Issues and prospects of planning of territories of newly created territorial communities (using Starosaltovska unified territorial community as example)

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Abstract. The modern system of territorial planning in Ukraine is considered. The goals and objectives of the preparation of urban planning documentation for newly created territorial communities have been defined. The prospects for the development of territorial communities are considered. The issues of unified territorial communities in terms of effective spatial planning are analyzed. The analysis is made of the availability of town planning documentation for populated areas of the Starosaltovska unified territorial community as of the present. A model for planning the territories of newly created territorial communities is offered. The quantitative and qualitative results of the implementation of the offered model are predicted.

1. Introduction
Pursuant to the Law of Ukraine ‘On the Voluntary Unification of Territorial Communities’ [1], unified territorial communities should be granted their own powers of local government bodies – allocation of land resources, giving building permissions, accepting buildings into service, preparation of urban planning documentation for the newly created territorial and spatial unifications of communities in order to provide planning and sustainable growth of the territories of each separate territorial entity.

Thus, it can be said that the real administrative division in rural areas is a settlement council or a village council. It is not a body, but rather a territory of residence of people and local government bodies. The provisions of Ukrainian legislation governing the requirements for the preparation of urban planning documentation are being implemented in the village and settlement councils rather than in the localities.

2. An analysis of some publications, most relevant to the subject of research
The present-day system of territorial planning in Ukraine is the result of long-term domestic experience [2,3]. Today its development is crucial and should be in line with the requirements of the governing principles for the sustainable spatial development of the European Continent, the Council of Europe and the European Union [4]. Consequently, the scientific and methodological basis for planning spatial development and arranging land use at different levels require updating and improvement. These issues were raised by many domestic scientists and experts in the field of spatial planning, namely V.S. Kuibida, V.A. Nehoda, O. Berdanova, V.T. Semenov, L.T. Shevchuk, Yu.M. Belokon [5-10]. However, future research on the issues of effective spatial planning for the newly created territorial communities is still required.
3. Research objective
Analysis of the issues and prospects of urban design in the territory of newly created unified territorial communities. Prevention of the loss of systemic territorial integrity, growing social and economic tension, as well as environmental deterioration define the actuality of resolving the issue of effective spatial planning and urban design in the context of decentralized power.

4. Statement of basic materials
Today the overwhelming majority of village councils have neither village site plans, nor village council territory development plans. Ukraine has 28 447 rural-type settlements, and only 5 177 (18%) of them do not require the site plans development (updating) [11]. The site plans of rural-type settlements in Poltava (99.5%), Zaporizhzhia (99%), Odesa (99%) and Khmelnytskyi (99%) regions require development (updating) best of all. Half of the site plans of rural-type settlements even in leading regions require updating and development. Site plans of all rural-type settlements in Sumy, Kherson and Chernivtsi regions require full development (updating).

The general procedure for local self-government is prescribed by the Law of Ukraine ‘On Local Self-Government in Ukraine’ [12], and the exercise of certain powers in the field of social and economic growth, construction, land relations and environmental protection are regulated by the Land Code of Ukraine [13], the Water Code of Ukraine [14], the Forestry Code of Ukraine [15], the Code of Ukraine ‘On Mineral Wealth’ [16], the laws of Ukraine ‘On the Fundamentals of Urban Planning’ [17], ‘On Territories Planning and Development’ [18], ‘On State Prediction and Development of Economic and Social Growth Programs of Ukraine’ [19], ‘On the Protection of Cultural Heritage’ [20], ‘On Tourism’ [21], ‘On Natural Reserve Fund’ [22], ‘On Environmental Protection’ [23], ‘On Sanitary and Epidemiological Welfare’ [24], ‘On State Social Standards and State Social Guarantees’ [25], ‘On Drinking Water and Drinking Water Supply’ [26].

A land administration system - based on the best international practices - for the newly created UTC is necessary to agree upon the regulatory procedures of the legislation on land and urban planning for future creation and maintenance of urban planning cadasters of unified territorial communities (UTC), as well as improvement of the social and engineering and transport infrastructure. For instance, let’s look at the territory of newly created Starosaltovska UTC located in the north of Kharkiv region in Ukraine.

The key planning issues of the development of the territories of newly created territorial communities are the outdated urban planning documentation, the lack of local budgets’ funds for its updating and active work of land administration agencies on land privatization that tends to change its intended purpose.

According to the State Committee on Land Relations [27], today almost 40 million hectares of land are engaged in innovation and investment activities. About 30% of lands privatized as personal farms and construction are barely used as intended. This caused numerous law violations and made it impossible to implement lots of up-to-date urban planning solutions aimed at implementing state, public and private interests, without offences against private property.

