>
<td>12,5</td>
</tr>
<tr>
<td>2000 - 2999</td>
<td>58</td>
<td>10,8</td>
<td>141 020</td>
<td>6,1</td>
</tr>
<tr>
<td>3000 - 3999</td>
<td>17</td>
<td>3,2</td>
<td>59 753</td>
<td>2,6</td>
</tr>
<tr>
<td>4000 - 4999</td>
<td>15</td>
<td>2,8</td>
<td>64 760</td>
<td>2,8</td>
</tr>
<tr>
<td>5000 and more</td>
<td>53</td>
<td>9,9</td>
<td>1 625 073</td>
<td>70,1</td>
</tr>
<tr>
<td>Total</td>
<td>536</td>
<td>100</td>
<td>2 319 203</td>
<td>100</td>
</tr>
</tbody>
</table>

Table I.3.2: Groups of municipalities in accordance with number of inhabitants (data of 1 January 2004), (Vanags un Vilka, 2005)

<table>
<thead>
<tr>
<th>Municipality functions' group (mode)</th>
<th>Legal basis of functions</th>
<th>Responsible for implementation</th>
<th>Financing resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Obligatory functions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1. Regular</td>
<td>Law „On self-Governments“</td>
<td>Municipality</td>
<td>Municipality budget</td>
</tr>
<tr>
<td>1.2. Temporary delegated functions</td>
<td>Other laws</td>
<td>Municipality</td>
<td>Additional financing resources are determined by the law</td>
</tr>
<tr>
<td>1.3. State administration functions</td>
<td>Laws or rules of the Cabinet of Ministers</td>
<td>State administration institution, which has delegated the respective function to the municipality</td>
<td>State administration institution's budget</td>
</tr>
<tr>
<td>1.4. Extraordinary tasks</td>
<td>Decision (order) of the Cabinet of Ministers</td>
<td>Municipality</td>
<td>The Cabinet of Ministers or municipality budget</td>
</tr>
<tr>
<td>2. Functions of the competence of other municipalities</td>
<td>Agreement between municipalities</td>
<td>Municipality, which has delegated the respective function to the other municipality</td>
<td>Financing resource has to be determined in the agreement</td>
</tr>
<tr>
<td>3. Voluntary functions (initiatives)</td>
<td>Decision of the municipality council</td>
<td>Municipality</td>
<td>Municipality budget</td>
</tr>
</tbody>
</table>

Table I.3.1: Municipality functions' groups (source: Vanags un Krastiņš, 2005)
In Latvia the regional administration functions are carried out by 33 administrative units, 26 of them are district municipalities which comprises more than ten parishes, 7 of them are large city municipalities or the republic level cities which implement both regional and local self-government functions. The average number of inhabitants in districts is 47 thousand and the average area is 2640 km$^2$. The number of inhabitants in districts ranges from 13 thousand in Ventspils district to 147 thousand in Riga district. The district area ranges from 1604 km$^2$ (Jelgava district) to 3594 km$^2$ (Liepaja district).

The local authority functions are carried out by 527 municipalities including cities, which have functions of two tiers, 53 district town self-governments, 432 parish or rural local self-governments and 35 amalgamated self-governments which have been under the reform – their territory has been increased in accordance with the Law of Administrative Territorial Reform of 1998. The amalgamated municipalities often consist of both town and rural territories. The internal administrative division, local centres and place names of the counties reserve the previous division, the statistic information can be also found about the former administrative division units. The law envisages that the administrative territorial reform of local authorities has to be realized till the municipality elections in 2009. Since 1998 the number of the municipalities has decreased for approximately 80 units in the result of voluntarily uniting.
On average there are 4,3 thousand inhabitants in the municipality, including 1,6 thousand inhabitants in parish self-governments (data of 2004). There are less than 2 thousand inhabitants in 70% of all municipalities and these are 18,5 % of all inhabitants of Latvia, but 70% of inhabitants live in municipalities where the number of inhabitants is more than 5 thousand. The largest municipality id Riga City with 727 578 inhabitants and the smallest is Kalncempju Parish Municipality in Aluksne District with 281 inhabitants (data of the beginning of 2006). The areas of municipalities range from 22,3 km² (Lazdona Parish in Madona District) to 554 km² (Dundaga Parish in Talsu District). Despite these facts the competence of the municipalities is equal as it is stated by the law and all of them have to ensure organization and supervision of the obligatory functions, the law provides opportunity to delegate these functions to other municipalities.

Nongovernmental organization “Latvian Association of Regional and Local Governments”, which members are municipalities, represents municipality interests and rights in negotiations with the central government of Latvia.
Figure I.3.3: Municipalities in Latvia (arrow – direct election, in brackets total number of the municipalities of 12.04.2007)

Relevant legislative documents and institutions


Municipality binding rules, link to text in Latvian: www.raplm.gov.lv/lat/noteikumi/


Ministry of Regional Development and Local Governments www.raplm.gov.lv
3.4 History of state administration

In the parliamentary period of the Republic of Latvia since 1918 till 1934, when Public Assembly and later Saeima was acting, the activity of the Cabinet of Ministers was regulated by the Law on the Order of the Cabinet of Ministers of 1925. On 15 May 1934 authoritarian government lead by Kārlis Ulmanis was established.

During the period of Soviet Union occupation USSR Constitution functioned in the territory of Latvia. In its framework “Public Saeima” established by Soviet power adopted the Constitution of the Latvia Soviet Socialistic Republic which regulated the activity of the Cabinet of Ministers during Soviet period. In 1978 the new Latvian SSR Constitution and the law “On the Council of Ministers” which were in force till renewal of the Republic of Latvia were adopted. In spring of 1990 the Supreme Council adopted the law “On the structure of the Council of Ministers of the Republic of Latvia” that stated that 19 ministries there have to be developed. The Council of Ministers consisted of Chairman of the Council, two deputies of the chairman, ministers and minister of the government who controlled all the government apparatus. Since absolute independence of Latvia there was a transition period of reorganization of the government in August, 1991. The number of ministries was decreased to 16. The positions of the deputies of the Chairman and the minister of the government were abolished but the position of the State Minister was established.

After the election of the fifth Saeima in 1993 the Constitution of 1922 was completely renewed thus the government regained the name of “The Cabinet of Ministers” as well as the basis to work in the framework of the traditional parliamentary system. On 16 July 1993 the law “On the renewal of the 1 April 1925 law “Order of the Cabinet of Ministers”” was adopted (since 1 June 1996 this law goes by the name “Law of the order of the Cabinet of Ministers”).
As the legislation comes into order gradually there are also fewer changes in the state civil service on the whole. On 31 December 2004 State Civil Service was enacted in 99 state administration institutions, where the general civil service is in 88, but the specific civil service in 11 state administration institutions. There are 31092 civil servant positions (data of 31 December 2004), 7662 of which are in the general civil service, but 23430 in the specific state civil service. The most significant administration function of the State Civil Service is general and disciplinary control of the service which is included in the State Civil Service Law as the mechanism of legal application of the principles and norms. State Civil Service Administration reviews disciplinary cases, claims and gives explanation of the legal norms acting as the pre-trial institution.

Relevant legislative documents and institutions


The Cabinet of Ministers of the Republic of Latvia: [www.mk.gov.lv](http://www.mk.gov.lv)


State Civil Service Administration [www.vcp.gov.lv](http://www.vcp.gov.lv)
### 3.5 Specific features and levels of the administrative system:

<table>
<thead>
<tr>
<th>Aspect Level</th>
<th>Institutions</th>
<th>Competence/Functions</th>
<th>Tasks</th>
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</thead>
</table>
| National level | Cabinet of Ministers          | Decision making power and executive power | - realizes supervision, control, legal regulation of the activity of other state executive power institutions  
- ensures implementation of the law and decisions of Parliament in the whole state territory;  
- ensures economic development;  
- administers state property;  
- implements public order and safety;  
- ensures state external protection;  
- ensures state internal protection;  
- ensures state foreign policy cooperation with international organizations, other states and representation of the interests of the Republic of Latvia;  
- ensures state apparatus activity;  
- tackles social and culture problems;  
These functions are realised, using following tools:  
- elaborating budget project;  
- implementing legislation initiative rights;  
- organizing state administration structural organization and reorganization, regulation;  
- making decisions and orders, based on the law in its competence framework;  
- responsible to Parliament for its activity, Parliament has rights to get introduced with the activity and decisions of the Cabinet of Ministers. |
|              | Chancellery of the Cabinet of Ministers | Executive power                          | - organizes work of the Cabinet of Ministers – organizes sessions,  
- ensures preparation of the documentation of the Cabinet of Ministers, administers its record keeping;  
- participates in state policy planning;  
- coordinates single state policy planning and implementation, in cooperation with ministries submits proposals of the Cabinet of Ministers regarding state development priorities;  
- ensures elaboration of state administration development policy, coordinates and controls its implementation;  
- coordinates and controls implementation of the decisions of the Cabinet of Ministers and President of Ministers;  
- informs society regarding work of the Cabinet of Ministers. |
<p>|              | State civil service administration | Executive power                          | - implements state policy in state civil service |</p>
<table>
<thead>
<tr>
<th>Ministries</th>
<th>Executive power</th>
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<tr>
<td>- elaborate sectoral policy;</td>
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<tr>
<td>- organize and coordinate implementation of sectoral policy;</td>
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<tr>
<td>- carry out other functions stated in external normative acts;</td>
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<tr>
<td>- elaborate projects of legal acts and policy planning documents which regulate a sector;</td>
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<td>- gives resolutions on the elaborated projects of legal acts and policy planning documents by other institutions;</td>
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<tr>
<td>- issue administrative acts in cases determined in external normative acts;</td>
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<tr>
<td>- ensure implementation of sectoral policy in state administration institutions, state enterprises and companies (where ministry is state shareholder) which are under ministry’s control;</td>
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<td>- submit proposals regarding necessary financing from the state budget to carry out tasks given by the ministry;</td>
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<td>- in the framework of its competence represents state’s interests in international organizations and institutions of the European Union;</td>
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<tr>
<td>- implement functions, as well as supervises the institutions which are under the ministry’s control;</td>
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<tr>
<td>- ensures efficient elaboration of state study applications and usage of study results;</td>
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<tr>
<td>- cooperate with other state administration institutions in elaboration and implementation of the single state policy;</td>
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<tr>
<td>- informs society regarding the sectoral policy and activity of institutions which are under the ministry’s control, consult with nongovernmental organizations in the decision making process, foster social dialog regarding issues connected with policy elaboration and implementation, as well as involve society representatives in state administration.</td>
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<thead>
<tr>
<th>Regional level</th>
<th>Planning region executive power</th>
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<tbody>
<tr>
<td>- ensures region’s development planning, coordination;</td>
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<tr>
<td>- ensures cooperation of municipalities and other state administration institutions,</td>
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<tr>
<td>- manages and controls preparation and implementation of planning region’s development programmes and spatial plans;</td>
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<tr>
<td>- evaluates conformation of the national plan, national development plan and sectoral development programs to the planning region’s documents;</td>
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<tr>
<td>- evaluates project applications of the local municipalities or private person to receive regional development state support.</td>
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<tr>
<td>District municipalities</td>
<td>Regional decision making power and executive power</td>
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<td></td>
<td>- ensure civil protection events;</td>
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<td></td>
<td>- organize public transport service;</td>
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<td></td>
<td>- ensure representation of municipalities in regional in sickness insurance institution;</td>
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<td></td>
<td>- organize further education of educational employees;</td>
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<td></td>
<td>- carry out other stated by the law and delegated functions.</td>
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<table>
<thead>
<tr>
<th>Local level</th>
<th>Local authorities – city, county and parish municipalities</th>
<th>Local decision making power and executive power</th>
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<tr>
<td></td>
<td></td>
<td>- organize public utility service;</td>
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<td>- ensure improvement and sanitary control of the respective administrative territory;</td>
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<td>- state order, how public forest and water can be utilized;</td>
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<td>- ensure education of the inhabitants;</td>
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<td>- take care for the maintenance of cultural and traditional culture values;</td>
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<td>- ensure health care, foster healthy life - style;</td>
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<td>- ensure social care;</td>
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<td>- protect children rights and interests; carry out calculation of them;</td>
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<td>- solve living problems;</td>
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<td>- foster economic, decrease unemployment</td>
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<td></td>
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<td>- issue permissions and licences for business activity;</td>
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<td></td>
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<td>- ensure public order;</td>
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<td>- determine land utilization and building order in accordance with the spatial plan of the respective municipality;</td>
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<td></td>
<td></td>
<td>- ensure legality of the building process of the respective administrative territory;</td>
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<td></td>
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<td>- carry out registration of civil registration records;</td>
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<td>- supply information for the state statistic needs;</td>
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<td>- organize elections of assessors and the council;</td>
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<td></td>
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<td>- ensure civil protection events;</td>
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<td></td>
<td></td>
<td>- carry out other stated by the law and delegated functions.</td>
</tr>
</tbody>
</table>

Table 1.3.3: State administration functions at different levels of the administrative system

3.6 Bibliography


II. Spatial planning in Latvia

Information as per 01.07.2007

Text prepared by Laila Kule,
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Introduction

Latvia lies in northwest of the Eastern Europe lowland near the Baltic Sea. It is a part of the Balto-Scandinavian geographic region. Latvia borders with Estonia in the North, Russian Federation in the East, Belarus in the South East and Lithuania in the South. It has sea borderline with Sweden in the West. In total land border covers 1368 km on land and sea border covers 494 km.

The size of country’s total area is 64 589 km². 57% of the state lies lower than 100 m above the sea level, 40,5% lie 100m to 200m and 2,5% lie higher than 200m. In Latvia there are 2300 lakes and 12000 rivers, 17 of them are longer than 100 km. The River Daugava is the longest river with the total length of 1005 km; 352 km of the river lie in the territory of Latvia. In summer the average temperature is 15,8°C and in winter time it is -4,5°C. There are approximately 120 days with precipitation per annum. In the capital city Riga the highest registered temperature has reached 34,5°C and the lowest one -34,9°C; accordingly, it has been 35,1°C and -43,2°C in Daugavpils.

45,4 % of the territory of Latvia were covered by woods, 1,8 % were covered by shrubs; agricultural land occupies 38,0 %, mires - 3,9% and waters - 3,6 %. Roads cover 2,1%, yards - 1,4%, the rest of land takes up 3,8 % of the total territory of the state. According to real estate usage, the classification differs – as it is foreseen to use 61,5% for agricultural needs, 32,2% for forestry, 1,9 % for water management, 1,6 % for transport infrastructure, 0,3 % for quarries and mineral resources extraction industry sites, 0,3 % for industrial sites, 0,2 % for commercial housing areas; 0,7 % - for single and double dwelling residential areas, 0,1 % for multi-apartment dwelling residential areas, 1,1 % for sites of public significance and 0,1 % of
the total territory for engineering infrastructure supply networks and structures (data on 01.01.2007, State Land Service).

The last 70 years in Latvia have witnessed increase both of the forest areas and the volume of standing crop. Within the period from 1935 to 2006 the forest area in Latvia increased by 1.7 times, but the volume of standing crop – by 3.3 times. In the beginning of 2007 state owned forests occupied 53% of all forest areas. The rest is owned by the private and enterprise owners and about 2 % by local municipalities. The total forest area under strict protection in forests is 506,106 ha (Ministry of Agriculture, 2007).

Single area payment can be granted to agricultural land which was at a good agricultural condition as at 30 June 2003. A farmer is eligible for the single area payment if maintaining at least 1 ha of agricultural land. Moreover, the EU legislation provides that the single area payment is available to a farmer regardless of whether the land is or is not used for agricultural production, provided that the farmer complies with certain good agricultural and environmental condition. Areas of agricultural land filed at the regional agricultural offices of the Rural Support Service for reception of the single area payment in 2006 on average per region was 63.2% of the agricultural land registered with the register of Real Estate State Cadastre Information System. In 2006, the amount of financing granted to Latvia totalled 33,70 million lats with the maximum rate of aid at 22.85 lats per hectare. In 2006, the area declared by farmers and approved as eligible for payments by the Rural Support Service was larger than the reference area (1 475 000 ha) established upon Latvia’s accession to the EU; therefore, the actual disbursement rate of aid for the single area payment was 22.10 LVL per hectare. Single area payments for 2006 were disbursed to 79 900 aid applicants for the total area of 1 488 051 ha, with the total aid amounting to 32,89 million LVL (Ministry of Agriculture, 2007).

In Latvia number of population was 2281,3 thousand inhabitants at the beginning of 2007. In the last fifteen years the depopulation is very characteristic for Latvia – the number of population has decreased for about 300 thousand or more than 10%. Density of population is 36 people per km². There live 68% of population in cities and towns. Mono-centric settlement structure is very typical for Latvia with strong and dominant metropolis region. At the beginning of 2006 there lived 728 thousand people in Riga or one third of inhabitants of the state. In the capital city population density reaches almost 2400 people per km². About half of population of the state or 1148 thousand inhabitants live in functional region of Riga City or
Riga agglomeration. The second biggest city is Daugavpils with 109 thousand people and it is seven times smaller than the capital city. Greatest share of the rest of 77 Latvian cities and towns are small housing less than 10 thousand inhabitants (Central Statistical Bureau, 2007).

In Latvian households the average number of people is 2, 57. However the majority of the households consists of 1-2 persons. 70% of the Latvian households occupies multi-apartment houses, 83,9% of them live in cities and towns. 28,3% households dwell in individual houses and farmsteads - the greatest part of this type of dwellings is located in rural territories. 1,3% of households live in houses of other type. Almost half of households (43%) live in two-room flats, 17% of households live in one room flats. The rest of households live in three room or greater apartments (State Housing Agency, 2006). In 2006 the average dwelling space was 24,6 m² per person that is approximately twice less than the average in Europe.

In 2004 84,7% of dwellings are privately owned, 8,0% of dwellings are owned by local municipalities, 1,5% are owned by the state. Ownership is being clarified for 5,8% of dwellings throughout the process of denationalisation and privatisation. In Latvia the major problem is associated with depreciation and low quality of housing stock. Approximately one fourth of the houses are built earlier than in 1945. 62% of all dwellings are industrially built in the post-war period having identical constructions, inappropriate isolation and inadequate heat consumption parameters. Only 83,1% (in rural regions only 60,2%) of the dwellings are connected to sewerage systems (survey of 2004).

Rural Support Service of the Ministry of Agriculture in 2006 issued permits for transformation of agricultural lands in the total area of 7064 ha, including the drained lands in the area of 2687 ha. Data of 2004-2006 years show that on average 77% of the agricultural land to be transformed were foreseen to be transformed into forest lands and 16% for the purpose of construction. The applied area of agricultural land to be transformed for the purpose of construction increased on average by 33%, if compared to 2004. The largest area of the agricultural lands to be transformed for the purpose of construction were mainly in close proximity to the capital city Riga - in the districts of Riga (528 ha), Ogre (115 ha) and Jelgava (98 ha) (Ministry of Agriculture, 2007).

There have been issued 10172 building permits in 2006 in total. Larger part of them is building permits issued for one flat residential buildings - 5868 with total building space of
1296.5 thousand m² and for summer and garden houses – respectively – 1378 building permits. In the Riga District 43% of all permits for one flat residential building construction are issued, and 59% respectively for the total number of all for summer and garden houses’ building permits. In 2006 there are also issued 593 building permits for two and more flats residential buildings (total building space of 1034.7 thousand m²) as well as 190 permits for industrial buildings and warehouses, 115 permits for wholesale and retail buildings, 83 permits for construction of new hotels and tourist accommodations, 66 permits for new office buildings and 50 respectively for construction of mass entertainment, new education, health care buildings. In 2006 there are also approved building permits for construction of new local pipelines and cables – 1456 with in total length of 810 km and new transmission pipelines, trunk cables and main electro power lines respectively 144 building permits with total length of 238 km, as well as for construction of new motor ways, streets and roads - 174 building permits and rail way lines – 5 building permits (Central Statistical Bureau of Latvia, 2007).

Latvia has is a market oriented economy. In 2005 GDP was 11.1 thousand EUR. In the period 2001 – 2004 annual GDP increased for about 8 % on average, in period 2005 – 2006 more than 10% (Ministry of Economics data). After regaining independence Latvia experienced rapid structural changes. If in 1990 primary sector gave 22% from the produced value, secondary sector – 46% and tertiary sector correspondingly – 32%, then in 2000 primary sector gave 5% from the produced value, secondary sector – 25% and tertiary sector – 70% from the produced value. In 1994 public sector ensured 66% from GDP and private sector gave 34% from GDP, accordingly, in 2000 public sector gave 32% from GDP, but private sector created 68% of GDP. In public sector the most of added value is created by non private state enterprises – state stock companies “Latvia State Forests”, “Latvenergo” (Latvian Energy Company), “Latvian Railway” and “Latvian Post” as well as by partially state owned telecommunication enterprises - stock companies “Lattelecom” and “Latvian Mobile telephone”.

II. 1. Planning system in general

1.1 History of the planning system

Local town building plans and building regulations are the early town planning tools. Town planning regulation was started to solve fire security, sanitation, military protection, street regulation order, reduction of building constructive parameters and other collective civic
problems. Spatial planning most rapidly developed in large urban centres, especially in Riga City. The earliest normative acts in the territory of Latvia which indirectly regulated spatial planning were building regulations adopted by city local governors. For instance in Riga such rules exists since 1293 - they were adopted after a destructive fire in the city. Riga building regulations organized the chaotic construction and fostered transition from yard construction to perimeter construction with brick and gable type buildings inside the defensive city wall.

First extensive spatial plans were developed in 17th century. Earlier Riga and its suburbs spatial pattern was irregular pattern of streets inside walls and bastions. In 1632-1650 Swedish war engineers prepared several construction projects for suburbs. In 1652 Riga suburb construction project (proposal of J. Rodenburg) envisages a regular grid of streets, typical for Europe, especially Sweden at that time. This plan had a significant impact on the future development of Riga city’s central part. In the 17th century water pipelines also was established in the central part of the Riga City. First urban public park Viesturdarzs was established in 1711.

The decision of the Russian War Board of 1746 stated, that suburban buildings have to be moved for 800 m from the city defensive walls and that brick and stone buildings are inadmissible in the suburbs. In 1812 all Riga suburbs built-up with wooden buildings were burned down as a prevention measure for the possible offence of Napoleon’s army (that however did not reached Riga). This civil disaster fostered rapid development of residential suburbs that gained a new planned pattern. In accordance with the Riga Building and Reconstruction Plan (by engineer I. Truzson in 1813 and so called Paulucci plan in 1815 prepared by the supervision of Fillip Paulucci (1779-1849), the Italian origin General Governor of Baltic Provinces). At the same time Paulucci were involved in the Dinaburg or Daugavpils citadel reconstruction on the coast of River Daugava – a new master plan is prepared based on the inventory of existing information and resources available; in the plan special attention is paid to the flood protection measures.

Riga Building and Reconstruction Plan determined the urban development in 19 century. It envisaged the rational arrangement of suburbs with regular urban block pattern in the fan-shaped street grid; it also included urban environment improvements and beautification - public buildings were erected. In 1913 Riga Suburban Greenery Committee is established that promoted that tree plantations along streets are created and new public parks are established - Vermanes Garden (1817) and Arkadia (1852). Public gardens, parks and forest
parks establishing in cities and towns are important aspects for urban development and it has long traditions in Latvia.

