

Saimaa University of Applied Sciences
Double Degree Programme
Civil and Construction Engineering

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Comparison of Russian and Finnish Planning Systems and Land Use Laws

Thesis 2012

Abstract

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Comparison of Russian and Finnish Planning Systems and Land Use Laws ,
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In this work Russian and Finnish planning system and land use legislative base has been compared.

In the first part Russian planning system and rules of ownership are described. Also in this chapters included information about authorities in charge, public hearings, and classification of land by it type has been made.

In the second part of this work Finnish planning system is described in details.

Also in this work included comparing table of Russian and Finnish land use systems (by main points), plans of development of cross-border territories.

Keywords: land use, law, code, cross-border territories, planning system, ownership, transactions, cadastre

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1 Introduction

Planning system is one of the most important and contradictory question in the development of the territories. For the last 20 years partnership between Russia and Finland has become very strong, especially in such fields as tourism, energy and trading. Because of upcoming big cooperative Russian-Finnish projects the question of differences in laws becomes very important, especially in the field of construction works. The main goal of this thesis work is to describe both Finnish and Russian planning systems, and to match the differences, to make cooperation easier.

2 Planning system in Russian Federation

Historically the Russian population settled in areas directed by the capital city. Settlements, cities and fortresses, such as Voronezh, Elets, Kursk, Samara and others were established for the purpose of serving communication by the land and water. Prior to the middle of the 16 century most urban areas developed spontaneously. Later, according to an edict by Tsar Ivan IV on the subdivision of land, re-planning began with the aim of putting in order street networks, land use and land taxation. At that time the first prototypes of general plans appeared; these were usually worked out in Moscow. At the beginning of XVIII century, during the reign of Peter the First, state institutions were established with the responsibility for urban planning and development regulations. In 1709 the first Building Commission was established in St.Petersburg primarily with the responsibility of state urban planner and controller. The emperor's directives on red lines (street lines), fire-prevention measures, preference for the construction of stone buildings, the creation of green areas, and construction of embankments served as a sort of building code to produce a city of European pattern. Developers who violated established regulations were fined or even punished by loss of real estate. By 1720 the planning and development regulations had been established in all cities, including Saint-Petersburg. In 1765 Empress Ekaterina II established a Commission, responsible for the total subdivision of all lands

in Russia and issued a manifesto requiring all owners to record their property boundaries. By the end of XVIII century the subdivision was accomplished in 18 provinces out of a total of 50. The Building Commission of Saint-Petersburg developed plans for 416 cities out of a total of 497. Subsequently, planning activities throughout the country were delegated to local authorities.

The Building Charter adopted in 1832 contained all of the key legal principles on urban planning and development applicable throughout Russia. In consequence of reforms implemented since 1870, representative bodies in cities were enabled to adopt building regulations according to the Building Charter. The Charter was in force until land nationalization in 1917. To the end of XIX century, real property was legally settled close to contemporary principles. The scope of legal norms and rules, as well as civil institutions to regulate rights and interests protection, were established. Land ownership was defined as follows: "The land owner has the right of full and exclusive supremacy concerning the surface of his lot within established boundaries, up in the air and down to the bowels of the earth". The relationship between private owners was regulated by the law of neighboring tenements. The relationship between private owners and society was regulated by public law. By law the observance of society interests was under the responsibility of the building police, authorized to control the execution of public restrictions.

