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### **PARTICIPATION OF LOCAL GOVERNMENT AUTHORITIES IN URBAN PLANNING SOLUTIONS MAKING**

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The article summarizes the main trends in the field of participation of local governments in making urban planning solutions. Based on a review of scientific literature, the author clarifies the term “urban planning solution” and reveals its internal structural contradiction, which allows participants of urban planning relations to invest in it content that is beneficial for themselves. By highlighting two leading directions in urban planning – functional and social, the author seeks to find a common basis that allows us to remove the deep contradictions in the relations between developers and the population that underlie urban conflicts. The author is trying to solve a pressing social and organizational-legal problem, how to harmonize the interests of the main participants in urban planning relations – the population, authorities and developers? To answer this question, the author analyzes the criteria for making urban planning decisions, noting the internal differences between them. The purpose of the article is to develop a procedure for making a socially justified and comprehensive urban planning decision, which will optimize the operation of the criteria for making urban planning decisions and achieve consensus between the main participants. Based on a generalization of the practice of interaction between participants in urban planning relations, the author identifies types of urban planning solutions and substantiates the criteria

for their quality. Based on the identified structure for making urban planning solutions, the author identifies the main problem points that separate the positions of the population and local authorities and impede the establishment of harmonious urban planning relations. The main types of urban planning solutions are identified, providing for the participation of local governments, from the list of which construction permits are especially highlighted, and factors influencing the choice of one or another type of urban planning solution are highlighted. The requirement for comprehensiveness in making urban planning solutions is substantiated. The final part presents an algorithm for making an effective urban planning solutions.

## 1. Introduction

City growth, accompanied by the construction of affordable and comfortable housing, the creation of recreational areas and equipped leisure complexes, is an absolute benefit that meets the needs of modern man. Public authorities are actively involved in the processes of urban space development, building partnerships with businesses and public organizations, creating conditions for the development of settlements to be comprehensive and meet public expectations. In the early 2000s, an active process of commissioning housing, shopping malls and office centers began in Russia, which caused a trend of expanding urban areas, reducing green areas and densification in the settlement system. The introduction of the new Town planning code (2004) strengthened the position of the developer, while limiting the rights of local authorities in matters of issuing construction permits and influencing the adjustment of urban development projects [1]. As a result of these trends, in many cities, especially large ones, the confrontation between developers and social communities has intensified regarding the transfer of land from recreational zones to business and residential development zones, the laying of utility lines through green zones, infill development, etc. Current legislation is not always ready to resolve individual disputes, leaving the population one-on-one with the developer, who sometimes puts his interests above the interests of those who doubt the feasibility of the construction planned by the developer. Therefore, the question arises: what is the role of local authorities (LA) in this confrontation? What makes the local authority fully stand up for the developer's interests if the public is against the proposed development?

## 2. Urban planning solutions: approaches to definition

One of the significant methodological difficulties in studying the nature of urban-planning solutions is the vagueness of the concept of "urban-planning solutions" itself, the multiplicity of subjects influencing its adoption. Therefore, such properties as efficiency, social significance, feasibility, etc. seem quite amorphous. It is not always clear in whose interests an urban-planning solutions is

being adopted?

Several concepts similar in content to the concept of "urban-planning solutions" have been established in scientific and industry literature. One of such concepts is "architectural and urban development solution", which is understood as a section of design documentation that determines the appearance of the designed object. The content of such a solution consists of technical and visual characteristics of the object, requiring approval by government authorities. These characteristics include: volumetric-planning and color solutions of the object, type of facade finishing, offset of the main axes, transport accessibility, etc. [2]. The term "architectural planning solution" is also used [3,4]. Thus, the concepts used here imply the direct participation of the developer, who includes in the content of such a solution his ideas about the functionality and technical stability of the designed object.

The use of the term "urban-planning solutions" in this article is intended to emphasize the subjectivity of the local authority, which make decisions on changing the architectural appearance of the territory, based on the generalization of the design documentation received by them by coordinating various criteria for their assessment. The issues of implementing effective urban-planning solutions have always been considered as urgent problems in the development of modern society [5]. In world practice, two directions have been formed that determine the priorities in the implementation of such solutions. One direction was created within the framework of the Athens Charter, at the origins of which stood Le Corbusier (it can be called his functional), which provided for linking such solutions exclusively to the competence of professional architects. The other direction - social, became the basis for the formation of an entire movement in the world, associated with the activities of the American social activist and journalist J. Jacobs, appealing to the social justification of urban-planning solutions, implying the active participation of citizens in determining their main contours [6]. The social direction in urban planning served as a source of a special direction in architecture, called "Participatory Design", presented in the works of both domestic and foreign specialists [7; 8].