To provide communities with the development prospects, local government bodies should activate the preparation of urban planning documentation (first of all planning schemes for the territories of village councils and site plans of rural-type settlements) being a tool for strategic planning, operational management and reservation of territories for future urban planning needs, considering the requirements of urban planning, land, sanitary, environmental, environmental, and fire legislation [28]. Upon that, it is necessary to consider state, public and private interests in the planning, construction and other use of territories, and actively involve the public in the process of preparation, agreement, approval and implementation of design decisions.

Urban planning documentation [29-30] should be used by local councils and is fundamental for the creation of programs of land self-government in the course of preparation of programs for social and economic growth, land protection, the environment and public health, improvement of social, engineering, transport and tourism infrastructure, and the preservation of historical and cultural
heritage. Investment projects of some building companies should also be based on the solutions of urban planning documentation.

As mentioned above, in most cases UTCs unify several villages, sometimes 5-7 villages. In such a union, only a central village can be heavily populated and have a budget infrastructure. Thus, it is not practical to talk about the possibility and practicability of development of several site plans of the villages, which are part of this UTC, within one village council. The costs of such development are too high for UTC, and, most importantly, even all site plans of villages, which are part of one UTC, fail to explain how to develop the entire territory of the village council [30].

Today the following localities of Starosaltovska UTC have the urban planning documentation, in particular site plans that were developed in the past: urban-type settlement StaryiSaltov (1990); the village of Petrovske (1990); the village of Hontarivka (1977); the village of Profintern (1970); the village of Tomahivka (1973); the village of Molodova (1973); the village of Khotomlia (1992); the village of ChervonoarmiiskeDruhe (1972); the village of Shestakovo (1968). Localities that do not have site plans: the village of Berezniki; the village of Metalivka; the village of Didivka; the village of Paskovka; the village of Radkovo; the village of Seredivka; the village of Shyroke; the village of Moskalivka; the village of Pohorile; the village of Fedorivka (see figure 1).

![Figure 1. Localities of Starosaltovska UTC of Kharkiv region](image)

A list of planning constraints as to the use of territories – that contains sanitary protection zones, sanitary protection districts (zones) around relevant territories and objects, cultural heritage objects protection zones, water protection zones and coastal protection zones of water objects, radiation and technogenic pollution zones, possible accidents from potentially dangerous natural and technogenic objects, etc. – is a key component of the territory planning schemes. The use of territories that fall within the boundaries of these zones should be limited. Figure 2 demonstrates a fragment of a public cadastral map of Ukraine with certain land plots of Starosaltovska UTC territory.
5. Offers
In the course of development of UTC territories planning schemes, it is necessary to solve a number of issues considering the powers of this community. Thus, the authors offer to create a planning model for the territory of newly created UTC that is made up of the following components:

- prediction of the territories required for housing construction, public service facilities, production, recreational and sanitary institutions, transport and communications, engineering equipment, planting and improvement, utility objects and cultural heritage;
- determination of the boundaries of localities in the territory of the unified community;
- development of a site plan of localities, territories zoning plans and detailed plans of localities territories;
- development of zoning as a tool for land use management;
- development of a plan for the land and economic structure of a locality;
- determination (update) of the electronic layer of red lines of a locality;
- development of plans for the community territory improvement and determination of planning measures to ensure the sanitary welfare of the population;
- determination of territories and objects belonging to cultural heritage and introduction of restrictions within the zone of their influence;
- determination of territories that have the highest priority of development, immediate measures for the implementation of solutions for the next 5-7 years.

Based on the abovementioned components, a UTC territories planning scheme will be the most important document required for the effective and transparent management for the benefit of the community using the entire territory. It is the quality of UTC territories planning and the correct assessment of the developmental possibilities of the community that matter.

Having analyzed the resource potential of the territory in detail, it is necessary to assess the nature and planning structure, social (see figure 3), engineering and climatic, engineering and geological, engineering and construction, sanitary and hygienic conditions and characterize functional transport infrastructure.

The following quantitative and qualitative results are expected from the implementation of Starosal’tovska UTC territory planning model project:

- determination of the direction of use and the state of UTC infrastructure;
efficient use of the territories being a part of UTC;
- determination of territories that have the highest priority of development;
- creation of a land administration system to manage the land and property complex;
- reduction of time for obtaining information on the lands state and use;
- the possibility of lands expertise;
- creation of a unified management system for UTC objects and infrastructure facilities.

Based on such a full assessment of the territory and having implemented the offered model, it will be possible to create offers for the prospects of urban development of newly created UTC.

Figure 3. Social and demographic state of Starosaltovska UTC.

6. Conclusion

In Ukraine, the preparation of territories planning documents should become an integral part of the development of strategies for regional and local growth, which will ensure the prospective development of territories.

The implementation of a UTC territories planning scheme will make it possible to build over the territory, increase the rate of attraction and implementation of investments, and make transparent a mechanism of the provision of land plots for urban needs and urban territory development for the social and economic growth of newly created communities.

References

[1] The Law of Ukraine No. 157-VIII On the Voluntary Unification of Territorial Communities dated February 5, 2015, as amended on January 1, 2019
[2] Kuibida V S, Nehoda, V A, Tolkovanov V V 2009 Regional Development and Spatial Planning of Territories: the experience of Ukraine and other member States of the Council of Europe: collection (Kyiv: Publishing House Kramar) p 170
[3] Berdanov A V et al 2013 Tools of Regional Development in Ukraine: teaching guide eds. V M Vakulenko, A V Berdanov (Kyiv: NASA) p 286
[4] Guiding Principles for Sustainable Development of the European Continent 2000, 2002 (Strasbourg) https://rm.coe.int/1680700173 - The name from the screen.
[5] Spatial Development of the Region: Social and Economic Opportunities, Risks and Prospects: a monograph 2011 ed. L T Shevchuk (Lviv: IRR NAS of Ukraine) p 256
[6] Semenov V T, N E 2012 Shptomelb Current Issues of Urban Planning: compendium of lectures Kharkiv National Academy of Urban Economy (Kharkiv: KNAUE) p 50
[7] Experience and Prospects of Development of Cities of Ukraine 2003 Methodical Aspects of Spatial Planning: Collection of research papers ed. Yu M Belokon (Moscow: Institute of Hiprohrad), Vol. 5 p 172
[8] Kuibida V S, Bilokon Yu M 2009 Territorial Planning in Ukraine: European Principles that National Experience (K.: Logos) p 108
[9] Kuibida V S, Nehoda V A, Tolkovanov V V 2009 Collection ‘Regional Development and Spatial Planning of Territories: Experience Ukraine and the member States of the Council of Europe’ (Kyiv: Publishing House Kramar) p 170
[10] Berdanova O, Vakulenko V 2012 Strategic Planning of Urban Development. Practical Guide. Swiss-Ukrainian project Support of Decentralization in Ukraine - DESPRO (K.: TOV Sofiia-A) p 88
[11] Tkachuk A F, Vrublevskyi A S 2009 Spatial Planning for Economic Growth: Analysis of Practice and Legislation (Kyiv) p 120
[12] Law of Ukraine No. 280/97-BP ‘On Local Self-Government in Ukraine’ dated May 21, 1997 as amended on February 9, 2017 No. 1850-VIII
[13] Land Code of Ukraine No. 2768-III dated 10.25.2001
[14] Water Code of Ukraine No. 213/95-BP dated 06.06.1995
[15] Forest Code of Ukraine No. 3852-XII dated 21.01.1994
[16] Code of Ukraine ‘On Mineral Wealth’ No. 132/94-BP dated 27.07.1994
[17] Law of Ukraine No. 52, Art. ‘On the Fundamentals of Urban Planning’ dated 16.11.1992
[18] Law of Ukraine No. 1699-III ‘On Territories Planning and Development’ dated 20.04.2000
[19] Law of Ukraine No. 1602-III ‘On State Prediction and Development of Economic and Social Growth Programs of Ukraine’ dated 23.03.2000
[20] Law of Ukraine No. 1805-III ‘On the Protection of Cultural Heritage’ dated 08.06.2000
[21] Law of Ukraine No. 324/95-BP ‘On Tourism’ dated 15.09.1995
[22] Law of Ukraine No. 2456-XII ‘On Natural Reserve Fund’ dated 16.06.1992
[23] Law of Ukraine No. 1264-XII ‘On Environmental Protection’ dated 25.06.1991
[24] Law of Ukraine No. 4004-XII ‘On Sanitary and Epidemiological Welfare’ dated 24.02.1994
[25] Law of Ukraine No. 2017-III ‘On State Social Standards and State Social Guarantees’ dated 5.10.2000
[26] Law of Ukraine No. №2918-III ‘On Drinking Water and Drinking Water Supply’ or 10.01.2002
[27] On the Formation of Territorial Bodies of the State Service for Geodesy, Cartography and Cadaster of the Cabinet of Ministers of Ukraine, Resolution, List dated January 14, 2015 No. 5.
[28] State Construction Standards of Ukraine. 1.1-7: 2007 Content and order development, agreement and approval of the village council territories planning schemes Took effect on April 1, 2008.
[29] Law of Ukraine No. 3038-VI ‘On the Regulation of Urban Planning Activities’ dated February 17, 2011
[30] Kazmir L P 2016 Planning Peculiarities of Metropolitan Subregions Spatial Development (Lviv: IRR NAS of Ukraine) p 11