In 1820 Riga city and suburban building regulations were published which defined differently regulated building in zones and the obligatory usage of sample facades in the whole city. Till 1857 the construction of stone buildings in Riga suburbs was forbidden due to the military strategic reasons, even the height of stone fundaments was limited, and the transport connections between the central part and suburbs of the city were obstructed on purpose.

With the permission of the Russian central government to liquidate the fortress and to levelled walls the chief architect of Riga J.D.Felsko (1813-1902) and German origin, later chief architect of Jelgava City O. Dietze (1832-1890) prepared the reconstruction plan’s project of the central part of Riga which was confirmed in 1857. This plan included the complex construction of new urban centre with defined functional zoning (Krustiņš, 1988:34).

When fortifications of Riga City was removed a large vacant area appeared, in 1860 Riga City Council issued regulations for the construction of this area that allowed buildings constructed from fire resistant materials, but there was forbidden to build warehouses and industrial buildings. The usage of building materials, shape, volume, technical constructions and the width of streets was regulated.

With the issuing of the law of Russian Empire of 1866 on the parish administration in Baltic provinces (it was into force till 1918) the number of rural municipalities were decreased, the elections of self-government meeting took place and administration institutions which since then were responsible for all the significant local issues were established. In accordance with the law of 1877 on the ascription of the statutes of Russian cities of 1870 to the Baltic provinces the city municipality reform and elections took place in 1878. It has to be noted that these first city municipalities represented a very small number of inhabitants – tax bearers. For example in Riga City local male inhabitants had rights to vote from 25 years if they owned real estate liable to taxes in the city territory or they paid trade or industrial taxes – in 1878 there were 5.2 thousand of approximately one hundred fifty permanent inhabitants.

Along with city municipal reform the reorganization of urban administration took place. Riga city building administration was reorganized in accordance with the demands of rapidly growing industrial city. The newly developed Construction Committee which started its work in 1879 had responsibilities to control private and public building designing and construction
as well as to supervise public use territories, greenery, urban utilities construction and maintenance. In scattered instances the Construction Committee prepared projects of urban infrastructure and buildings by itself. In 1913 there were 61 staff employees in the Construction Committee of Riga City.

Year of 1889 was significant for the arrangement of real estate system when in Baltic provinces there were developed Land Register departments at magistrate’s courts. These departments were renewed after the Soviet period of inactivity (1941-1991) and continue to act at present – each property section included information on the location, total area, the division by land utilization types, owners, easements and mortgages.

Step by step town planning moved away from the centralized control in the impact of economic development. Up to 1890ties in the Russian Empire part of which was also the territory of Latvia there was the law into force adopted in 1785 that stated as follows: “The city is constructed in accordance with the coordinated plan which is signed by the Imperial Majesty”. By the end of the 19 century this paragraph of the law got a new wording: “Cities are constructed only in accordance with the plans which are harmonized in the order stated”. In accordance with this order the ordinance plans for building were confirmed by the local province board. In reality very often cities did not have harmonized building ordinance plan. Riga differed from other cities of the Russian Empire as it had its own special building regulations that were mentioned in the Building Regulations of the Russian Empire. In the beginning of the industrialization period there was no confirmed city master plan but there were detailed building regulations, for example, Riga City had elaborated and accepted building regulations in 1867, 1881 and 1904. These were often supplemented by many temporary ordinances, restrictions and annexations. “All these documents promoted the appropriate development of functional zoning and spatial structure in built up part and harmonized and uniform urban environment” (Krastiņš 1988: 63).

In the City’s Building Board surveyor R. Štegmanis (1844-?), chief city architect R. Schmaeling (1840-1917) and chief city engineer G.A. Agthe (1850-1906) prepared Riga Master (Building) Plan which was finished in 1881 but there was no possibility to confirm the plan in the circumstances of the Empire of Russia.

R. Štegmanis and G.A. Agthe continued the work and published the Programme of the City Central Part’s General Building Plan in 1885. In the programme of the building master plan
there was justified the necessity to realize the functional zoning of the city, determining territories for industrial enterprises, residential areas and recreation as well as develop the single transport communication system. It consisted of two parts - necessary building principles and necessary transport organization principles that suggested that all streets should be categorised by trunk roads (designed for transit), urban importance roads (designed for traffic among urban districts) and local roads (designed for inner urban quarter traffic and pedestrians). Building principles proposed to reserve territories for public buildings in the future and requirements its best location – to place the construction sites at the urban plazas, to build detached buildings with good light distribution and air ventilation and to plant greenery in the vacant part of the land plot. “It was underlined that greenery is not only the green adornment of the city but also the source of good air quality and they are necessary for public recreation” and “the space for public parks and gardens has to be ensured in all future built-up districts” (Krastiņš 1988: 58). It was suggested to divide residential quarters in two groups – with open and close building type. The Programme of Building Plan such important aspects of modern urban planning were included - housing for inhabitants and organisation of labour, recreation and transport (Krastiņš 1988:58).

Riga City Building Board fully approved the programme, although the City Council did not confirm the programme for it touched private interests – “comprehend too much, not useful and not rational seems zoning in separated areas for industrial, office and shopping”. In 1892 the Building Board prepared the Location Project of Plants and Factories of Riga to improve sanitary conditions of built-up areas and to prevent pollution in the city. This plan divided all enterprises in four groups based on how noisy and how strongly they polluted the surrounding environment – such enterprises that could be located 1) in any place, 2) only outside city centre, 3) only in scarcely populated areas and 4) outside urbanised areas – and according to this classification the city was divided in three concentric zones. Influenced by industrial magnates, the City Council rejected this project as well (Krastiņš 1988: 60). Only local building plans for the construction of new urban districts were prepared if there was such need. In the leadership of chief surveyor R. Štegmanis the land regulation project of the Old Riga was elaborated in 1904, it was confirmed by the Russian government but it received objections from the local society and experts as it intended to tear down old buildings.

In the period between 1897 and 1913 Riga City had very rapid growth, it was the third most important industrial centre in Russian Empire – the number of population increased by 88%,
for them on the basis of private capital 3-6 storeys high tenement houses were constructed. In order to control this fast urban growth Riga Building Regulations were prepared and adopted in 1904 that were into force till 1940 and served as an example for the preparation of building regulations of other Latvian towns. “In the 20 century Russia similar building regulations to Riga City had only St. Petersburg but these were with much softer requirements and remained on project level” (Krastiņš 1988:83). Riga Building Regulations of 1904 included concentric urban zoning and street grid and thus sanitary hygienic conditions were improved (Krastiņš 1988:79). First stone building district (Old Riga), second stone building district (avenue circle around Old Riga), and third stone building district (city suburbs) were divided. The heights and density of buildings, street lines, minimal space of yards, insolation, the parts and elements of houses were determined. Riga Building Regulations defined the procedure and coordination of building process; it has a requirement if within one year the building process was not commenced then the building permit had to be asked from the beginning. In the Riga City Building Regulations the newest urban planning ideas were reflected and due to that fact the construction of the 19th century’s second part and the 20th century’s first part are spatially particularly uniform” (Krastiņš 1988:84). There is a reference to the first stone building district mentioned in Riga City Binding Building Regulations of 1904 in the Civil Law of 1937 and also in its renewed version of 1992 (Paragraph 1091).

Another important urban planning project is connected with the development of Riga urban parks. In 1859 by implementing the project of A. Vendt, a gardener of Luebeck, Riga City Defence System was substituted with the city channel plantings that in year 1888 were reconstructed by the project of G. F. Kuphaldt (1853-1938), German origin landscape architect. He was also a head of Riga City Council’s Garden Board established in 1879. The reconstruction of Riga’s urban centre stands out among other European cities of that time with the complex character and consequent realization of town planning ideas.

Riga is one of the first cities within the Russian Empire where garden-city idea was realized – building of villa colony in the pine forest at the coast of Lake Kisezers in Keizarmezs (Kaiserwald, now Mezaparks) based on the ideas of architect E. Kupffer (1873-1919) and implemented under the leadership of construction businessmen G. A. Agthe. It occupied one fifth of total public park’s plan (680 ha) and in that it ensured financing for the realization of public functions. Riga City Council allocated financial resources for the newly constructed territory in the pine forest – to construct motor roads, rider and bicycle roads and tramway
lines. There were sport grounds and a yacht club established, also the zoo and cemetery were created in 1910. In 1911 there was a detailed plan approved that was prepared by H. Jansen (1869-1945), German architect with the experience in town planning of Berlin, this plan enlarged the developed garden-city in the forest for additional 40 ha.

There were binding building regulations issued in other cities of Latvia as well; they regulated building location line, their height, the width of the walls and building materials. In the years of 1863-1865 Daugavpils City prepared the Master Plan that similar to Riga had legally binding functional and spatial zoning of buildings. In the middle of the 19th century there were general plans for the largest towns of Latvia prepared – for Jelgava, Liepāja, Ventspils, Rēzekne, Ludza and others. For instance, within the borders of towns in Cesis and Kuldīga all the buildings had to be constructed of fire resistant materials already since 1880. Cities and towns, mostly their central parts get centralized water supply and sewerage, street arrangement, town lighting and public transport in this period. Though living conditions for population were confined – the most wanted and popular was one room flat.

After the establishment of the Republic of Latvia in 1918 the Latvian Parish Constitution Interim Law which determined rights for all inhabitants of age to vote was adopted. In 1922 the Law on Parish Council Elections and Law on Parish Self-Government were adopted. The functions of this parish council included the supervision of the parish municipality’s immovable property, to ensure fire security, to foster development, to take care of roads and transport, social issues and arrangement of residential housing issues. In 1919 Interim Regulations on the Elections of City Council’s Deputies were adopted. The rights to vote received also all inhabitants of the cities accordingly to the same restrictions as in rural areas. The decision-making power and executive power were separated in cities as it was done already in rural areas. The supervision rights of state institutions were decreased – the minister of internal affairs had rights to verify decisions of the city council regarding expropriation of immovable property of the municipality, larger volume financing issues and the approval of the city spatial plan. The legality of the municipality activities was checked by the Municipality Department of the Ministry of Internal Affairs, it had respite veto rights, and only verdicts of the court could withdraw the decisions of the municipalities.

In 1930 the Town Municipality Law was adopted, it determined among other duties the competence of the city regarding preparation of the town building master plans and their control in dense settlements. There were 2/3 of the deputies’ votes needed to confirm
decisions regarding issues on the city building plan, immovable property and significant financing, and on construction on the land owned by the town. The towns could have their own property and they had pre-emptive right for immovable property at the same moment they were institutions of the public law and could issue binding decisions and orders in its territory, also regarding on town building issues.

In 1927 the laws which strengthened regional municipalities (aprinkis) were adopted – The Law on Election of County Council and Revision Committee and The Law on County Municipality. As the result County Councils were liquidated and County Boards and Revision Committees were elected in direct election by inhabitants. The chairman of the County Board was appointed and financed by the minister of internal affairs. Counties took care of the territory arrangement, also reviewed and confirmed building projects in densely populated areas, controlled legality and expediency of the local municipality activities and carried out the duties of the civil parishes (rural municipalities) which could not be carried out by them, also carried out other tasks.

After the overturn in 1934 county municipalities were liquidated, the political and self-governing activity of town municipalities was stopped and all the tasks were transferred to the executive power and often local officials were appointed by the central government. Parish municipalities were not liquidated but their activities were watched closely and the minister of internal affairs had right to dismiss specific deputies of the council, which was not a democratic process.

Spatial planning process was arranged by the Law on Construction Supervision of 1927 and the Law on Urban Lands of 1928 and the next coming the Regulations on Town Building and Construction Preparation and Preparation Procedure (also 1928). Town building issues were in the competence of the town municipality (council). Town building and construction plans were submitted to the building administration which issued the resolution coordinated with the central government’s Municipality Department and the respective County Board, after that the Ministry of Internal Affairs confirmed it. Great attention was paid to the spatial planning quality issues and land surveying requirements. Although the regulations stated that town building and construction plans should be prepared by architects and building engineers with special licences, in fact often they were prepared by chartered surveyor as there was a lack of knowledgeable urban planners.
In the Ministry of Agriculture a special town building bureau was established. In this bureau worked architects P. Kundzins (1888-1983), V. Feizaks (1885-?) and building engineer E. Veiss (1886-1966), as consultants also urban engineering infrastructure specialist M. Bimanis (1864-1946), and main engineer of Riga City D. fon von Rennenkampf (1863-1929) and architect K. Peksens (1859-1928) with the purpose to assist in preparing the spatial plans of small towns and villages in whole Latvian territory (Krastiņš, 1992: 33). In 1922 Bimanis wrote that the preparation of town construction plans have to be methodologically supervised as from their development „the health and in greatly also economic welfare are depending. We cannot save too much money on these aspects as in future it will make ample pay back”.

In 1936 Building Regulations for Dense Settlement Sites was adopted by the central government and these regulations refer to towns and villages that did not adopted their own building regulations by the local government. For instance, there was requirement that land subdivision cannot be in smaller plots as 1000 m². Although in existing land plots if they were smaller than 1000 m² it was possible to built-up if these land plots was bordering to publicly used street or plaza, or connected with at least 3m wide road maintained by the land plot’s owner. It was also regulations on the height of the buildings, the distances between buildings and for gardens. Also the requirement that each land plot in towns in villages should be fenced and requirements on which type of fences are permitted was in these Cabinet regulations. Particular attention was paid to the sanitary conditions, water management and fire security. Cabinet of Ministers national policy of 1936 included the policy aims for spatial planning - “preparing building and expansion spatial plans and developing towns, the work has to be a) replacing old ugly buildings with beautiful, but also cost-effective new buildings, b) creating better sanitary hygienic conditions, d) improvement of transport streets, roads and pavements, and d) constructing market places with all possible utilities (easy access, buildings, shelters, etc.” (Ministry of Interior / lekslietu ministrija, 1938: 19-20).

After proclamation of the Republic of Latvia there was Town Building Office established in 1925 to ensure the development of the modern metropolis – Riga. It was lead by town-planner and architect A. Lamze (1889-1945). Riga maintained its administration structure including building department which was the direct legal successor of the Construction Committee, and also the archive of geodesic materials and design and planning projects. Already in 1924 elaboration of Riga General Plan was started. Additionally A. Lamze elaborated the Master plan of Great Riga Construction, taking into the account vast areas of
Riga city land properties outside the its administrative territory, which would allow development of Riga as a garden city with low store residential houses with the total number of inhabitants up to one million and a half. This plan was rejected as unrealistic one and there were also objections from the society. The prepared Riga City Master Plan, detailed plan of its central part and new building regulations were submitted to the Cabinet of Ministers in 1937 for approval These Riga planning documents envisaged wide range improvements for the urban transport system, building on vacant territories and reconstruction of the Old City, destroying part of the historical heritage.

In 1938 all the 60 towns of Latvia had (binding) building rules. The three smallest towns they were not confirmed yet but such were elaborated also for 24 largest villages. Almost all the building regulations were prepared in the connection with town master plans and the respective zoning.

For spatial planning in country territories a significant role played the Agrarian Reform performed in the territory of Latvia in 1920-1937. As the result the State Land Reserve was created which was later distributed to population by selling for a symbolic price in general not more than 50 ha for each person. The aim of the Agrarian Reform was to develop family type farmsteads with two horses and the agricultural land of 22 ha in average. Farmsteads established before the reform retained land property up to 100 ha. The reform which was carried out grounding on the principles of social justice and legality strengthened private property on land, fostered personal initiative, reformed large scale farms, liquidated historically developed unnecessary servitudes; and public, culture and other needs provided with the land resources. After the independency in 1991 the purpose of the post-soviet Land Reform was to renewed situation with property rights as it was on 1940. In the result in 2000 the average area of the farm was 23,5 ha.

After joining Latvia to the territory of the Soviet Union the transformation to the planned economics took place, the immovable property was nationalized, the entrepreneurship was under control. There were two type properties in USSR – 1) socialistic (all people) including property of trade unions and other public organizations and 2) the properties of cooperatives and collective farms. In 1978 in the Constitution of Latvian SSR there was stated that the private property includes personal belongings, comfort and household things, residential building and savings from the work. Citizens could also utilize land plots which were given for the subsidiary farms (also for keeping of domestic animals), fruit and vegetable gardens and
individual construction of housing but this land could not be used against public benefit. The spatial development was influenced by the Soviet principle to foster and strengthen the uniformity of the society – with the disappearance of different society classes, differences between town and country and mental and physical work and towards the approximation of national differences. The declared rights for work, social protection, health, education, socialistic culture achievements and duties of citizens to protect nature and maintain ideologically sorted cultural heritage were included in the objectives and tasks of the spatial development plans and partially some of them were implemented.

Along with the loss of Latvia sovereignty in 1940, the reorganization of local municipal administrations took place. For instance, in Riga City construction matters were taken over by the Chief Architect's Board. Together with an increase of work load the Architecture and Construction Unit was established, and later on Riga General Architecture Board (with up to 220 employees at the end of the Soviet period). The Riga City Geodesic Centre and Technical Archive were maintained up to this moment. Spatial planning was carried out partly by architects in Riga City and partly by centralized planning offices in state design institutes.

Already in 1945 town planning of Riga is renewed and the Master Plan Scheme is finalized in 1947. It focused on war damages in Old Riga. There was building prohibition in the centre of the city with the purpose to provide time to carry out more detailed researches. The green zone was developed in 30 km diameter around Riga and the protection regime was determined. The new town building regulations of 1947 restricted the individual initiative in building which has been grow apace with the aim to liquidate war damages.

In Riga City Master Plan of 1955 (lead by the architect J. Vasiljev) there was accent on the individual one-family residential buildings retained, it also determined the development of technical infrastructure outside the centre in order to develop residential districts in suburbs. The government's decision of 1956 stated restrictions for the city development at the same moment fostering the development of satellite cities and ensuring them with the respective spatial plans. In 1957-1959 the Riga Suburbs Planning Scheme was prepared. It has three zones - suburb zone in two forest park zones – 1) up to 5 km and 2) – from 5 km to 10 km and 3) the green zone (in 30 km radius from the city). There were special regulations regarding what kind of building objects and activities are permitted. In the Soviet planning suburban zone was considered as a organic part of the urban system and where necessary
functions for the city located – suburban agriculture enterprises, industrial enterprises directly connected with the urban infrastructure and utilities, recreation, education, science and health protection objects, transport ring roads (Gosstroj USR, 1985). It was stated that new industrial enterprises must be located in the cities where the number of inhabitants is less than 250000 though this norm was not observed very often.

To prevent personal initiative of several well known planning specialists and their wishes to plan taking into the account local conditions, the spatial planning was concentrated in large centralized state institutes. In 1957 the Soviet Government decided to start industrial construction. In Riga suburb Garkalne the first factory of the reinforced concrete building elements started its work in 1957.

By the decision of 1962 regarding the eradication of differences between country and town the construction of high-raised multi-apartment buildings were encouraged to build in rural areas. In 1965 the Soviet Government took a decision to foster regional planning process. In 1966 Riga Suburban Zone Master Plan is prepared and its planning principles were repeatedly accepted in the planning documents of 1972, 1976 and 1978.

In the Riga City Master Plan of 1969 which was prepared in cooperation with the planning institutes of Moscow and Leningrad there was a focus on large (it was planned 100 – 150 000 inhabitants in each district) residential districts with industrially produced high raised multi-apartments buildings located in the complexly planned areas to have in each industrial zone, residential area and recreation area. It was planned to locate these new residential districts outside the central part of city, utilizing vacant or sparsely inhabited areas. The construction of these districts was almost completely realized – prefabricated residential building districts were built in Jugla, Kengarags, Purviemis, Imanta, Plavnieki, Zolitude, Ziepniekkalns, etc. On lower scale such prefabricated residential building districts appeared almost in all Latvian towns and in some rural places (close to military sites or mineral resources).

Riga Master Plan for the period 1981- 2005 was prepared in the period of 1978-1983 (the chief architect G. Melbergs) based on cooperation among scientists and planners of Latvian and all-Soviet Union state planning and research institutes.

The regulations of that time required that the city master plan or complex long-term urban construction project had to be based on the schemes of productive force (resources) and
settlement pattern of Latvian SSR and of Riga Economic Region’s regional planning. New Riga Master Plan retained had retained connections with the previous spatial plan. It was supplemented with the detailed plans for the regeneration of Old Riga Historical Centre and for the development of public centres. Another annex of the Riga Master Plan was also Suburban Districts Scheme that covered vast territories in the 60 km radius outside the Riga City’s administrative border. 56 Latvian towns had Master Plans into force in 1981. Their improvement was centralized planned and carried out in the town planning institute of the central government.

In 1970ties the regional planning was fostered – in 1976 the Latvian SSR Regional Planning Scheme for the period 1976-2000 is prepared with the objective to develop a single system of the settlement sites in the frame of 8 economic regions with the centres in Riga, Liepaja, Daugavpils, also in Ventspils, Rezekne, Valmiera, Jekabpils un Gulbene. The Regional Planning Scheme dealt with spatial development problems from the economic (rational use of resources), social (optimal work, living, recreation conditions in all settlement site despite its size), architectonic planning design (development regarding environment, landscape and transport taking into the account territorial capacity of cities) and ecological (pollution, concentration capacity) aspects.

In the Soviet period spatial planning was carried out by centralized specialized planning and designing state institutes. At the beginning a great role was given to All-Soviet Union planning institutes and planners. Later it was permitted to perform spatial planning at greater degree at the institutes located in Latvia and local architects and town planning specialists, though they were always under control. Master plans of towns and cities were prepared by the Latvian State Town Building and Planning Institute “Pilsetprojekts” (established in 1951). The Latvian State Country Building and Planning Institute “Lauku projekts” (established in 1951 prepared planning and building design projects for villages and building model projects and also prepared construction designs for rural residential, public and industrial buildings.

In 1960ties a significant role in the rural planning development played decisions of the Soviet Union Communistic Party Central Committee regarding planning processes strengthening and country building industrialization as pre-conditions of rural development acceleration. In 1981 the 26th congress of Soviet Union Communistic Party favoured the development of agrarian industrial complex – it fostered construction of industrial buildings in rural areas. For the purpose of rural population concentration that in Latvia mainly (approx. 60%) lived in one
family residential houses in scattered farmsteads and small villages, the decree of the Latvian SSR of 1982 in total 669 villages were listed that were approved as perspective for the further development. The borders of these perspective rural settlements were approved by the Council of Ministers of the Latvian SSR. Other rural settlement sites were depicted on the internal land arrangement projects prepared by the Ministry of Agriculture’s Land Survey and Planning Institute “Zemesprojekts” approved by the respective rural district executive power. Any economical of settlement development other as perspective villages was not possible.

Latvian SSR State Territorial Industrial Enterprise Design and Planning Institute “Rupnicprojekts” prepared not only building and infrastructure design projects but also industrial cluster’s master plan schemes and industrial enterprise location’s schemes, participated in the preparation process of industrial development and productive force (resources) location schemes. Additionally to the mentioned institutes also specialised institutes of Latvia and All-Soviet Union were involved in the preparation of spatial plans, for example, in the field of transport, energy and infrastructure planning.

