Planning territory as control element city development

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Abstract. Since January 1, 2017 the new definition - activities for complex and sustainable development of the territory was published in the Town-planning code of the Russian Federation. The authors consider features of preparation of documentation on planning of the territory which is carried out for ensuring its sustainable development, including for allocation of the elements of planning structure and also establishment of borders of the land plots and establishment of borders of zones of the planned seating in this territory of capital construction projects. In the paper the problems arising in process are allocated documents preparation on planning the territory of city districts.

1. Introduction

Ensuring complex and sustainable development of the territory on the basis of territorial planning, town-planning zoning and planning of the territory, according to provisions of Article 2 of the Town-planning code of the Russian Federation, acts as one of the basic principles of town-planning activity. [1] The town-planning code of the Russian Federation among them calls also ensuring the balanced accounting of ecological, economic, social and other factors at implementation of town-planning activity. Sustainable development of territories assumes providing at implementation of town-planning activity of safety and favorable conditions for activity of the person, restriction of negative impact of economic and other activity for the environment and ensuring protection and rational use of natural resources for the benefit of the today's and future generations [2]. At the same time the intensive growth of urban areas is not always followed by development of infrastructure, necessary for their normal functioning. [3] The Analysis of the town-planning documentation developed recently shows an imbalance between growth of urban areas and extent of development of their infrastructure (municipal, transport, social). The specified imbalance of town-planning systems is shown in inefficiency of the transport system, increase up to critical limits of load of engineering systems, in deterioration in an ecological situation. [3] Since January 1, 2017 the new concept - activities for complex and sustainable development of the territory was published in the Town-planning code of the Russian Federation. Regulatory definite purpose of its implementation consists in ensuring the most effective use of the territory. [4] For this reason planning of the territory acts as a significant factor of ensuring efficiency of its use, a control element with city development, and requirements imposed to process of its implementation certainly demand the scientific analysis. Proceeding from it, in the first part of the present article the content of activities for complex and sustainable development of the
urbanized territory will be investigated; the second part of this research will be devoted to identificaton of value of planning of the urban area as factor of ensuring efficiency of its use; in the third part features of preparation of documentation on planning of the territory of the city districts of Russia as the urbanized territories will be considered.

2. Complex and sustainable development of the territory as principle of town-planning activity: features of standard regulation

The definition of activities for complex and sustainable development of the territory of the Russian Federation is enshrined in the normative. The Town-planning code of the Russian Federation defines it as activities for preparation and the approval of documentation on planning of the territory for placement of capital construction projects on it of the different function, necessary for functioning specified objects and ensuring activity of citizens of objects of municipal, transport, social infrastructures and also for architectural construction design, construction and reconstruction of these objects. Implementation of this activity is intended to provide complex development of the territory (first of all, the urbanized territories of city districts), having balanced their social, engineering and transport infrastructure [5]. Besides, in its framework the solution of basic town-planning tasks is supposed: not used land plots are involved in a turn, the possibility of implementation of unbalanced building and infill development is excluded. The mechanism of activities for complex and sustainable development of the territory gives the chance to regulate as questions of granting the land plots under building, and construction terms, and volumes of housing put into operation.

Information on the planned implementation of such activity on the concrete territory has to contain in rules of land use and building which component is the card of town-planning zoning. According to Part 5.1 of Article 30 of the Town-planning code of the Russian Federation, on the card of town-planning zoning territories in which borders implementation of activities for complex and sustainable development, in case of planning of its implementation is provided without fail are established. Borders of such territories are established on borders of one or several territorial zones and can be displayed on the separate card.