Law of neighboring tenements determined owner's rights, limited by rights of his neighbors and settled on combined rights concerning objects located at the boundaries of lots. The rules established the location of buildings and windows in relation to neighboring lots, permissible accessory uses, water drainage directions and so on. Intrusion into neighboring space was prohibited or had to be regulated by easements. Exceptional cases were settled by agreements or court decisions. Most restrictions for private developers were aimed at protecting public interests. The Building Charter regulated fire-prevention, health safety, intrusion into public space, and reduction of the property value due to lack of architectural appeal of neighboring structures. All owners and developers had to comply with technical and sanitary requirements

regarding durability, height of buildings and residential rooms (no less than 2.5 m.), roof slopes, and minimal courtyard sizes. The fire protection spaces between buildings were different for buildings made of wood to those made of brick; the width of access for fire engines was to be no less than 4.25m. The most detailed rules were applied to buildings bordering public space. Some deviations from common rules were permitted, and they were determined by each city individually. Towers, spires, and belvederes were permitted to be above the height of the buildings by an amount proportional to the length of the façade. Permissible projections to public space of bay windows and balconies were dependent on the size of the building façade and the corresponding floor level. Permissible projections of columns, pilasters or footsteps depended on the sidewalk width. Only the State Senate could repeal requirements adopted by the city representative body, the City Duma. The city executive body approved plans and facades of private buildings within city boundaries and issued building and rebuilding permits to owners and developers. The maintenance of lots and buildings, visible from public space, was also under regulation. The building police could not break into private space; disputes could only be settled in a court. City plans prepared by the city representative body were adopted by the Emperor. City plans as well as most requirements were valid only for the city-type areas; less dense suburban areas within the city administrative boundaries were regulated only by subdivision plans. The city plan represented street networks, blocks and public areas, location and purposes of public buildings, outlined areas permitted for wooden houses and lots to be condemned for state needs. The locations for temporary uses and for engineering infrastructure were not considered. All deviations, save subdivision of the private lot or reconstruction of a building after a fire, could be implemented only after adoption of amendments to the city plan. Almost all Russian regulations and practices accumulated during 400 years of land use and development reforms were abolished by the Decree on Land, adopted in 1917, and the Decree on Private Property in Cities, adopted in 1918. "The private property right on land is barred for ever; the state owned land can not be sold, leased, mortgaged or alienated in any other way. All the land ... is considered the common property of the people for the use of those, who work on

it" ("Decree on land"). The Soviet urban planning and development institutions steadily implemented state orders, ensured by capital investments and human and natural resources, distributed by the central government. The particular prerequisites for Soviet urban development were as follows:

- severe limitations on the use of land for non-state needs and on sizes of non-state buildings;
- development of settlements only according to plans and projects, adopted by state authority;
- country-wide standardization of urban planning, urban development and design documentations;
- construction and maintenance of centralized infrastructure systems by the state;
- budget financing of housing construction and maintenance;
- high density of residential areas; standardized apartments and low floor area per capita (13.5 sq. m to 1985), social homogeneity all over in the country.

During the Soviet period the planning policy resulted in:

- the location of many settlements according to the availability of natural resources and the demands of the defense sector;
- the concentration of large industrial enterprises and, as a consequence, population growth in big cities;
- withering away of small settlements.

To the end of soviet period most grave urban problems were as follows:

- the settling system has not corresponded to new economic conditions since both the demand and communications became determined more by the market, than by the state plans;

- enormous portion of worn out buildings, first of all physically and morally worn out housing stock;
- problematic reconstruction of the mass standard housing due to its technical characteristics and to the type of development which has not considered lots' boundaries for buildings;
- worn out transportation and engineering facilities;
- large suburban areas under summer residences of citizens (almost half of families at cities own garden-lots or dachas).

Soon after the start of “perestroika” the working out of urban planning documentation within all the Russia virtually stopped: public budgets were insufficient, the proper legal base was absent and capacities of private investors and developers were but questionable. By the mid of 1990s there appeared capable private developers at housing and commercial service sectors, some cities adopted sort of zoning regulations based on soviet-time master plans. These regulations were analogous to US zoning patterns (in Russia at that time most foreign consultants on urban development regulation were represented by professional institutions of USA). Some municipalities adopted acts on impact fees to finance public facilities. In 1998 was adopted federal Urban Development Code, based mostly on western patterns, but failed to regulate all important rights and obligations of actors engaged in the field. To the end of 2004 there was adopted new federal Urban Development Code more relevant to professional expectations of planners and developers.