Soviet spatial planning was brought under planned economic conditions. It was determined by the planning norms and normative acts of USSR. The significant role played defensive zones (shelterbelts) or determined distances for different needs. Both provision of services and design of territories were regulated by planning norms which were based on the number of inhabitants as well as the preconditions of industrial building norms. In accordance with detailed centrally approved building regulations the master plans of all towns and largest villages were elaborated and regularly updated. Also different region plans and economic sectoral development schemes were prepared based on the unified Soviet regulations and norms.
Figure II.1.1 Interconnectedness of soviet planning documents and the sequence of drafting - 1), 2), 3) and 4) and no sequence, which was into force till 1991 (source: Buka un Volrāts, 1987).

From today's point of view spatial plans of the Soviet period and their proposals to zoning, transport planning and infrastructure have to be corrected as they did not take account the ownership structure and public opinion. Often the implementation of these sometimes quite detailed plans was weak. The plan was accessible only for official use for managers and listed specialists and not for public. All the cartographic materials were secret because of the military reasons. Because of these reasons the cartographic material for planning needs was misconstrued with purpose. If information regarding plans was published it was general and schematic with no scale.
Formally the prepared spatial plans in the end of the Soviet period were confirmed by the local deputy councils which, although formally were elected by inhabitants, were not true self-governments – the deputy candidate nomination was not democratic, these candidates were agreed by the Communistic Party’s bureaus and selected by needed criteria, these candidates did not have rivals and the elected councils did not have real power as all the decisions were coordinated with the local, sometimes central bureaus of the Communistic Party (Vanags un Vilka, 2005:109 p).

Local town planning and architecture traditions were retained also during the Soviet period. From the second half of the 1960-ies increasingly significant becomes the maintenance of the architectural and urban planning heritage. Contrary the policy of the Soviet government support to the concentrated and industrial multi-apartment housing urban planning the Latvian planning specialist studied and published articles on urban planning ideas and achievements in previous periods, the development of urban building of 1860-1914 was highly valued. Inventories of cultural and nature monuments was carried out and wider society was involved more often. In 1979 the Old Riga City Renovation Project was prepared. In 1986 the historical ensembles of urban centres in 26 towns were protected. In 1973 the Gauja National Park was founded, its statutes and master plan with functional zoning were approved with the purpose to protect and utilize nature and cultural heritage and landscape in a complex way.

Relevant institutions

History of Riga City Development Department: www.rdpad.lv/about/history
Latvian Architecture Museum: www.archmuseum.lv
State Inspection of Culture Monuments: www.mantojums.lv
State Nature Protection Administration: www.dap.gov.lv
Gauja National Park www.gnp.lv

Despite spatial planning traditions the current spatial planning system developed after independency in 1991. Retaining some elements from the soviet planning practice and renewing several elements from the pre-soviet period the current planning system in Latvia mostly is based on the application of the foreign experience in concordance with the constitutional system of Latvia.
After the regaining of the independency, the great attention was paid to the establishment of comprehensive, decentralized, democratic and public spatial planning system. The involvement of society in the spatial planning process was considered as the continuity of the general public interest in development processes in the middle of 1980-ies. Civil society activities (publications, meetings, demonstrations etc.) against the construction of Daugavpils Hydroelectric Power Station on River Daugava and metro in Riga and also environmental pollution caused by a paper-mill of Sloka near the Baltic Sea later turned into the popular movement towards independency at the end of 1980-ies. It was possible in the framework of the new USSR initiatives Openness (Glastnost) and Reconstruction (Perestroika).

Changes in the environment protection and spatial planning system were marked out by the Law “On State Ecological Expertise” which was adopted by the Superior Council of the Republic of Latvia in 1990. The law stated that state ecological expertise is based on the legality, complexity, science justification and publicity principles in its work and also on the integral evaluation of social, engineer technical, nature protection, environment planning, economic and other aspects as well as general evaluation regarding the total impact on the environment and international obligations of the Republic of Latvia. Shortly afterwards adopted laws “On Town Self-Government” and “On Rural (Civil Parish) Self-Government” (24.04.1991) supplied legal framework for the democratic municipality activities in urban and rural local level municipalities. Law “On Rural Self-Government” determined that in the competence of rural municipality is the supervision of planning and building of densely populated sites and territories. The law of the transition period of 1991 determined that a Rural Self-Government Council has right to confirm regulations and has the administrative responsibility for their trespass regarding construction in the densely populated areas; the maintenance of land, forest, water and protected nature and culture objects; the maintenance of buildings and their territories, public buildings and structures; greenery, tidiness and utilities of settlement areas; water use and landscape protection; location of commercials and other issues which are not contrary with the laws of the Republic of Latvia; also that Rural Self-Government Council can delegate rights to confirm economic, social development and environment protection perspective programmes and master plans (or spatial plans) of the densely populated areas and their amendments to the Rural Self-Government Board.

In its turn the Law “On Town Self-Government” stated that in its competence is building planning and control, that only Town Council in its session can confirm the master plan, also
to allocate and take away land as it is stated by the law. Town Council has rights to confirm rules and envisage administrative responsibility for their trespass regarding building of the densely populated areas; the maintenance of land, forest, water and protected nature and culture objects; the maintenance of buildings and their territories, public buildings and constructions; sanitary cleanliness of populated areas; arrangement of the territory of populated areas; greenery maintenance; water utilization and landscape protection; location of commercials and other issues which are not contrary with the laws of the Republic of Latvia; also that Town Council can delegate to the Board rights to approve urban economic and social development and environment protection perspective programmes and to take decisions regarding utilization and protection of urban land, earth entrails, water, forest and other nature resources, to confirm spatial plan schemes and projects of the town.

Land Reform process took place in line with the efforts to gain independency and renew the republic establishment of 1918. Society did not have common understanding on the aims and tasks of land reform, its procedure and speed of the implementation, on protection of the needs of the state and general public, on legatees and debts and mortgages on the land, as well as minimal and maximal size of the established land plots as the result of the land reform (Boruks, 2001: 266-267).

Following the tradition of the previous years there were adopted different laws regulating land reforms in cities and country areas. The law “On Land Reform in Rural Areas in Republic of Latvia” of 1990 and the Law “On Land Privatization in Rural Areas” of 1992 did not require spatial plans for municipalities in rural areas. Several conditions were determined to rearrange land usage and property legal, social and economic relations in the country in the process of step by step privatization to foster the resumption of the traditional country lifestyle of Latvia, ensure utilization and protection of nature and other resources, maintenance and increase of soil fertility, increase production of qualitative agricultural products, to create pre-conditions for one-family detached house safeguarding and renewal, ensure development of individual farms and household plots in accordance with the rational land use plan and retain the land areas for its current users to use public buildings and industrial objects in line with the currently envisaged land use purposes; to determine the area of the land which is not used for agriculture in accordance with the envisaged norms and project documentation. It was stated by the law that these are land survey (allotment) projects of rural municipalities which are prepared by the Land Survey State Institute “Zemesprojekts” in cooperation with Rural Self-Governments Councils. In the amendments of
1992 there was stated the land survey (allotment) project has to be submitted for the public inspection at least two weeks before its examination at the Rural Self-Government Land Committee and information regarding public participation opportunities has to be placed in the district newspaper. If local rural land users, claimants and inhabitants have objections against specific project solutions they have to submit them in written form within ten days after the end of the project display to the public. Rural Self-Government Land Survey (Allotment) Project is reviewed at the Rural Self-Government (Civil Parish) Land Committee and is confirmed by the Rural Self-Government Public Deputy Council after the harmonization with the District Land Committee.

The fact that rural land arrangement projects actually the spatial plans had to be drafted in the country areas with emphasis on land subdivision for land owners was kept as long term historic practice, including one from the Soviet period. A problem occurred in urbanised rural areas where in densely populated areas simplified planning order was used. Another problem occurred later when a hierarchic spatial system was established, the land reform laws were not amended and there was dual planning system for a certain period of time – one was based on land subdivision projects which were drafted under the control of State Land Service and Land Reform Committee and another on the spatial plans where the leading state administration institutions were the Ministry of Environment Protection and Regional Development and the state institution responsible for the control of self-governments (this institution frequently changed its subordination until 2003 when the Ministry of Regional Development and Local Government was established). Nowadays due to the fact that land reform is almost finished and State Land Service is under reform the land survey (allotment) projects are not considered as documents any more which have similar functions and content to the spatial plans and certain function duplication with the spatial planning system is gradually prevented.

Contrary to the country territories in city and town areas the laws “On Land Use and Survey” and “On Land Reform in Towns of Republic of Latvia” marked out the role of the spatial planning and stated that during the land reform town councils are drafting economic and social development programme of the town and in accordance with it prepare or correct the master plan where land use types and utilization requirements are defined. This policy was based on the fact that there was greater needs and longer history of urban spatial policy. The law “On State and Municipality Land Property Right and Its Consolidation in the Land Register” of 1995 states that preparing a note on the state and municipality land plots for the...
construction of new objects or territory utilization to implement state and municipality functions the justification of the master plan or the land arrangement project has to be submitted, this show that both terms were used for the spatial plan at that time.

The Ministry of Architecture and Construction established in the beginning of 1992 which tasks were to implement state policy in the spatial planning, construction, building (except roads and bridges), production of building materials, geology, urban environment and its protection, housing and public utility sectors was liquidated after the 5th elections of Parliament (Saeima) in the summer of 1993 and partly its functions, employees and archive were incorporated within the Regional Development Department and Construction Department of the newly established Ministry of the Environment Protection and Regional Development. The idea to bring together regional development, spatial planning, environment protection and resource management (except forests and fish resources – they retained in the competence of the Ministry of Agriculture) issues was grounded on the United Nations initiative of 1992 regarding fostering of the sustainable development. Initially in the structure of the Regional Development Department were Spatial Planning Unit, Urban Environment and Housing Unit and Tourism Infrastructure Unit. The Building Department contained Building Strategy Unit, Unit of Norms and Resource Economy and Housing and Public Utilities Unit.

At the beginning of 1990ties state administration policy was to foster municipality initiatives in its spatial planning. Most rapidly spatial planning developed in large city and district municipalities, especially in Jurmala and Riga cities and Riga district. In the planning institutions of large (republican) cities and district municipalities there were specialists of the respective qualification. City and district administrations and specialists inherited the urban and regional planning experience from previous political periods. In large cities spatial planning was also a necessity as more rapid development than in other areas of the country occurred.

With the adoption of the law “On Self-Governments” of 1994 the municipal system and municipal structures were reorganized. Including Riga City Council structural units were reorganised and in supervision of the City Development Committee the Development Department was established. It is considered that the Building Board – the structural unit of the Development Department has overtaken building process supervision and urban planning traditions which are almost 130 years old.
The law “On Self-Governments” of 1994, Regulations of the Cabinet of Ministers no.194 “Spatial Planning Regulations” of 1994 and the Building Law of 1995 served as a legal basis for the spatial planning development within the state. The Spatial Planning Regulations of 1994 defined the spatial planning system, state and municipality competence as well as public involvement within the spatial planning process. There was also determined that spatial planning includes the planning of all type constructions, transport and other engineering communication lines, utilities, landscape development, building demolitions, also other territory utilizations and development measures. This normative document was prepared in the framework of the wide discussions among municipality specialists, planners, architects and environment protection specialists, grounding on the historical traditions and taking into the account Soviet planning experience and overtaking foreign, mostly Nordic and German experience.

Regional Development Department of the Ministry of Environment Protection and Regional Development and the Latvian Association of Municipalities fostered different demonstrations and pilot projects within municipalities in the field of spatial development planning. Spatial planning specialists in the framework of different assistance and cooperation programmes got introduced with the achievements of spatial planning in the west. A significant role played a professional experience exchange of planning specialists, also demonstrations and pilot projects from 1994 till 2000, especially technical support to organizations and individuals by Canada Urbanization Institute and national and regional governments, development assistance organizations and public institutions of Denmark, Finland, Germany, Sweden, Belgium and Netherlands. Great input for the democratization and modernization of the spatial planning gave planning specialists of Latvian origin from Canada, Sweden, Australia and Germany. A significant role also played documents of the Council of Europe regarding spatial development, especially its recommendation “European Regional/Spatial Planning Charter” or Torremolinos Charter of 1984. Since 1993 for the setting down development directions of the Latvian planning system there is important role of planning specialists cooperation performed in the framework of Baltic Sea Region initiative “Vision and strategies around Baltic Sea 2010 – VASAB 2010”.

Planning system was applied in accordance with the conditions of Latvian legislation and not a long time ago established systems of environment protection and municipalities. In contradistinction to Western countries where democratic spatial planning system developed
after the Second World War, in Latvia democratic spatial planning developed in the second half of 1990ties as the comprehensive and intersectoral system of definition of land use (utilization) purposes. Partly it happened due to environment protection movement which started in the midth of 1980ties. Digesting the best foreign practice, there were many principles included in the normative documents which Latvian society has to digest in practice and they probably have to be adapted to local conditions and needs.

Development of the planning system has been influenced by the strengthening of democracy and also by the development of market economy and the reform of immovable property. Spatial planning system was harmonized with the developed municipality administration system. Spatial planning is considered as a significant tool to ensure environment protection and to implement the publicity (openness) principle in state and municipal administrations. Spatial planning system is one of the tools to implement general land policy within the state.

In the summer of 1995 in the Regional Department of the Ministry of Environment Protection and Regional Development there was Unit of Balanced Development of Regions established. In the autumn of 1995 the Cabinet of Ministers accepted the Guidelines of Latvian Regional Development Policy and in 1997 – the Concept of Regional Development Policy, as well as some other normative documents which determined activities of regional development policy tools and institutions – Regional Development Council was established and Regional Fund was founded which was administrated by State Ltd. “Region Development” since 1998.

For the legal strengthening of the spatial planning other laws which were adopted in this period are also significant. The Building Law of 1995 states that a land plot can be built if it is not in contradiction to city/town or parish master plan, detailed plan, land arrangement (subdivision) project and binding building regulations which include building restrictions for the specific land plots. It was stated by the law that in the competence of local municipalities there is drafting and adoption of the general plan, detailed plan, binding building regulations of the administrative territory and also to control and ensure their compliance. Though the law did not forbid the construction if there was no general plan and detailed plan prepared. A land plot could be constructed if there was a municipality decision taken in the order stated in the central government adopted General Building Regulations. Municipality can also forbid the construction of suggest improvements grounding on the norms which do not allow construction of this kind and also taking into the account public discussion results of the spatial plan and particular building. In the General Building Regulations of 1997 there was
stated that if there are no local building regulations in the municipality the Planning and Architecture Task has to be received from the Building Board to get a Building Permit; this document determines specific conditions for planning and construction of a land plot. This practice came from the soviet period when officials could widely interpret the development of the specific territory. The Building Board is the municipality institution established in accordance to the Building Law; it manages and supervises construction in the respective administrative territory. The law regulates that the construction is supervised by the officials of the Building Board which have higher education specialised in construction.

The Law “On Environment Protection” of 1991 and its amendments of 1997 determine that spatial planning is one of the tools to ensure environment protection. The law envisages protective zones of different significance level, they are constructed for the specific cases within the spatial plan but if there is not such they are determined in accordance with normative acts where there is envisaged the minimum width which is stated in the Protection Zone Law of 1997. In the Law “On Environment Impact Assessment” of 1998 with its amendments of 2003 a chapter regarding strategic assessment was included. It is necessary for planning documents which could have a significant impact on the environment or on the Protected Nature Territories of European Significance (Natura 2000). The criteria of the strategic assessment necessity are determined as following: substance of the respective planning document and description of the territory which could have impact on the environment, sensitivity and peculiarities and impact of the implementation of the respective planning document on the particularly protected nature territories, wetlands of international significance, micro-reserves, protection zones of the Baltic Sea and the Gulf of Riga, shelterbelts of surface water objects, protected species, their habitats and protected biotopes.

The Agriculture Law of 1996 stated that transformation of land used for agriculture is acceptable only with the permission of the Ministry of Agriculture. In its turn Regulations of the Cabinet of Ministers “Issue Order of Land Transformation Permits” of 1996 pointed out that efficient utilization and management of land resources has to be carried out in accordance with the district and local municipality plans, permissions to carry out afforestation can be issued only in accordance with the plans. In the Forest Law of 2000 there is envisaged that forest management objectives are determined in the spatial plans. In 1992 there was renewed the Law “On Expropriation of Immovable Property for State or Public Needs” of 1936, it states that expropriation of the immovable property is possible only
on the basis of the specific law and for compensation grounding on the proposal of municipality or state institution. Information Publicity Law of 1998 points out that information has to be accessible in all cases unless stated otherwise by the law. The way to obtain this information is described in the Law “Examination Order of Applications, Complaints and Proposals in State and Municipal Institutions” of 1994 and in the regulations of the Cabinet of Ministers no. 154 “Administrative Acts Procedure Regulations” of 1995.

In the beginning of 1998 the Cabinet of Ministers accepts the Concept of the National Spatial Plan. It determined the necessity to prepare the national spatial plan, its principles, tasks, structure, and content and preparation procedure. There was Steering Group of the National Spatial Plan established (1998-2002) which was a coordination and advisory institution under the minister of the environment protection and regional development, it ensured relations between state institutions and municipalities. There were representatives from almost all ministries and three municipality representatives which were recommended by the Latvian Municipality Association.

In 1998 new regulations of the Cabinet of Ministers “Spatial Planning Regulations” were adopted, they retained the planning system developed in 1994 specifying it on the basis of the new experience acquired. They determined types of the spatial plans, their structure, content, preparation, coordination, coming into force and repeal procedure. Procedure of the opinion coordination between district and local municipalities was specified and greater attention paid to cooperation between state and municipality institutions in the field of spatial planning. Content of all type spatial plans was harmonized with the conditions of other normative acts. Contrary to previous regulations there was different preparation procedure established for the national and regional planning levels, they had also different principles for the content formation.

In the autumn of 1998 Spatial Development Planning Law was adopted, it determined the principles, objectives and tasks of the spatial development planning system, planning actors and their competence, types of spatial development plans, contents of spatial development programmes and spatial plans and their preparation procedure, financing principles for municipal planning, public rights to obtain information, to participate in the spatial development planning process, to express and stand for its opinion. This law stated that the spatial development plan is a set of documents which includes spatial development programme and the spatial plan. Spatial development plan by observing spatial planning
principles and pre-conditions, results and expectations of spatial sectoral development analysis determines sustainable development objectives of the territory and strategy for their achievement. Based on the norms of the law in the beginning of 2000 the new regulations of the Cabinet of Ministers was adopted – “On Spatial Plans” which was a specified version of previous provisions especially regarding national level planning.

Spatial Planning Unit and of Urban Environment and Housing Unit were reorganized to the National and Regional Planning Unit and Local Municipal Planning Unit. The tasks related to housing issues were given to the Building Department as the structural change within the Ministry of Environmental Protection and Regional Development. In 1999 State Ltd “Spatial Development Planning Centre” was organised under the Ministry of Environment Protection and Regional Development, its objective was to ensure preparation of the national spatial plan and provide guidelines for regional and local municipal spatial planning. In the beginning of 2002 joining the European Union and coordinating regional development policy but at the same time ignoring sustainable development principles regarding state administration institutions and their supervised policies, the Regional Development Department was moved to the Ministry of Finances where there was Regional Development and Planning Board established. In the leadership of the Regional Development and Planning Board the Spatial Development Planning Law of 1998 was splitted in the Regional Development Law and the Spatial Planning Law; both were adopted by Parliament (Saeima) in 2002. In thus regional development planning was separated from spatial planning system.

Location of the spatial planning and regional development institutions in the Ministry of Finances was considered unsuccessful and in the beginning of 2003 the Ministry of Regional Development and Local Governments was organised. In 2007 this ministry among other structures has Spatial Planning Department with Plan Supervision and Plan Methodology units. With the development of the new Ministry and changes within national level spatial policy the Spatial Development Planning Centre stops its activities. The Spatial Planning Archive which was established in the end of 1990ties continues its work in the Ministry of Regional Development and Local Governments. In 2003 Building Department and State Building Inspection, also Tourism Department and Tourism Development State Agency were moved to the Ministry of Economics. In 2002 State Housing Agency was established, it is intended to transform it to the Building, Energy and Housing State Agency.
Large planning and architecture institutes of the Soviet period were privatized in the second half of 1990 decade; mostly they changed specialization as there was no demand for drafting of spatial plans in these years. At the present they episodically get involved in the spatial planning activities.

District municipality existence and functional efficiency is doubted since reestablishment of Latvian independency and it does not foster the stability of district planning. Especially considering that after 2002 the district municipality spatial planning functions are in some aspects duplicated by planning regions. At local level larger municipalities have longer term prospects, particularly city municipalities which do not run under the risk to be amalgamated during the municipality territorial reform; within these large city municipalities spatial planning process is the most developed. These municipalities have more stable finance base, better planning specialists also spatial planning issues are topical and supported by entrepreneurs and inhabitants. Small municipalities partly are late with the spatial plans because of the coming territorial reform, partly because of insufficient finance and human resources as well as because of the insignificant activities which would leave impact on the spatial development. The spatial planning system of Latvia is on the development phase, it improves consequently, and maintaining successity.