In the domestic scientific literature, various aspects of making urban planning decisions are considered. Organizational aspects of making urban planning decisions are considered in the article by S. B. Sborshchikov and P. A. Zhuravlev [9], the impact of such decisions on safety - in the work of R. D. Oktyabrsky [10], legal aspects of making urban planning decisions in the works of S. I. Koryachentsova [11] and others. Social aspects in making urban planning decisions are noted in the works of V. A. Lepekhin [12], I. N. Kharinov [13], O. N. Yanitsky [14] and others. The development of urban planning and architecture contributed to non-standard and unconventional forms of development of urban territory, changing the usual image of buildings and causing discussions in society. Complex architectural complexes with a combination of various architectural styles, functional zones, multi-level transport communications began to be created in cities. The established judicial practice has begun to influence the law enforcement and law-making activities of local government bodies, requiring participants to have deep knowledge in the field of construction and design technologies [15; 16]. Environmental criteria are beginning to come to the forefront when assessing the quality of urban development projects; people are increasingly demanding that authorities comply with environmental requirements, improve the quality of public space improvement, expand green areas, etc. [17].

The desire of the majority of the population to improve the environmental condition of the local territory can lead to contradictions with the policy of local authorities interested in compacting development, increasing the scale of housing construction, requiring a reduction in public areas and compacting development. All this leads to the emergence of urban planning conflicts, which are often based on the lack of regulation of the regulatory framework in the field of nature management and urban planning [18]. Thus, the degree of public influence on the adoption of urban planning decisions is today becoming a subject of the intersection of various interests, the establishment of compromises, sources of conflicts. Especially significant today are the relationships of the population with developers, authorities for

residents of apartment buildings, housing complexes. Quite often, decisions are made that affect the interests of residents of such houses, the implementation of which worsens their living conditions. At the same time, the head of a local government, the representative authority, which should protect the interests of the residents of these houses, often stand on the other side of the barricades and take the position of defenders of the interests of the developer.

### **3. Urban-planning solutions quality criteria**

Most of the disputes over the adoption of an optimal urban-planning solutions revolve around determining its quality, which allows achieving maximum consolidation of the interests of the parties involved in their discussion [19].

Urban-planning solutions should be considered in the general context of territorial planning, ensuring comprehensive and long-term development of the territory [20, 21]. The consequences of urban-planning solutions should be predictable within the framework of the priorities underlying the strategic and territorial plans and the specified structure of functional and territorial zones.

Several important criteria for the quality of urban-planning solutions have been developed in world practice, ensuring maximum economic and social effects. One of the most significant criteria for adopting urban-planning solutions is sustainability, the importance of which is manifested in the careful justification for the decision, which is capable of maintaining a positive impact on the development of the local territory for the longest possible period of time. Such influence will retain its positive vector provided that the balance of interests of residents is observed, as well as the prospects for the development of the territory for future generations [22].

Compliance with urban planning standards and architectural integrity is ensured by using the criterion of spatial and environmental comfort. Only professional builders and architects can assess this aspect of the quality of an urban planning solution, evaluating the consequences of such a solution from the point of view of its technical feasibility and architectural integrity.[23]. Closely related to the

previous criterion is the criterion of technological effectiveness of an urban planning solution, designed to improve the quality of management of the designed territory by introducing modern digital technologies. Thanks to the use of these technologies, an increase in the comfort of living for residents on the territory is achieved, as well as savings on resources for the maintenance of social and engineering infrastructure. This criterion is implemented through the technologies of the so-called "smart" city, which provides for the use of modern digital technologies and artificial intelligence in the construction of housing and public infrastructure. [24].

The system of urban development relations, including the procedure for making urban-planning solutions, has become a subject of research interest from a legal perspective, since it has recently become an area of numerous violations of the law and a source of corruption schemes. [25]. There are many cases of violation of the law in the urban development sphere and, first of all, in the practice of registering illegal land transactions [26], violation of technological standards in the construction process [27]. An urban-planning solutions must meet the requirements of legal relevance, being included in the current system of national legislation. At the same time, compliance of an urban-planning solutions with legislative norms does not mean automatic recognition of the quality of such a decision, especially if it begins to cause social disproportions. Therefore, the most important criterion for the quality of an urban-planning solutions is its social validity, manifested in the degree of involvement of public representatives in decision-making and taking into account their interests in the preparation of urban development projects. The criterion is manifested in the implementation of procedures for discussing the draft decision by a wide range of interested parties and the confirmation of their participation in the adoption of such a decision.

Public hearings are essentially the only legally sanctioned form of public and citizen participation in the adoption of urban-planning solutions .

However, they do not have a decisive influence on the actual outcome of discussions on the advisability of making a decision, being mostly advisory in nature. In legal literature, there is also a point of view that the protocol of public discussions or public hearings and the conclusion on their results are non-normative legal acts, as a result of which it is possible to file an administrative claim to recognize them as illegal, which makes this form of citizen participation in making an urban planning decision actually illusory. [13].

#### **4. Analysis of the process of making urban-planning solutions**

We can talk about the following types urban-planning solutions that involve local governments: issuing permits for development, cutting down trees, demolishing buildings, reconstructing buildings, constructing engineering infrastructure facilities, etc. The logic of an urban-planning solutions is to form a new image of a section of a populated area, providing for the construction or liquidation of certain objects on this territory that are the subject of established urban planning relations. Participants in making urban-planning solutions are: the developer, the municipality administration, the representative authority, supervisory authorities, expert communities, as well as the population, which is most often represented by forms of self-organization of citizens at the place of residence (homeowner association, citizens' initiative groups, etc.). Representatives of business communities, whose interests are often affected as a result of the adoption of a particular urban-planning solutions, should be singled out separately. In addition, an important role in the system of urban development relations is played by design organizations and expert communities that participate in the development of a project and the assessment of the consequences of its implementation.

Most urban-planning solutions are related to the permit that local authorities issue for the construction of a particular object. As a rule, the issuance of such a permit is preceded by the allocation by the local authority of a land plot for construction or the change of an existing type of permitted use for the sanctioned project. The territory of a settlement includes a set of land plots

with different functional purposes and legal status. The decision on the feasibility of developing such a plot is made in accordance with the development project and spatial parameters of the object being constructed.

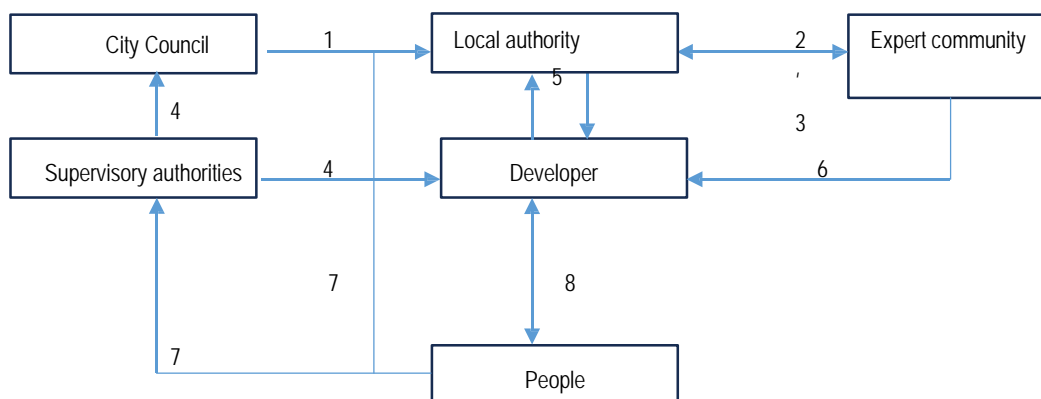
The issuance of a development permit for a particular land plot may become the subject of a dispute between various subjects of urban development relations. Which side the court will take in this case depends on many factors - the requirements of the Code of Rules, the type of permitted use (TPU) of the land plot, the specifics of the project that received the permit, the results of public hearings, etc. Moreover, equally convincing arguments may be presented to make completely opposite decisions, which makes the possibility of making one or another decision absolutely unpredictable.

The purpose of the urban planning solution is to achieve functional orderliness of the spatial resource of a territorial entity, formed by dividing its territory into land plots with different functional

purposes, confirmed by a special legal status. And diversity and functional orderliness are a condition for the preservation and reproduction of a settlement, its ability to meet the needs of citizens living in it, when some land plots are intended for the implementation of production activities, others - for the placement of engineering infrastructure and transport communications, others - for living, etc.

Local authority act as the leading subject in making urban-planning solutions: they are authorized to develop land use and development rules, as well as to establish town planning regulations for land plots located within the boundaries of settlements. The outcome of an urban-planning solutions made by local governments is influenced by many factors, including legislative provisions and urban planning regulations, the credibility. of the developer, the position of residents, and the guidelines of federal and regional authorities.

The process of making an urban-planning solutions can be illustrated in Fig. 1.



*The process of making urban planning solutions at the local level, where:*  
1 – Establishing rules; 2, 3 – Ordering and issuing expert opinions; 4 – Checking the legality of decisions taken;  
5 – Requesting and issuing building permits; 6 – Conducting an examination and issuing an expert opinion;  
7 – Public appeals; 8 – Public hearings

In accordance with Federal Law No. 131, local authority are responsible for approving rules of improvement, master plans and territorial planning schemes. The presence of these powers allows government to determine land use and development rules (LUDR) on the territory of a municipality, on the basis of which urban planning regulations for land plots are developed, permitted uses are determined, their maximum sizes and maximum parameters for permitted construction,

reconstruction of capital construction projects, as well as restrictions on the use of these land plots and capital construction projects are established.

The main ways of influencing the outcome of urban planning solutions by local governments are:

- changing the permitted use of a land plot;
- allocating a land plot for development or lease;
- connecting a facility to utility networks.

Changing the permitted use is perhaps the most important way for local governments to influence

the development of a territory. This is mainly due to the fact that the current type of permitted use of a land plot is established before the representative authority adopts the land use and development regulations. Therefore, at the request of the local government, it can change the permitted use, which does not always satisfy the interests of third parties not interested in the construction of the facility. This situation is especially problematic in large cities, where the high commercial value of the future facility often compensates for the construction company's costs of legal protection from citizens dissatisfied with the construction and reaching a compromise with the authorities.

An analysis of the current system of making urban-planning solutions allows us to draw several conclusions:

1. Most expert opinions substantiating the feasibility of implementing an urban planning project are paid for by the developer, which does not always allow us to consider such expert opinions reliable and objective.

2. Supervisory authorities often focus not so much on assessing the possible consequences of decisions taken, but on violations of the legal procedure for making such decisions.

3. Local authorities often face serious pressure from the developer, while the influence of forms of public self-organization is less of a problem for them, since the legislation does not prescribe a mechanism for real citizen participation in making urban-planning solutions.

4. The developer is not in any way encouraged to account on its actions to the population, even if such actions may entail negative consequences for the life of local communities.

In general, an urban-planning solution is considered effective if it is comprehensive, i.e. responds to the impact of the maximum number of active factors [28]. Such a solution does not necessarily have to bring maximum income to the budget or increase the infrastructure provision of the municipality at the expense of worsening its ecological condition. The effectiveness of an urban development solution hides social expediency, embodied in achieving the maximum number of beneficiaries from the urban development project being implemented. However, very often local

governments make a decision in favor of the developer, not paying attention to the fairly widespread opposition to such a decision on the part of the population.

### **5. Algorithm for making effective urban planning solutions at the local level**

Under these conditions, it seems appropriate to develop a special algorithm for making urban planning decisions by local governments, which would increase the effectiveness of such decisions and avoid conscious or unconscious misconduct that causes negative consequences. The significance of such an algorithm may lie in reducing corruption risks, increasing openness and transparency in the development and implementation of urban planning solutions affecting the interests of residents. The most expected principles underlying this algorithm are the principles of public participation, publicity, accountability, etc.

The basic basis for coordinating the interests of residents and local governments is the master plan. The master plan allows us to determine: the real value of various sections of the urban area, people's expectations from the prospects for the development of a particular section, the maximum costs of constructing the designed objects, etc. Joint work of citizens and local governments on the master plan of a municipality can become a source for forming its obligations to the population regarding the development of its priorities in making urban planning solutions. All work on developing territorial planning documents, including the approval of general plans (territorial planning schemes) and land use and development regulations must be carried out in accordance with these priorities.

The next point in the algorithm for making an urban planning solutions is the adjustment of the urban planning standards in force in the territory of the municipality, carried out taking into account the formulated obligations. A graphic image of the territory of the municipality, compiled taking into account the territorial planning documents and urban planning standards, can become a virtual basis for the interactive display of the planned development with the specified permitted

parameters and technical properties. An essential factor in preventing corruption in making urban planning solutions is the creation of an electronic platform of the municipality, which includes: regulatory documents, information on the spatial distribution of all planned sites, a register of owners and developers, document forms, contact addresses and information on the services provided by the municipal government.

## 6. Conclusion

The author's analysis of the participation of local authorities in making urban planning solutions allows us to draw several important conclusions. Firstly, local governments are far from fully realizing their readiness to make urban planning solutions in the interests of the local population. Secondly, the presence of a number of institutional conditions actively contributes to the fact that local governments fall under pressure from developers, whose interests do not always coincide with the interests of citizens. And, thirdly, one of the potential institutions capable of streamlining the activities of local governments, subordinating them to the interests of citizens and limiting excessive pressure from the developer, may be the master plan. Despite the fact that there are currently no clear legislative requirements regarding master plans, its role as a pre-project stage in the preparation of strategic urban planning decisions is quite high. The ability of a master plan to include various ways of neutralizing intentions unauthorized by society, adjusting the volume of costs for the implementation of socially significant urban development projects and reaching consensus between all interested parties creates conditions for improving the quality of urban planning solutions at the local level.

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