2.1 Legislative basis

Planning and land use system in Russian Federation is based on the following documents:

- :Town planning code (N 190-Φ3, from 29 December 2004)
- Land use code (N 136-Φ3, from 25 October 2001)

In Urban development code describes following main positions:

- Territorial planning
- Spatial planning
- Geotechnical investigations
- Architectural design
- Construction of capital constructions
- Reconstruction
- Renovation
- Safety of construction
- prevention of emergency situations of natural and man-made

In land use code described following main positions:

- Land protection
- Ownership of land
- The rights and obligations of land owners, land users, landowners and tenants of land by using land
- Payment for land and land valuation
- The chapters about the use of different types of land (agricultural, towns, forests, recreation, industrial, basins, mineral resources)

The official text of these documents available only in Russian language. (see appendix 1 for more information about codes and laws).

2.2 Plans and maps

Federal Service for State Registration, Cadastre and Cartography (Rosreestr) is the authority responsible for:

- state registration of rights to real estate and transactions;
- keeping of the state real estate cadastre;
- land administration and state land control;
- surveying and mapping;
- navigation support for the transport complex (except air-navigation services for users of the Russian Federation airspace);

- state geodetic supervision;
- supervision of self-regulated organizations of appraisers;
- supervision (control) over the activities of self-regulated organizations of arbitration managers.

The best and convenient way to explore map is interactive Rosreestr map at <http://maps.rosreestr.ru/Portal/>.

On this portal is possible to find any information about any territory in Russia. (incl. Type of ownership, price, description, limitations)

If there is no needed information on the web-portal request to the local authorities (Federal Service for State Registration) should be made.

All the blanks for request are available on the web at www.rosreestr.ru

For Leningrad area:

- Director: Alexey Orlov (Орлов Алексей Валерьевич)
- Adress: 191311, St-Petersburg, Smolnogo st., 3
- Tel: +7 (812) 579-61-22
- Fax: +7 (812) 274-93-82
- E-mail: 47_upr@rosreestr.ru
- Web: <http://www.to47.rosreestr.ru>

For St-Petersburg:

- Director: Michail Egorov (Егоров Михаил Дмитриевич)
- Adress: 190000, BOX 1170
- Tel: +7 (812) 324-59-10
- Fax: +7 (812) 324-59-02
- E-mail: 78_upr@rosreestr.ru
- Web: <http://www.to78.rosreestr.ru>¹

¹ www.rosreestr.ru

2.3 Levels of planning

Urban development Code divides the order of documentation on the planning of the municipal area, settlements and the urban district. Local government provides documentation of land planning in municipal area on the basis of territorial planning schemes of the municipal district, it provides accommodation of capital construction projects of local significance of the municipal area or object to the capital construction of inter-settlement territories, as well as under the rules of land use and development of inter-settlement territories.

Documentation for the planning of the territory of the municipal district is prepared in accordance with the requirements of technical regulations, taking into account the borders of the areas of cultural heritage sites included in the unified state register of cultural heritage (monuments of history and culture) of the Peoples of the Russian Federation, border areas newly identified cultural heritage sites, the boundaries of zones with special conditions of land use (security, water conservation, sanitary-protective zone, the zone of protection of cultural heritage of the peoples of the Russian Federation, the zones of drinking water sources, protected sites), other zones established in accordance with Russian legislation.

Documentation for the planning of the territory of the municipal area are made by the authorized local authority, then the head of local administration or the decision approve it, or send back for revision. Documentation of planning of the territory of the municipal district is approved by the head of the local administration of the municipal district. Preparing documentation for the planning of the territory of settlements and the urban districts the procedure is as follows: Project planning and land surveying projects of the territory are prepared on the basis of master plans for settlements, urban districts and the rules of land use and development. Obligatory condition of project approval and project planning surveying - their consideration at a public hearings. Projects planning and land surveying projects are approved by the head of the territory of the local administration. City Planning Code, determining the general procedure for the preparation of documentation for land planning, developed on the basis of decisions of local authorities, provides an opportunity to clarify the

procedure regulations of local governments, which extends the account of specific local conditions. It means, that generally the planning system in Russia have a strong hierarchy, which results in low freedom of planning for entities on municipal and district levels. General plans of development for Saint-Petersburg are made by project institute (Петербургский НИПИГрад). All plans are supervised by authorities, including architectural authorities.