<table>
<thead>
<tr>
<th>Title of the normative document</th>
<th>Into force since</th>
<th>Valid (until)</th>
<th>Notes and link to the text of document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure of Intended Building Public Discussion, regulations no.331 (adopted 22.05.2007)</td>
<td>26.05.2007</td>
<td>Into force</td>
<td>Determines procedure in which need to organise intended building public discussion is assessed, as well as how intended building public discussion is organised. It supervised by municipality but organised and financed by a developer. Text in English <a href="http://www.em.gov.lv/em/images/modules/items/item_file_16904_mk_not_331_publ_apspr.doc">www.em.gov.lv/em/images/modules/items/item_file_16904_mk_not_331_publ_apspr.doc</a></td>
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<tr>
<td>Regulations on Establishing Immoveable Property Object no.182 (adopted 20.03.2007)</td>
<td>01.05.2007</td>
<td>Into force</td>
<td>Determines the procedure, documents and terms of establishing immovable property objects. Link to text in Latvian <a href="http://www.likumi.lv/doc.php?id=154849&amp;mode=DOC">www.likumi.lv/doc.php?id=154849&amp;mode=DOC</a></td>
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<tr>
<td>Statute/Regulation</td>
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<tr>
<td>Statutes of the National Development Council, regulations no.129 (adopted 13.02.2007)</td>
<td></td>
<td>23.02.2007</td>
<td>Collegial advisory authority established with the purpose to ensure a co-ordinated planning and monitoring of State development. Text in English <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;l=LV&amp;seid=down&amp;itid=15806">here</a></td>
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<tr>
<td>Environment Protection Law (adopted 02.11.2006)</td>
<td>29.11.2006</td>
<td>Into force</td>
<td>Replace alike law from 1991. The objective of the law is to ensure environment quality maintenance and renewal, as well as sustainable utilization of nature resources. Text in English <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;l=LV&amp;seid=down&amp;itid=15680">here</a></td>
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<tr>
<td>Land Survey Law (adopted 14.09.2006)</td>
<td>01.01.2007</td>
<td>Into force</td>
<td>Defines land survey types, implementation procedure and the rights and responsibilities of involved actors in the land properties organisation. Land survey includes local land survey or allotment plan preparation and establishing of utilization purposes of land plots. Local land survey plans are prepared in accordance to municipal spatial plan in cases if detailed spatial plan is not plan to be prepared. Link to text in Latvian <a href="http://www.likumi.lv/doc.php?id=144787&amp;mode=DOC">here</a></td>
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<tr>
<td>Regulations on Agricultural Territories of National Significance, no.142 (adopted 14.02.2006)</td>
<td>23.02.2006</td>
<td>Into force</td>
<td>Determines state interests and demands on utilization and development of nationally significant agriculture territories, in order to protect valuable development resources as a part of a national capital. Text in English <a href="http://www.ttc.lv/index.php?id=10&amp;tid=60&amp;l=LV&amp;seid=down&amp;itid=15692">www.ttc.lv/index.php?id=10&amp;tid=60&amp;l=LV&amp;seid=down&amp;itid=15692</a></td>
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<tr>
<td>Immovable Property State Cadastre Law (adopted 01.12.2005)</td>
<td>01.01.2006</td>
<td>Into force</td>
<td>The purpose of the Law is to ensure society with updated cadastre information regarding all immovable properties in the State's territory, their objects, parts of land units and their owners, lawful possessors, users, renters, as well as objects of immovable property tax and payers. Text in English <a href="http://www.ttc.lv/index.php?id=10&amp;l=LV&amp;seid=down&amp;itid=15917">www.ttc.lv/index.php?id=10&amp;l=LV&amp;seid=down&amp;itid=15917</a></td>
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<tr>
<td>Regulations on Building Norms LBN 224-05 &quot;Amelioration systems and hydro technical structures&quot; no. 631 (adopted 23.08.2005)</td>
<td>01.09.2005</td>
<td>Into force</td>
<td>Determines design requirements for new, reconstructed and renewed agricultural lands amelioration systems, forest lands drainage systems, settlements amelioration systems and engineering protection structures and hydro technical structures. <a href="http://www.em.gov.lv/em/images/modules/items/item_file_12347_ns1e.htm">www.em.gov.lv/em/images/modules/items/item_file_12347_ns1e.htm</a></td>
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<tr>
<td>Regulations on Detailed Plan Drafting Agreement, Preparation and Financing Procedures, no.367</td>
<td>04.06.2005</td>
<td>Into force</td>
<td>Determines drafting and financing procedure of detailed plan, as well as conditions that have to be included in the detailed plan’s drafting agreement between municipality and other legal body. Text in</td>
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<td>Title</td>
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<tr>
<td>Regulations on Location of Outer Utilities in Towns, Villages and Rural areas no. 1069 (adopted 28.12.2004)</td>
<td>01.04.2005</td>
<td>Into force</td>
<td>Determine location demands for gas, heat and water supply, sewerage, drainage, external pneumatic waste pipes, telecommunication lines, electric power supply lines and facility in cities, towns, villages un and rural areas. These demands are observed preparing and amending spatial plans and detailed plans of local municipalities, preparing planning and architectural tasks, technical terms of reference and also designing building projects. Text in Latvian.</td>
</tr>
<tr>
<td>Forest Land Transformation Procedures, regulations no.806 (adopted 28.09.2004)</td>
<td>02.10.2004</td>
<td>Into force</td>
<td>Determine that land transformation has to be carried out in accordance with the local municipality spatial plan. Text in English: <a href="www.ttc.lv/index.php?id=10&amp;tid=60&amp;l=LV&amp;seid=dow&amp;tid=13977">www.ttc.lv/index.php?id=10&amp;tid=60&amp;l=LV&amp;seid=dow&amp;tid=13977</a></td>
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<tr>
<td>Procedure, How Land Used for Agriculture is Transformed to Non-Agricultural Land Use and How Land Transformation Permissions are Issued,</td>
<td>29.07.2004</td>
<td>Into force</td>
<td>Determine that land transformation has to be carried out in accordance with the local municipality spatial plan. Link to text in Latvian: <a href="www.zm.gov.lv/index.php?sadala=521&amp;id=3430">www.zm.gov.lv/index.php?sadala=521&amp;id=3430</a></td>
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<td>Regulations No</td>
<td>Date of Adoption</td>
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<tr>
<td>RNo.157</td>
<td>23.03.2004</td>
<td>01.05.2004</td>
<td>Issued in accordance with the Law “On Environmental Impact Assessment”.</td>
</tr>
<tr>
<td>Law “On Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done in Aarhus, Denmark, on 25 June 1998”</td>
<td>18.04.2002</td>
<td>26.04.2002</td>
<td>Promotes public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment and during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Text in English and Latvian:</td>
</tr>
<tr>
<td>Agriculture and Rural Development Law</td>
<td>07.04.2004</td>
<td>24.04.2004</td>
<td>Defines that the Cabinet of Ministers has rights to decide regarding the changes in utilization purposes of the land used for agriculture or transformation of rural areas.</td>
</tr>
<tr>
<td>Regulations regarding the Preservation and Protection of the Historic Centre of Riga, no 127</td>
<td>08.03.2004</td>
<td>11.03.2004</td>
<td>Issued pursuant to the Law On Preservation and Protection of the Historic Centre of Riga.</td>
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<tr>
<td>Local Municipality Spatial Planning Regulations no.34 (adopted 13.01.2004)</td>
<td>31.01.2004</td>
<td>04.11.2004</td>
<td>Determined components of the spatial plan, order of spatial plan’s preparation, public participation, legality evaluation, coming into force, amendments and observation supervision and respite, as well as local municipality’s spatial plan’s amendments. Link to text in Latvian: <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=83729">www.likumi.lv/doc.php?mode=DOC&amp;id=83729</a></td>
</tr>
<tr>
<td>Law On Preservation and Protection of Historic Centre of Riga (adopted 29.05.2003)</td>
<td>25.06.2003</td>
<td>Into force</td>
<td>Determine Riga historical centre and its protection zones’ status, spatial, maintenance, protection, utilization, also development project implementation order and demands for the elaboration of the spatial plan of Riga historical and its protection zones. Link to text in Latvian: <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=76001">www.likumi.lv/doc.php?mode=DOC&amp;id=76001</a></td>
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<tr>
<td>Statutes of the Ministry of Regional Development and Local Governments, regulations no.56 (adopted 04.02.2003)</td>
<td>08.02.2003</td>
<td>Into force</td>
<td>Determine that it is leading state administration institution of regional policy, municipality supervision and development coordination and spatial planning. Link to text in Latvian: <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=71032">www.likumi.lv/doc.php?mode=DOC&amp;id=71032</a></td>
</tr>
<tr>
<td>Spatial Planning Law (adopted 22.05.2002)</td>
<td>26.06.2002</td>
<td>Into force</td>
<td>Determines spatial planning system, public participation, and spatial plan’s hierarchy and preparation procedures. Link to text in English: <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;l=LV&amp;seid=dow&amp;itid=13810">www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;l=LV&amp;seid=dow&amp;itid=13810</a></td>
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<td>Law/Regulation</td>
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<tr>
<td>Regional Development Law (adopted 21.03.2002)</td>
<td>23.04.2002</td>
<td>Into force</td>
<td>The objective of the law is to foster and ensure balanced and sustainable state development, observing all the secularities and opportunities to decrease economic differences between them, also to maintain and develop nature and culture features and development potential of each spatial. Determines the hierarchy of development programs and plans, elaboration and coordination procedures. Text in English: <a href="www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down&amp;itid=13795">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down&amp;itid=13795</a></td>
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<td>Regulations on Latvian Building Norms LBN 006-00 “Key requirements to buildings”, no.142 (adopted 27.03.2001)</td>
<td>31.03.2001</td>
<td>Into force</td>
<td>Determines key requirements to buildings, their parts and constructions in the phase of construction and utilization. Text in Latvian: <a href="www.likumi.lv/doc.php?mode=DOC&amp;id=6234">www.likumi.lv/doc.php?mode=DOC&amp;id=6234</a></td>
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<td>networks and objects’ no. 214 (adopted 15.06.1999)</td>
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<td>Statutes of the non profit organization state Ltd. &quot;Spatial Development Planning Centre&quot;, regulations no. 107 (adopted 16.03.1999)</td>
<td>19.03.1999</td>
<td>Invalid</td>
<td>The objective of the organization was based on commercial activities to ensure spatial development plan’s preparation by observing principles and planning tasks stated by the law. There was envisaged, that the centre will draft the national spatial plan of Latvia and spatial development plans of special territories, to develop and maintain data base of spatial development planning, it could carry out specific state and municipality orders within spatial development planning. Link to text in Latvian: <a href="http://www.likumi.lv/doc.php?id=22930&amp;mode=DOC">www.likumi.lv/doc.php?id=22930&amp;mode=DOC</a></td>
</tr>
<tr>
<td>Information Publicity Law (adopted 29.10.1998)</td>
<td>20.11.1998</td>
<td>Into force</td>
<td>Determines that information which is operated by an institution or has to be public in accordance with the competence of the institution has obligations to make accessible to the public. Link to text in English: <a href="http://www.ttc.lv/index.php?id=10&amp;l=LV&amp;seid=down&amp;tid=13707">www.ttc.lv/index.php?id=10&amp;l=LV&amp;seid=down&amp;tid=13707</a></td>
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<tr>
<td>Classification of Immovable Properties Utilization Purposes, Cabinet regulations no. 166 (adopted 05.05.1998)</td>
<td>07.05.1998</td>
<td>01.01.2007</td>
<td>Determined the procedure to define and classify utilisation purposes of immovable properties. Text in Latvian: <a href="http://www.likumi.lv/doc.php?id=48031&amp;mode=DOC">www.likumi.lv/doc.php?id=48031&amp;mode=DOC</a></td>
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<tr>
<td>Spatial Planning Regulations no.62 (adopted)</td>
<td>26.02.1998</td>
<td>09.12.2000</td>
<td>Determined content and composition of territory plans as well as their elaboration, coordination, coming into force, respite and observation supervision order. Text</td>
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<td>1.07.1997</td>
<td>General Building Regulations no.112 (adopted 1.04.1997)</td>
<td>Prescribes the requirements for the preparation of the design of all types of structures (buildings), the development of a construction design. Text in English <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;tid=60&amp;i=LV&amp;seid=dow&amp;itid=14205">www.ttc.lv/index.php?&amp;id=10&amp;tid=60&amp;i=LV&amp;seid=dow&amp;itid=14205</a></td>
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<tr>
<td>11.03.1997</td>
<td>Protected Zone (Shelter Belts) Law (adopted 05.02.1997)</td>
<td>Determine basic principles of establishing of protected zones and shelter belts, their types and functions, procedure of their maintenance and condition control, as well as economic activities. Text in English <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;i=LV&amp;seid=dow&amp;itid=13858">www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;i=LV&amp;seid=dow&amp;itid=13858</a></td>
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<tr>
<td>06.03.1997</td>
<td>Law On Recording of Immovable Property in the Land Registers* (adopted 30.01.1997)</td>
<td>This Law prescribes the procedures by which the land regained or privatised by natural persons or legal persons, the land of the State and local governments, as well as apartments and buildings (structures), which are located on this land or in the land, shall be recorded in the land Registers. Link to text in English: <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;i=LV&amp;seid=dow&amp;itid=15555">www.ttc.lv/index.php?&amp;id=10&amp;i=LV&amp;seid=dow&amp;itid=15555</a></td>
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<td>14.08.1996</td>
<td>Protected Zones (Shelter Belts) Regulations no.324 (adopted 07.08.1996)</td>
<td>Determine basic principles of establishing of protected zones and shelter belts, their types and functions, procedure of their maintenance and condition control, as well as economic activities. Link to text in English: <a href="http://www.ttc.lv/index.php?&amp;id=10&amp;i=LV&amp;seid=dow&amp;itid=">www.ttc.lv/index.php?&amp;id=10&amp;i=LV&amp;seid=dow&amp;itid=</a></td>
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<td>Regulations on Procedure</td>
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<td>how to Organize Contests</td>
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<td>Detailed Plan Projects</td>
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<td>Building Law (adopted</td>
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<td>10.08.1995)</td>
<td>13.09.1995</td>
<td>Into force</td>
<td>Determines the construction system, its participants, responsible institutions and procedures, including the construction system connection with spatial planning system. Link to text in English: <a href="www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;l=LV&amp;seid=down&amp;itid=13833">www.ttc.lv/index.php?&amp;id=10&amp;tid=59&amp;l=LV&amp;seid=down&amp;itid=13833</a></td>
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<td>Process of Administrative</td>
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<td>Acts Regulations no. 154</td>
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<td>Spatial Planning</td>
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<td>Regulations no.194</td>
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<td>Law &quot;On Self-Governments&quot; (adopted 19.05.1994)</td>
<td>09.06.1994</td>
<td>Into force</td>
<td>Determines that local (both rural and town) and regional municipalities have duty to prepare and adopt the spatial development programme and the spatial plan of the municipality, to ensure its realization and administrative supervision. Link to text in English: <a href="www.ttc.lv/index.php?&amp;id=10&amp;l=LV&amp;seid=down&amp;itid=13757">www.ttc.lv/index.php?&amp;id=10&amp;l=LV&amp;seid=down&amp;itid=13757</a></td>
</tr>
<tr>
<td>Order of the Ministry of Architecture and Building no. 50 &quot;Instruction on Family House and Farmstead Design and Planning LBN 209&quot; (order</td>
<td>03.05.1993</td>
<td>01.01.2006</td>
<td>This interim document prescribed key requirements to detached family house and farmstead design and panning.</td>
</tr>
<tr>
<td>Statute / Order / Decision</td>
<td>Date / Renewed</td>
<td>Effective Date</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td><strong>Land Register Law</strong> (adopted 22.12.1937, renewed 30.03.1993)</td>
<td>30.03.1993 renewed</td>
<td>Into force</td>
<td>In accordance to this law the immovable (land, house and flat) properties are registered. Link to the text in English: <a href="http://www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=downtid=15686">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=downtid=15686</a></td>
</tr>
<tr>
<td><strong>Order of the Ministry of Architecture and Building no. 118 „Interim Instruction on Parish or Town Construction Master Plan LBN 101“</strong> (order signed 28.12.1992)</td>
<td>28.12.1992 01.01.2006</td>
<td>This interim document determined main requirements to rural parish and town master plans for populated areas.</td>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>Law „On Building Properties Denationalization in Republic of Latvia“ (adopted 30.10.1991)</td>
<td>01.01.1992</td>
<td>Into force</td>
<td>Determines building properties denationalization to former owners in rural and town areas to the situation on 17.06.1940. Financial burdens were released. <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=70829">www.likumi.lv/doc.php?mode=DOC&amp;id=70829</a></td>
</tr>
<tr>
<td>Law “On State Ecological Expertise“ (adopted 09.10.1990)</td>
<td>09.10.1990</td>
<td>13.11.1998</td>
<td>The objective was to evaluate ecological risk level of the economic activity, the ecological situation in the specific objects and places and prepare proposals for the improvement of the environment quality. Link to text in Latvian: <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=72731">www.likumi.lv/doc.php?mode=DOC&amp;id=72731</a></td>
</tr>
<tr>
<td>Decision of the Supreme Council of Republic of Latvia „On Agrarian Reform in Republic of Latvia“ (adopted 13.06.1990)</td>
<td>13.06.1990</td>
<td>not valid</td>
<td>Determined that rural land is allocated to natural and juridical persons with the rights to renew private land ownership or to transfer into private land ownership.</td>
</tr>
</tbody>
</table>

*Table II.1.1: Normative documents regulating spatial planning in consecutive order.*
1.2 Basic principles

The Spatial Planning Law of 2002 which maintained the implemented and developed spatial planning principles from 1994 determines that the following principles have to be observed within all type spatial plans:

– **sustainability principle**, which envisages to ensure for the present and future generation qualitative environment, balanced economic development, efficient usage of nature, human and material resources, development and maintenance of nature and culture heritage;

– **interest harmonizing** principle, which ensures, that the spatial plan is elaborated in accordance with other spatial plans and interests of the state, planning regions, municipalities and private interests are harmonized;

– **diversity** principle. It means that in the elaboration process of the spatial plan diversity of nature, cultural environment, people, material resources and economics is considered.

– **detalization** principle, which envisages, that spatial planning on national, planning region, district and local municipality level is envisaged on different detalization level;

– **competition** principle, which requests to ensure equal pre-conditions for the entrepreneurship in the respective territory;

– **continuity and succession** principle, which ensures, that when there are changes within the justification of the plan into force the spatial plan is amended keeping those parts of the spatial plan which justification has not changed;

– **publicity** principle. It means that the spatial plan is elaborated, with the public involvement and ensuring publicity of information and taken decisions.

In several normative acts there are also other basic principles included which have to be taken as the basis in the spatial planning process. **Information Publicity Law** determines that information is accessible to society in all cases unless provided otherwise by the law. Information of unlimited accessibility is accessible with no restrictions in its turn information of limited accessibility is restricted but information can become such only stated by the law; also if information is of internal use within the institutions, confidential business information, information regarding life of a physical person and information which is submitted for the evaluation of projects and competition.

As spatial planning is one of the environment policy implementation tools environment protection principles are also binding: principle “**polluter pays**”, **precaution principle**, **prevention principle** and **evaluation principle** which envisages the sequences of every
such activity or event which can significantly impact the environment and human health, these activities have to be evaluated before they are permitted and started. Activity or event which can leave negative impact on the environment and human health even if there are all environment protection conditions observed can be permitted only in the case if the positive result for the society of the respective activity or event exceeds harm to the environment and society.

For the spatial development planning significant are regional development basic principles determined in the *Regional Development Law*:

– **concentration** principle. It envisages that financing for regional development support is concentrated to for the achievement of the certain priority objectives;

– **programming** principle, which envisages implementing regional development support activities taking regional development planning documents elaborated on national level, planning region, district and local authority level as the basis. Development priorities and scope of the supportive activities are determined in these planning documents;

– **partnership** principle envisages that cooperation between state administration bodies, international institutions, planning regions’ development councils, municipalities, nongovernmental organizations and entrepreneurs is ensured;

– **supplement** principle which determines development financing from different sources which supplement and do not replace each other. More favourable co-financing amount is envisaged for the territories of particular support;

– **publicity** principle envisages that decision making process is open and society is informed regarding events and achieved results;

– **subsidiarity** principle is significant to foster decentralization. It envisages that duties of the public power have to be realized on the lowest administration level as close to the person as better.

*Relevant legislative documents*


1.3 Objectives and scope

The aim of spatial planning system is to favour sustainable and balanced development in the country. The objectives are to evaluate spatial development potential of the state, region and municipal territories; to define usage requirements and restrictions. It shall match with spatial planning activities of neighbouring countries and those of European Union. According to the spatial planning the tasks are to guarantee rights for real estate property usage and development, to create favourable environment for entrepreneurial activity and attraction of investments, to encourage availability of services and optimal functioning of transport system. Simultaneously, it shall sustain nature and culture heritage, landscape and biological diversity, enhance quality of cultural landscapes and settlement sites as well as it has to create preconditions for environment quality and rational land utilization of the territory; prevention of industrial and environmental risks.

In the interest of general public determined real property’s restrictions are adequate to the complex set of juridical norms that are represented by the Spatial Planning Law and respective Local Municipality Spatial Planning Cabinet regulations. These private building and structures utilization restrictions comply with the building real easements. These restrictions are regulated in accordance to the Civil Law of 1937 on monument protection, public security and building regulations (Rozenfelds, 2004: 88).

Spatial planning incorporates into planning processes of joint strategic, sectoral policy and state support planning; accordingly – into land usage, building, infrastructure and service planning. It gives spatial definition, framework and location for development planning or for activities, sites and directions of alterations. Spatial planning provides opportunities for definite investment sites to find themselves in different planning levels in relation to spatial characteristics, development tendencies and possible problems. It is a chance to avoid conflicts and treat situation rationally prior to construction or transformation of territory has been started. Thus spatial planning intensified by strategic environment assessment provides essential environment protection principles – precaution, prevention and assessment.
Since 1998 to 2002 in Latvia spatial development planning concerned both spatial development programmes and spatial planning as an entirety. Since 2002 spatial development planning system is divided and it is approved by the adoption of two separate laws – respectively development planning system (preparation of development programmes and development plans) and spatial planning system are set down. In most cases in practice they are closely linked together. Development programmes and spatial plans are often developed by the same planning department or specialists as well as this linkage and policy integration is required by a set of normative acts.

The Ministry of Regional Development and Local Governments develops both regional policy and spatial planning policies; it coordinates their realisation. At the same time it is the managing state’s administration responsible for monitoring activities of local authorities and responsible for coordination of development. According to the Law “On Self-Governments” it has rights by motivated notice to stop activity of illegitimate municipal binding regulations or other normative acts or their separate paragraphs.

The Ministry of Economics is responsible for construction and housing development, entrepreneurship, including tourism promotion, as well as for infrastructure, particularly power industry sector. The State Land Service and Land Register Units that ensure and maintain the system of immovable properties, act under supervision of the Ministry of Justice. Cooperation with the Ministry of Environment is essentially important for spatial planning, especially on the issues of environment and nature protection, management of nature resources, including planning issues of coastal and river basins. This ministry also supervises environmental impact assessment process, including strategic impact assessment, as well as pollution and industrial risk prevention measures. Rural development, amelioration, farming, forestry and fishing sectors are supervised by the Ministry of Agriculture. Cooperation with the strategic planning department in the Ministry of Transport is essential; it regards also cooperation with providers of transport infrastructure and services that are subordinated by the Ministry of Transport as well. In the Ministry of Culture the closest cooperation exists with Inspection for the Protection of Culture Monuments. Furthermore, cooperation has been established with the Ministry of Internal Affairs, Rescue and Fire Fighting Service as regards to planning the sites of increased risk potential.

1.4 Functions
Spatial planning of all levels has two groups of basic functions – spatial development promotion and control. The following functions can be distinguished:

1) **planning function** – planning states the planned (or permitted) territory utilisation; it defines visual characteristics and quality of territory where functionality interlinks with spatial forms and location.

2) **control function** – spatial planning becomes legal and administrative instrument for further land usage because it is defined as binding regulations in municipalities or it is incorporated into national planning in the Cabinet of Ministers. Land use planning binding regulations determine the restrictions for land utilization taking into account that they have to encourage sustainable and balanced development and they have to coordinate different interests in spatial development. In order to reach this more efficiently, spatial planning is realised by overall analyses on the present territory usage, possible development trends and needs for future. Strategic assessment for spatial plans is performed to secure as little influence to sustainable development as possible, especially as regards to environment.

3) **realisation or implementation function** – mainly it refers to spatial planning as a certain action programme that is flexible and favours realisation of land use objectives stated in state and municipalities’ decisions.

4) **compliance with normative acts** – land usage rules stated in spatial plans specify the requirements defined by normative acts in respect to definite territory or in planning of local authorities also in respect to a land plot. It clarifies rights and obligations of natural and legal entities as regards to definite territories and spatial scale.

5) **communication function** – coordination of interests between the decision-making power of and executive authority, as well as between different institutions of executive power. During development of spatial planning and its implementation phase, public information and involvement processes favour communication or information exchange between actors involved in planning and other stakeholders. Approved spatial plan serves as a document that informs on municipal policy concerning spatial development. It promotes openness for the other municipal decisions related to land usage, provides information to local population,
developers, and entrepreneurs on municipal policy concerning land utilization and building regulations.

1.5 Basic elements

The document – spatial plan - is a vital element of spatial planning system. The Spatial Planning Law (adopted in 22.05.2002) defines that spatial plan is a long term spatial planning document or a set of planning documents that is developed and became effective according to normative acts; it reflects current and planned (permitted) territory usage and its restrictions in writing and graphically according to planning level and particular type of planning as well as it states minimum and compulsory content, fields and definite aspects that shall define guidelines for territory usage. Planning content differs for different planning levels and it is described by the respective regulations of the Cabinet of Ministers.

In Latvia development of comprehensive spatial planning is promoted; it includes both development planning, land use planning, environment and nature protection planning aspects. Since 2002 development planning and spatial planning have different legal framework, however integration is still maintained between these documents as well as it is defined that spatial plans must be developed according to respective spatial development programme.

Spatial planning system is described by procedural uniformity. However, at the same time in the framework of normative acts local authorities have possibility to determine content of planning according to their needs; they are entitled to use different planning and public involvement methods. Local municipalities have opportunities to form informal planning regions (cooperation units) for the development of specific spatial plans. Local municipalities may define borders of the detailed plan to be developed.

<table>
<thead>
<tr>
<th>Spatial planning level</th>
<th>Planning Document (quantity in each spatial planning level)</th>
<th>Title in Latvian</th>
</tr>
</thead>
<tbody>
<tr>
<td>National level</td>
<td>National Spatial Plan (1)</td>
<td>Nacionālais plānojums</td>
</tr>
</tbody>
</table>
### Table II.1.2: Spatial planning documents at each planning level (District Municipality Spatial Plans does not cover territories of two-tier large cities municipalities, that develops their own local municipality’s spatial plan)

<table>
<thead>
<tr>
<th>Level</th>
<th>Plan Description</th>
<th>Latvian Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional level</td>
<td>Planning Region Spatial Plan (5)</td>
<td>Plānošanas reģiona teritorijas plānojums</td>
</tr>
<tr>
<td></td>
<td>District Municipality Spatial Plan (26)*</td>
<td>Rajona pašvaldības teritorijas plānojums</td>
</tr>
<tr>
<td>Local level</td>
<td>Local Municipality Spatial Plan (527)</td>
<td>Vietējās pašvaldības teritorijas plānojums</td>
</tr>
<tr>
<td></td>
<td>Detailed Plan</td>
<td>Detālplānojums</td>
</tr>
<tr>
<td></td>
<td>Land Organization (Allotment) Plan</td>
<td>Zemes ierīcības projekts</td>
</tr>
</tbody>
</table>

Another essential element of spatial planning is *planning process itself – the procedure* according to which spatial planning shall be started, developed, coordinated, adopted, maintained, published or changed. In this process essential role is to coordination of interests both vertically and horizontally with different state administration institutions, local authorities and also private infrastructure stakeholders. Simultaneously, opinion of all land owners and inhabitants shall be taken into account. Spatial planning allows to solve land usage issues complexly by harmonising interests of individual and of public; it gives opportunity to save nature heritage, nature and spatial resources including conservation; it allows to harmonise development initiatives, desires and needs. In this process great importance is to transparency and public participation.

Furthermore, opportunity to *dispute* proposals in established procedural order is vital – first of all in the framework of the Spatial Planning Law and on later stage in legal procedure. It is proved by the Constitutional Court proceedings on disputes in relation to spatial planning.

The fact that spatial planning is realised on different *spatial and administrative levels* is important element of planning system. The Spatial Planning Law states that upon developing spatial planning of lower level, valid spatial planning of higher level shall be taken into...
account. The planning must be mutually coordinated between planning levels and simultaneously, they have to be developed according to spatial scale – specification principle envisages different specification level or generalisation according to various planning levels. In Latvia according to the law, spatial planning is performed on national level, level of planning region, level of district’s municipality and level of local authority (in this level it is possible to work out both plans for entire territory of local authority as for its parts – detailed planning). The law states that planning of lower level specifies requirements, territories and sites defined in spatial plans of higher level. Each planning level has its own spatial policy objective according to the area covered and the scale that allows people to perceive this territory the best and profile it graphically. Sometimes this aspect is not defined precisely in legislation. Objectives of planning levels are coordinated with administrative functions of state or respective local authorities. Similarly, out of scale sites and territories appear in each definite level that are important for particular institution responsible for planning, e.g. real estate owned by local authorities or sites and territories of public importance.

In Latvia decisions on spatial development are adopted in each of the three planning levels:

- **On National level** decisions are adopted by the Parliament (Saeima) and the Cabinet of Ministers. The Parliament adopts laws but the Cabinet of Ministers issues Regulations of the Cabinet of Ministers with the power of a law as well as regulations, orders and recommendations of the Cabinet. External normative acts are laws and regulations of the Cabinet of Ministers. The Ministry of Regional Development and Local Governments may issue decisions only for the state administration institutions under its subordination. The particular Ministry prepares draft laws and regulations and submits them for adoption into the Parliament and the Cabinet of Ministers. The Ministry of Regional Development and Local Governments develops national planning; its binding parts are prepared as drafts of normative documents and they are submitted for acceptance in the Cabinet of Ministers. National Regional Development Councils that coordinate regional development and spatial planning in the state and evaluate national planning and spatial plans of planning regions as well as National Development Councils that manage and coordinate planning of state development by ensuring promotion of its sustainability, adopt only decisions of recommendation character.

- **On regional level** decisions are adopted by council of planning region (plānošanas reģiona padome) and council of district (rajona padome). There are five planning
regions in Latvia – Kurzeme, Latgale, Riga, Vidzeme and Zemgale. Decisions of the Planning Region Development Councils are of recommendation character. In planning regions the Guidelines of Spatial Planning are recommendations for district and local municipalities in elaboration of their development programmes and spatial plans. District municipality develops spatial plan and its amendments, and its binding provisions are adopted as binding regulations of the district self-government or external normative acts. In 2007 26 district municipalities and 7 large cities or total 33 administrative units are performing regional self-government functions. Large city (republikas pilseta) self-governments perform district municipality functions as they are not covered by the respective surrounding district administrative area. In reality republic cities municipalities only prepare and adopt local level spatial plans.

On local level decisions are adopted by council of local self-government council. There are used three historical names of the local self-government council in Latvia, although they perform equal functions and from the legal aspect are they are the same. There are town or city council (pilsētas dome) covering mostly densely settled areas, but can cover also wide rural areas adjacent to town (some of them are named as a town with rural areas); parish council (pagasta padome) covering villages and rural areas and reformed (amalgamated) municipality council (novada dome) where municipalities of first two types are amalgamated in accordance to the Administrative Territorial Reform Law. In accordance to this law it is foreseen that after 2009 the number of local level municipalities will decrease approximate by five times and at the local level only two-tier city municipalities (republikas pilseta pasvaldiba) and larger in territory and the number of population reformed local municipalities (novada pašvaldiba) will remain. In 2007 there are 7 two-tier city municipalities, 432 parish municipalities, 53 town municipalities and 35 reformed local municipalities (these in total amalgamated 17 towns). In local municipality binding parts of spatial planning and detailed planning are adopted as binding regulations of the local municipality or external normative acts. These are named as land utilization and building regulations. In cases if detailed plan is not intended to be prepared, local land survey (allotment) plan (zemes iericības plans) can be prepared. Although in this case in accordance to the Land Survey Law of 2006 the local self-government council has responsibility to adopt the allotment plan or local land organization plan by issuing an administrative decision.
In respect to actors involved in planning processes in Latvia the following groups are important – elected members adopt decisions, executive power develop planning documents, public and its representatives, i.e. organisations and institutions have rights to participate in planning drafting and coordination processes. The obligation to develop planning may be delegated to another state or municipal institution or private organisation for fulfilment. It is widely common in Latvia, as there are established several large private consultancy offices specialized on development of spatial plans as well as there are several agencies founded by municipalities that develop spatial plans according to the power delegating contract with other local authorities. According to the laws detailed spatial planning may be drafted and financed by developers and this opportunity is widely used. The right to adopt the spatial plans remains the responsibility of the respective municipalities.
Figure II.1.2: State and municipal institutions involved in spatial planning
**Public participation**

In Latvia public participation as a necessary component of the decision-making process is required in several cases: 1) during the modification of the administrative borders, 2) during the preparation of spatial plans, 3) during the design phase of the construction process for consultations concerning architectural sketches and designs of public significant buildings, 4) during the process of environmental impact assessment of intended activity, 5) during the process of strategic impact assessment of concepts, plans and programmes, as well as 5) in other significant issues for the local public on the discretion of a municipality.

When it concerns issues important for society, institution has obligation to organise public hearing. Decisions that do not correspond to opinion of majority in society have to be additionally justified. The laws of the Republic of Latvia envisage public participation opportunities – municipal council elections, opened council and committee sessions, availability of minutes of council sessions, possibility to meet with deputies, consideration of complaints and recommendations, public hearings as well as preparation of annual public reports and their publication.

With the aim is to receive public opinion and public hearing may be organised on the issues under autonomous competency of local authority that is no less than three weeks long. The initiators of the launch of public participation process may be inhabitants of local authority, municipal council or its chairman. Public hearing is compulsory on the following issues: 1) modification of the administrative borders of local authority and 2) development programme and spatial plan of local authority. Public hearing is not organised to discuss budget of local authority, paid services, and tax and due rates as well as when appointing and firing municipal officers.

During public participation process inhabitants of local or regional municipality and representatives of mass media have accessibility not only to the document given for public debate but also to decisions of the self-government related to the particular document. Everyone has rights to express their opinion orally or in writing on the subject of the public discussion. Local or regional municipality has obligation to summarise opinions expressed and to publish informative summary on the results of the public participation process as well as to publish the decision of the self-government council in local newspaper based on the results of public discussions.
In accordance with the amendments in the Law “On Self-Governments” of 2005 the public participation has to be organized obligatory also in the case of the border changes in the administrative territory of the local authority. Whether to consider the results of the public participation is the decision of the self-government council, the respective ministry or the Cabinet of Ministers. There is no law on the local referendum in Latvia, however in the response to public proposals such draft law is under the preparation currently.

State administration institutions may involve public representatives in its activities – representatives of public organisations or other organised groups or separate competent persons – by including them into working group, in consultancy councils or by asking them to give conclusions. According to the Law on Public Agencies adopted in 2001, Consultative Councils may be established to state and local and regional self-government agencies. They may involve persons authorised by state institutions, local or regional municipalities, specialists of respective sectors and representatives with delegated power given by non-governmental organisations.

Consultative Councils may be established under supervision of the councils of local or regional municipalities and its task is to ensure linkage between local population and the administration (council), to express wishes of inhabitants and to inform local population on activities of local authority. Working groups are established to deal with specific issues. Sessions of the Consultative Councils, for instance, may deal with comments and recommendations of inhabitants on spatial planning, development projects of certain private companies prior to their revision in municipal council’s session as well as they might deal with other issues.

Since 1994 the sphere of spatial planning is the one where inhabitants are the most active involving in the process of making decisions. The Spatial Planning Law of 2002 determines that every physical and legal entity has its rights to be acquainted with the spatial plans in force and plans that are in public discussion process; to express and defend his/her opinion; to submit the proposals and to get written reply from spatial plans’ initiators on the submitted written proposals and comments.

The public in the spatial planning process are involved at least in two stages: 1) shortly after the decision on the launch of the preparation of draft spatial plan, when the municipality
reminds on existing valid spatial plans in the area and organizes the process in which the views of public is collected on the issues to be cover during the spatial planning process and the spatial development intentions and 2) when the first draft of the spatial plan is submitted to the public for the examination that can be approved as final if there is no objections from the public or institutions. In the case in the first draft has to be amended, public and particularly those that submitted the written proposals and objections as well as affected and adjacent immovable properties owners are informed, therefore the possibility exist to object in the cases if the municipality did not take account properly the results of the public participation. Public participation includes reiterated information on the preparation and the adoption process of the spatial plan, possibilities to be introduced with the draft spatial plan and other related materials and to submit written proposals and objections on the proposed spatial developments as well as rights to take part in other measures of public information in the case if the municipality organising them.

Public participation in the process of the preparation of the spatial plan is ensured by the following. The responsible institution has to publish the announcement in the official newspaper “Latvijas Vēstnesis” on the launch of the drafting of a spatial plan and its amendments, the procedure of the public participation, place and terms, where and how it is possible to get acquainted with the draft spatial plan and where and when to submit the written proposals and objections. Local municipalities have to publish the information in the local periodical as well. The district municipalities have to publish the information in the district periodical which is published at least once a week. The planning region councils additionally publish the information in the respective regional and district periodicals as well as on a planning region development agency’s web page. Recently many district and local municipalities on their own initiative publish on their Internet home pages information on the spatial planning preparation and adoption process as well as materials submitted for the public examination.

The responsible institution for planning processes has to organize the involvement of public in the spatial planning process. The local and regional municipalities’ councils have to inform the Ministry of the Regional Development and Local Government on the decisions related to spatial planning. The Ministry publishes the decisions on their Internet home page.

State and other institutions which are responsible for public services and infrastructure have to submit the information or/and terms of reference for the preparation of the draft spatial
plan in 4 weeks and later in 8 weeks have to submit the opinions on the prepared draft of the plan. In the regulations of the Cabinet of Ministers there are 17 institutions listed or Statutory Consultees which have to be informed and their interests observed. In the interest harmonization process other institutions can be involved on the initiative of the local authorities and ministries. The district council has to inform all local municipalities comprising the respective district. All regional and local municipalities have to inform adjacent regional and local municipalities and ask their opinion about the spatial plan being drafted.

In the preparation process of the local municipality’s spatial plan, detailed plan and their amendments, which leaves impact to other local municipalities that are bordering with the territory of the respective spatial plan, the local municipality preparing the spatial plan has to inform the respective adjacent local municipalities regarding this fact and has to find their view by enquire the official opinion on the draft spatial plan by sending the copies of the decisions on the preparation of the draft spatial plan, detailed plan and their amendments and informing on the public participation activities.

The public consultation of the planning region’s and regional and local municipal spatial plan as well as their amendments is organized at least at two stages. The first stage is when the drafting of the spatial plan or its amendments is started and the second stage is after the preparation of the first draft of the spatial plan. The information about the public participation first stage which is not shorter than 4 weeks (2 weeks in the case of the detailed plan) is published in the local and/or district periodical, which is published at least once a week, in the periodical “Latvijas Vēstnesis” and on the planning region agency’s web page – about the planning region’s spatial plan. In the announcement the decision on the spatial plan preparation; name of the appointed manager; the terms of references, the public participation first stage; public hearing place and time; the place and time of the exposition of the planning materials; reception hours and written proposal submitting place and time is published. On the first public participation stage the planning region’s or regional or local municipality development programme, upper level spatial plan and the respective development programme and other materials are exposed and evaluated in the accessible place and time in the planning region council, local government or other institution.

The second stage of the public participation is organized after the preparation of the first draft of the municipal spatial plan, detailed plan or its amendments. It is not shorter than 6 weeks (2 weeks in the case of the detailed plan). The planning region or a municipality requires and
receives from the institutions and municipalities mentioned in the terms of references the opinions on the local government’s spatial plan. The prepared draft spatial plan is sent out to the institutions and it has to be added to the respective letters asking for their opinions on the draft spatial plan.

A planning region or regional or local municipality publishes the announcement in the local and/or district periodical which is published at least once a week, as well as in the official newspaper “Latvijas Vēstnesis” and on the planning region’s or regional or local municipality’s council’s web page. In the announcement the decision on putting the spatial plan on the public discussion and inquiry for official opinions; the terms of the public participation second stage; the place and time of the exposition of the first draft spatial plan; place and time of public hearings and other public participation measures; reception hours and written proposal submitting place and time and council’s web page address where the first draft of the spatial plan can be found is published.

On the second public participation stage the spatial plan (first draft), the spatial plan and the development program which are in force; higher level spatial plans and development programs; overview of the other local authorities’ and society opinion and proposals which have been received during the elaboration of the first spatial plan draft; overview on the terms expressed by institutions and environment report project are exposed and evaluated in the accessible place and time. After the second stage of the public participation the manager or the work group prepares the report on public consultation which include the announcements and publications in mass media; documents and materials which have been exposed during the public participation; public participation measures and activity list; written references and replies for them and minutes of the public hearings and other meetings.

If the Local Municipality’s Council adopts a decision to improve the spatial plan draft in accordance with institution references and the results of the public participation and to prepare the final detailed plan it has to ensure that inhabitants and institutions which have submitted resolutions on the elaborated plan draft are able to get acquainted with the final plan. The local government has to inform in the written form the institutions mentioned in the terms of references In the case of the drafting of the detailed plan the owners of the land property on its territory or neighbouring territories have to be informed. The information regarding the place and time where in a term of 3 weeks it is possible to get acquainted with the final plan and to submit resolutions and references has to be published in the periodicals.
In a week after the announcement is received the representatives of the institutions (if the detailed plan is being prepared - the owners of the real estate on its territory or neighbouring territories) (if the owners of the real estate on its territory or neighbouring territories have required in the written form) are ensured with the possibility to review the documentation of the final detailed plan. 2 weeks before the plan’s review meeting the institutions mentioned in the terms of references and (if the detailed plan is being elaborated - the owners of the real estate on its territory or neighbouring territories) are informed about that and the place and time of the respective meeting has been published in the periodicals.

The decision which adopts the spatial plan and local or district municipality’s binding regulations are published in the local and/or district periodical and in the official newspaper “Latvijas Vēstnesis”, specifying the place where it is possible to get acquainted with the detailed plan. The spatial plan comes into force in the next day when the announcement is published in the periodical “Latvijas Vēstnesis”.

The regulations determine that the spatial plan is prepared at least in two originals and as well in electronic version. One of them is kept in the planning institution which has approved it, the second – in the Spatial Planning Archive of the Ministry of Regional Development and Local Government. The district and local municipalities’ spatial plans have to be submitted not only to the Ministry of Regional Development and Local Governments, but also to the State Land Service and to the Regional Environment Board. Additionally the district plan has to be sent to all district local authorities. The local government has to submit the confirmed detailed plans when they come into force, also the electronic version, to the State Land Service.

Everyone has to be ensured with the possibility to get acquainted with the spatial plan and its amendments and also to receive copies with the main documentation and information which has been used in the preparation of the spatial plan. Invalid spatial plans and their amendments are kept in accordance with the Law “On Archives”.
The First Stage of the Public Participation

Municipal Council passes a decision on the launch of the development of spatial plan, approves Project Manager and adopts terms of reference.

Informs Ministry of Regional Development and Local Government, info is published at www.raiplm.gov.lv

<2 weeks

Announcement in a local press and the official newspaper "Latvijas Vēstnesis"

Other public involvement measures on municipality discretion – public hearing, thematic meetings, etc.

Public display of relevant materials for drafting a plan at municipality for at least 4 weeks (2 weeks in case of detail plan) written proposals can be lodged by anyone.

Aggregation of proposals, revision of terms of references, and preparation of the first draft of spatial plan.

Figure II.1.3: Public participation in the process of local government spatial planning

The Second Stage of the Public Participation

Municipality prepares answers on written proposals and objections and reports on public participation process and assesses the results.

Public display of draft spatial plan and other materials in municipality at accessible site for at least 6 weeks (2 weeks in case of detail plan), written objections can be lodged by anyone.

Announcement in a local press and the official newspaper "Latvijas Vēstnesis"

Municipal Council passes a decision on submitting the first draft of spatial plan to the public discussion.

The Final Stage of the Public Participation

Municipal Council’s decision on adopting or on preparing the final draft of the plan is passed. Municipality prepares the final draft of the plan.

Other public involvement measures on municipality discretion – public hearing, thematic meetings, etc.

Announcement in a local press and the official newspaper "Latvijas Vēstnesis"

In the case if the first draft of the plan is adopted as the final plan and there are no revisions.

Public display for at least 3 weeks, written objections can be lodged by institutions, proposal submitters (in case of detail plan affected and adjacent land owners)

Place and date of Council Meeting is published in newspapers, Municipal Council passes a decision on the spatial plan adoption

Decision is published in the official newspaper "Latvijas Vēstnesis". In 2 weeks the adopted spatial plan is submitted to the Ministry of Regional Development and Local Government, State Land Service and Regional Environmental Board for a deposit.
The **Building Law** of 1995 provides the principle that a local government before making a decision on the construction work has to ensure the public participation if 1) a significant building from the public point of view is built, 2) the intended building or reconstruction expenses from state or regional or local self-government’s budget exceed 50 thousand LVL, and 3) if the intended building significantly influences the local and regional environment, the everyday life conditions of local inhabitants or the real estate value or in the case when the building are intended to construct in a territory of public use. Cabinet regulations on public discussion on intended building set up the procedure how the process should be organised. Local Building Board has to decide if the public participation process is needed before the final decision on the issuing the building permit is taken. Initiator of the intended construction (juridical or natural person) has the responsibility on its own expenses to prepare materials for public information (description of the intended building, architectural sketches, design drafts and other materials to describe and illustrate the idea of the intended building as well as its possible impacts on the environment, economics, infrastructure, living conditions and welfare of the local population). The local public has rights in the established date (not less than 4 weeks) in written form submit to the Building Board their objections and proposals on the intended building, as well as to take part in the meeting of the Local Self-Government Council when the decision is taken on the building permit of the intended building. In the regulations the local public that has rights to participate and submit objects is any permanent inhabitant of the administrative territory of the local municipality concerned and persons that have immovable property in the territory of the local municipality as well as invited experts and other representatives of interested institutions.

For the establishment of public participation in the process of the decision making in Latvia particular importance had the law “On State Ecological Expertise” of 1990 that determined that environmental assessment of the intended activities is based on the transparency principles and later the whole environmental protection system was organized on this principle. The **Environment Protection Law** of 2006 that continued the principles of the Law “On Environmental Protection” of 1991, determines the participation of the society in the decision making process related to environment. The society is entitled to express its opinion before making the decision or preparation of the final document. These are planning documents – prepared in accordance with normative acts which regulate spatial planning, the assessment of the strategic impact on the environment or the specific environment sphere to which
the document refers. Latvia in 2002 ratified the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters that promotes public participation both during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment and during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public.

The Law “On Environmental Impact Assessment” of 1998 accurately regulates the public participation of the primary necessity of the impact assessment of intended actions and the prepared work report. The decision made has to be public. The announcement regarding the intended action and the possibility of the society to submit the written proposals regarding the impact on the environment of this action has to be published in the periodical “Latvijas Vēstnesis” as well as in the at least one local periodical. The owners of the immovable properties which are neighbouring the action territory have to be informed as well. The public participation can be proposed by the competent authorities for the assessment of the impact on the environment, regional environment authorities, by the deputy of the respective local authority or by the written inquiry of at least 10 interested parties. It is ensured by the project initiator who publishes the announcement on the possibility of the society to get acquainted with the work report, to submit the written proposals and to take part in the public participation of the work report in the periodical “Latvijas Vēstnesis” and at least one local newspaper. Every interested person has rights to take part in the public participation and to express any proposals. The duty of the project initiator is to ascertain the public opinion ensuring the participation of the representative part of the inhabitants which can be influenced by the intended action in the public participation or to carry out the poll of these inhabitants. The decision made by the respective state institution or the local self-government regarding the planned action has to be placed and exposed at the local authority’s building and other public places not later than 2 weeks after the decision making, it has also to be published at least in the one of the local newspapers and on the institution’s web page (if it has such).

Regional Development Law (adopted in 2002) includes the principle of transparency that states that the process of regional development planning and decision taking in
respect of support measures has to be public, and the public has to be informed on the access to regional development planning and support measures and the results attained. The law determines that not only the National Spatial Plan but also the National Development Plan the Cabinet of Ministers has to be prescribed the procedure of public participation. This law defines that the National Development Plan is a medium-term (prepared for seven years) strategic planning document in which are mutually co-ordinated sectoral and regional development priorities and the financial sources for the implementation thereof. The main aim is to facilitate balanced and sustainable development of the State and to ensure the increase of Latvia’s competitiveness in the European Union. It has to be developed in accordance with the objectives and priorities specified in the Regional Policy Guidelines and in the National Spatial Plan, taking into account the development priorities set by the development programmes and territorial spatial plans of planning regions. The Ministry of Regional Development and Local Government are obliged to organize the public discussion on the National Development Plan and it cannot be less than 2 months. The draft National Development Plan is assessed by independent experts and working groups that are cross-sectoral and interregional authorities. Representatives from non-governmental organizations can be also involved in the working groups if that is adopted by the developers of the development plan. Precisely how public participation has to be organized have to be defined by the Ministry of Regional Development and Local Government. There are no prescriptions in the regulations on how the results of the public discussion can influence the decision making in relation to the preparation or adoption of the National Development Plan.

Concluding the following can be summarized that Latvian legislation on public involvement in spatial development planning comprises progressive principles and wide range of public participation possibilities. Specialist underline that however the fact that in Latvia so often public protests against already approved decision concerning the development of particular areas can bee seen in mass media indicate that the practical implementation of the legislation is not always so successful. Perhaps one of the solutions might be the introduction of the local referendum in the Latvian legislation and practice.

Relevant legislative documents
1.6 Spatial planning implementation tools

1) Legal instruments. The basic implementation tools of the spatial planning system are normative documents – laws, regulations of the Cabinet of Ministers and the binding regulations (by-laws) of the regional and local self-governments – the observation of the requirements of these juridical documents is mandatory. The spatial development is regulated directly by the specific legislation – by the Spatial Planning Law and the Cabinet of Ministers regulations established in accordance with it as well as the binding regulations of the regional and local self-governments on land utilization and building policy in their administrative territories, as well as immovable property, its utilization, measurement and transaction regulation laws and rules. The spatial planning is defined indirectly – it is regulated by the sectoral laws with spatial dimension or covering specific areas, for example, construction, transport, infrastructure, public service, environment protection, culture heritage and other sectoral laws and regulations.

The significance of the legal acts is expressed in the possibility to limit rights to utilize the territory – construct, change or transform the land utilization form or change the authorized utilization. In particular cases it is the reason for the nationalization of the
real estate or application of the pre-emptive right. If the spatial plans do not meet the laws, the Cabinet of Ministers regulations or the upper-tier spatial plans the Minister of regional development and local authorities or the Court have rights to withdraw the spatial plans into force.

Figure II.1.4: Legislative acts that defines the requirements for obligatory public participation in the process of spatial planning
2) *Spatial development fostering tools.* The financing of the European Union structural funds is the direct and indirect support for the spatial development, recovering and renovation, as well as the infrastructure development with state investment. The support of the planning process is fostering the planning development of the specific territories and later the development of these territories. The national government realizing that there are no spatial plans in most of the local and regional municipalities, including densely populated areas introduced earmarked subsidies for preparation of spatial plans and development programmes in 1996. The Spatial Planning Law envisages that in the state budget there is an earmarked subsidy for the fostering of the spatial planning every year envisaged as a co-financing for planning regions, districts and local municipality spatial plan elaboration and the Cabinet of Ministers states order how this financing is allocated. In the period from 1996 till 2000 the total amount of the earmarked subsidies was 3 352 743 Ls and it was allocated to 453 applicants. In 2006 there were allocated in the state budget 440 000 LVL for the preparation of planning region, district and local municipalities spatial plans and 59 new applicants received the earmarked subsidy in accordance to the procedure and the criteria defined by the relevant Cabinet regulations.

It was used for the drafting of spatial development programmes (strategies), spatial plans, revision of the existing general plans, and drafting of detailed plans, also for computer hardware and software purchases and training of the planning specialists, since 2006 also for the preparation of the strategic impact assessment.

Spatial planners received the methodological support from the national level authorities and several bilateral and multilateral technical assistance and cooperation projects. These include written recommendations, best practice examples, pilot projects, demonstration projects, field trips, exchange programs, training programs and lectures. The most active support for the planners at regional and local municipal level from the national government – Ministry of Environmental Protection and Regional Development - and international partners was in the period from 1997 and 2001.
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<tr>
<td>Earmarked subsidy (LVL)</td>
<td>570 991</td>
<td>1 000 000</td>
<td>1 000 000</td>
<td>350 000</td>
<td>431 752</td>
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<td>Municipalities and municipal cooperation projects, which received the subsidy</td>
<td>57 (17 districts, 16 towns, 24 parishes)</td>
<td>134 (5 districts, 27 towns, 99 parishes, 3 projects)</td>
<td>131 (6 districts, 18 towns, 102 parishes, 5 projects)</td>
<td>54 (4 districts, 8 towns, 42 parishes, 5 projects)</td>
<td>77 (1 district, 9 towns, 62 parishes, 5 projects)</td>
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**Table II.1.3: Subsidy per year and the number of municipality and state institutions which received the subsidy (including those who received several times) (source: The Ministry of Environment Protection and Regional Development of the Republic of Latvia, 2001)**

3) **Coordination instruments:** the significant interest harmonization tool is coordination and information process included in the spatial planning procedures – submitting of resolutions and also involvement of the society. The consultative councils and working groups established by state, planning regions and local and regional municipalities’ institutions as well as the National Regional Development Council established at the state level considers issues related to the spatial planning and utilization.

4) **Political instruments:** The fact that the spatial plan is the decision of the elected institutions makes the decision making body responsible for the content of the spatial plan. More and more political parties give their evaluation on the issues related to the spatial planning and the policies of spatial development. Electorate has rights to express their opinion on the spatial development processes not only during the public participation but also in the election process of the Parliament and local authorities.

5) **Pre-trial conflict settlement and legal procedure instruments.** Every physical and legal entity has its rights to submit written proposals and opinions regarding the spatial plans and to receive the written reply for them. If the reply or the relevant
decision taken by the responsible authority are not satisfactory there is right to judicial review.

6) *Information publicity instruments*. Information publicity is one of the tools in the preparation, conformation and implementation process of the spatial plan. In the preparation period of the spatial plan it is foreseen that the information is published in the official newspaper and exposed in a public place. In recent years more and more local and regional municipalities publish the spatial plans on their web pages, nevertheless this is not obligatory. There are still many local municipalities which spatial plans in practise are difficult to obtain by the public. There is a public Spatial Plan Archive established within the Ministry of Regional Development and Local Government where at least one copy of the submitted and approved spatial plans is kept. Another instrument foreseen in the Spatial Planning Law is the preparation and publication of the reports on the spatial planning processes – it has to be done every year and published in the periodical “Latvijas Vēstnesis” by the responsible institution. The report on the preparation and implementation of the National Spatial Plan, planning region’s spatial plans and regional and local municipalities’ spatial plans have to be published.

7) *Financial instruments*: immovable property tax is determined on the basis of the spatial plan in force. Construction process is encumbered if here is no official spatial plan in the area at the local administrative level. That has also impact on overall spatial development process in the specific territory as well as has impact to the value of the immovable property. This promotes the interest of private capital to develop detailed plans. In Latvia in accordance to the Cabinet Regulations on Detailed Plan Drafting Agreement, Preparation and Financing Procedures (valid since 04.06.2005) there is a possibility to sign the contract with municipality on drafting and/or financing the detailed spatial plan for any juridical or natural person. This option is extensively used by the developers, construction and immovable property agencies. Local municipality is responsible for the procedure of the development of the detailed plan, public participation and the adoption of the prepared detailed plan.
1.7 The significance of the trans-national and cross-border aspects

One of the spatial planning principles is interest harmonization principle. It points out that interests have to be coordinated on different levels, observing other spatial plans as well. One of the spatial planning tasks determined in the law is to align with the neighbouring countries’ and European Union’s spatial planning measures. The rules that regulate planning envisage that district municipalities determine territory utilization demands within the spatial plans which influence more than one district municipality’s administrative borders. That means that the frontier and cross-border spatial issues can be included. Drafting the local municipality’s spatial plan the neighbouring local municipalities have to be informed and their opinions inquired.

The normative documents determine that the National Spatial Plan has to be elaborated evaluating Council of Europe, European Union’s and Baltic Sea State Council’s spatial planning statements and guidelines. Preparing the planning regions’ spatial plans it is envisaged that the respective planning region has to be evaluated in the aspects of international, national and neighbouring regions; Council of Europe and Baltic Sea State Council’s spatial planning documents have to be observed and during the planning preparation process the cooperation should be encouraged with other planning regions in Latvia and with the regions in its bordering countries. To facilitate the integration into the European regional planning community since early 1990ties recommendations and spatial policy documents of the European level have been translated and published in Latvian language. The most important ones are documents of the European Conference of Ministers responsible for Regional Planning (CEMAT) - “The European Regional / Spatial Planning Charter” adopted at the Torremolinos Conference in 1983 and the Guiding Principles for Sustainable Spatial Development of the European Continent adopted at the Hanover Conference in 2000, and the document approved by the Informal Council of Ministers of Spatial Planning of European Commission in 1999 at Potsdam - the European Spatial Development Perspective (ESDP). Also its first official draft presented at the informal meeting of Ministers responsible for spatial planning of the member states of the European Union in 1997 at Noordwijk was translated and presented to Latvian planners.
2. Planning legislation and its legal implementation

2.1 Legal framework of planning

The amendment of 1998 of the Constitution of the Republic of Latvia (adopted on 15.02.1922) contains articles that are significant for the legal framework of spatial planning. The Article 105 of the states that everyone has the right to own property and that property may not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation. Article 115 describes that the state protects right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment.

Several constitutional articles justify rights to participate in planning – everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply (Article 104); everyone has the right to defend his or her rights and lawful interests in a fair court (Article 92) and everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views (Article 100).

In the period 2003-2006 in the Law “On Environment Protection” there was a part of a paragraph on the environment protection instruments that stated that the spatial planning is one of them. With the new version of the law this paragraph is excluded however in environment protection policy documents spatial planning is still mentioned as essential instrument to reach objectives.

Several laws – the Spatial Planning Law, Law “On Self-Governments” as well as the Building Law, state that it is within competency of municipalities to develop and approve in their administrative territories spatial plans, detailed plans and building regulations that have to be adopted simultaneously as well as to control and ensure their proper implementation or administrative supervision.
Law “On Self-Governments” includes legal provision that spatial planning is the obligation of the self-government in order to be able to fulfil its functions. The same Law states that only municipal council may approve spatial development programme of the local and regional self-government and its spatial planning and it is the only body entitled to issue the regulations on building within the territory of city/town, rural or amalgamated municipality. It is the body that may provide administrative responsibility in case of violation if it is not already foreseen in laws. Effective binding regulations are compulsory to any natural and legal person in corresponding administrative territory.

Building Law include legal regulations that relate to spatial development policy – it determines that any land property may be built-up only in case if the construction is performed according to the spatial plan of local self-government, detailed plan (if it is necessary according to normative acts) and according to the building regulations that are apart of the spatial plan or the detailed plan. Upon concluding agreement the construction must be coordinated with the owner of land. The Law states that spatial planning of the lowest level or the most detailed planning is the binding one for the builder. The Building Law particularly points out that construction regulations are compulsory to all actors involved in construction process and concern all type of buildings and structures in the administrative territory of a municipality.

Law on Agriculture and Rural Development defines usage of agricultural land and its maintaining. The Law delegates the Cabinet of Ministers to define the state fee and the procedure in which agricultural land is transformed into non agricultural land utilization or how land usage status is changed. The paragraph on land owners’ responsibilities shall be particularly pointed out. The Law states that individuals, i.e. land owners or tenants are responsible for land utilisation according to land use categories set in the land boundary map and land utilization purposes registered in the Real Estate State Cadastre. The Law states that they are responsible to take actions that do not allow eliminating topsoil or its quality decrease. The last phrase is of more declarative character as there is not envisaged procedure how to ensure it.

Forest Law includes norms on forest land transformation into other types of land usage. It states that in each case of a forest land transformation the permit from State Forest Service is required; besides that it is necessary to redeem losses to the
state that occur because of elimination of natural forest environment. The Cabinet of Ministers is entrusted to define forest land transformation procedure. Corresponding Cabinet Regulations on Forest Land Transformation adopted in 2004 envisage forest land transformation for definite reasonable objectives observing restrictions set in legislative acts on nature and environment protection and according to the spatial plan of local municipality. Special commission should be established if transformation is performed into towns or villages that lie in protected territory of the Baltic Sea and in the costal sand dune protected zone in the Gulf of Riga or in particularly protected nature territories.

Relevant legislative documents


Spatial Planning Law (adopted 22.05.2002), link to text in English: www.ttc.lv/index.php?id=10&tid=59&l=LV&seid=down&itid=13810


2.2 Spatial planning legislation and its legal implementation at different levels

National Level
**Responsible institutions at national level**

The *Parliament* is entitled to issue laws, including laws on spatial planning. In 1998 it passed the Law on Spatial Development Planning that in 2002 was replaced by the Spatial Planning Law and the Law on Regional Development. In the period from 1997 to 2002 the Regional Development Council was the institution established by the Parliament and it included also representatives of Parliament. At the moment the involvement in spatial development issues of the Parliament may be evaluated as insignificant and fragmentary.

Spatial Planning Law empowers the *Cabinet of Ministers* to carry the following functions: to approve the National Spatial Plan, to define components of spatial planning, procedure of its preparing, public participation, coming into force, amending and withdrawal, legitimacy assessment and monitoring implementation as well as to define the ministry responsible for spatial planning. The Cabinet of Ministers has issued regulations on spatial planning preparation procedure and contents of all levels. From the national spatial planning documents envisaged by the law only regulations in respect to agricultural lands of state importance are adopted by the Cabinet of Ministers.

*The Ministry of Regional Development and Local Governments* is responsible for spatial planning issues. It participates in the development of spatial planning policy and coordinates its implementation as well as monitors spatial planning policy objectives set in laws and other normative acts and their implementation in local and regional municipalities. To fulfil these tasks the Ministry develops draft laws to improve spatial planning policy; ensures that equal principles are used in the field of spatial planning for spatial planning of all levels; it also monitors legitimacy of municipal activities. The Ministry leads, monitors and coordinates development of spatial planning in planning regions, district and local municipalities; it provides advice on development of spatial planning documents and other issues related to activity spheres of local authorities to direct subordinated institutions and public persons. Furthermore, the ministry grants earmarked subsidies to develop spatial plans. It establishes and manages the data base and the archive on spatial planning documents; evaluates correspondence of spatial plans to national plans and other policy planning documents and legal acts. It supports activities of the National Regional Development Council and serves as its secretariat.
National Regional Development council is a collegial consultative institution formed by the Cabinet of Ministers in accordance with the Law on Regional Development. The Council coordinates regional development and spatial planning in the country. It is represented by the following ministers: the minister of regional development and local governments, minister of economics, minister of finance, minister of welfare, minister of education and science, minister of transport, minister of agriculture, minister of environment, minister of culture and minister-at-large in acquisition of EU structural funds. Chairmen of five planning region development councils or their nominated members are also members of the Council. National Regional Development Council evaluates national planning and spatial plans of planning regions and their mutual correspondence as well as decides on coordination proposals. In order to coordinate preparation of national planning and to ensure its development, the minister on regional development and local governments may form the cross-institutional Steering Group of the National Spatial Plan or working groups.

National Development Council is collegial consultative institution formed by the Cabinet of Ministers with an aim to provide harmonised state development planning and monitoring on the state, regional and local level and to promote sustainability. It adopts decisions of recommendation character. Chairman of the Council is Prime Minister and his vice chairman is minister of regional development and local governments. The National Development Council is represented by the following other participants: minister of economy, minister of finance, minister of education and science, minister of environment, minister of agriculture, minister of children and domesticity, minister-at-large in electronic administration cases, minister-at-large in acquisition of EU structural funds, director of the State Chancellery, chairmen of planning regions’ development councils, chairman of the Union of Local Governments, president of the Bank of Latvia, chairman of the Parliament subcommittee on monitoring implementation of the National Development Plan, chairman of the Academy of Science, president of the Chamber of Trade and Commerce, president of the State Employers Confederation, chairman of the Free Trade Union, director of the Civil Alliance of Latvia and chairman of Strategic Analyses Commission.

National planning documents and their development and coordination order
The Spatial Planning Law defines that the National Spatial Plan is spatial planning of national level representing interests of the state as well as requirements in using and developing the state territory. The law is related to the territory of entire country and it is based on basic statements in the state regional development policy, national development plan and sectoral development programmes. National spatial planning takes into account also spatial planning policy statements in the Council of Europe, the European Union and in the Council of the Baltic Sea States.

The National Spatial Plan constitutes a set of documents including:
1) Spatial Development Perspective of Latvia,
2) binding parts of national planning,
3) National Planning Guidelines.

The National Spatial Plan is developed according to necessity stated by the Parliament, the Cabinet of Ministers or responsible minister and it is not regulated in normative acts.

*Spatial Development Perspective of Latvia* includes key policy statements of the sustainable spatial development of the country. They are approved and implemented according to the decisions of the Cabinet of Ministers. These key policy statements provides the overview on the current and perspective spatial structure of the state – open space, settlement structure and infrastructure in relation to individual and his/her life style from the aspects of values and territory usage. Spatial Development Perspective of Latvia has two parts: 1st part is an informative analytical description of current situation on the spatial structure of the state, including current territory utilization characteristics; it reflects national values and spatial development trends. 2nd part includes the Spatial Vision of Latvia after 20 years. It illustrates desirable future spatial structure of the state in the form of description and graphics as well as it demonstrates strategy and actions to reach the vision. These documents are under development phase. In 2001 Spatial Development Planning Centre prepared Overview on the State Territory Usage that was accepted in the Ministry of Environment Protection and Regional Development. Shortly afterwards Spatial Development Planning Centre was wind up, consequently the Spatial Vision of Latvia was not developed. In 2006 several activities were initiated to promote discussions on a spatial vision of Latvia.
The binding parts of national planning define national interests and requirements of the state territory usage and development planning. National interests and requirements of the state territory usage and development planning stated in each binding part of the National Spatial Plan are taken into account and implemented in accordance with the respective regulations of the Cabinet of Ministers. Up till now only the Regulations on Agricultural Territories of National Significance have been adopted in 2003 and later once again renewed in 2006. In order to protect valuable development resources as a national wealth, these regulations define the state interests and requirements in utilization and development of agricultural territories of state significance. In 2004 draft regulations on high risk territories of national significance and regulations on settlement centres of the state territory were prepared and submitted to the Cabinet of Ministers for adoption; however, they were not accepted as the Ministry of Regional Development and Local Governments cancelled them soon after their submission.

*National Spatial Planning Guidelines* introduce recommendations for development planning. They are developed based on the Perspective with an aim to implement common spatial development policy in the country. The guidelines are implemented according to recommendations of the Cabinet of Ministers. This is only theoretical possibility as such documents are not developed so far.

Development of national spatial planning is financed from the funds of state budget according to resources planned for development of the National Spatial Plan in the Law on Annual State Budget. The Ministry responsible for spatial planning establishes and maintain data bases necessary to prepare the National Spatial Plan as well as it keeps originals of national spatial planning documents.

The Cabinet of Ministers defines the procedure of the National Spatial Plan’s preparation and adoption. The Ministry of Regional Development and Local
Governments prepares and the minister approves a work plan for development of National Spatial Plan; he adopts also terms of reference for each national planning document including planned public participation activities. The responsible minister takes decision to pass prepared documents for the public examination. The Ministry has to summarise results of public participation and take decision on submission of draft national planning document for the evaluation by the National Regional Development Council or it has to decide on its improvement. After the evaluation by the National Regional Development Council the responsible ministry prepares and submits a draft national planning document for the evaluation and adoption to the Cabinet of Ministers and includes the overview on the results of public hearing.

Public hearing and public participation in the process of development of national planning documents is integral part of national spatial planning process. The Ministry of Regional Development and Local Governments has to introduce the public with national spatial planning. It may carry several optional activities that are in line with legislation, for an example – organise seminars, meetings with mass media, etc. The Cabinet of Ministers defines that the ministry must inform society by publishing advertisement on the launching the development of national planning documents together with information on their purposes and content in the official newspaper “Latvijas Vēstnesis” and allocating announcement on the web site of the ministry. Information on launching the public consultation has to be published in the official newspaper “Latvijas Vēstnesis” and on the web site of the ministry at least a week prior to the public hearing date (it shall be not less than 8 weeks long). The information published shall state where it is possible to get acquainted with national planning document or its part opened for public discussions. The report on public participation has to be published on the Internet home page of the Ministry.

In order to perform the national planning monitoring, the Ministry of Regional Development and Local Governments issue the statement on correspondence between lower level planning and national planning. The ministry prepares annual overview on compliance of national planning until 31 March and publishes it in the newspaper “Latvijas Vēstnesis”. To allow continuation of national planning process and its actualisation, once a year the responsible ministry evaluates national planning documents and in case of necessity submits proposals in the National Regional
Development Council to review national planning documents and make changes if necessary.

Relevant legislative documents and institutions

Spatial Planning Law (adopted in 22.05.2002). Link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&id=13810
Regional Development Law (adopted 21.03.2002), link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&id=13795
Regulations of the Cabinet of Ministers no. 515 „Regulations on National Spatial Planning” (adopted in 26.11.2002). Link to text in English: www.ttc.lv/index.php?&id=10&tid=60&l=LV&seid=down&id=14370
Regulations of the Cabinet of Ministers no.142 „Regulations on Agricultural Territories of State Significance” (adopted in 14.02.2006). Link to text in English: www.ttc.lv/index.php?&id=10&tid=60&l=LV&seid=down&id=15692

Regional Level

In Latvia at regional level there are two types of regional spatial plans are produced and adopted – 1) planning region spatial plan and 2) district municipality’s spatial plan. The first is considered as a structural spatial plan and the second as a comprehensive land utilization plan at district spatial level. More than ten years there are political discussions on possible liquidation of the district municipalities’ administration level, and this did not foster the district planning development in the country. Although planning region development councils and their executive bodies – development agencies are acting since 2003 and this is still short time to assess if these will be able take over in the future all regional municipal functions performed by the district municipalities, including regional spatial planning.

Regional level: spatial plan of the planning region

Planning Region’s Development Council is responsible for development of the planning’s spatial plan and its approval; it has to take corresponding decisions. The Council has to inform on planning process the Ministry of Regional Development and
Local Governments as well as Development Councils of neighbouring planning regions. The Planning Region’s Development Council may empower to prepare the draft spatial plan to its executive body – the agency, which, in its turn is entitled to establish working groups and in case of need – invite experts.

Planning Region’s Development Council shall set up Spatial Planning Coordination Group consisting of local and district municipalities comprising the territory of the region, representatives from ministries and (or) their subordinated institutions: the Ministry of Economics, Ministry of Finance, Ministry of Education and Science, Ministry of Culture, Ministry of Welfare, Ministry of Regional Development and Local Governments, Ministry of Transport, Ministry of Environment, Ministry of Agriculture and Ministry of Health. The mentioned group coordinates and adopts an activity plan, terms of reference and drafted planning documents.

*Planning Region Spatial Plan* defines spatial development opportunities, directions and restrictions of the planning region. It covers entire territory of the planning region. Spatial planning is prepared taking into account the key statements of the national regional policy, policies and guidelines of the National Spatial Plan, the National Development Plan and sector development programmes.

Planning Region’s Development Programme is respected in the process of preparing spatial planning. Spatial plans of district and local municipalities of the planning region are treated from regional spatial development perspective. Respective planning region is evaluated in the international and national aspects of in the aspect of neighbouring regions. By preparing the draft spatial plan spatial planning documents adopted by the Council of European and the Council of the Sates of the Baltic Sea are taken account. The planning region can cooperate with other planning regions in Latvia and in other countries neighbouring Latvia. By developing spatial planning, existing and perspective development resources of the region are evaluated as well as the functional linkages with other regions.

Components of the spatial planning are the following – description of spatial structure in the planning region, planning region’s spatial development perspective, guidelines for spatial planning and a report on preparation of spatial planning.
Description of spatial structure of the planning region has informative character illustrating the current usage of the territory in the planning region. It states national values, defines regional values and spatial development tendencies of the planning region as well as problem territories for development. Planning Region's Spatial Development Perspective forms key statements illustrating planned (allowed) territory utilization as regional spatial structure (rural territories, settlements and infrastructure) and utilization restrictions. It describes and graphically illustrates vision of desirable spatial structure in the region after 20 years, strategy and actions to reach it. Guidelines for spatial planning form recommendations for district and local municipalities to how to develop their development programmes and spatial plans.

Report on preparation of spatial plan includes decisions of the Planning Region’s Development Council on development of the draft spatial plan and a decision on the adoption of spatial plan. It contains materials of public hearings, i.e. summarised public opinion that has been expressed prior to launching spatial plan preparation process and during the process of presenting draft spatial plan as well as it includes a report on public proposals and objections that have been taken into account and that have been rejected during public hearing process. Furthermore, this document includes report of the manager responsible for elaboration of spatial plan on correspondence of spatial plan to regional development documents of national level and corresponding legislative acts. It incorporates information and decisions of state administrations and institutions of local authorities, public agencies, conclusions of local municipal councils and district councils in the respective planning region, conclusions of development councils of neighbouring planning regions and other information that has been used to develop the draft spatial plan.

During public hearing process draft spatial planning documents and their alternative proposals and other materials are presented for public debate. The Coordination Group evaluates results and conclusions of public participation and submits draft spatial planning documents to the Planning Region’s Development Council or passes them for revision to Planning Region’s Development Agency. The Planning Region’s Development Council may adopt a decision on presenting draft spatial planning document for evaluation in the National Regional Development Council and the Ministry of Regional Development and Local Governments or the Development Council may decide to revise spatial planning documents. Within 3 months after
receiving draft spatial planning documents, the Ministry of Regional Development and Local Governments prepares conclusions on correspondence of submitted draft spatial planning documents to national planning and legislative acts. The ministry either accepts draft spatial plan without any recommendation or it rejects the document giving motivated objections.

In case the Ministry of Regional Development and Local Governments gives positive conclusion, the Planning Region’s Development Council decides on adoption of spatial plan. The approved spatial plan comes into force in the following day after the respective decision has been published in the official newspaper “Latvijas Vēstnesis”. In case negative opinion is received from the Ministry of Regional Development and Local Governments, the Planning Region’s Development Council decides on amendments to prevent shortcomings mentioned in the conclusion of the Ministry.

<table>
<thead>
<tr>
<th>Preparation stages of planning regions’ spatial plans</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of spatial plans needed for planning regions level</td>
<td>5</td>
</tr>
<tr>
<td>Spatial plan is prepared and in force (Riga region)</td>
<td>1</td>
</tr>
<tr>
<td>Final draft of the spatial plan is prepared</td>
<td>4</td>
</tr>
<tr>
<td>Spatial plan is in preparation stage</td>
<td>0</td>
</tr>
</tbody>
</table>


Planning Region’s Development Council ensures the supervision and monitoring of the implementation of the spatial plan. In its decision on the adoption of the spatial plan, it shall state the deadline until which corresponding changes shall be realised in spatial plans of district and local municipalities comprising the planning region.

Relevant legislative documents and institutions
Ministry of Regional Development and Local Government: www.raplm.gov.lv
Kurzeme Region Development Agency: www.kurzeme.lv
Riga Region Development Agency: www.rigaregion.lv
Vidzeme Region Development Agency: www.vidzemes-regions.lv
Zemgale Region Development Agency: www.zemgale.jrp.lv

Regional level: spatial plans of district councils

District Municipality’s Council is responsible for the development and the adoption of a spatial plan. It may appoint manager responsible for preparation of district municipality’s spatial plan and/or can establish a steering group lead by planning manager including representatives from local municipalities, state administration institutions and in case of necessity representatives of other institutions may be invited as well as it may establish one or several working groups and also can involve experts.

District municipality’s spatial plan is a spatial plan of the district municipality’s administrative territory in which in written and graphic form depicts existing land utilization and defines planned (permitted) land utilization and usage restrictions corresponding to scale 1:50000 in a long term perspective of 12 years. It refers to the territory of all local municipalities in the district and it states development opportunities, directions and restrictions. District municipality’s spatial plan defines such requirements for land utilization whose influence exceeds the boundaries of a single local municipality within the respective district. It specifies in detailed manner requirements, territories and sites stated in the planning region’s spatial plan and national planning documents.
District municipality’s spatial plan is developed in accordance with district municipality’s policy planning documents and the development programme and the respective planning region’s spatial plan and development programme and with planning documents and spatial plans of neighbouring district authorities.

The spatial plan shall observe the National Spatial Plan, national programmes and sectorial development plans as well as nature protection plans of particularly protected nature territories and instructions on the use and protection of culture heritage areas and culture monuments. Besides, while developing the new district spatial plan or preparing the amendments the spatial plan that is still effective shall be observed.

District municipality’s spatial plan consists of the explanatory note, the graphical part, the land utilization regulations and the report of the preparation of the draft spatial plan. The explanatory note has to include at least the description of current usage of the territory, settlement pattern, infrastructure, open space and preconditions for spatial development, spatial development aims and directions as well as description and justifications of solutions applied in the district municipality’s spatial plan.

Graphical part includes topographic map that is used to prepare a spatial plan, map showing planned (permitted) territory utilization and planned settlement structure, settlement centres and transport infrastructure as well as planned main engineering technical communications and shelter belts (protection zones) that are 100 m wide and more.

Land utilization regulations shall include at least requirements for development of settlement structures, development of settlement centres and transport infrastructure, main engineering technical communications and their network development, high risk objects and sites and information on permitted and restricted land utilization.

The report on the preparation of a district municipality’s spatial plan has to be included district council’s decisions on the launching the preparation of spatial plan, the adoption of the terms of reference, public consultations, the adoption of the spatial plan. The report should contain also materials on public participation,
information on which of the proposals and objections by natural and legal persons have been taken into account and which have been denied, information, terms of restrictions, opinions and objections by institutions defined in the terms of references (statutory consultees), a note on correspondence with the requirements of the spatial plan of higher level, the environmental report prepared in accordance with the Law “On Environmental Impact Assessment” and other relevant information.

Upon planning at district level, current usage of territory shall be taken into account, furthermore - settlement structure, boundaries and development directions of settlements and the provision of services in settlement centres as well as recreation, tourism, education, culture, sports, science, social and health care infrastructure territories and objects of national and regional significance shall be taken into account. District planning shall cover public transport routes of national and regional importance and transport and infrastructure territories and objects of national, regional and district importance.

During planning process culture and nature particularly protected territories shall be taken into account, also – amelioration systems and territories of mineral deposits, forest and afforestation territories, water bodies and water courses and the respective river basin management plans, shelter belts (protection zones), high risk, territories and objects of state defence and civil protection, as well as human and animal cemeteries, pollutes and recultivation areas, waste disposal and recycling sites, large production and industrial territories and objects that have been listed in the Law “On Environmental Impact Assessment”.

<table>
<thead>
<tr>
<th>Preparation stages of district municipalities’ spatial plans</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of spatial plans needed for district municipalities</td>
<td>26</td>
</tr>
<tr>
<td>Spatial plan is prepared and in force</td>
<td>19</td>
</tr>
<tr>
<td>Spatial plan is prepared, however it is not valid from juridical point of view, as it is not issued as binding regulations</td>
<td>2</td>
</tr>
<tr>
<td>Spatial plan is in preparation stage</td>
<td>5</td>
</tr>
<tr>
<td>Preparation is not commenced</td>
<td>0</td>
</tr>
</tbody>
</table>
The manager submits the prepared draft spatial plan and public participation materials for examination at the council of the district municipality. The council may take one of three following actions: 1) approve spatial plan of the district municipality as the final document and submit it to the Ministry of Regional Development and Local Governments for examination; 2) it may improve wording of spatial plan according to opinions of statutory consultees and the results of public participation and only then prepare the final draft of the spatial plan or 3) it may reject the prepared draft of the spatial plan and develop new one according to the new terms of reference.

After the District Municipality’s Council has taken a decision on the final draft of the spatial plan and submitting to the Ministry of Regional Development and Local Governments, it shall prepare conclusions within 8 weeks. If the opinion of the Ministry of Regional Development and Local Government is positive, the District Council accepts a decision on approval of the district municipality’s spatial plan and issues its graphical part and land utilization’s regulations in the form of binding regulations. This decision is published in the district newspaper and official newspaper “Latvijas Vēstnesis” not later then two weeks after the decision was taken. The district municipality’s spatial plan becomes valid on the day of the publication in the official newspaper. In two weeks after the new spatial plan become valid the district municipality submits the new adopted spatial plan to the Ministry of Regional Development and Local Government, State Land Service, Regional Environmental Board for information purposes and for a deposit and to local municipalities within the respective district.

If the local municipality does not have effective spatial plan, a detailed plan is prepared based on the valid district municipality’s spatial plan. Monitoring of the observation of the district municipality’s spatial plan and its amendments is ensured by the respective district municipality. If the adopted district municipality’s binding
regulations are violating existing legislation, the minister of regional development and local governments in accordance with the law „On Self-Governments“ respite the respective binding regulations and the spatial plan or parts of it.

**Relevant legislative documents and institutions**

Spatial Planning Law (adopted in 22.05.2002). Link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13810

Law “On Self-Governments” (adopted 19.05.1994), link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13757


Ministry of Regional Development and Local Government: www.raplm.gov.lv

**Local level**

Vietējā līmenī izstrādā visai pašvaldības administratīvai teritorijai - vietējās pašvaldības teritorijas plānojumu, tās daļām - detālplānojumus, un teritorijās, kur tos nav plānots izstrādāt, – tiek izstrādāti zemes ierīčības projekti.

At local level for the whole administrative territory of the local municipality - local municipality spatial plan is developed, for the parts of the local municipality – detailed plans are developed and for areas, where detailed plans are not scheduled – land organization (allotment) plans are being prepared and adopted.

Council of the local self-government is responsible for the development of a spatial plan. It takes decisions on the launching of plan preparation process, adoption of planning documents as well as it decides on the manager responsible for planning – local officer organising spatial planning process. The council is entitled to form working group to design spatial plan lead by a manager responsible for planning and invite experts.

**Local level: planning of local authority**
At local planning level a local municipality’s spatial plan is being prepared, in which spatial development opportunities, directions and restrictions are defined. This document describes in written and graphic form the current and planned (permitted) utilization of the territory of local municipality and its restrictions with a long term perspective of 12 years. It specifies in detailed manner requirements, territories and sites defined in spatial plans of higher level. Local municipality’s spatial plan has to contain land utilization and building regulations (adopted as binding municipal regulations or a by-law) that include requirements for land plots and buildings, as well as for improvement of each land unit, development directions of settlement structures and borders of towns and villages.

Local municipality’s spatial plan covers the entire administrative territory of the local municipality. In developing the local municipality’s spatial plan a topographic map is used (not older than 5 years) in scale 1:10000. If needed for defined particular units of the territory of the local municipality a topographic plan in the scale 1:5000 or 1:2000 can be used.

Local municipality’s spatial plan is prepared taking into account existing spatial plan in force (if such document exists), the development programme of the local self-government, land ownership structure, spatial plans of higher planning level, national programmes and sectoral development plans as well as spatial plans of neighbouring local municipalities and their development programmes, protection and utilisation regulations and plans of nature and culture protected territories and culture monuments, nature protection plans, management plans of river basins (if there exist ones), and the environment report on environment assessment and opinion issued by the competent institution and in accordance with the Law “On Environment Impact Assessment”.

Upon developing spatial plan the current usage of the territory shall be taken into account, including recreation, tourism, education, culture, sports, science and social infrastructure territories and sites. It shall cover culture protection territories and culture monuments; particularly protected territories of nature and landscape, agricultural territories of national significance, ameliorated lands, polders, hydro technical buildings and afforestation territories; sites and territories of surface waters, territories and sites of state defence, civil protection and high risks, areas of mineral
deposits, areas unfavourable for construction. The spatial plan has to depict also areas of engineer communications and transport routes as well as protection zones corresponding to spatial planning scale of local municipality.

Local municipality’s spatial plan consists of explanatory note, graphical part, land utilization and building regulations and a report on preparation of the spatial plan. Explanatory note includes at least description of current usage of the territory and spatial development preconditions, spatial development aims and directions, planning solutions and their justification. Graphical part includes a topographical map (plan) that are used to prepare the local municipality’s spatial plan, map (plan) showing current land utilization and map (plan) illustrating planned (permitted) land utilization; it shall state the location of planned main engineering technical communications and transport infrastructure, shelterbelts (protection zones) that are visible at the scale of the map (plan) as well as territories where detailed plans are to be developed and other maps (plans) used for illustration of spatial policies.

The land utilization and building regulations shall include information on permitted and restricted land utilization, accessibility and yard usage regulations, parcelling and consolidating of land plots as well as border changing rules, including minimal space, requirements for construction, reconstruction, exploitation, furthermore – building intensity, density criteria, height restrictions, provision of visibility, distance between buildings, constructive parts of buildings and elements, elements of outdoor space, engineering communications, transport infrastructure, requirements for maintenance of territories, buildings and structures, for change of their functions. They shall also include requirements for usage of nature areas and planting of greenery, requirements for culture and nature particularly protection territories and protection of culture monuments; requirements for agricultural and forest lands that need transformation; areas of mineral deposits, zones of towpaths and shelterbelts (protection zones); requirements that are defined by respective river basin management plans. These regulations shall also state implementation order of construction rights and requirements for detailed plans as well as other requirements and restrictions.

The report on the preparation of the spatial plan shall include at least decisions of local self-government on the launch of planning, adoption of the terms of reference,
organisation and the results of public participation and the adoption of the spatial plan. Furthermore, public participation documentation (including proposals and objections that have been received upon launching development of spatial plan as well as results upon public participation of the second stage), report on proposals and objections of natural and legal persons, information provided and statements of restrictions and objections by institutions listed in the terms of references (statutory consultees), and report on correspondence to the requirements of the spatial plan of higher level as well as other information that may be used to develop spatial plan of the local municipality.

After the completion of the public participation 2nd stage and the consultations with the statutory consultees the local municipality’s council can adopt one of three the decisions. 1) The council can adopt the draft of the local municipality’s spatial plan as the final version and can send it to the Ministry of Regional Development and Local Governments to receive the opinion. 1) The council can take a decision to improve the draft spatial plan in accordance with the opinions of statutory consultees and the results of the public participation to prepare the final version of the local municipality’s spatial plan. 3) The council can reject the draft spatial plan and prepare it from the starting point in accordance with the new terms of references.

When the positive opinion from the Ministry of Regional Development and Local Governments is received the local municipality council is allowed to adopt the local municipality’s spatial plan as binding regulations (land utilisation and building regulations). The decision on the adoption of the local municipality’s spatial plan and respective binding regulations is published in the local newspaper and in the official newspaper „Latvijas Vēstnesis“ not later then two weeks after the decision was taken. The local municipality’s spatial plan becomes valid on the day of the publication in the official newspaper. In two weeks after the new spatial plan become valid the relevant local municipality submits the new adopted spatial plan to the Ministry of Regional Development and Local Government, State Land Service and Regional Environmental Board for information purposes and for a deposit.

Monitoring of the observation of the local municipality’s spatial plan, detailed plan and its amendments is ensured by the respective municipality. If the adopted local municipality’s binding regulations are violating existing legislation, the minister of
regional development and local governments in accordance with the law „On Self-Governments” respites the respective binding regulations and the spatial plan or parts of it.
Figure II.2.1: Procedure of local government’s spatial planning preparation and adoption

<table>
<thead>
<tr>
<th>Preparation stages of local municipalities’ spatial plans</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of spatial plans needed for two-tier large cities municipalities</td>
<td>7</td>
</tr>
<tr>
<td>Spatial plan is prepared and in force – two-tier large cities</td>
<td>7</td>
</tr>
<tr>
<td>Total number of spatial plans needed for one tier local municipalities</td>
<td>520</td>
</tr>
<tr>
<td>Spatial plan is prepared and in force</td>
<td>357</td>
</tr>
<tr>
<td>Spatial plan is prepared, however is not valid from juridical point of view, as it is not issued as binding regulations</td>
<td>11</td>
</tr>
<tr>
<td>Spatial plan is in preparation stage</td>
<td>167</td>
</tr>
<tr>
<td>Preparation is not commenced</td>
<td>0</td>
</tr>
</tbody>
</table>

**Local level: detailed plan**

If the local municipality’s spatial plan insufficiently determines land utilization and building conditions of the specific land unit these conditions are determined in the detailed plan. The **Detailed Plan** is the local municipality’s plan of the part of its administrative territory that is prepared for the territory determined by the municipality council’s decision and confirmed after the local municipality spatial plan comes into force and in accordance to the planned (permitted) land utilization that is stated in the municipality’s spatial plan.

Detailed plan describes in written and graphic form the current and planned (permitted) utilization of the territory of local municipality and its restrictions and it specifies in detailed manner requirements, territories and objects defined in spatial plans of higher level for the defined territory to which detailed plan is being prepared. It is prepared in accordance with the certain scale specifying in detail the planned (permitted) land utilization and restrictions for the specific part of the administrative
In the detailed plan the current land utilization is described and the planned (permitted) land utilization is determined of each of the current and planned land unit. Detailed plan includes land utilization and building regulations (including restrictions) for the defined territory, as well as subdividing, merging or reorganisation of land units’ borders, utilities of the area and other regulations that specifies in detail the local municipality plan’s policies and restrictions. An updated (not older than 1 year) location plan with a scale 1:500 to 1:2000 is used for drafting the detailed plan.

In those territories where is envisaged the detailed plan is elaborated if it is stated in the municipality’s spatial plan. The detailed plan is elaborated in the case when the municipality’s spatial plan’s scale does not ensure the sufficient precision, if it is vacant populated territory or the territory for the complex building, planning development of the infrastructure, utilities and other infrastructure as well as for the objects in accordance with the Law „On Environmental Impact Assessment” and those which can cause the industrial accident. Detailed plans are obligatory for the Baltic Sea and the Gulf of Riga Dunes, surface water objects in protected territories and in the territories where it is intended to transform forest land and land used for agriculture to the building territory.

Detailed plan is a basis for the defining new land plots and for the changes of the existing ones. For the territories where is land units are expected to divided, merge or built-up, a detail plan should be obligatory prepared 1) if it is determined in the approved local municipality’s spatial plan, 2) if the scale of the local municipality’s spatial plan does not provide sufficient specification and determination, 3) if that is an un-built area within settlement site or 4) if the complex of buildings, transport infrastructure, engineering communication and other infrastructure objects is expected to be constructed, as well as 5) for the objects in accordance to the Law “On Environmental Impact Assessment” and 6) that have a risk to create and industrial accident. Detailed plans are also obligatory 7) for the areas where land transformation from forest and agriculture use to built-up is expected, 8) in the coastal areas with dunes of the Baltic Sea and Riga Bay and 9) in territories of the surface waters shelter belts.

The detailed plan consists of an explanatory note, a graphical part, the land utilization and building regulations and the report of the preparation of the detailed plan. In the
explanatory note at least the description of the current land utilization and spatial development conditions, description and the basis of the detailed plan solutions, as well as the respective local area development objective and tasks have to be included.

The graphical part includes 1) the location plan where the information from the real estate’s state cadastre register is depicted and that is used for the preparation of the detailed plan; 2) a plan where the current land utilization is shown and 3) a plan with the cartographical elements, where the planned (permitted) land utilization and its restrictions are depicted determining the current and planned land unit borders, it describes the location of planned buildings, traffic infrastructure and utilities, current and planned shelterbelts (protection zones) and towpath belts, area location scheme, street profiles, explication of the planned (permitted) land utilization and restrictions (easements) and other plans (schemes), which are necessary for the preparation of the specific planned (permitted) land utilization types and utilization restrictions (easements) at the respective scale (including road and street schemes, transport schemes, addresses, building lines (red lines), engineering supply network schemes, land unit division plan).

In the report of the detailed plan preparation the decisions of the local municipality on the preparation of the detailed plan (including terms of references, organization and conformation of the public participation), copies of land allotment plan and property rights conforming documents, public participation materials (including proposals which were received when the preparation of the detailed plan was launched as well as the results of the public participation’s second stage), report of the proposals and objections of natural and legal persons which were considered or rejected, information, terms of restrictions and opinions supplied by institutions listed in the terms of references (statutory consultees) and a report on the observation of the institutions’ conditions, as well as a note on the conformation of the detailed plan to the requirements of the local municipality’s comprehensive spatial plan and other information used for the detailed plan’s preparation.

The drafted detailed plan, relevant institutions’ (statutory consultees) opinions and the materials of the public participation are submitted to the municipality council by the manager. The local municipality council adopts one of the three decisions – 1)
whether adopts the draft version as the final detailed plan or 2) makes a decision on the improvement of the draft detailed plan in accordance with the opinions of the statutory consultees and public participation results and to prepare the final draft of the detailed plan, 3) whether denies the prepared draft detailed plan and makes a decision to prepare a new one in accordance with the new terms of references.

The municipality council approves the detailed plan and issues its graphical part and land utilization and building regulations for the specified area as the municipality’s binding regulations. The municipality council does not confirm the detailed plan if there is no agreement of land owners regarding questions connected with their property rights (excluding cases if it is intended in the detailed plan to expropriate the property for the State and public needs).

The preparation of the detailed plan can be financed by the local municipality, also by a natural or legal person. If the preparation of the detailed plan is proposed by a natural or legal person and this proposal is in accordance with the respective local municipality’s spatial plan, the municipality signs the agreement on the preparation of the detailed plan. The Cabinet of Ministers has stated if the detailed plan is prepared by the local municipality the commission for services supplied is collected in accordance with the tariff determined by the local municipality council’s specific decision. If detail planning is not done by the local municipality the detailed plan’s initiator has rights to choose the institution or expert that will draft the detailed plan. The rights to supervise the preparation and public participation process and to take respective decisions on the detail plan remain the responsibility of the respective local municipality.

Relevant legislative documents and institutions

Spatial Planning Law (adopted in 22.05.2002). Link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13810
Law “On Self-Governments” (adopted 19.05.1994), link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13757


Figure II.2.2: Procedure of the obtaining building permit (based on Ministry of Economics, 2007)
2.3 Mandatory character

The Building Law includes norms which regulate that every land plot can be taken under building only in the case if it is performed in accordance with the local municipality’s spatial plan, detailed plan (if it is necessary in accordance with the normative acts) and building regulations that are in a set of the mentioned above plans. This paragraph states that the constructor has to observe the lower level or most specified spatial plan.

The Spatial Planning Law determines that the National Spatial Plan is approved by the Cabinet of Ministers which in accordance with the Structure of Cabinet Law has rights to issue regulations, recommendations, instructions and orders. The regulations of the Cabinet of Ministers state the binding norms for natural and legal persons or their groups. They may be issued only in the following cases: 1) if there is no plenary meeting of the Parliament (later these Cabinet regulations with the law force are sent to the Parliament for an approval), 2) if the law authorizes the Cabinet of Ministers and 3) if the respective case is not regulated by the law. The binding parts of the National Spatial Plan are accepted as the Cabinet Regulations.

The Cabinet of Ministers or an individual minister may issue recommendations to their subordinate institutions if the law or regulations grant the institution discretion (free option) when taking specific decisions. The guidelines of the National Spatial Plan are accepted as recommendations.

The Prime Minister, Deputy Prime Ministers and Ministers are entitled to issue orders in cases provided for in laws and in Cabinet regulations. An order is a single administrative act that applies to specific State institutions and officials. The order of the Cabinet of Ministers has to be issued when the National Spatial Plan is launched and in a form of the Cabinet order a part of the National Spatial Plan – the Spatial Development Perspective of Latvia has to be accepted.

The prepared drafts of the normative acts the Cabinet of Ministers announces at the State Secretary Meeting where it is decided which ministries will provide their opinions on the draft juridical document prepared. At the State Secretary Meeting a
representative of the Latvian Association of Local and Regional Governments takes part. He has rights to request the prepared documents for the examination from the point of view of local and regional municipalities. The project of the normative act which has been reviewed by the ministries is submitted to the Committee of the Cabinet of Ministers which examines the prepared draft normative acts and harmonizes the opinions of the ministries before the final examination at the Cabinet of Ministers’ meeting.

The law „On Self-Governments” envisages that only the municipality council can approved the local or regional municipality’s spatial plan and issue the binding building regulations envisaging administrative responsibility for its trespass if it is not provided by legislation. This law also determines that the valid binding regulations are binding for every natural and legal person in the respective administrative territory. Binding regulations are behaviour rules which regulate public and economic order which has to be observed obligatory by all natural and legal persons in the respective administrative territory. They are taken into force to ensure the land utilization and building order, maintenance, utilization and protection of nature and cultural objects, sanitary control, public order and procedure of the establishing municipality fees as well as in other cases.

Confirming the binding regulations the municipality acts as the subject of public law. It means that the binding regulations have to be issued in accordance with laws of the Republic of Latvia, regulations of the Cabinet of Ministers and in cases and order determined only in them. Issuing the binding regulations in the municipality council’s decision it is indicated on the basis of which law they are established. The spatial plan’s parts which are accepted as binding regulations have to be clearly separated; other information (current descriptive information, opinions, a report of the public participation etc.) is added as informative annexes and that is noted in the decision and protocol of the respective municipality council’s meeting.

After the signing of the municipality binding regulations they are sent to the Ministry of the Regional Development and Local Governments which has a duty within one month to inform the municipality regarding the conformation of the adopted binding regulations to the law. Ministry of the Regional Development and Local Governments supervises the conformation of the binding rules to the law. If the municipality binding
regulations do not confirm the law the minister has rights to respite these binding regulations. The spatial plan of regional and local municipality and detailed plan comes into force the day after when the decision on the issuing the municipality binding regulations is published in the official newspaper „Latvijas Vēstnesis”.

The Spatial Planning Law defines that illegally established council’s binding rules or the activity of their specific points which confirm the spatial plan or the detailed plan the Minister of the regional development and municipalities stops in accordance with the order determined in the Law „On Self-Governments”. If the activity of the binding regulations which confirm the spatial plan or the detailed plan are stopped in any their part it has to be stated which land utilization and building regulations paragraphs and graphical part’s chapters have to be rejected as illegal and the previous land utilization order has to be performed in the rejected points.

Issuing and applying administrative acts including the binding parts of the spatial plans the general hierarchy of the Latvian legal norms has to be observed taking into the account the legal force: 1) the Constitution; international agreement initiated in Saeima; 3) laws, regulations of the Cabinet of Ministers with law force; 4) regulations of the Cabinet of Ministers and 5) binding regulations of self-governments.

The legal norm with a higher legal force has to be applied if there is a contradiction between general legal norms. If an institution finds a contradiction between a general and a specific legal norm an administrative body has to apply the general legal norm to the point where it is confined by a specific legal norm. An institution has to apply the newest legal norm if there is a contradiction between equal legal norms. If there is uncertainty which of the norms should be applied the administrative institution has to inform the administration and Ministry of Justice about the situation with the written report. Issuing and applying administrative acts general international legal principles, international agreements binding for Latvia and other international legal documents have to be observed.

Interpreting (construing) legal norms institutions can use different interpreting methods: 1) grammatical (linguistic) interpretation method – clarifying the word meaning of the legal norm from the language aspect; 2) historical interpretation method – clarifying the meaning of the legal norm considering the circumstances on
the basis of which it has been created; 3) systemic interpretation method – clarifying the meaning of the legal norm in relation to other norms of law; 4) teleological (meaning and purpose) interpretation method – clarifying meaning of the norm on the basis of the useful and equitable purpose as is to be attained pursuant to the relevant norm of law.

If the institution finds imperfection in the system of the legal norms it may rectify it by using the method of analogy systematic analysis of the legal regulation of similar cases and by applying the principles of law determined as a result of this analysis to the particular case. Yet the institution can not take the analogy as the basis for the administrative act which regulates human or citizen rights. If there is a situation that there can be achieved a result that corresponds with the legal norm system in force and a result that contradicts with any of the legal norms the institution has to apply the result which corresponds with the legal norm system in force. If there can be different results achieved which correspond to the legal norm system in force the interpreting method which supplies the most suitable and fair result should be applied. The institution has to apply the same interpretation which is given by the higher level institutions if the Constitutional Court has interpreted the respective legal norm and if the higher level institution has issued the instruction on the interpreting of the respective legal norm.

*Relevant legislation acts*

Spatial Planning Law (adopted in 22.05.2002). Link to text in English: www.ttc.lv/index.php?&id=10&id=59&l=LV&seid=down&itid=13810
Law “On Self-Governments” (adopted 19.05.1994), link to text in English: www.ttc.lv/index.php?&id=10&id=59&l=LV&seid=down&itid=13757
Administrative Procedure Law (adopted in 25.10. 2001), link to text in English www.ttc.lv/index.php?&id=10&id=LV&seid=down&itid=13728

2.4 Possibility to claim and initiate a lawsuit
In accordance with the law „Examination order of applications, claims and proposals in state and municipality institutions“ every physical and legal person has rights to address state and municipality institutions with mutual and written applications, claims and proposals and to receive a response regarding the subject. Institutions have rights not to examine anonym applications, claims and proposals. The response has to be given within 15 days or within 30 days if there is a necessity for additional information or examination, within 7 days an application has to be forwarded to the other state or municipality institution which is competent to give a response. Responses have to be motivated and there should be order described and terms given if such are determined in the normative acts.

The Spatial Planning Law explains the rights of physical and legal persons to take part in the public discussion process of the spatial plans. It determines that every physical and legal person has rights to express and defend its opinion and give proposals and they have rights to submit written proposals and references regarding spatial plans within terms and receive responses to them. Legal and private persons have rights to submit a written claim to a responsible minister – this possibility to claim about the spatial planning issues is used more and more often. If the response is not satisfactory for the person there is a possibility to go to a court up to the possibility to appeal at the Constitutional Court.

*Relevant legislation acts*


The Constitutional Court has looked through several issues on spatial planning and expropriation of real estate property:


Judgement of the Constitutional Court of the Republic of Latvia “On Law on Preservation and Protection of Historic Centre of Riga, Article 10, Article 11, Clauses 3 and 4, Article 14 and Clauses 6 and 8 of Transitional Provisions; Their Correspondence to the Constitution of the Republic of Latvia, Articles 1 and 58 (published on 03.02.2004), link to the text in Latvian: www.likumi.lv/doc.php?mode=DOC&id=83818


2.5 Necessity and voluntarity of the planning process

Several laws determine that all public institutions have a duty to organize public participation regarding the issues significant for the society. As the determination of the land utilization and building regulations are a significant public issue, that mean
that spatial planning, that also includes obligatory public participation, is one of the duties of public institutions.

Normative documents determine the necessity of the preparation of the spatial plans. The Spatial Planning Law includes a requirement that spatial plans of planning regions, district and local municipalities have to be prepared till 31 December, 2007. This deadline has already been changed before and it is very likely that all spatial plans particularly at the local level will not be prepared. The national government does not use specific political instruments excluding financial (earmarked subsidies) to ensure the preparation of spatial plans in terms. All the planning level responsible institutions have rights to decide when to start the planning procedure and lower level institutions are able to suggest amendments in higher level plans. National governments lead by various political parties promoted that at the planning regions and local and regional municipalities level there are sufficient financial resources available. As financing for the national level spatial planning was not adequate, the documents of the National Spatial Plan is not prepared or/and adopted (except binding part of agricultural areas of state significance) even respective juridical documents in force require that national planning should be developed and this is a part of the whole spatial planning system - needed for the harmonization and supervision of the regional and local level spatial planning.

Responsible institution at each planning level have rights to launch the spatial planning process independently. Lower level institutions can propose changes in the higher level spatial plans; still the responsibility of the carrying on the spatial planning remains the responsibility of the institution of this higher level.

Regarding the detailed spatial plans the local level municipalities have a choice. Detailed plans which serve as a basis for the development of new land units and changes within the current land units are not obligatory for all territories. A detailed plan is obligatory for 1) the territories where there is division, merging or building within the land unit intended; 2) if it is determined in the local municipality's spatial plan and 3) if its scale does not ensure sufficient specification; 4) if it is vacant are in settlement site, 5) if the local municipality's spatial plan does not give detailed enough land utilization and building regulations. Obligatory detailed plan has to be prepared 6) for the development of complex built-up area, envisaging traffic
infrastructure, utilities and of other infrastructure; 7) if it is a demand in accordance with the Law „On Environmental Impact Assessment”, as well 8) for the fire and explosion hazard objects and objects where there is a high risk of industrial accident.

A detailed plan is obligatory for 9) Baltic Sea and the Gulf of Riga Dunes' territory, 10) surface water objects' protected zone (shelterbelts) territories, and 11) where it is intended to carry out transformation of forest land or agriculture land to the building territory.

In accordance with Land Survey Law, land organization (allotment) plan has to be prepared for the areas where legislative acts in the fields of construction, environmental protection, regional development and spatial planning policy do not foresee that preparation of the detailed plans, although such land organization and surveying activities are expected:

1) border reorganisation (readjustment) of land plots;
2) exchange of land plots or liquidation of ineffective land plots in between;
3) subdivision of land plots (also if they are in joint ownership);
4) land consolidation;
5) ensuring access to a land plot;
6) ensuring access to public area (land plots used for public land utilization);
7) specification of immovable properties easements defined in the spatial plan or other normative documents.

Municipalities and state institutions have free option possibilities collaborating in preparation process of spatial plans which are not regulated by the normative documents, for example, different cross-border spatial plans are prepared, as well plans to solve problems of specific spatial problems, for example, nature and landscape plans, transport plans, spatial protection plans of cultural monuments etc.

Many Latvian municipalities organize different kind of other events fostering society participation which are not determined in normative documents – for example, poll of the inhabitants, seminars and meetings with inhabitants, exhibitions in the municipality institutions, dissemination of the informative materials, holding press conferences, publications and advertisements in municipality and daily periodicals, at times on television and radio, etc.

Relevant legislation acts
Spatial Planning Law (adopted in 22.05.2002), link to text in English:
www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13810

Law “On Self-Governments” (adopted 19.05.1994), link to text in English:
www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13757

Regulations of the Cabinet of Ministers No.883 „ Local Municipality Spatial Planning Regulations” (adopted in 19.10.2004), link to the text in English:
www.ttc.lv/index.php?&id=10&tid=60&l=LV&seid=down&itid=14369


Land Survey Law (adopted 14.09.2006), link to text in Latvian:
www.likumi.lv/doc.php?id=144787&mode=DOC
3. Planning levels and special features:

<table>
<thead>
<tr>
<th>Level</th>
<th>Aspect</th>
<th>Planning institutions, activity area and binding character</th>
<th>Planning process</th>
<th>Society incorporation</th>
<th>Plans, spatial planning documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>National level</td>
<td>Parliament (Saeima) – issues laws</td>
<td></td>
<td>Legislation</td>
<td>Parliament elections</td>
<td>Laws with norms of binding demands for spatial development and planning</td>
</tr>
<tr>
<td></td>
<td>Cabinet of Ministers – issues binding regulations and decisions</td>
<td></td>
<td>Issues the regulations on the spatial development policy</td>
<td>Consultancy with representatives of civil society and Local and Regional Government Association</td>
<td>Order of the Cabinet of Ministers on the launch of the National Spatial Plan. National planning binding parts as the Cabinet regulations. Order of the Cabinet of Ministers on the Spatial Development Perspective of Latvia. National Spatial Plan’s guidelines as Cabinet recommendations for state and municipality institutions.</td>
</tr>
<tr>
<td></td>
<td>National Development Council – decisions of a recommendation character</td>
<td></td>
<td>Coordinates development planning in accordance with sustainability principles</td>
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</tr>
<tr>
<td></td>
<td>National Regional Development Council – decisions of a recommendation character</td>
<td></td>
<td>Evaluates national and planning regions’ plans</td>
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</tr>
<tr>
<td></td>
<td>Ministry of Regional Development and Local Governments – decisions binding only for</td>
<td></td>
<td>Supervises spatial planning process, prepares national level spatial plan and organises it public participation process,</td>
<td>National Spatial Plan’s public participation</td>
<td></td>
</tr>
<tr>
<td>Level</td>
<td>Institution</td>
<td>Responsibilities</td>
<td>Outputs</td>
<td>Examples</td>
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<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Regional</td>
<td>Planning Region’s Development Council – decisions of a recommendation character (executive institution – Planning Region Agency)</td>
<td>Prepares and confirms the plan. Issues resolutions on spatial plans. Fosters the collaboration between municipalities and state institutions</td>
<td>Planning Region’s Spatial Plan’s public participation</td>
<td>Planning region’s spatial plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>District Municipality Council - issues binding regulations</td>
<td>Prepares and confirms the plan. Issues resolutions on spatial plans</td>
<td>District Spatial Plan’s public participation</td>
<td>District Municipality Spatial Plan</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>Local Municipality Council – issues binding regulations</td>
<td>Prepares and confirms municipality and detailed plans. Issues conditions and resolutions to the higher level and neighbouring municipality plans. Adopts Land Organisation Plan.</td>
<td>Municipal Elections</td>
<td>Local Municipality Spatial Plan</td>
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<td></td>
<td></td>
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<td>Municipality’s Spatial Plan’s public participation</td>
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<td>Detailed Plan’ public participation</td>
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<td></td>
<td>Public participation during construction process</td>
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<td>Building permit</td>
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<tr>
<td>Public participation assessing intended activity (EIA)</td>
<td>Consultation Boards</td>
<td>Land Organisation (Allotment) Plan</td>
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<td></td>
</tr>
</tbody>
</table>

*Table II.3.1: Planning aspects on different planning levels*
4. Interaction

4.1 Hierarchy of the planning levels

Preparing lower level spatial plans in Latvia the higher level spatial plan’s binding parts are observed. In accordance with the Spatial Planning Law mutually harmonized spatial plans are prepared 1) on the national level; 2) on the planning region’s level; 3) on the district municipality’s level and 4) on the local municipality’s level (on this level spatial plans for all the administrative territory or for a specific its part – detailed plans can be prepared). The law envisages that lower level spatial plans specify requirements, territories and objects defined in the higher level’s spatial plans. Different level spatial plans have to be mutually harmonized, at the same time they have to be prepared in accordance with spatial scale – specification principle determines different specification level or generalization at different planning levels.

Relevant legislation acts

Spatial Planning Law (adopted in 22.05.2002), link to text in English: www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13810
Administrative Procedure Law (adopted in 25.10. 2001), link to text in English www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13728

4.3 Sectoral and intersectoral planning harmonization

Spatial Planning Law determines that not only higher level spatial plans but also national programmes and sectoral development plans have to be taken into the account preparing municipality’s spatial plan. In laws that determine sectoral development and planning there are no particular procedure how land utilization connected with sector development needs, infrastructure objects, services and activities should be planned in spatial dimension – that is these laws do not define how to coordinate spatial development policy in state, specific region or municipality.

Several laws contain norms which determine that the intended new object or territory of a sector has to be coordinated with the spatial plans – only on local level - local municipalities
spatial plans, for example such requirements are included in the legislation concerning harbour development programme’s projects or the development of a new energy supply objects, or forest and agriculture land transformation.

In some cases there is a demand to coordinate the issue with the municipality in general (e.g. airfield project), or with Building Board, or sometimes there are requirements that it should correspond the local building regulations (e.g. railway zone), - however these are general demands for building. In several cases there is a specific demand for spatial planning in the laws of sectors. For example in accordance with the Law „On Motor Roads“ the Ministry of Transport is planning the road development observing economic, ecologic and social development tendencies, state and municipality interests. This law determines that planning housing areas of towns, rural settlements and urban neighbourhoods, also preparing projects of the residential housing, public buildings and other objects it is necessary to envisage the activities to ensure convenient and safe transport, enough parking places, and possibility to reach the housings and other objects.

A few of sectoral laws provide possibility to municipalities to plan respective sector development within the framework pf the spatial development plans of their administrative territories. They can determine heat supply development in the framework of the Energy Law by coordinating this development with the regulator and observing environment protection requirements and protection rules of the cultural monuments, as well as by evaluating safety and costs of the long-term heat supply and possibilities to use local energy resources.

<table>
<thead>
<tr>
<th>Planning demands, objects and territories</th>
<th>Normative acts, which regulate the sector</th>
<th>Responsible institutions of the sector, which have to confirm the spatial plan * institutions, which have to confirm obligatory</th>
</tr>
</thead>
</table>
| Road safety demands                      | Road Traffic Law (adopted 01.10.1997) text in English [link](https://www.ttc.lv/index.php?id=10&tid=59&l=LV&seid=down&itid=15580)  
<table>
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</thead>
<tbody>
<tr>
<td>Airports</td>
<td>Cabinet Regulations no. 635 “Development, Certification and Exploitation of Civil Aviation Airfields Regulations” (adopted 01.08.2006) text in Latvian <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=142137">www.likumi.lv/doc.php?mode=DOC&amp;id=142137</a></td>
<td>Aviation Department and Civil Aviation Administration of the Ministry of Transport</td>
</tr>
<tr>
<td>Electronic communication</td>
<td>Cabinet Regulations no.256 “Electronic Communication Network’s Development and Building Procedure” (adopted 04.04.2006) text in Latvian <a href="http://www.likumi.lv/doc.php?mode=DOC&amp;id=132351">www.likumi.lv/doc.php?mode=DOC&amp;id=132351</a></td>
<td>Telecommunication object holders* and, if necessary, other institutions (Board of Electronic Communications)</td>
</tr>
<tr>
<td>Surface waters</td>
<td>Water Management Law (adopted 12.09.2002), text in English <a href="http://www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down</a> &amp;id=13859</td>
<td>Regional Environment Board * and Board of the respective river basin * (if such exists) of the Ministry of Environment</td>
</tr>
<tr>
<td><strong>Underground waters and earth entrails</strong></td>
<td><strong>Law</strong> “On Subterranean Depths” (adopted 02.05.1996), text in English <a href="http://www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down</a> &amp;itid=15817</td>
<td><strong>Regional Environment Boards</strong> * of the Ministry of Environment</td>
</tr>
<tr>
<td><strong>Higher risk objects</strong></td>
<td><strong>Law</strong> “On Pollution” (adopted 15.03.2001), text in English <a href="http://www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down</a> &amp;itid=13764</td>
<td></td>
</tr>
<tr>
<td><strong>Public health</strong></td>
<td><strong>Medical Treatment Law</strong> (adopted 12.06.1997) text in English <a href="http://www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down">www.ttc.lv/index.php?id=10&amp;tid=59&amp;l=LV&amp;seid=down</a> &amp;itid=13726</td>
<td><strong>Health Statistics and Medicine</strong></td>
</tr>
</tbody>
</table>
Table II.3.2: Sectoral institutions, resolution of which are obligatory or preferable, elaborating district and local municipality spatial plans.

### 4.4 Planning harmonization of different sectors on the respective planning level

District and local municipality spatial plan has to be prepared taking into the account the spatial development programme of the district and local municipality which considers
development opportunities of economic sectors in the respective municipality. The state and regional level sector development plans which have impact on the respective territory has to be taken account. Land property structure has to be assessed. Also requirements of particularly protected nature and culture territories plans, culture protection and utilization rules of culture monuments, nature protection plans and river basin management plans (if there are such).

The harmonization of interests between regional sector institutions and territorial administrations are particularly important at the district and local municipality spatial planning level. Relevant sector administrations at regional level have to ensure municipalities with the information for planning purposes. Institutions have rights to issue the terms of restrictions from the respective sector viewpoint to the preparation and to the content of the spatial plan and to the requirements for the land utilization and building regulations.

There is a list of institutions included in the relevant normative documents that are designated as statutory consultees – these institutions has to provide terms of restrictions during the inception stage and opinions for the prepared first and final draft spatial plan that has to be submitted by the respective municipality. Sector institutions have rights to nominate a coordinator to cooperate with the municipality and they can collaborate in the spatial plan preparation coordination group.

4.5 Consideration of different planning approaches on different planning levels in the context of neighbouring countries and Europe

One of the spatial planning tasks in accordance with the Spatial Planning Law is to go in line with neighbouring countries’ and European Union’s spatial planning activities. The Cabinet of Ministers in its respective regulations determines that these tasks have to be carried out on national and planning region level – the National Spatial Plan and spatial plans of planning regions have to be prepared evaluating spatial planning policies, guidelines and concepts of the Council of Europe, the European Union and the Baltic Sea States Council. Regarding planning regions’ spatial plans it is specified that they have to be prepared evaluating the respective region from international, national and neighbouring regions aspect, cooperating with other planning regions in Latvia and other countries which are bordering with the Republic of Latvia.
Within the public participation process district and local municipalities have to supply information and ask the opinion of other municipalities which territory borders with the respective plan’s territory. Normative documents allow carrying out the cross-border cooperation but it is the competence of the respective regional or local municipality whether consulting and cooperation takes place. For example Valka town in Latvia and Valga town in Estonia have historically developed as one single settlement, later it was divided by national border of Estonia and Latvia but urban spatial structure is still connected. In 1970, Soviet Union time State City Building Institute of Latvia and State Planning Institute of Estonia together worked on the single Valka and Valga towns’ general plan which was not fully implemented. It was not topical any more when both states became independent and border regimes appeared. In 2007 the work on the Valka town spatial plan was finished. Unfortunately the spatial plan almost does not cover spatial policies over the state border. Only bicycle tourism and infrastructure projects are mentioned which could be developed together by both towns in the future.

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