The town-planning code of the Russian Federation fixes the following types of activity on complex and sustainable development of the territory. First, it is activities for complex development of the territory at the initiative of owners of the land plots and (or) the real estate units located on them (further also - complex development of the territory at the initiative of owners). Secondly, it is activities for complex development of the territory at the initiative of local self-government. That is the normative criterion of selection of types of this activity is based on legal status of the subjects initiating it. At the same time, in practice it is possible to select also different types of such activity, being based on its contents. In particular, the authorized body of local self-government has the right to make a decision on complex development of the territory if not less than a half of its total area are occupied by the land plots on which the following objects are located:

- capital construction (except for apartment houses), recognized in accordance with the established procedure emergency and subject to demolition [6];
- capital construction (except for apartment houses), demolition which reconstruction are planned on the basis of the municipal address programs approved by representative body of local government;
- not corresponding to types of the allowed use of the land plots and capital construction projects and also admissible parameters of construction set by rules of land use and building;
- capital construction, recognized as unauthorized constructions on legal grounds.

At the same time it is not allowed to include in borders of the territory which is subject to complex development, the land plots intended for placement of objects of federal, regional or local importance (according to documents of territorial planning).

Types of the objects of federal importance which are subject to display on schemes of territorial planning of the Russian Federation are determined, by the general rule, by the Government of the Russian Federation (concerning objects in the field of defense this power is assigned to the President
of the Russian Federation) [7]. Types of objects of regional and local value (in relation to the city district they have to be displayed on a master plan) are defined by the law of the territorial subject of the Russian Federation.

3. Planning of the urban area as factor of ensuring efficiency of its use

3.1. General requirements to documentation on planning of the territory of the city
In case in borders of the territory implementation of the activities for its complex and sustainable development obligatory is provided preparation of documentation on its planning is. It is carried out, including, for allocation of elements of planning structure and also establishment of borders of the land plots and establishment of borders of zones of the planned placement in this territory of capital construction projects [8]. Types of elements of planning structure are established by the Ministry of Construction, Housing and Utilities of the Russian Federation. By the Order of the Ministry [9] are approved such types of elements of planning structure as

1) District;
2) Microdistrict;
3) Housing estate;
4) The public territory, except for a street road network;
5) The territory of conducting by citizens of gardening or truck farming for own needs;
6) Transport hubs territory;
7) The territory occupied with a linear object and (or) intended for placement of a linear object except for the elements of planning structure specified in the "h" point;
8) Street road network.

Types of documentation on planning of the territory are:
- project of the territory planning;
- land survey project.

At the same time, the territory planning project is the basis for preparing a land survey project. The preparation of a land surveying project is carried out as part of a territory planning project or as a separate document.

The preparation project of the territory planning is carried out to highlight the elements of the planning structure, establish the boundaries of common areas, the boundaries of the zones of the planned location of capital construction objects, determine the characteristics and sequence of the planned development of the territory [10].

The site planning of the territory consists of the main part which is subject to the approval, and materials on its justification. The main part of the site planning of the territory includes:
1) the drawing or drawings of planning of the territory;
2) the provision on characteristics of the planned development of the territory;
3) the regulations on sequence of the planned development of the territory.

For positioning of borders of the formed and changeable land plots and also for establishment, change, cancellation of red lines for the built-up territories in which borders placement of new capital construction projects is not planned and also for establishment, change, cancellation of «red lines» in connection with education and (or) change of the land plot located in borders of the territory in relation to which implementation of activities for complex and sustainable development of the territory is not provided provided that such establishment, change, cancellation involve only change of borders of the public territory, preparation of the boundary-setting plan is carried out. Requirements to its contents are established by the Town-planning code of the Russian Federation.

3.2. Procedure of preparation of documentation on planning of the territory of the city
Preparation of documentation on planning of the territory is carried out concerning one or several adjacent elements of planning structure allocated by the project of its planning [11].

Preparation of a graphic part of documentation on planning of the territory is carried out:
1) according to the system of coordinates used for maintaining the Unified state register of the real estate;
2) with use of digital topographic maps, digital topographical plans, requirements to which are established by authorized federal executive authority [12].

In some cases preparation of documentation on planning of the territory requires realization of engineering researches. They, for example, are carried out in case of impossibility to use earlier executed engineering researches taking into account the term of their prescription which is established by the legislation of the Russian Federation [13].

Concerning the territory in which borders implementation of activities for its complex and sustainable development is not provided preparation of documentation on planning, by the general rule, is not required. But from this rule there is number of exceptions. So, preparation of documentation on planning of the territory for seating of capital construction project is obligatory if are planned construction, reconstruction of linear object (except for case if seating of linear object is planned to be carried out on the lands or the land plots which are in the state or municipal ownership and for seating of such linear object granting the land plots which are in the state or municipal ownership and establishment of easements are not required) [14].

Linear objects are power lines, communication lines (including linearly - cable constructions), pipe ducts, highways, railway lines and other similar constructions. Water supply systems and water ducts of all types, the linear constructions of the sewerage (including storm) and water disposals, in particular, belong to number of the linear objects for which placement aren't required granting the land plots and establishment of easements [15].

By the Government of the Russian Federation also other cases at which for construction, reconstruction of linear object does not need preparation of documentation on planning of the territory can be established.

Also preparation of documentation on planning of the territory for placement of a capital construction project is obligatory in the following cases:
1) it is necessary to withdraw land for state or municipal needs in connection with the location of a capital construction project of federal, regional or local significance;
2) "red lines" need to be set, changed or canceled;
3) formation of the land plots is necessary in case according to the land legislation formation of the land plots is carried out only according to the boundary-setting plan;
4) placement of a capital construction project is planned in territories of two and more municipal units having the general border (except for a case if placement of such capital construction project is planned to be carried out on the lands or the land plots which are in the state or municipal ownership and for placement of such capital construction project granting the land plots which are in the state or municipal ownership and establishment of easements are not required).

At the same time in relation to the territory in which borders implementation of activities for complex and sustainable development of the territory is not provided and also placement of linear objects is not planned, preparation of the boundary-setting plan without preparation of the site planning of the territory is allowed. But by the general rule, both types of documentation on planning of the territory are obligatory.

Thus, planning of the territory is an important stage of activities for development of territories, including the cities and other settlements [16]. She acts as base for architectural and construction design, construction, capital repairs, reconstruction of capital construction projects, operation of buildings, constructions.

4. Problems of preparation of documentation on planning of the territory of city districts
One or several settlements united by the total area which are not municipal units in which the local government is carried out [17] standardly are recognized Russia as city districts. Traditionally such status allocated the cities though in recent years the situation began to change, and it is received by
territories which it is difficult to call urbanized [18]. Nevertheless, the majority of the city districts of Russia represent the cities [19].

The specific moment in the course of preparation of documentation on planning in relation to the territory of the city district is need of obligatory carrying out public discussions or public hearings on which site plannings of the territory and its land surveying are subject to obligatory consideration. The specified procedures are carried out for respect for human right on favorable conditions for activity and also the rights and legitimate interests of owners of the land plots and capital construction projects.

So far the legislator does not give accurate positions on which it is possible to differentiate these two procedures. According to us it occurs for the reason that the legislator deliberately allows use in definitions of the concepts "public discussion" and "public hearing" of such abstract categories as "socially significant questions" and "the questions having the special public importance". For this reason in practice it is represented very difficult to define what questions should be carried to specified and what are not present.

Differences between these two procedures consist in a carrying out format: public hearings are a meeting of citizens that assumes their personal presence for exchange of views on the question posed. Public discussions don't assume immediate presence of the citizen in particular time in the particular place. The second difference is that on public discussions there is an exchange of views on socially significant questions and also drafts of decisions of authorities. When carrying out public hearings there is a discussion of the questions concerning activity of authorities and having a special public significance.

At the same time, public discussions or public hearings aren't carried out if the designated projects are prepared concerning the territory in which borders according to rules of land use and building exercise of activities for its complex and sustainable development of the territory is provided. Public hearings in this case take place only at a stage of preparation of rules of land use and building where territory borders are fixed, and the site planning of the territory is developed already without them. At the same time the site planning determines town-planning norms, red lines, total amount of building, number of storeys, existence of the planted trees and shrubs public territories etc [20]. All this has an immediate impact on quality of city life. In practice subjects of discussion of the document prepared later will be readdressed to the document prepared earlier which didn't may contain these objects neither for discussion, nor for at all a statement [21,22].

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