| Aspect level | planning institutions and theirs normative activity | planning process | participation | Essential (joint) planning document | sectoral planning A Cultural heritage | sectoral planning B Nature preservation | sectoral planning C Infrastructures | sectoral planning D... Other fields |
|-------------------|--|---|---|--|---|---|--|--|
| national level | <u>RF Government</u> • Normative acts in the field | <ul style="list-style-type: none"> Decision on RF planning scheme preparation RF scheme adoption | | <ul style="list-style-type: none"> Territorial planning scheme of federal level | <ul style="list-style-type: none"> RF monuments preservation zones project | | | |
| | <u>Ministry of regional development</u> • Normative acts in the field | <ul style="list-style-type: none"> Molder of Strategy on RF territorial development Customer of RF planning documents | <ul style="list-style-type: none"> Any interested parties after scheme publication and before its adoption | <ul style="list-style-type: none"> Territorial planning scheme of federal level | | | | |
| | <u>Ministry of culture</u> • Normative acts in the field | <ul style="list-style-type: none"> Presentation of Monuments preservation zones project to RF Government | <ul style="list-style-type: none"> Any interested parties after project publication | | <ul style="list-style-type: none"> Monuments preservation zones project | | | |
| | <u>Ministry of technical regulation and metrology.</u> • Normative acts in the field | <ul style="list-style-type: none"> Technical regulation (safety standards) | | | | | | |

| | | | | | | | | |
|----------------------------|---|--|---|---|--|--|--|--|
| | <u>Other ministries</u> <ul style="list-style-type: none"> Normative acts in the field | <ul style="list-style-type: none"> RF Planning scheme approval | | | | <ul style="list-style-type: none"> As the thematic part of RF planning scheme | <ul style="list-style-type: none"> As the thematic part of RF scheme | <ul style="list-style-type: none"> As the thematic part of RF scheme |
| regional level | <u>Regional government</u> <ul style="list-style-type: none"> Regional normative acts | <ul style="list-style-type: none"> Decision on the regional planning scheme preparation Planning scheme adoption | | <ul style="list-style-type: none"> Territorial planning scheme of regional level | | | | |
| | <u>Planning body</u> <ul style="list-style-type: none"> Regional normative acts in the field | <ul style="list-style-type: none"> Strategy of regional territorial development issuance Customer of regional planning documents | <ul style="list-style-type: none"> Any interested parties after scheme publication and before its adoption | <ul style="list-style-type: none"> Territorial planning scheme of region | | | | |
| | <u>Sectoral executive authorities</u> <ul style="list-style-type: none"> Regional normative acts in the fields | <ul style="list-style-type: none"> Approval of territorial planning scheme | | <ul style="list-style-type: none"> Sectoral plans, maps, regulations | <ul style="list-style-type: none"> Regional monuments preservation zones project adoption | <ul style="list-style-type: none"> As the thematic part of regional planning scheme | <ul style="list-style-type: none"> As the thematic part of regional planning scheme | <ul style="list-style-type: none"> As the thematic part of regional planning scheme |
| Municipal districts | <u>Municipal district administration</u> <ul style="list-style-type: none"> Municipal normative acts | <ul style="list-style-type: none"> Decision on the district planning scheme preparation Planning scheme adoption | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Territorial planning scheme of municipal district | <ul style="list-style-type: none"> | | | |

| | | | | | | | | |
|------------------------------------|---|---|---|---|---|---|---|---|
| | <u>Planning body</u> <ul style="list-style-type: none"> • Municipal normative acts in the field | <ul style="list-style-type: none"> • Strategy of district territorial development issuance • Customer of local planning documents | <ul style="list-style-type: none"> • Any interested parties after scheme publication and before its adoption | <ul style="list-style-type: none"> • Territorial planning scheme of municipal district | | | | |
| | <u>Sectoral executive authorities</u> <ul style="list-style-type: none"> • local normative acts in the fields | <ul style="list-style-type: none"> • Approval of territorial planning scheme | | <ul style="list-style-type: none"> • Sectoral plans, maps, regulations | <ul style="list-style-type: none"> • Local monuments preservation zones project adoption | <ul style="list-style-type: none"> • As the thematic part of district scheme | <ul style="list-style-type: none"> • As the thematic part of district scheme | <ul style="list-style-type: none"> • As the thematic part of district scheme |
| Municipal city / settlement | <u>Mayor</u> <ul style="list-style-type: none"> • Local normative acts • Land planning documentation approval | <ul style="list-style-type: none"> • Decision on master plan preparation | | <ul style="list-style-type: none"> • City / settlement master plan | | | | |
| | <ul style="list-style-type: none"> • <u>Municipal representative body</u> | <ul style="list-style-type: none"> • Master plan adoption | | <ul style="list-style-type: none"> • City / settlement master plan | | | | |
| | <u>Planning body</u> <ul style="list-style-type: none"> • Municipal normative acts • Land planning documentation control • Building permits issuance • Control over construction and land use | <ul style="list-style-type: none"> • Strategy of territorial development control • Customer of master plan performance | <ul style="list-style-type: none"> • Any interested parties before master plan adoption • Conducting of public hearings | <ul style="list-style-type: none"> • City / settlement master plan | | | | |

| | | | | | | | | |
|--|---|--|--|---|---|--|--|--|
| | <u>Sectoral executive authorities</u> <ul style="list-style-type: none"> • Municipal normative acts in the field | <ul style="list-style-type: none"> • Master plan approval | | <ul style="list-style-type: none"> • Sectoral plans, maps, regulations | <ul style="list-style-type: none"> • Local monuments preservation zones project adoption | <ul style="list-style-type: none"> • As the thematic part of district planning scheme | <ul style="list-style-type: none"> • As the thematic part of district planning scheme | <ul style="list-style-type: none"> • As the thematic part of district planning scheme |
|--|---|--|--|---|---|--|--|--|

Table 1 Levels of planning.

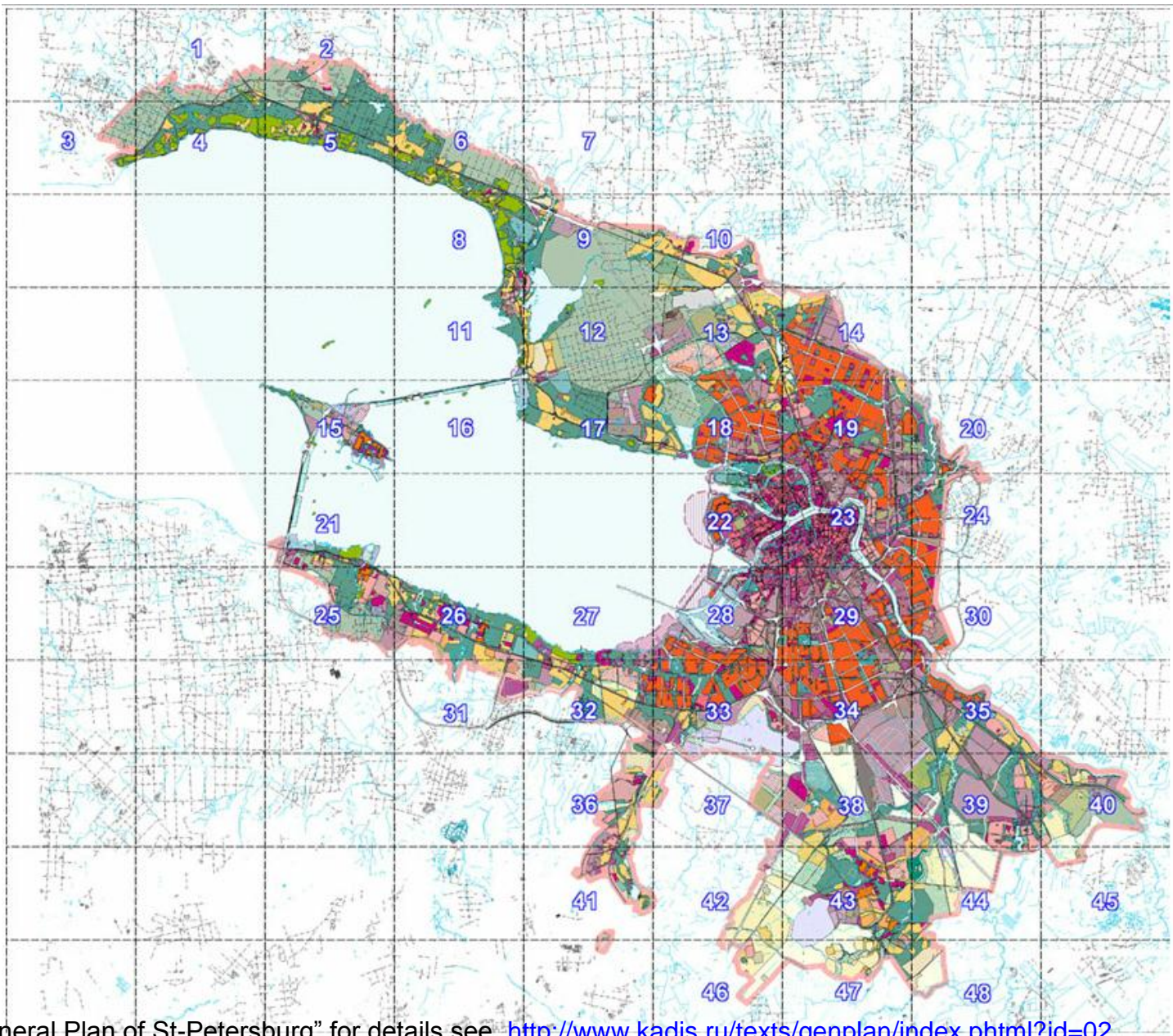


Figure 1 “General Plan of St-Petersburg” for details see <http://www.kadis.ru/texts/genplan/index.phtml?id=02>



Figure 2 “Fragment of more detailed general plan”.

Buildings under construction marked “red”

2.3.1 Construction works outside of planning areas.

If there is no development plan for the target territory, the request to local authorities should be done. As explained in chapter 2.4 there are 6 types of land in Russian law, and all construction and planning works should be done in accordance with Land Use code. There are no special examinations needed, but transfer of land from one category to another could be needed.

2.3.2 Actors

The main actors of urban planning and land development activity are as follows:

- public bodies of federal, regional and municipal districts levels, responsible for legal and normative base, for working out and adoption of territorial planning documents, for the design documentation and construction of their objects, for approval of planning documents they are concerned (including approvals by representatives of different sectors, as ecology, monuments preservation, sanitary requirement etc.) and for supervision under construction process in cases, stipulated by law;
- state expert bodies to examine territorial planning documents and design documentation;
- public bodies of municipal cities and settlements, responsible for working out local normative acts, master plans, land use and development regulations, land planning
- documentation, design documentation and construction of their objects, approval of planning documents they are concerned, municipal land allocation, issuance of building permits, supervision under construction process and land use control;
- companies, providing public utilities;
- private developers;
- building contractors;

-physical and juridical persons involved in the planning and development activity:

-participate public hearings, deliver their proposals or objections to responsible public bodies or are appealing to courts;

-urban planning companies (owned by state, by municipality, private or mixed), individual experts;

-research companies and scientific experts;

- banks, courts.

2.4 Land types and limitations for use

According to Land use code of Russian Federation land can be categorized by the purposes as follows:

- 1 Agricultural land
- 2 Settlement land
- 3 Industrial land, energetic, transport, broadcasting, television, land for space activity, military, and other land of special purposes.
- 4 land of specially protected areas and sites
- 5 Forest land
- 6 Water areas

The idea of purpose is highly directional definition of land function (place for industrial development, place for recreation, etc.).²

Main target of dividing land into a categories is in defining of legal regime of the territory, that belongs to one of the categories, and allowed usage of this territory according to territorial zoning.

² Land code (N 136-Φ3, from 25 October 2001) P. 2012 St. Petersburg: Urkniga p. 47.

2.4.1 Agricultural land

Agricultural land is land located outside of the towns or other places of settlement and granted for agricultural purposes or designed for this purposes. These land include land that have a fertile soil, necessary for the production of agricultural products.

Main purpose of these land is production. Also these land can be used for auxiliary functions such as transport of agricultural production, energy saving, placement of structures and buildings, designed for supplying. And also these land include safety zones, for protection agricultural landland from adverse effects.

Lakes and ponds (natural and artificial) should be included in the agricultural land if they are located inside the border of this type of land.

The legal regime of agricultural land is a system of legal rules that establish the basis and procedure for registration of land, control of their use and protection.

Legal regime is regulated by the following documents:

- Land Use Code
- Tax Code
- Federal law "About state regulation to ensure the fertility of agricultural lands" (from 16 June 1998) N101-Φ3
- Federal law "About Agricultural Land Transactions" (from 24 July 2002) N101-Φ3
- Federal law "About land reclamation" (from 10 January 1996) N4-Φ3
- Federal law "About the peasant (farmer) sector" (from 11 June 2003) N193-Φ3
- Federal law "On Agricultural Cooperation" (from 8 December 1995) N193-Φ3
- Federal law "About gardening, gardening and country-profit associations of citizens" (from 15 April 1995) N66-Φ3

2.4.2 Settlement land

Settlement land is land located inside of border of towns, villages or other inhabited localities, and intended for construction and development of inhabited areas.

Settlement land is separated from other land by city limits. The power of local authorities is defined by the boundary of this territory. All territory of the city or any other inhabited area is dividing by territorial zone, and these zones are fixed on the zoning map. For each zone special regulations is established. These regulations define content of legal regime of separated territorial zones. Also these regulations define terms of use of underground and air space of the zone. Usually these questions are solved in according to Town-planning code of Russian Federation and contracts between land user and town governance, as well as by operation of urban infrastructure.

According to the Land Code of Russian Federation inside the border of the city (or any other inhabited area) only the land of one category can be located. But, because the territory often includes different monuments of history and culture, or areas that are protected, in Land use code it is provided that areas that have special environmental, scientific, historical, cultural, aesthetic, recreational, medical, or any other special value should be treated according with requirements, established for this category of the land (land of specially protected territories and objects), but without relating them to this category.

According to Town planning code of Russian Federation there is following main documents about development of city territory:

- Projects of territorial planning
- Spatial plan projects
- Town planning plans of land areas
- Master plans of urban districts

For definition of borders of land areas inside the cities (or any other inhabited areas) to consolidate and transfer of land ownership, rental, other types of usage by businesses and individuals, as well as for land registration adopted the

Resolution of the Government “About approval of provisions on the establishment of land uses in the designing of border towns and other settlements” (from 2 February 1996) N105.

When territorial spatial plan designing public easements should be specified, in according with them land users must allow: free usage of public objects (roads, lakes, any other infrastructure objects)

2.4.3 Industrial land, energetic, transport, broadcasting, television, land for space activity, military, and other land of special purposes

Industrial land, energetic, transport, broadcasting, television, land for space activity, military, and other land of special purposes, according to Land code of Russian Federation have the following attributes:

- