II. Planning System

1. Planning system in general

1.1 History of the planning system

The first law on territorial planning was adopted in the history of Lithuania before the World War II.

After the World War II, when Lithuania became part of the Soviet Union, planning developed together with the whole culture of the Soviet planning system. The key feature of the said culture consisted in the fact that government authorities were virtually the only proactive entity in social life. As there existed only one character in social life, there was one relation, i.e. the relation of authority with itself. As a result, there were no problems concerning the law on planning and the law on planning did not exist. Government authorities saw another way of forming the planning system. The idea was that science had to analyse life and propose rational decisions (in the sphere of planning, as well); those scientifically proved decisions had to be set in the norms and regulations of planning. Planners had only to apply them. The participation of the population in planning seemed to be useless. There was a period of cold war conditions of the world, and the territorial planned structure was of great importance from the point of view of defence. One can draw the conclusion that planning has no meaning to be public: it must be secret, as well.
Having regained independence, a new situation was created in Lithuania. The structure of planning was and is still determined by the general idea of public life prevailing in society. It became known to the masses; however, the traditions of soviet life as well as the conception of democracy and market incorporating the fragments taken from the films and impressions of short trips to the West are enthusiastically negated. There dominated the idea in society that planning died together with the planned (soviet) system, but Lithuania was oriented to the West, where planning existed. Very little was known about it.

The planning system of independent Lithuania was developed through the controversial political and cultural contexts. The process of the planning system formation was rather slow; however, economical life was developing. Hence, there were very few changes in the material environment during the first years of independence. The Law on Territorial Planning was first enacted in 1995. It was a very important turn in the evolution of urban cultural: Lithuania returned to the sphere of activity regulated by law.

The Law on Territorial Planning was the basic law regulating territorial planning for a short period of time. Yet, there were other laws which influenced the planning apart from the said one, e.g. Law on Land, Law on Environmental Protection, and Law on Protection of Immovable Cultural Properties. They all form the planning system in general.

The Law on Territorial Planning stated that the planning of territories has to be implemented at: the national, the regional, the county and a natural or legal entity level. Planning at a natural or legal entity level, i.e. the law spoke that that a person is empowered to prepare and confirm (agreed with the Government) the territorial plan which is in his possession; it was a unique event in the history of European planning. The Law on Territorial Planning seemed to have emerged because of an intention to consolidate the positions of ownership and private business. Such a provision assumed to implement the said. The Law on Territorial Planning names private persons as organizers and backers of special and detailed plans; however, it does not mention which special and detailed plans he can and which he cannot organize and fund. Thus, there was a possibility for personal interpretations concerning the role of private persons in the system of planning.

Classification of types of territorial planning mentioned in the Law on Territorial Planning adopted in 1995 was peculiar. The Law on Territorial Planning distinguishes the following types of territorial planning: general, special (sectorial), detailed. The special plan was not classified according to the levels (the Law of Territorial Planning identifies only the objects of special planning which may be the following: the land stock of the Republic of Lithuania, including forest land, water resources; social and cultural activities on the territory under planning; system of infrastructure and their parts; protected territories, their systems, natural and immovable cultural properties. In point of fact, the Law on Territorial

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Planning opened a possibility for the special planning to be realized at all levels. In contradistinction to the special plan, the Law on Territorial Planning has rather clearly divided master and detailed plans into certain levels.

The Law on Territorial Planning held that the master plan of the territory of the country is prepared at the national level, while the master plan of the territory of the county – at the county level.

A more complicated planning was observed at the local level. On one hand, there seemed to emerge two stages: general planning of the territory of the municipality and its specification; on the other hand, the Law on Territorial Planning mixed such division in a sense. The master plan might have been prepared not only for the whole territory of the municipality, but also for its part, while the detailed plan might have been prepared not only for the part of the municipality, but also for the whole town.

Detailed and special plans have to obey the master plan.

The Law on Territorial Planning has not divided the objectives of territorial planning according to the planning levels or types. The Law wrote, that territorial planning shall have the following objectives:

1) to balance the development of the territory of the Republic of Lithuania;
2) to form an adequate, healthy and harmonious environment for living, work and recreation with the aim of creating better living conditions of equal value on the whole territory of Lithuania;
3) to form a policy of development of residential areas and infrastructure systems;
4) to reserve (define) territories for the development of infrastructure of residential areas, other spheres of activity, and different types of land;
5) to protect, use rationally and recover natural resources, natural and cultural heritage, recreational resources among them;
6) to maintain an ecological equilibrium or to restore it;
7) to harmonise the interests of natural and legal entities or their groups, also the interests of the public, municipalities and the State regarding the conditions for the use of a territory and land plots also with regard to the type of activity in the territory;
8) to promote investments for the social and economic development.

According to the Law on Territorial Planning, master and special plans must have been prepared at an adequate level approved by the authority – the law did not designate when they have to be prepared. However, the Law enumerated the cases of preparation of detailed plans. Detailed plans shall be mandatory for construction, reconstruction or

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demolition and many other cases. Under such requirements of the Law on Territorial Planning, the procedure for preparation of master plans was very slow, while detailed plans were developing extremely fast. One had to prepare lots of detailed plans; however, the Government was unable to fund them all. Financing and organization of preparation of detailed plans was practically the matter of private business. Hence, institutions under the authority had to control detailed plans.

According to the Law on Territorial Planning, approval of detailed plans depended on the level and type. The master plan of the territory of the Republic of Lithuania had to be approved by the Seimas. The master plan of the county had to be approved by the Government. Detailed plans had to be approved by the municipal board.

The order for approval of special plans was not indicated in the Law on Territorial Planning adopted in 1995. This Law charged the Ministry of Construction and Urban Development to establish the said order.


In Lithuania new tendencies appeared in the system of planning during the first part of the year 2000.

First tendency deals with a clearer demonstration of provisions of regional policy in Lithuania. Lithuania was about to become member of the European Union, and it is understandable that Lithuania sought to integrate harmoniously into the European political culture and regional politics. Although the Law on Territorial Planning virtually incorporated the fundamental principles of regional policy accepted in Europe (e.g. “to balance the development of the territory of Lithuania”) and indicated certain instruments (the master plan of the territory of Lithuania, master plans of counties), when preparing them it is mandatory to perform an adequate analysis of the existent economic, social and other conditions, it was agreed to consider the country resolution and represent the issues of regional policy more clearly. Hence, the purport was not to develop the fundamentals of regional policy which had already been included in the law on territorial planning, but to...

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create a new law on the regional policy. In 2002 such a separate Law on Regional Development, created especially for regulating the regional development, was adopted.\textsuperscript{14}

Planning has equally been regulated by two laws at the national and regional levels since then. Respectively, there exist two planning processes and two structures of planning documents corresponding to the said processes. The Law on Territorial Planning requires preparing the General Plan of the Territory of the Republic of Lithuania\textsuperscript{15}, while the Law on Regional Development requires drafting the National plan of regional development.\textsuperscript{16} The Law on Territorial Planning requires preparing the master plan of the territory of the county\textsuperscript{17}, while the Law on Regional Development requires drafting the plan of regional development.\textsuperscript{18}

The above-mentioned two streams of planning differ mainly in the following: the planning of regional development manifests itself much less on the territorial dimension than the planning in the light of the Law on Territorial Planning. Plans of regional development (e.g. The Plan on the Development of Vilnius County (Region) 2003-2007) possess some territorial features, i.e. they survey the condition of municipalities of the county, and in charts describe what and in which municipality is necessary to do. These plans do not often analyse smaller territorial units than a municipality\textsuperscript{19}. Plans of regional development do not present any maps of actions or territorial schemes.

As the Law on Territorial Planning shall analyse the economic and social situations in compliance with the law, both planning streams duplicate one another in this part. On the other hand, regional plans (emphasizing spiritual side of the Law on Regional Development) have a very significant element which is not often present in the territorial plans according to the Law on Territorial Planning. This is a prevision of financing resources and the need of funds.

An endeavour to combine future visions with financing flows, to integrate the planning (sectorial and inter-sectorial, territorial and non-territorial) which is performed in various countries into one whole, as well as to promote it generally in those sectors which passively treated the planning is considered to be the second tendency highlighted in the system of planning in Lithuania in the year 2000. The aforesaid calculation of the need of funds in the plans of regional development is one of the spheres of manifestation of the above-mentioned tendency. The third stream of planning –

\begin{footnotes}
\item[14] Lietuvos Respublikos regioninės plėtros įstatymas. 2000 m. liepos 20 d., Nr. VIII-1889, Vilnius.
\item[19] Except that it is often recorded which institution or construction work has to be renovated, expanded and the like.
\end{footnotes}
“strategic planning” appeared in the year 2000. In Lithuania “strategic planning” is not the same as territorial planning; it is not the same as planning of regional development, as well.

In Lithuanian government documents “strategic planning” appeared in 1999 as an element of internal work of the Government which apparently may not have touched upon territorial planning then. After several years the conception of “strategic planning” became more clearly defined; moreover, it encompassed territorial planning to some extent, as well. At the beginning “strategic planning” became evident in the Government work, then in the activities of municipalities.

In 1999 the Government of the Republic of Lithuania by Resolution No. 434 approved the Strategic Planning Committee of the Government of Lithuania and provisions of its activities. Primarily, the Strategic Planning Committee of the Government of Lithuania was created as a deliberative body of the Government in preparing the state budget. It was indicated in the provisions of the activities of the Committee that the Committee shall submit proposals with respect to more comprehensive issues, i.e. strategies and priorities of the executive policy of the Government.20

A new Government resolution adopted in the year 2000 counter changed the stresses. Now the statement is that the Committee shall submit proposals concerning the strategy of the Government executive policy, its strategic aims, priorities and their implementation, and only then the Committee shall submit proposals regarding budget formation and its execution.21

In 2002 the Government approved a new document - Strategic Planning Methodology22. It deals with a new issue in principle: it focuses particularly on the system of all new acts of planning of institutions of local authorities and the Government, but does not discuss the activities of the Government deliberative body. Strategic Planning Methodology was modified in 2004; however, general features have left the same. In comparison to the Law on Territorial Planning, a new element in “Strategic Planning Methodology” was that public administration institutions were charged to create the tasks for themselves, but not to prepare regulations on what they govern. “Strategic Planning Methodology” claims that action plans of authorized institutions (strategic plans) have to be confirmed by real financing possibilities. It also maintains that the results of strategic plans have to be sought and given an account of. Here, financing possibilities are

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22 The Government resolution of the Republic of Lithuania “On Approval of Methodics of Strategic Planning”. 2002. 06.06. No. 827. (Lietuvos Respublikos Vyriausybės nutarimas „Dėl Strateginio planavimo metodikos patvirtinimo“. 2002. 06.06. Nr. 827.)
discussed more profoundly than in plans of regional development. The layout of resources, control of the implementation of drafts in “strategic planning” is considered to be of paramount importance. Other issues are treated as secondary matter.

As there were no assurances of carrying out the plans of financing in documents of territorial planning of Lithuania, the tendency of integrating drafts and financing planning, which manifested itself in the streams of regional development and strategic planning, might have influenced the culture of territorial planning more significantly, but it did not occur.

The Law on Regional Development has very little spoken about territorial plans. It states that it is essential to evaluate territorial planning documents in preparing plans of regional development. “Strategic Planning Methodology” discusses territorial planning less than the Law on Regional Development does. The truth is that “Methodology” in its own scheme of planning works indicates the General Plan of the Territory of the Republic of Lithuania; however, it does not speak about any other territorial planning documents. Moreover, it does not mention any other laws regulating planning and does not analyse any relations of “Methodology” with the laws.

Hence, every planning jurisdiction has a tendency to work for itself; jurisdiction of territorial planning is inclined to plan territories; jurisdiction of regional development is characterized by the tendency to discuss social and economic issues of municipalities, while jurisdiction of strategic planning concentrates particularly on expenditure planning.

From the legal point of view, this situation was rectified by amendments of the Law on Territorial Planning adopted in 2004. At present the Law on Territorial Planning states that preparation of territorial planning documents must be co-ordinated with strategic planning documents drafted for the same territory and sphere of activity. Strategic planning documents shall be drafted before the beginning of territorial planning process or may be drafted during the preparation of territorial planning documents. The programmes of implementation of decisions are prepared to ensure the implementation of decisions on territorial planning documents.  

Strategic planning is approaching territorial planning not only on the legal, but also on the practice bases. The strategic plan of Vilnius town 2002-2011 does not only present a list of town projects or calculate the need of funds, but also demonstrates in many schemes what changes and constructions are determined by those projects. It would appear that one more step and strategic together with territorial planning will be merged into one planning ’stream’; however, it has not occurred yet. At present there exist three planning streams in Lithuania which are co-ordinated between each other. Territorial planning possesses more territorial characteristics than the rest two. Further discussion will focus mainly on territorial planning. (The process of regional development planning is not detailed)

1.2 Basic principles

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The hierarchy of Territorial Planning in Lithuania is, in comparison with other European countries, rather a complex one (See Scheme 3). The Law on Territorial Planning divides planning into the corresponding levels according to two principles of classification: firstly, according to what entity approves territorial planning documents; secondly, according to the size of the territory under planning as well as the level of explication of the plan.

According to the first principle, the following levels of territorial planning shall be distinguished:

1) the national level of the Republic of Lithuania (for territorial planning and its documents which shall be approved by the Seimas);
2) the Government (for territorial planning and its documents which shall be approved by the Government);
3) the Government institution (for territorial planning and its documents which shall be approved by the Government institution);
4) the county (for territorial planning and its documents which shall be approved by the county governor);
5) the municipality (for territorial planning and its documents which shall be approved by the Municipality Council and its authorized Administration Director of Municipality.

According to the second principle, the Law identifies four levels of territorial planning:

1) the national level of the Republic of Lithuania – the whole territory of the State (master and special territorial planning documents are prepared);
2) the regional – a portion of the State territory, distinguished by the administrative (county) or principal functional relation (master and special territorial planning documents are prepared);
3) the district – a portion of a region, distinguished by the administrative (municipality) or concrete functional relation (master and special territorial planning documents are prepared);
4) the locality – land plots or their groups (detailed and special territorial planning documents are prepared)

A system of plan levels.
The said system plays a certain schematic role – territorial plans of one type complete it entirely, while of the other – only some of “tables.” For instance, according to the first principle of division into levels, the Regulations for the Drafting of Special Plans on Territories of Objects of Cultural Heritage and Their Protection Zones “occupy” only one level of planning – all special plans on objects of cultural heritage and their protection zones are territorial planning documents of the Government institution level, according to the institution approving the plan.

According to the other principle dealing with the size of a planning territory as well as the level of solutions concretization, these Regulations identify three levels of territorial plans of cultural heritage: the regional level (when the plans are prepared for counties), the district (when the plans are prepared for portions
of a region, distinguished by the administrative (municipality) or concrete functional relation, and the local (when plans are prepared for land plots and their groups). One “table” of the national level is left empty even in this case.

General planning completes the scheme “tables” of levels of planning mostly.

Scheme 3. Levels of Territorial Planning in Lithuania

The Law on Territorial Planning describes the participants’ role as well as their competence in planning twice: generally and in more detail – speaking about preparation of plans in separate regulations for the drafting of plans (sometimes introduced by the Government resolution, sometimes – by the Order of the Minister of Environment).

Planning in Lithuania consists of the following elements:
- organization of planning;
- formulation of plans (preparation of plan projects);
- public participation in the preparation of a plan;
- co-ordination of plans;
- control of plan projects;
- approval of plans;
- supervision of the implementation of the approved planning document solutions (monitoring).
Formulation, co-ordination, consulting or public discussion and submission are approved by the executive institutions. Depending on the level of planning, an organiser of planning can be the Government or its authorized entities of public administration, the county governor, the director of the municipal administration. The system of territorial planning in Lithuania differs from that of in some European countries: in the event of special and detailed planning) organisers of planning cannot only be the State or municipality institutions, but also legal and natural persons. Governing institutions of municipalities can conclude contracts regarding the transfer of the rights and duties of the organiser of the detailed territorial planning to the land owner, manager or user. The authorities can transfer all the rights and duties of the organiser of planning with the exception of the decision to prepare a plan and its approval. There are plenty of such cases in detailed planning. One reason for the appearance of this element in the system of planning is the fact that detailed plans must be drafted in great numbers (there is a relatively small amount of events, when one can do without the detailed plan), whereas the municipal funds are not sufficient for their preparation.

Plan projects can only be prepared by legal and natural persons having a right to formulate territorial planning documents – certified enterprises or specialists are required to perform this kind of activity.

The organiser of planning (in the case of general and sometimes special planning), referring to the approved Planning Works Programme, announces the procedure for choosing a planner of the master plan in manner stipulated by the Law on Public Procurement (1996, No. 84-2000) and other legal acts. On choosing the winner of the said procedure, the organiser of planning together with him/her conclude a contract about the performance of planning works, a works task and a timetable for the fulfilment of works are hereto attached. In practice, as demonstrated by the experience, the organiser and planner’s relations are very different during the planning, depending on the type of plan, locality and concrete sectors. These relations are especially tough in the detailed planning, a bit more formal – in the planning of the Municipal territories. However, even here the organiser’s participation can be so active that some Lithuanian experts in the sphere of planning are preoccupied with a decline in the professionalism of planning.

The public is informed about the preparation of plans during their formulation; when became acquainted with plan projects, it can also provide proposals and receive solutions (in preparing various plans in a bit different way). The Law on Territorial Planning distinguishes “the interested society”, i.e. part of the society which is influenced or can be influenced by territorial planning document solutions or which takes interest in implementing those solutions.

Plans are co-ordinated with a) institutions of high status (which are responsible for the sectors the plan can attach significance to and b) neighbouring, territorial and administrative formations. Before preparing the document of territorial planning, the organiser of planning applies to the said institutions so that they should propose the planning conditions, but when the organiser has finished the project, he co-ordinates it with them.
Supervision of plan projects (which corresponds to certain laws, other legal documents and plans of higher levels) is performed by the appropriate subdivisions of territorial and administrative units of higher status. On the national level, control of territorial planning document projects is executed by the State Inspectorate of Territorial Planning under the Ministry of Environment; county governor’s administration is responsible for carrying out control of plan projects of municipalities.

The Municipality Council approves the master and detailed plans of a municipality. The Government approve the master plans of the county, the Seimas – the master plan of the State territory. Various institutions approve special plans (Regulations for Special Plans are identified).

The Law on Territorial Planning (Article 10, 7) state that control, supervision and observation (monitoring) of the implementation of territorial planning document solutions are performed after having approved the master plans. When they have been approved, another prominent stage of their existence emerges (a bit different with detailed and special plans).

Municipal Administration (local authorities) performs control, supervision and monitoring of the approved master plans of a municipality. Before each election, Municipal Administration reports on monitoring to the Municipality Council.

County governor’s administration carries out monitoring of the solutions of the county master plans, while monitoring of the implementation of other plans of higher levels is conducted by the Ministry of Environment. Before the elections to the Seimas, report on monitoring of the implementation of solutions of the county and higher levels is submitted to the Government. In carrying out monitoring of the implementation of almost all master plans, one follows the principle that seldom does the institution approving the plan receives information about the findings of monitoring. The General Plan of the Territory of the Republic of Lithuania is the exception. The Seimas approving it does not hear the report on the results of implementing the plan (Description of the procedure for the Preparation of the General Plan of the Territory of the Republic of Lithuania. Resolution No. 753 of the Government of the Republic of Lithuania 16-06-2004).

Monitoring of implementing the master plans of the county and municipalities has an element of publicity, although the Law focuses much more on public participation in the preparation of those plans rather than on their implementation. The Law refers to it very abstractly: implementing bodies of the municipal and county plans have to inform the public about realisation of general territorial planning document solutions in their own Internet page (on the municipal level and in press). The public may not be notified on the implementation of the solutions of the General Plan of the Republic of Lithuania in accordance with the description of the procedure for the Preparation of the General plan of the State Territory of the Republic of Lithuania.
Institutions of all levels of governing (local authorities, county governor’s administration and the Government) prepare plans of the corresponding level and perform monitoring of implementing the prepared plans.

Besides, governing institutions of higher status discharge additional functions, i.e. county governors’ administrations and the Ministry of Environment perform supervision of the prepared planning document projects of lower level. The Law on Territorial Planning foresees the Government role in forming the planning policy of the State territories. The Ministry of Environment executes its technical part.

The following types of plans can be distinguished in the system of Lithuanian planning: general (comprehensive), special (sectorial) and detailed. This is not a mistake – the Law treats the detailed plan not as the level of planning, but as the type. The Law on Territorial Planning describes the aforementioned types of planning as:

“General territorial planning – a comprehensive planning for establishing the territorial spatial development policy, the priorities in the use and protection of a territory as well as the principal means of its management.”

“Special territorial planning – planning of means related to spatial organization, management, use and protection of a territory necessary for separate types of activities.”

“Detailed territorial planning – planning of parts of the municipality territory for determining the limits of a land plot as well as for establishing, changing or abolishing the conditions for using a land plot and developing an activity in it.”

The Law on Territorial Planning outlines the whole system of territorial planning and regulates all types of planning to a certain degree. As a rule, other laws also outline the said system stating that their regulating documents are formulated in conformity with the Law on Territorial Planning. For instance, the Law on Protected Territories writes that “managing protected territories and developing an activity in them is carried out in accordance with the documents of general and special territorial planning as well as of strategic planning, and the regulations which are established by the said documents and prepared in full conformity with the provisions of the Law on Territorial Planning and the Law on Construction.” 24

Special planning is influenced by a big number of other laws and post-statutory acts with the exception of the Law on Territorial Planning. Most laws and post-statutory acts are applied to the protection of natural and cultural heritage (the Law on Environment Protection, the Law on Protected Territories, and the Law on Protection of the Immovable Cultural Properties).

There is no law applied to the detailed planning: it is only regulated by the Law on Territorial Planning and the Regulations for the Drafting of Detailed Plans which are approved by the Order of the Minister of Environment.

1.3 Objectives and scope, functions

The Law on Territorial Planning is the only source which deals with the fundamental functions of territorial planning in Lithuania. First of all, the Law identifies the objectives of planning and the content of plans. At present, in the system of planning in Lithuania, there are no comments on the said Law or literature examining the essence of planning, its philosophy in general.

What does the Law on Territorial Planning tell us about the key functions of planning?

The territorial planning has the following objectives:

1) to maintain an equilibrium of the social, economic and ecological development of the State territory;
2) to form a healthy and harmonious environment for living, work and recreation with the aim of creating better living conditions of equal value on the whole territory of Lithuania;
3) to form a policy of development of infrastructure, residential areas and other types of activities;
4) to protect, use rationally and recover natural resources, valuables of natural and cultural heritage, recreational resources among them;
5) to form the nature framework, to maintain an ecological equilibrium of the landscape or to restore it;
6) to form land plots, reserve territories for the development of infrastructure of residential areas, other spheres of activity, and different types of land;
7) to harmonize the interests of natural and legal persons or their groups, also the interest of the public, municipalities and the State regarding the conditions for the use of a territory and land plots also with regard to the type of activity in this territory;
8) to promote investments for the social and economic development.

A list of tasks is the question dealing with the meaning of planning “Why is it necessary to accomplish the said objectives?” “How and to which extent can territorial planning contribute to that?” - This is not completely clear, but to be more precise, it is simply a matter of interpretation.

The main functions of planning practically fixed in legal regulations of planning.

The regulative function of planning in Lithuania is obvious. The preparation of all plans is finished by the decision of the authorities. This decision is mandatory for persons working in the corresponding territory. Therefore, the planning is not simply a matter of contemplations, and the activities of the
authorities are restricted. There are certain nuances in performing this function. The role of regulating the activities is performed by the detailed and some special plans fairly well – their solutions are (mostly) clear and concrete. It is not hard to carry out them. Master plans performing this role “operate” much harder: the higher the level of the master plan, the more abstractive its solutions. Even if one wants to conform to such character of documents, it sometimes becomes difficult to do it in practice (and to the contrary).

We can say two things about an analytical function of planning in the system of planning in Lithuania. First, the analysis of the present condition (in these latter years – consequences) is mandatory in preparing all plans. Accordingly, the analytical function is obvious at the stage of preparing the plans; however, the document being approved, another function of planning, i.e. the regulative one should be fore grounded. What matters mostly is the fact what the plan forbids and what allows. Practically speaking, the question “why”- is of very little concern.

The system of territorial planning in Lithuania allows planning to act as the co-ordinator of activity. All plans must be co-ordinated with neighbouring institutions and institutions of higher status. The public is encouraged to be engaged in the preparation of plan projects. Counties and municipalities may draw up plans co-operatively. The procedure of the county planning forces even municipalities to do it.

Hence, the way is open for co-ordination and co-operation of activity, yet the question arises “Do we want to use that way practically?” A mandatory procedure of co-ordination is naturally implemented, but co-ordination of activity does not always come up the level of co-operation. One of such examples may be several initiatives of general studies of planning concerning Vilnius and Kaunas counties and municipalities.

1.5 Main elements / 1.6 Main instruments of implementation

One of the main instruments of implementing the objectives indicated in plans is their solutions, expressed graphically and orally. Plans of various levels and types are usually different. In attempting to view it generally, it is possible to mention only some peculiarities.

All master, special and detailed plans contain a graphical part in which territorial zoning is presented one way or another, i.e. a regime of the territory use. There are restrictions of classifying the use of a territory in the system of planning of Lithuania. The Law on Land lays the foundations for them which divide the use of land into 5 “principle specific purposes”:

1) land designated for agricultural purposes;
2) land designated for forestry purposes;
3) land designated for water purposes;
4) land designated for conservation purpose; and
5) land designated for other purposes.
The Order of the Ministers of Environment and Economics divided the said “principle specific purposes of land use” into greater detail, i.e. into the means and characters of land use.

This classification is especially important in the detailed planning. The solutions of the plan must strictly be integrated in the framework of the said classification. The higher the level of the plan, the more subtle its correlation with that classification; however, the elements of territorial zoning remain. The Regulations for Master Plans require identifying “functional priorities” of the use of the territory in the County master plans. “Functional priorities” are presented in the currently valid General Plan of the Territory of the Republic of Lithuania.

The higher the level of the plan, the more territorial zoning attempts (not only formalized ones in advance) it contains.

A system of communications and engineering infrastructure – roads, streets, indication of their classification, as well as important “points” of communications system, i.e. ports and airports, lines of engineering communications and components are a traditional element of the content of plans.
Drawing No.1. The nature framework of the territory of the Republic of Lithuania and State policy of its conservation. – The drawing of the Master (General) Plan of the Territory of the Republic of Lithuania.

Protected territories – (of natural and cultural heritage) is an inevitable element of master and detailed plans, as well as most of special ones. In theory, there exists a strong idea focusing mainly on protecting the nature framework of the State and its (the State) ecological “backbone” territories in Lithuania. Territorial elements of the nature framework are indicated in the General Plan of the Territory of the Republic of Lithuania. Trends of activities are pointed out in the said elements to a certain extent: it is designated where one has to protect

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the present condition, to change it, or to restore natural conditions (See, Drawing No. 1)

The classification of towns into centres of various ranks is regarded as a traditional example of the solution of the National Plan. Such classification was applied in the “Scheme of Distributing Productive Forces” in the fifties; it is being also applied to the presently valid General Plan of the Territory of the Republic of Lithuania. However, a “bundle” of “urban framework”, i.e. towns, densely populated rural territories among them and communication systems connecting the said is a new element of general planning of the State (See, Drawing No. 2)

![Diagram](image)

Drawing No.2. The urban framework of Lithuania. – The drawing of the General Plan of the Territory of the Republic of Lithuania.

Characteristics of formulating the objectives of master plans.

The objectives of master plans are indicated rather abstractly for the most part. For instance, “develop city economy, culture, science and education and other ranges, based on the concept of sustainable development, create a healthy, comfortable to live in and safe environment, unique cityscape, and foster nature diversity; strengthen democracy and city self-governance, unite citizens into communities. Integrate city community needs and co-operate with local civic organisations;
initiate and participate in international municipal co-operation projects."\textsuperscript{26} Despite the fact that in preparing plan projects, calculations (e.g. dealing with the needs of a living place) are really performed; the objectives are not indicated in plans specifically (in number). Sometimes, there are numbers included in the plan texts; however, mostly they specify forecasts, but not the objectives of the plan. For example, the General Plan of the Territory of the Republic of Lithuania states that "The agrarian territory is foreseen to decrease roughly 0.7 % per cent within a year and the territory of agricultural lands – 0.5 %."\textsuperscript{27} The 1998 General Plan of the Territory of Vilnius City does not indicate any objectives or tasks underlined numeraly.

The objectives of many detailed plans are sometimes relatively pragmatic, e.g. "to change the limits of plots and their territory, establishing the regulations for construction."

Special plans do not often indicate the parameters of concrete objectives, as well. For instance, the following are the objectives of the Concept of the Special Plan of Distribution of Skyscrapers in Vilnius City:

1. to create preconditions for the harmonious distribution of skyscrapers in a city while protecting and consistently developing general components of the urban structure – silhouette, panorama, diversity of town sceneries – significant signs of town image and cultural identity;
2. to provide for the means and restrictions determining preservation of valuable elements of town visual identity, as well as of natural and cultural values;
3. to establish territories for the preparation of the solutions of the special plan on skyscrapers and formulate the principle provisions on the concept of their development.
4. to create preconditions for the harmonious distribution of skyscrapers in a city while protecting and consistently developing general components of the urban structure – silhouette, panorama, diversity of town sceneries – significant signs of town image and cultural identity;
5. to provide for the means and restrictions determining preservation of valuable elements of town visual identity, as well as of natural and cultural values;
6. to establish territories for the preparation of the solutions of the special plan on skyscrapers and formulate the principle provisions on the concept of their development.

Means for realizing the solutions of plans.
In relation to this question, it will be said that there is a provision on having a system of realization means of plans: Lithuanian statutory basis requires

\textsuperscript{26} Official Plan of Vilnius City 1998. – detalisation of the first target group „Integration into the Network of Eastern and Mid European capital Cities“
\textsuperscript{27} The Comprehensive Plan of the Territory of the Republic of Lithuania. Vilnius, 2004, pg.29
preparing programmes pertaining to the realization of plans.\textsuperscript{28} Practice still stands behind the provisions; it is true that it is quite different in the preparation of various plans.

Thus far, financial substantiation of the solutions of plans (with the exception of detailed and some special plans) has been rather tenuous in Lithuania. It is possible to compare Lithuanian master plans with the rules of the road. The rules “work”, if someone drives; these rules as such do not make the car drive. A plan performs the role of activity restrictions rather than of its programme. This can easily be proved by the fact that most of the solutions of the 1998 Master Plan of Vilnius City failed to be implemented until the beginning of the plan preparation of a new city in 2005.

However, there are some changes in that direction. In preparing strategic (e.g. towns) development plans, it is attempted to calculate how much the intended actions will cost, what sources they might be appropriated from? That is to say – might be appropriated; nobody knows whether they (intended actions) are financed or not, there are no assurances at all. Still, in preparing the territory plan after the strategic one, financing planning attempts were made beyond it (territory plan). At present, in preparing a new Vilnius City General Plan, endeavours have been made to step forward and further on, it has been calculated how much the realization of the foreseen changes of the city would cost. Having assessed the municipal revenue last year, it became apparent that the said revenue would not be sufficient to defray even half of those expenses. It is not clear who will defray them or if defrays them at all.

In the activities of municipalities, there are certain attempts made to co-ordinate the actions of the authorities and private sector; however, it has not developed into the extensive co-operation in preparing master plans.

The preparation of special plans is a bit different matter to be considered. Here, we can speak about the plans of the State or municipality construction (e.g. making a circuit of the town). In these cases, plans are sometimes financed; measures are taken to redeem the land, and the like.

A completely different situation comes at the level of detailed planning. Major part of detailed plans are prepared practically by private persons (here, municipalities’ powers are limited; they only issue conditions, co-ordinate and approve projects). In such cases, money is always lurking behind the detailed plans, while in cases of bigger projects, experts and consultants are necessary.

Speaking about the implementation of plans, it is of great importance not only to focus on formulation of the objectives and solutions of plans, special means of their realization, but also on interrelationship of those plans: after all, acting in accordance with the solutions of the higher level plans, the plans of a lower level can also contribute to their realization. As far as interrelationship of

\footnote{\textsuperscript{28} For example, the Regulations for the Preparation of Master Plans of the County Territory (approved by the Order of the Minister of Environment No. D1-263, 2004.05.07), X. 34. The Regulations of Master Plans of the Municipality Territory (approved by the Order of the Minister of Environment No. D1-263, 2004.05.07), X. 54.1.}
plans is concerned, it is discussed in greater detail thereunder (§ 2 Planning legislation and jurisdiction) – here, we will only note that various Lithuanian laws allow us to view the interrelationship of plans in a different light. In such a situation, realization of plans, especially application of sanctions to non-compliance with plans is a real predicament. It is proved by practice. Sometimes, disputes concerning non-compliance with the solutions of plans are sunk in long legal proceedings (but there are people who were defeated and even penalized).

In attempting to generally overview the path from the objectives of plans till construction practice, it is practically possible to observe the fact that the solutions of detailed plans have most realistically and explicitly reached a life practice (especially – in the central parts of towns). Here, construction mostly corresponds to the planned purpose of land and regimes, non-designated streets, and the like.

As the solutions of master plans are not financed quite well, it is not clear when and what will happen or if it happens at all according to those plans. The solutions of master planes were changed by municipalities relatively freely on the run of the Law on territorial planning warding 1995 (Table 1, page 64).

It is more difficult to examine the practical aspect of the elements of the master plan of the State territory. The categories of centres and “urban framework” have some political significance in distributing the State budget and investments. The motive of the nature framework at the stage of analysis is designated in master plans of all levels (counties, towns); however, implementation of the elements of the National plan at the stage of solutions is subjected to various interpretations in master plans: authenticity of the nature framework is restored even in leaving forests and developing rural economy in them, as well as occupying it. This is partly because of the fact that a practical content of formulating the solutions of the master plan of the State has not been clarified; moreover, there have been rather a small amount of the county plans being prepared which would have to concretize the solutions of the master plan of the State in the system of planning in Lithuania.

1.7 Significance of transnational and trans-border aspects

Speaking about the impact of neighbouring countries on the planning system of Lithuania, it is necessary to draw our attention to several questions: a) What European countries’ impact does Lithuanian planning culture react to? b) What is the role ascribed to neighbouring countries? c) How do various layers of society react to neighbouring countries? d) What is the dynamics of that reaction?

Having regained the independence, the whole Lithuania looked with great interest in one direction - to the West. Lithuanian society ascribed itself the role of a student, while the role of a teacher – to the West European countries. Actions taken by the near-by countries of the former soviet bloc at the beginning of independence did not seem instructive, but they were neighbouring countries
which it was necessary to merchandize with, as well as to co-ordinate some actions (e.g. co-ordinate actions concerning border territories).

European countries have produced a considerable impact on the planning system of Lithuania. If it had not been for the example of the developed countries, Lithuania would not have had its own planning system for quite a long period in general. The planning law of European countries (mostly in Finland) is attempted to assume the ground in writing the Law on Territorial Planning of Lithuania. Planning practice of European countries influenced the said Law to a considerably great extent – the principle of the participation of the public in the process of territorial planning was incorporated in the Law on Territorial Planning of Lithuania and has recently been applied to it (more or less effectively). The concept of sustainable development was integrated into the planning system of Lithuania by the European counties. They also influenced the appearance of the analytical component of the impact of the plan solutions on the environment as well as the corresponding regulations.

In accordance with the regulations of the European Union, Lithuania performs separate concrete actions, e.g. develops “Natura 2000” territories. Inclusion of the old town into the list of territories under UNESCO’s protection became a real “headache” for the local authorities, enthusiasts protecting cultural heritage of city, and the like.

Lithuania’s membership in EU has created opportunities for an intensive international exchange of experience on planning, as well as for the studies of its own system.

The State’s attitude towards neighbouring countries is currently being changed. The level of self-awareness and self-reliance of the State society is increasing. There are signs indicating that in increasing the said level, the attitude towards international community falls apart: the highest governing institutions react to neighbouring countries in one way, municipalities (or even most of the society) - in another. The position of the highest layers of authority remains the same, more than that Lithuania’s membership in EU is obliged to regard its decisions. The role the old European countries play of a model for municipalities has been faded to some extent. There is a strong assumption that Lithuanian politics and specialists have acquired enough competence in self-organising issues. One is likely to arrive at this conclusion because it is not new anymore to hear the distrust of the EU provisions at this level in the spheres of environment, cultural heritage protection and social policy.

Municipalities, planners and architects of foreign countries are considered to be a model for Lithuanians, if their concept and actions coincide with that of the Lithuanian. Model retrieval does not have only one geographical direction – models are selected.

1.8 Current and upcoming changes and challenges

The 1995 Law on Territorial Planning was amended several times. The operative planning, i.e. a possibility to change master plans promptly and simply
throughout the life, was eliminated 10 years ago. A double system of dividing plans into levels appeared. The role of special plans was consolidated: as all the plans of the same or lower level had to conform to the master plans in the former edits, now master or special plans are of equal importance – the plan drafted a foretime has to conform to a new one (it will be discussed in greater detail there under). The requirement has been set to co-ordinate territorial planning with strategic one. The requirement for considering and regulating architectural and aesthetic questions has been reinforced. The system of planning has not virtually been changed (however, the question “Are these changes considerable?” would be answered differently by various Lithuanian experts.

A number of documents regulating the planning increased: lots of rules regulating the preparation of various plans in detail appeared. All these changes were the result of Lithuanian specialists’ initiatives.

Probably a most vivid contribution of the EU provisions to the planning system in Lithuania deals with consolidation of the assessment of the consequences of the solutions of plans in the Law on Territorial Planning and appearance of a pack of the regulations detailing this provision.

The system of territorial planning is in process of evolution. At present, the project of a new edit of the regulations of master plans is being prepared.

The question “What are the problems of territorial planning of Lithuania nowadays” would be answered differently by various Lithuanian experts. Having analyzed it, the problems of the system of territorial planning in Lithuania seemed to be divided into two groups: 1) the problems of system transparency and logical coherence, and 2) the problems relating to the content.

1. The following are the problems of system transparency and logical coherence:

1.1. Formulation of the objectives of planning documents. The objectives of territorial planning are stated in the rights of Lithuanian planning in general. The objectives of detailed and general plans of the State, municipalities and towns are not indicated. One has to speculate why we need the levels of planning?

1.2. It is rather difficult to comment on the relationship between the objectives, tasks and their means of solution in the culture of Lithuanian planning system (both in the law on planning and in planning practice).

Here are several factors illustrating the said.

The law on Lithuanian planning provides the objectives of territorial planning, but it does not explain why they are as such and how they can be realized by territorial planning means? The Regulations for the preparation of county plans indicate the objectives of the county planning, but refer to them as tasks. It is apparent that there stands the provision behind it that objectives and tasks do not actually differ from each other. It is not often explained in master plans how the solutions of the plan are related to the set objectives (moreover, some planners assume that it is useless to do it: specialists can easily interpret plans, while it is impossible for outsiders to explain them in principle). It is possible that the absence of coherence of actions determines a desirable, yet
general noncommittal formulation of objectives in many parts of planning culture. Such a strategy does not uncover the essence of the existence of planning; it does not disclose why concrete planning documents are necessary. It motivates the idea of generalization, i.e. the less regulations (planning), the better for all. As it is “somehow” wrong not to plan, pseudo planning is becoming acceptable – the drawing of coloured maps hardly influence the life.

1.3. Possibilities of the interpretation of different character of interrelationship of plans in the light of various laws (in greater detail – there under, Chapter II, §. 4)

1.4. Discourse of the documents regulating territorial planning. Specific terms are sometimes used in those documents, but they denote something different in the common language. They can be rare or not present in the common language at all. They are not defined. Specialists interpret them differently, while such a system of language of documents make the idea of planning almost incomprehensible for the public.

2. Problems related to the content of planning system.

2.1. There are separate planning jurisdictions duplicating each other in several parts: territorial planning, regional planning and strategic planning. There exists likelihood that their co-operation and convergence into the overall planning can be useful for the State.

2.2. One of the key problems of Lithuanian planning culture is that plans sometimes influence signally the distribution of welfare (in general sense) between the society on the one hand and separate individuals on the other; they sometimes produce a great influence on the interpersonal position of individuals: for some individuals the solutions of the plan create favourable conditions for living, business or may increase the value of their property considerably, for other – to the contrary. It has not been seen in the present practice of planning. Although feuding sometimes flares up because of the plans or antagonistic sides sometimes make a deal, an elemental struggle goes on in a peculiar manner. In those cases when someone’s interests are violated, one lacks the principles of clarity and accountability.

2. Planning legislation and jurisdiction

2.1 Legal framework of planning

If we set the Law on Territorial Planning in the centre of laws regulating planning in Lithuania, then the rest should be laid out in a certain order with regard to the said Law. One should place the Constitution higher than the Government, the Law on Local Self-Government, the Law on Land, for they detail the principles of the relationship of private persons, municipalities and the State which are introduced in the Constitution. For example, the Law on Land apply them to land. These laws formulate preconditions for the existence of territorial planning, outline the competence of the State and municipalities, and regulate
the relations of land\textsuperscript{29}, the rights and duties of the owner of land in the way that the owners and users of land must “in the manner established by legal acts, build construction works and facilities only after having received necessary permits.” Moreover, they must “act in accordance with special conditions of land use established for the land plot and in full conformity with requirements identified in the territorial planning documents.” They also must use the land according to the principle specific purpose, means and character of land use\textsuperscript{30}. The Law on Land influences the instruments of plans to a certain extent, for it indicates who and to what purpose of land use can be applied.

The Law on Regional Development and Strategic Planning Methodology (approved by the Government of Lithuania, Resolution No. 902 of July 2004) should be equally placed near the Law on Territorial Planning. Both documents have developed two planning movements composing a territorial aspect and reflecting the content of general territorial planning to a certain extent. Strategic Planning Methodology is not a document of law level, but according to its historical significance, it should be included here, as well.

On the other hand, a number of sectorial laws may be placed lower than the Law on Territorial Planning (from the point of view of territorial planning): the Law of the Republic of Lithuania on Environment Protection, the Law on Forests, the Law of the Republic of Lithuania on Protected Territories, the Law of the Republic of Lithuania on Protection of the Immovable Cultural Property, and the rest. Each law manages its own sphere; however, while implementing the said management, it uses the instruments of territorial planning in accordance with the system dictated by the Law on Territorial Planning.

After laws, one should name post-statutory acts, i.e. the Government resolutions, and a bit lower – orders of ministers detailing the approved statements included in laws. The following are the post-statutory acts: Description of the procedure for the preparation of the master (general) plan of the state territory of the Republic of Lithuania, Provisions of public discussion of territorial planning document drafts, Regulations for the drafting of master plans of the county territory, Regulations for master plans of the municipality territory, Regulations for special plans of communications and transport, Regulations for special plans of infrastructure development (heat, electricity, gas and oil supply networks), et cetera. A system of territorial planning in Lithuania is of great importance, for the weight of such post-statutory acts in the whole system of legal regulations is extremely considerable: a major part of territorial planning regulations are explicated especially in those acts.

2.2 Legislation and jurisdiction on different levels


Lithuania is not a federal State. The Seimas (the Parliament) legislates laws. The Government regulates territorial planning and other laws by resolutions and ministers’ orders. The Municipality Council’s decisions do not produce any impact on the system of planning.

2.3. Binding character

Speaking about the implementation of the solutions of plans, sanctions for non-conformity with those solutions, one should describe in greater detail in which system of relations underlined by laws they appear, i.e. answer the questions: “Who is responsible for their implementation”, “Who is responsible for conforming to them”. Only then we can speak about who has to conform to them, and who may be held guilty of not conforming to them.

Trying to answer that question, one should distinguish two lines of relationship: plans – plans, and plans – natural and legal persons.

Let us describe the first relationship: plans – plans.

The relationship differs while reading various Lithuanian laws.

First, territorial planning documents are approved by the authorities, and we can therefore treat plans as their solutions. The relationship of decisions of institutions is inevitably reflected in the relationship of plans in general.

The Seimas, the Government and municipalities are the key institutions approving plans (the county governors are subordinate to the Government). The Law on Local Self-Government and the Government establish their relationship. “What is a system of relationship between decisions adopted by the authorities according to above-mentioned institutions?”

The Seimas is the legislative body of laws and solutions which has the highest legal power; therefore, the preparing plans of the authorities have to be subordinate to the solutions of the Seimas or to the General Plan of the Territory of the Republic of Lithuania among them.

A more complicated is the relationship of the Government and municipalities. The Law on Local Self-Government states that municipalities are not subordinate to the State institutions.31 The Law on the Government states that the Government provides recommendations in the spheres of social protection, health, education and cultural development, as well as other spheres32.

The same Law on Local Self-Government says in another article however that the functions of municipalities should be divided in to three categories: independent, limited independent and the state functions (given to municipalities). The territorial planning and many other tightly with it connected

functions (landscape and heritage protection, technical and social infrastructure planning, preparation of adobe programmes etc) belong to the category of limited independent functions of municipalities.

The solutions of the Municipality Council (master and detailed plans of the municipality territory, special plans) are mandatory for the municipality administration, institutions, enterprises and organizations lying in the territory of a municipality, as well as for the population, according to the Law on Local Self-Government.\footnote{The Law of the Republic of Lithuania on Local Self-Government. 1994.07.07, No. I-533, (edit. 2007) Article 40., 2 (Lietuvos Respublikos vietos savivaldos įstatymas. 1994m. liepos 7d., Nr. I-533 (2007m redakcija), 40 straipsnis, 2.)}

In this way the relationship of plans is viewed in the light of jurisdiction of general authority institutions’ relationship.

The Law on Territorial Planning includes two important aspects. First, it indicates the institutions approving plans, and therefore “transfers” the relationship of plans to the already described system of authority institutions’ decisions. Second, the Law on Territorial Planning creates its own system of the relationship of plans. Let us illustrate the relationship of general and detailed planning documents of this law.

The Law on Territorial Planning does not mention for whom the solutions of detailed plans are mandatory. In this sense, neither does this Law charge someone to implement them nor give the ground to impose sanctions on someone because of non-conformity with the solutions of plans (it can only be done through others laws\footnote{Building law, first of all}); however, it indicates the relationship of plans of higher level very clearly.

The Law states that the solutions of the detailed plan shall conform to the valid solutions of the master and special plans of the municipality territory and its parts\footnote{The Law of the Republic of Lithuania on Territorial Planning. 1995. 12.12., No. I -1120 (edit 2006). Article 26., 2. (Teritorijų planavimo įstatymas. 1995m. gruodžio 12d. Nr. I-1120, Vilnius (2006m redakcija), 26 straipsnis, 2.)}. Master plans of the municipality and its parts have to conform to the general and special planning document solutions of the county level.

The solutions of the master (general) plans of the county shall be coordinated with the valid solutions of master (general) and special plans of the neighbouring counties and shall not contradict the solutions of special plans on the levels of the Government or Government institution and the master (general) plan of the State territory\footnote{The Law of the Republic of Lithuania on Territorial Planning. 1995. 12.12., No. I -1120 (edit 2006). Article 11, 7. (Teritorijų planavimo įstatymas. 1995m. gruodžio 12d. Nr. I-1120, Vilnius (2006m redakcija), 11 straipsnis, 7.)}.  

34 Building law, first of all  
Thus the Law on Territorial Planning constitutes a transparent hierarchal system of interrelationship of plans. All the regulations detailing the said Law illustrate a similar system.

When speaking about sanctions for non-conformity with plans, it is of great importance to draw our attention mainly on what the Law on Territorial Planning says about damages done by the organiser of planning to the real estate owner or user of public property due to non-compliance with the solutions of plans. The Law simply states that the real estate owner or user of public property may demand that the organiser of planning should indemnify for the damages or award other real property of equal value; however, the Law itself does not examine the question of indemnification for damages; it only makes people interested in answer refer to the Civil Code and the Law on Land, and advises to go to law.

The above-mentioned features of a legal system in Lithuania allow us to understand that the implementation of plans and application of sanctions for non-conformity with those plans is a real predicament. This can also be proved by practice. Disputes concerning non-compliance of the technical projects of building with the solutions of plans sometimes are sunk in long legal proceedings. There are defeated or even penalized.

2.4 Possibilities of complaining and filing of lawsuits

The provisions of public discussion of territorial planning document drafts (approved by the Resolution No. 1079 of the Government 1996.09.18) provide for 1. planning comments and disputes which may be filed during the preparation of the draft.

Planning solutions have to be filed during the preparation of the plan draft. There are certain elements of the process of planning: consulting with the public while preparing the draft and discussion on the prepared draft. The planner of the

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38 Planning notes are divide into a) proposals (substantiation of discrepancies of the solution, variants and supplementing of the project solution are submitted by a member of the community or their group), b) comments (the community member’s claims regarding the project solutions, and c) claims (the real estate owners, users and other interested natural or legal persons who reside or whose headquarters are located in the territory under planning, a filed and approved requirement respecting the solution of the prepared project which infringes the declarant’s rights and his interests).

plan must analyse only those proposals which have been submitted within the prescribed time limit.

Disputes (declarant’s claim announcement about completely or partly rejected claim concerning the solution of the prepared project which infringes the declarant’s rights and interests, about an illegal solution of the project or violation of the procedure of public discussion) are submitted to the bodies which exercise state supervision of territories under planning.

Practical experience shows that the intended possibilities to submit proposals during the preparation of the project are not always used, that’s why the conflicts reveal when the project has been approved.

Natural or legal person assuming that the plan has done damages can take the planner to court. Theresfore, he should appeal to the planning supervisory body of county and the Ministry of Environment.

Having not justified a lawsuit, a person assuming that his application is still valid can go to law.

2.5. Planning necessity and voluntariness

The Law on Territorial Planning regulate differently mandatoriness of preparation of various plans.

The statement dealing with mandatoriness of master plans let us know that master plans are prepared (in accordance with the corresponding level) by the decision adopted by the Government, the county governor and the municipality council. In other words, they are prepared when the said institutions think it is of great necessary.

The Law on Territorial Planning indicates very clearly the cases of the preparation of master plans. Detailed plans are prepared:

1) for territories intended to develop construction works of dwelling houses, objects of public, recreational or general use, as well as objects of industry and storage, commerce and trade, engineering networks, communications and transport in accordance with master or special plans of the municipality territories or their parts (town, townships);

2) when land plots are formed for construction of new works or for the development of an activity different from that of the land and forestry;

3) when the principle specific purpose of land use is changed to develop construction works or other activity;

4) when the established regime of management and use of a territory (land plot) is changed;

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5) when land plots are divided, marked (with the exception of cases when it is forbidden to divide plots of private land in parts according to laws) or combined;

6) when limits and territory of land plots in use are changed;

7) when land plots are formed near construction works which are in use.\textsuperscript{41}

The Law on Territorial Planning touches upon a question concerning mandatoriness of the preparation of special plans twice: first, it indicates when they are drawn up. The Law says that it can be implemented in three ways: 1) when special plans intended to be drawn up in accordance with laws and other legal acts; 2) when the documents of general territorial planning are not formulated; 3) when the solutions of the valid documents of general or detailed planning are not prepared for the planning activity or it is necessary to detail the solutions of general territorial planning documents.\textsuperscript{42}

Second, referring to the preparation of special plans, the Law states clearly in which cases it is mandatory to prepare special plans. The Law says that “in those cases when master plans of the municipality territory and its parts are not prepared, when the questions concerning landscape management, infrastructure development and location of skyscrapers included in the solutions of the prepared master plans have not been resolved, or when it is mandatory to prepare special territorial documents of mandatoriness, i.e. the documents of landscape management, infrastructure development and the schemes of distribution of skyscrapers and/or plans (projects). This statement tells us that 1) a certain factor enforcing to prepare the special plan is nothing but an absence of master plans of the municipality territory and its parts, 2) this factor does not induce to prepare whatever special plans, but only three: landscape management, infrastructure development and distribution of skyscrapers.

It is difficult to carry out this requirement in practice, for the Law on Territorial Planning declares that it is mandatory to prepare the above-mentioned special plans; however, it does not mention when. It allows delaying their preparation without definite time limits. The second factor of practical implementation of the requirement is that the Law describes the planners of special plans and special plans in separate paragraphs and does not indicate their interrelationship. Hence plans and planners are indicated, whereas it is not said who prepares which plan. Sometimes, this situation is rectified by the Regulations for Preparation of Plans; however, not all regulations are formulated for all possible special plans or indicate the afore-said interrelationship. A clearer position in this respect focuses on special plans of landscape and skyscrapers:


there are regulations of such plans; they also indicate who prepares which plans. The Regulations for the drafting of special plans of infrastructure development (heating, electricity, gas, and oil supply networks) denote three possible organises of special plans of infrastructure (the Government, the Municipal Administration Director, legal persons43), but do not indicate who is responsible for preparing which plans.

3. Planning levels and specific aspects

3.1 Planning Institution(s), their scope and binding character of planning

3.1.1 At national level

At national level the Ministry of Environment is the most effectively working institution in the sphere of territorial planning. It organizes the preparation of the master plan of the State territory; its powers lie within the sphere of environmental protection. It can therefore prepare national plans of environmental protection and landscape. There is the Department of Protected Territories which is Under the Ministry of Environment. The formation of national policy of territories under protection, territorial planning of protected environment and its supervision are within the competence of the said Department.

A national policy of communications, national programmes of communications development, as well as preparation of the corresponding special plans are within the competence of the Ministry of Communications and Transport.

The sphere of protection of cultural heritage is subordinate to the Department of Cultural Heritage Protection under the Ministry of Culture. The Department of Cultural Heritage Protection furnish conditions in preparing master plans of the State and county territories, organizes preparation of special plans of the protected territories of cultural heritage.

These are the key ministries regulating territorial planning. Other ministries (or their subdivisions) (depending on the character of a plan) furnish conditions for the planning documents at national level. In many cases – the Ministry of Health, sometimes – the Ministry of Economics (e.g. for special plans of infrastructure at national level) Ministry of Communication, Defence Ministry et cetera.

The Government approves a considerable amount of the planning documents which occupy the whole State territory or smaller areas of great importance for the State. For example, the Government approves a list of

43 The Regulations for the Drafting of Special Plans of Infrastructure Development (heating, electricity, gas, and oil supply networks) - Order of the Minister of Economics of the Republic of Lithuania and Order of the Minister of Environment of the Republic of Lithuania. 2004.06.11. No.4-240/D1-330) III., 9.(Infrastruktūros plėtros (šilumos, elektros, dujų ir naftos tiekimo tinklų) specialiųjų planų rengimo taisykliės – patvirtinta Lietuvos Respublikos ūkio ministro ir Lietuvos Respublikos aplinkos ministro 2004 m. birželio 11 d. įsakymu Nr. 4-240/D1-330). III., 9.
protected territories\textsuperscript{44}, master plans of the county territories, sanctuaries of regional parks and/or boundaries of their zones, plans (planning schemes) and projects pertaining to the management of protected territories. The Government can delegate the afore-said master plans, sanctuaries, plans and projects for other institutions to approve.

The Seimas approves the planning documents of the greatest national significance. The Seimas approves the General Plan of the Territory of the Republic of Lithuania, plans of the State reserves and national parks as well as the boundaries of their zones, and other documents\textsuperscript{45}.

Description of the obligatory power of plans being approved by the Government and the Seimas is presented above - §2.3.

3.1.2 At regional level

One should ascribe territorial subdivisions (i.e. the county governors' administrations as well as territorial subdivisions of separate ministries) of the Government to the institutions regulating territorial planning at regional level. The Ministry of Environment (territorial subdivisions of environmental protection) and Department of Cultural Heritage Protection under the Ministry of Culture (territorial subdivisions of cultural heritage protection) have these subdivisions. Each of them resides in county centres.

The county governor organizes the general and special planning of the county territory.

Territorial subdivisions of natural and cultural heritage protection, health care furnish conditions for master and some special plans of counties, organize (in those cases when the offices of corresponding ministries charge territorial subdivisions with furnishing the said conditions) preparation of some special plans of its own sphere. Territorial subdivisions of natural and cultural heritage protection do not approve plans, but co-ordinate them.

3.1.3 At sub-regional / local level

Municipal administration directors shall be the organisers of general, and in some cases, detailed and special planning at the level of local self-government\textsuperscript{46}.

The competence of the director of municipal administration shall consist of organisation of the detail planning of:


- free state land stock;
- land plots which are transferred to the municipality by the right of trust;
- land plots which are subject to the municipality by the right of ownership;
- organisation of preparation of detailed plans of parts of the territories of town and townships and village territories indicated in master plans of the municipality territory and its parts.

The Law on Territorial Planning does not indicate that preparation of the special planning documents is within the competence of the municipal administration’s director. Some post-statutory acts, e.g. the Regulations of preparation of special plans of communications and transport, the Regulations of preparation of special plans of infrastructure development (heating, electricity, gas and oil supply networks), the Regulations of preparation of special plans of landscape management do not point out the said. A contradictory position is in the sphere of heritage protection planning: organisation of preparation of any special plans of heritage protection is not within the competence of the director of municipality administration 48 (although the Law on Protected Territories allows the municipal councils to announce objects of municipal heritage, saying that institutions of municipalities approve the documents of the municipal protected territories under planning).

Organisation of preparation of special plans relating to distribution of skyscrapers is almost within the whole competence of the director of municipal administration 50. It has to establish the objectives, tasks of that planning and finance preparation of such plans51.


51 The Regulations of Preparation of Special Plans of Distribution of Skyscrapers. Approved by 5th of May 2004. Order No. D1-246. – IV. 9, 10 of the Minister of Environment of the Republic of Lithuania. IV. 9; IV. 10. (Aukštybinų pastatų specialiųjų planų rengimo taisyklės . Patvirtinta Lietuvos Respublikos aplinkos ministro 2004 m. gegužės 5 d. įsakymu Nr. D1-246. IV.9, 10.)
The municipal council approves a bulk of planning documents which
preparation is organized by the director of municipality administration. It can
delegate some plans to the municipal administrator to implement them (e.g. the
Regulations for the drafting of detailed plans, the Regulations of special plans of
landscape and distribution of skyscrapers refer to it).

3.1.4 Further / intermediate level(s)

There exists a binary system of dividing territorial planning into levels in
Lithuania (Part II, § 1.2). According to the first principle of division, i.e. institutions
approving plans, the municipality level is the lowest; according to the second
principle, i.e. the size of an occupying territory by the plan – the locality level, i.e.
the planning of separate land plots and their groups, follows after the district level
(which includes preparation of plans occupying the territory of a municipality).

The organisers of the locality level planning can be different. In some
cases (e.g. national defence, territories of cultural heritage) – the Government or
its institutions, in other cases it can be a municipality. In the event of detailed and
special planning, the planners of the said level can be several legal and natural
persons.

This is because of the fact that local authorities (in the manner prescribed
by the Government) can transfer the rights and duties of the organizer of detailed
planning to the land owner or user (the municipal council or the director of the
municipal administration subordinate to it approves such detailed plans).

This is due to the fact that according to the Law of the Republic of
Lithuania on Territorial Planning, the planners of special plans can be legal and
natural persons.

3.2 Planning process (at national, regional and sub-regional levels)

The process of territorial planning is regulated by the Law on Territorial
Planning and other post-statutory acts: several regulations for the drafting of
master plans, Regulations for the drafting of detailed plans and various
regulations of special plans. In Lithuania, the process of preparation of plans at
all levels and of different types has mainly one common scheme.

I. Before starting to prepare territorial planning documents, the organiser,
in the manner established by the Ministry of Environment, appeals in writing to
the institutions indicated in a description of that procedure that they could
propose planning conditions.

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2006). Article 20., 2. (Lietuvos Respublikos teritorijų planavimo įstatymas. 1995m. gruodžio 12d.
Nr. I-1120, Vilnius (2006m redakcija), 20 straipsnis, 2.)

Article 14. (Lietuvos Respublikos teritorijų planavimo įstatymas. 1995m. gruodžio 12d. Nr. I-1120,
Vilnius (2006m redakcija), 14 straipsnis)
II. On receiving them, the planning process itself begins. The Law on Territorial Planning indicates four stages of that process: 1) the preparatory, 2) the stage of formulating territorial planning documents, 3) the stage of assessing the consequences of solutions, and 4) the conclusive.

During the first preparatory stage, the objectives and tasks (the Law states that the objectives and tasks of territorial planning, yet in practice – not of planning in general but of the concrete plan) are established, a programme of planning work is prepared and approved, research is conducted when necessary, the adopted decision regarding the beginning of formulation of territorial planning documents and the objectives of planning are publicly announced.

The Law on Territorial Planning divides the second stage of the preparation of planning documents into three sub stages: 1) the analysis of the present condition, 2) the concept formulation, 3) concretization of solutions.

At the third stage, assessment of the consequences of territorial planning document solutions on the environment is performed.

The fourth stage is the conclusive one. We can distinguish two sub stages: 1) co-ordination and discussion of territorial planning document solutions, i.e. consulting or public discussion, co-ordination with institutions, investigation of disputes; 2) approval of the document of territorial planning, i.e. inspection in an institution implementing state supervision of the territory under planning, approval and registration in the register of territorial planning.

III. The Law on Territorial Planning foresees that on approving the plan, an observation of the implementation of its solutions should be in progress.

A presented scheme of the planning process is virtually applied to all plans; only in some cases it is simplified. It concerns mainly public participation in the process of planning (discussed there under in Part II, § 3.3).

The regulations for the content of separate stages differentiated in the scheme of the process of planning depending on the types of plans. There are descriptions of the second stage in cases of general, special and detailed planning presented underneath.

Content of stages of territorial planning documents preparation:

1) the stage of the present condition analysis – the assessment of natural, social, cultural and economic condition of a territory, as well as the assessment of the quality potential and possibilities is performed, investigation of territorial development trends, problematic situations and areals;

2) the stage of concept formulation – a general spatial concept of the development of the territory, functional priorities and peculiarities of regulations pertaining to the territory management are established;

3) the stage of solution concretization – the solutions are prepared in the spheres of urban and natural framework formation, landscape, biological diversity and cultural heritage protection, bio
productive economy, recreation, commerce, business or other purposes of the use and management of the territory, social, cultural and communications, as well as territorial development of another infrastructure and reservation of the territory for public needs (in the master plans of town and townships, as well as due to the regulations for an architectural spatial composition formation, for the development of the green space system, for the quality improvement of the residential environment, for the establishment of ecological protection zones, territorial rules and further implementation of detailed planning).

Content of stages of special planning documents preparation:

1) the stage of the present condition analysis – the evaluation of possibilities of the territory development, as well as the establishment of development trends, problematic situations and areals are implemented;

2) the stage of concept formulation – priorities of spatial development of the territory under planning and the principles of management are identified;

3) the stage of solution concretization – the solutions are prepared for management of landed property, for the development of separate objects of infrastructure, for the landscape, biological diversity and cultural heritage protection, for a possible reservation of territories, the regulations for the management of territories which correspond to the levels of planning are established." 

Content of stages of detailed planning documents preparation:

1) the stage of the present condition analysis – occupation of the present territory (land plots), as well as engineering networks, streets, green space, objects of nature and cultural heritage and others are evaluated, territory development trends and problematic situations are determined;

2) the stage of concept formulation – the essential trends of the use and protection of the territory and priorities of management are established;

3) the stage of solution concretization – the means of the use and protection of the territory, the programme for management of the environment and construction, as well as the regulations for activity are foreseen."

3.3 Participation

Article 17. ((Lietuvos Respublikos teritorijų planavimo įstatymas. 1995m. gruodžio 12d. Nr. I-1120, Vilnius (2006m redakcija), 17 straipsnis)

Territorial planning in Lithuania is public. The Provisions on Participation of the Public in the Process of Territorial Planning determine the procedure of the participation of the public in the process of territorial planning approved by the Government. The scheme of three stages of the participation of the public in preparing the document of planning is indicated in the provisions: 1) informing the public of the beginning of territorial planning document preparation, 2) consulting with the public and 3) public discussion of a project. This scheme is realized differently in preparing projects of different level and type. The most prominent element in that diversity is that consulting with the public occurs only in preparing the plans of the national and regional levels, while in preparing all others the said consulting is not mandatory. Public discussion is mandatory in preparing the documents of general, special and detailed territorial planning of the district and local levels.

3.3.1 Participation at national and regional levels.

Publicity of preparation of the master (general) plan of the State territory, special plans of the national level, master (general) and special plans of the county territories of the regional level are determined by the following institutions in accordance with the Provisions on Participation of the Public in the Process of Territorial Planning:

1) informing the public of the beginning of territorial planning documents and the objectives of planning, also informing the public about whether the strategic assessment of the consequences on the environment will be performed in the manner established by the Government of the Republic of Lithuania;

2) consulting with the interested public:
   - consulting regarding the solutions under preparation, presentation to the preparing solutions at the stage of concept formulation of the document of territorial planning as well as to the report on the strategic assessment of their (preparing solutions) consequences on the environment;
   - announcing the prepared document of territorial planning, the procedure for its presentation, time and place of public exposition through the media.
   - presentation to the prepared solutions of the document of territorial planning as well as to the report on the assessment of their consequences on the environment; public exposition; a conclusive meeting – conference;

3) informing approval of the document of territorial planning through the media.

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57 Provisions on Participation of the Public in the Process of Territorial Planning. Approved by the 16th of July 2004 Government resolution No. 904 edit. (Visuomenės dalyvavimo teritorijų planavimo procese nuostatai (Lietuvos Respublikos Vyriausybės 2004 m. liepos 16 d. nutarimo Nr. 904 redakcija)).
3.3.2 Participation at sub-regional / local level
Publicity of preparation of the documents of general and special planning of the municipality and its parts is ensured in carrying the following procedures:

1) informing the public of the beginning of territorial planning documents and the objectives of planning, also informing the public about whether strategic assessment of the consequences on the environment will be performed in the manner established by the Government of the Republic of Lithuania;

2) public discussion:
   - announcing the procedure of public discussion through the media;
   - presentation to the solutions under preparation at the stage of concept formulation of the document of territorial planning, to their alternatives as well as to the report on the strategic assessment of the consequences on the environment;
   - presentation to the prepared solutions (at least a month’s period), to the report on the assessment of the impact of solutions, as well as to reports on other performed assessments; public exposition (for a period of fifteen working days);
   - public meeting – conference;

3) informing approval of the document of territorial planning through the media.

Publicity of detailed plans of the part of the municipality territory is ensured in performing the following procedures:

1) informing the public of the beginning of territorial planning documents and the objectives of planning;

2) public discussion:
   - announcing the procedure of public discussion through the media;
   - presentation to the concept of territorial planning document;
   - presentation to the prepared solutions, to the report on the assessment of the impact of solutions (a period of at least twenty working days is assigned for the presentation to the document, public exposition of the document is prepared during that time);
   - public meeting;

3) informing approval of the document of territorial planning through the media.

3.3.3. Simplified procedure for the participation of the public in the process of planning.

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58 Provisions of Participation of the Public in the Process of Territorial Planning.(Approved by the 16 th of July 2004 Government resolution No. 904 edit) – IV (Visuomenės dalyvavimo teritorijų planavimo procese nuostatai (Lietuvos Respublikos Vyriausybės 2004 m. liepos 16 d. nutarimo Nr. 904 redakcija) - IV)

59 Provisions of Participation of the Public in the Process of Territorial Planning.(Approved by the 16 th of July 2004 Government resolution No. 904 edit) – V (Visuomenės dalyvavimo teritorijų planavimo procese nuostatai (Lietuvos Respublikos Vyriausybės 2004 m. liepos 16 d. nutarimo Nr. 904 redakcija) – V)
A simplified procedure of the participation of the public in the process of planning is applied to some detailed plans (when land plots are divided by means of the detailed plan, when their limits are changed and when land plots are formed near construction works in progress), also to some plans (projects) of land-ownership and special plans. In a simplified manner detailed and special plans are discussed with the land owners and the real estate owners whose land plots abut the territory under planning, one must act in compliance with these requirements:

The organiser of planning informs the owners of immovable properties lying within the territory abutting the land plot (plots) of the special or detailed plan being preparing in a simplified manner by means of correspondence, indicating possibilities to get acquainted with the prepared document of territorial planning, or acquaints the said owners with this document personally.

A period of at least ten working days is assigned for the presentation to the special or detailed plan. It is recommended to familiarize with the plan in the ward or the municipality, while in preparing interior forestry management projects on private ownership of the forest – in district agencies of departments of environment protection of regions.

The organiser must register proposals regarding the solutions of the plan for a period of presentation, examine them and send a written notification to those individuals who presented their proposals within a week’s time after the period of presentation has been ended.

The special or detailed plan and documents proving that the owners of immovable properties lying within the territory abutting the land plot (plots) under planning have been familiarized with the solutions of the plan are presented by the organiser of planning to the institutions implementing co-ordination as well as to the institution performing supervision of territorial planning to furnish the findings concerning project approval expediency.

3.4 Plans / Maps

3.4.1 At national level

The master plan of the territory of the Republic of Lithuania.

“Description of the procedure for preparation of the master plan of the State territory of Lithuania” applied to the preparation of that document does not regulate its content. The master plan of the territory of the Republic of Lithuania starts to be drawn up by the Government resolution of the Republic of Lithuania, and is prepared in accordance with the programme set by the Ministry of Environment.

Presently valid 2002 approved plan comprises a textual part and maps. It will be presented in greater detail in Chapter 5 “Planning practice.” The textual part describes the key problematic state areals and states the main objectives of the territorial development strategy. Then follows the guidelines of activity in separate sectors: in the formation of housing system and landscape, in the development of land, forests and water (bio productive) economy, in recreational
policy as well as in the development of technical infrastructure. There is a chapter in the textual part wherein the presented sectorial development plans are generalized. This part is called “Spatial integration of the development of the State territory.”

In the graphical part all sectorial strategies together with their integration are illustrated on maps. The drawings of an integrating part are presented below.

The master plan of the territory of the Republic of Lithuania starts to be drawn up by the Government resolution of the Republic of Lithuania, and is prepared in accordance with the programme set by the Ministry of Environment.

Drawing No.3 The master (general) plan of the territory of the Republic of Lithuania. Part III Spatial integration of the development of the State territory. Functional priorities of the territory.
3.4.2 The plans at regional level

The master plan of the county territory.

The content of the master plan of the county territory is regulated by the Regulations of the master (general) plan of the county territory in greater detail. The plan must be prepared in two sages. At first, the concept of the plan is formulated; the strategic assessment of its solutions is prepared. All this is submitted for consideration and approved by the County Development Council. Then the solutions of the concept are detailed.

The mentioned regulations indicate that during the stage of solution concretization:

1) the main provisions of the development of a system settlements are defined, the strategic trends of the development of urban centres must be established, as well as the development of axes of urban integration must be concretized;

2) the means of concretization of the nature framework of the State, the development of an ecological network of the county, conservation of biological diversity, landscape, the use and protection of cultural heritage must be established;
3) the solutions concerning the territories used for the development of bio productive economy, industry, business, for recreational and other purposes must be adopted;
4) the means must be provided for the development of technical, social and cultural infrastructure in the county territory as well as for territorial protection related to extreme situations;
5) the reserved territories must be designated for infrastructure and significant objects of the State, the county or its municipalities (for intermunicipal objects), territories are also indicated to be taken for public needs in establishing the requirements regarding their temporary use;
6) priorities of implementation of an activity under planning must be provided for.

The project of the solutions of the master plan consists of drawings reflecting the solutions and a text. The drawings must be illustrated in 1: 100 000. The drawings which are mandatory:
- the drawing of the use and development of the county territory;
- the drawing of the development of a system of settlements and urban framework;
- the drawing of the establishment of an ecological equilibrium (nature framework concretization and formation as well as protection of the ecological network, landscape and biological diversity);
- the drawing of territories of cultural heritage and recreation;
- the drawing of technical infrastructure and protection of territories from extreme situations;
- the drawing of economy development, as well as the development of social and cultural infrastructure;
- the drawing of territorial reservation for public needs.

3.4.3 Plans at sub-regional / local level

The master plan of the municipality territory.

The key document regulating the drawing up of the plan is the Regulations of preparation of the master plan of the municipality territory. The plan is also prepared at two stages.

The regulations require that during the stage of concretization of solutions:
1) priorities of an activity under planning must be established, territorial functional zoning must be carried out;
2) concretization of urban framework, the development of the urban system of the territory, residential areas’ network and concrete urban centres, as well as correlation of elements of the urban system must be established;
3) management of the landscape (landscape management zones) and forests, as well as the use and protection of objects of nature and cultural heritage must be performed;
4) formation of nature framework in the regional territory, the development of ecological protection zones, biological diversity protection zones must be established;
5) management of territories used for recreation, industry, business and for other purposes, the development of recreation and tourism must be fulfilled;
6) the development of technical, social and cultural infrastructure in the district territory must be implemented;
7) territorial reservation for public needs;
8) the manner of the principle specific purpose of land use must be established;

The master plan of the municipality comprises the explanatory note and drawings. The drawings of the master plan of the municipality territory are the following:
1) at the stage of the present condition analysis:
   - the drawing of land use (1:50 000)
   - the drawing of engineering infrastructure and communications (1:50 000; 1:100 000);
2) at the stage of concept formulation:
   - the drawings of the development of spatial structures and functional priorities (1:50 000; 1:100 000);
3. at the stage of solution concretization:
   - the drawing of the regulations of land use and its protection (1:50 000; 1:100 000);
   - the drawing of engineering infrastructure of a territory and communications (1:50 000);
   - the drawing of the development of recreation, tourism, as well as objects of nature and cultural heritage (1:50 000);
   - the drawing of allocation of forests (1:50 000).

The master plan of the town territory.
The Law on Territorial Planning does not only foresee a possibility of territorial planning of the whole municipality territory, but also of separate towns. The key document regulating the drawing up of such plans is the Regulations for the drafting of master plans of town and townships. At the beginning, the concept of the plan is formulated in the same way as mentioned in the former cases, then the solutions of the formulated concept are concretized.

The Regulations state that the following must be performed during the stage of solutions concretization:
1) functional zoning of the territory according to the activity under planning;
2) formation of the urban system elements of towns and townships;
3) expansion of ecological protection zones and nature framework of the territory of town and townships, the development of the established means of biological diversity protection;
4) the development of engineering infrastructure and communications;
5) the development of social and cultural infrastructure;
6) the establishment of regulations for management of the landscape (landscape management zones) and the use of protected objects of nature and cultural heritage;
7) the management and use of the territories for recreation, industry, commerce, residential and other purposes;
8) the establishment of limits of town and townships’ impact zones;
9) reservation of the territories used for public needs;
10) the establishment of the manner or/and character of the principle specific purpose of land use and territorial conservation.

The plan consists of the explanatory note and drawings. The following drawings of the Master plan are presented:
1. at the stage of the present condition analysis:
   - the drawing of the present condition of land use in which the purpose to which the land is used, as well as the manner of its use (land used for residential and public purposes, objects of industry and storage, objects used for commercial purposes, engineering infrastructure, recreation, general use, valuable excavations, objects of the State security, waste storage, refinement and utilization (territories of dumps) and the rest are identified;
2. at the stage of concept formulation:
   - the drawing of the development of spatial structure of the territory;
   - the drawing of functional priorities of the territory use;
3. at the stage of solution concretization:
   - the drawing of the regulations in which the manner and/or the character of the use of the territory, monument and environment protection as well as the restrictions of the activity under planning are indicated;
   - the drawing of the development of engineering infrastructure in which the present and intended communication runs and corridors of heating, gas and electricity supply networks, plumbing and drinking water, water pump-houses, water supplies, water containers, cleaner facilities, run-off water pumps and lifting stations, power-stations, boiler-rooms, gas allotment stations, insulating substations and the rest are designated;
   - the drawing of communications in which the present and intended roads and streets, their categories, as well as the drawing of distribution of reservoirs’ quays and ports, airports, railway stations and other objects are indicated;
   - the drawing of distribution of skyscrapers;
   - the drawing of allocation of great trade centres;
   - the drawing of the landscape management (green space – parks, squares, cemeteries, groups of green space, etc.).

The territory of towns which is bigger than 5 000 ha, the drawings are illustrated in 1: 10 000 and/or 1: 25 000; the territory of towns and townships is smaller than 5 000 ha, the drawings are illustrated in 1: 5 000 and/or 1 : 10 000.
**Detailed plans.**

The key document regulating the drawing up of detailed plans is the Regulations for the drafting of detailed plans. The detailed plans are drawn up:

1) for territories in which the development of construction of dwelling-houses, communications, objects used for public purposes and other objects is foreseen in accordance with special and master plans of the municipality territories and their parts (towns and townships);

2) when land plots are formed for construction of new works or for the development of an activity different from that of the land and forestry;

3) when the principle specific purpose of land use is changed to develop construction works or other activity;

4) when the established regime of the use and management of a territory (land plot) is changed;

5) when land plots are divided, marked (with the exception of cases when it is forbidden to divide plots of private land in parts according to laws) or combined;

6) when limits and territory of land plots in use are changed;

7) when land plots are formed near construction works in use.

Detailed plans are not drawn up if construction permit is not necessary for works intended to be built, also when the regime of the use and management of the land plot is left unchanged in building construction works. In every concrete case, examined available and other documents of territorial planning, local authorities decide whether it is necessary to have the detailed plan for realization of the intended activity, or whether it is possible to prepare directly the project on construction.

The detailed plan comprises: the explanatory note, the drawings related to requirements for the regime of the use and management of the territory and procedural documents.

The following must be indicated in the plan:

- means and/or character of the use of the territory (land plot);
- an allowable height of buildings;
- an allowable density of building in a land plot in percent;
- an allowable intensity of building in a plot in percent;
- a place of construction works;
- the conditions of installation of heating systems in buildings and connection of public or local engineering networks;
- organization of the system of communications, transport flows, transverse profiles of carriageway, servitudes (the right to use the borrowed land plot or its part is given in the manner established by the Law on Land).

In a general case, the following drawings are presented:
the drawing of the regime of the use and management of the territory;
- the drawing of delineation of the limits of land plots (areas, coordinates);
- the drawing of communication corridors and objects of infrastructure.
In this drawing the following are indicated: the scheme for distribution of communication corridors and engineering facilities in the plan, the scheme of a red line of streets under planning, as well as pedestrian and transport flows; section of the communication corridor in which the present and planning to be built anew engineering networks are designated in identifying the types of networks, possible minimal distance among all there present engineering networks.

3.4.4 Further / intermediate level(s)
Form and content of detailed plans at the locality level of planning\textsuperscript{60} is the same as it has just been described above.

3.5 Sectoral planning

The Law on Territorial Planning states that special plans are prepared in three cases: 1) one has to prepare them in accordance with laws and other legal acts; 2) when the documents of general territorial planning are not prepared; 3) when the valid solutions of general and detailed planning are not prepared for the planning activity or it is necessary to detail the solutions of the documents of general territorial.

The drawing up of plans of separate sectors is regulated by several regulations applied especially for them.

4. Interdependencies

4.1 Interdependencies in the hierarchy of planning levels

To portray a clear system of the relationship between levels of plans is fairly difficult. First, a system of dividing plans into levels is twofold. Second, plans of different types “complete” that system of levels differently. Third, in describing the relation between plans, some post-statutory acts do not indicate which of two systems of level division they have in mind at that moment.

Still, in trying to do so, it is possible to trace the following principles.
The solutions of master plans shall not contradict the solutions of a higher level of the master plan. In this regulation there are certain nuances: it perfectly matches to the master plan of a municipality. The solutions of the county plan

\textsuperscript{60} Planning levels are described in the Part II. Planning System, §1.2.
shall not contradict the Master (General) Plan of the Territory of the Republic of Lithuania; they have to implement and detail it.\footnote{Regulations for Preparation of the Master (General) Plan of the County Territory. Approved by the 7th of May 2004 Order No. D1-263 of the Minister of Environment of the Republic of Lithuania, III.,5.,1. (Apskrities teritorijos bendrojo (generalinio) plano rengimo taisyklės. Patvirtinta Lietuvos Respublikos aplinkos ministro 2004 m. gegužės 7 d. įsakymu Nr. D1- 263, III.,5.,1.)}

There is no hierarchy of plans in the type of detailed planning (there exist only one the lowest level of the type of detailed plans). Hence there cannot be any relation between the levels of detailed planning at all. Detailed plans are only subordinate to other plans of different types.

It is very difficult to determine the general features of a hierarchical relationship of special plans. The Law on Territorial Planning does not say anything about it. The drawing up of special plans (each sphere differently) is regulated by separate regulations applied to them. They define the hierarchical relationship of plans of the regulated sector differently. For example, the Regulations for preparation of special plans of territories of objects of cultural heritage and their protection zones in accordance with the size of the territory under planning and the level of solution concretization indicate three levels, though they do not describe their relationship directly. It is true that speaking about preparation of these plans, Regulations say that “The solutions of the plan shall not… contradict other valid documents of territorial planning, registered in the territorial planning documents register…” are submitted for co-ordination. One would conclude that in this sphere the most important role is played by the plan which has been prepared first (no depending on its level).

4.2 Harmonisation of different planning areas within the same level

General planning.

There exists certain “horizontal” relationship of master plans: before preparing any documents of general planning, the organiser of planning must receive conditions from various institutions, as well as from their neighbouring counties and municipalities (depending on the level of plan). Speaking about master plans of the territories of counties, the Law on Territorial Planning indicates that the solutions of the master (general) plan of the county shall be co-ordinated with the valid solutions of master plans of neighbouring counties.\footnote{The Law of the Republic of Lithuania on Territorial Planning. 1995. 12.12., No. I-1120 (edit. 2006). Article 11., 7. (Teritorijų planavimo įstatymas. 1995m. gruodžio 12d. Nr. I-1120, Vilnius (2006m redakcija), 11 straipsnis, 7.)}

Detailed planning.

“Horizontal” co-ordination of two solutions of detailed plans is achieved in a similar way as it is performed in general planning. First, detailed plans must conform to the master plan occupying a bigger part of the territory. Second, before preparing territorial planning documents, the organiser of planning addresses the state official of the municipal administration— the chief architect of a municipality so that s/he should issue the conditions of planning. All the
requirements pertaining to integration of the document under preparation into the developed or planning context can possibly be stated in the said conditions.

4.3 Harmonisation between multi-sectoral and sectoral planning

In the first edit of the Law on Territorial Planning, general planning assumed rather a distinctive role. The Law stated: “The approved master plan shall become valid and shall serve as the basis for formulating, changing or supplementing documents of general, special or detailed territorial planning of the corresponding or lower level…”\(^63\). At present, the valid edit of the Law on Territorial Planning has constituted a different system of relationship of master and special plans: a higher position is taken by the plan which has been prepared first. Referring to validity of special plans, the present Law says: “The solutions of special plans shall not contradict the requirements of special conditions of land use established by laws or Government resolutions, the valid documents of the general territorial planning of the corresponding level…”\(^64\) In another Article the present edit of the Law states: “The solutions of the approved special plan shall be mandatory for the activity under planning and shall establish obligatory requirements for preparing territorial planning documents of the same or lower level.”\(^65\)

4.4 Harmonization between different sectoral plans

The relation between plans of different sectors is determined only in Chapter 3, Article 16 which says: “The solutions of the approved special plan shall be mandatory for the activity under planning and shall establish obligatory requirements for preparing territorial planning documents of the same or lower level.”\(^66\) This statement implies that if a special plan has been approved one time, its solutions become mandatory for all other (master, detailed and special) plans.

It is true that some regulations of special plans “overlooks” this provision of the Law and are seemed to follow the former principle of general planning superiority. For example, the Regulations for preparation of special plans of infrastructure development (heating, electricity, gas and oil supply networks) say: “The solutions of plans (infrastructure development) shall not contradict the

requirements of special conditions of land use established by laws or Government resolutions and shall be co-ordinated with the valid documents of the general territorial planning of the corresponding level... Regulations do not refer to “other documents of the same or lower level.” However, it is within the regulations of not all special plans. For example, the Regulations for preparation of special plans of territories of objects of cultural heritage and their protection zones follow the principle declared in the Law and indicate that the solutions of the plan (territories of objects of cultural heritage) shall no contradict “other valid documents of general planning registered in the Register of Territorial Planning Documents ...

4.5 Consideration of planning approaches in neighbouring countries and on the European level in different planning levels

Lithuania conforms to the EU resolutions. There are other actions exhibiting the State’s willingness to become part of the European planning culture, for example participation in the general project VASAB “Compendium of Spatial Planning Systems in the Baltic Sea Region” and others.

5. Planning practice

Detailed plans have actively been prepared in Lithuania throughout sixteen years of independency, while master plans – more passively.

67 Regulations for Preparation of Special Plans of Infrastructure Development (heating, electricity, gas and oil supply networks) (Approved by the 11th of June 2004 Orders No. 4-240/D1-330 of the Minister of Environment and the Minister of Economy of the Republic of Lithuania) - IV.21. (Infrastruktūros plėtros (šilumos, elektros, dujų ir naftos tiekimo tinklų) specialiųjų planų rengimo taisyklės ( Lietuvos respublikos Ūkio ministro ir Lietuvos respublikos Aplinkos ministro įsakymas. 2004.06.11. Nr.4-240(D1-330) IV. 21)

68 Regulations for Preparation of Special Plans of Territories of Objects of Cultural Heritage and their Protection Zones (Approved by the 14th of December 2004 Orders No. [V – 417/D1-642 of the Minister of Culture and the Minister of Environment of the Republic of Lithuania) - VI. 28. (Kultūros paveldo objektų teritorijų ir jų apsaugos zonų specialiųjų planų rengimo taisyklės. Patvirtinta Lietuvos Respublikos kultūros ministro ir Lietuvos Respublikos aplinkos ministro 2004 m. gruodžio 14 d. įsakymu Nr. [V-417/D1-642. - VI.28)
The planning documents, booked in the documents register

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<th>Special planes</th>
<th>Changes of city master plans</th>
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<td>3</td>
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<td>-</td>
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<td>2000</td>
<td>224</td>
<td>12</td>
<td>-</td>
<td>50</td>
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<td>187</td>
<td>-</td>
<td>-</td>
<td>46</td>
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<td>2002</td>
<td>195</td>
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<td>-</td>
<td>48</td>
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<td>2004</td>
<td>165</td>
<td>9</td>
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<td></td>
<td>229</td>
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<tr>
<td>Totally in 7 years</td>
<td>1205</td>
<td>39</td>
<td>78</td>
<td>213</td>
<td>1323</td>
</tr>
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</table>

Table 1. Planning praxis in Vilnius municipality 1998-2004

During that period the master plan of the State territory and master plans of Panevėžys, Druskininkai and Vilnius cities were prepared. There is no approved master plan of the county territory (General planning of Klaipėda county territory has mostly been developed until 2006; the concept of that plan has been approved).

Detailed plans of smaller parts of a territory have mainly been prepared. For example, in Vilnius detailed plans totalled 1421 were prepared from 1996 until 2005, 687 ha were planned in all. 889 plans out of those 1421 plans were assigned for a territory up to 1 ha. 715 plans embraced only one land plot (Table 1., Diagram 1. and Scheme No. 4). The examples of different plan types are presented in Fact sheets.

Diagram 1. The booked in the register of territorial planning documents according to the area of the territory planned (hectares).

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69 J.Jakaitis, L.Kairelis. Teritorijų planavimo dokumentų registro ataskaita. Miesto plėtros departamentas. 2004
Scheme 4 – The territories in Vilnius, that where detailed planned in 1996-2005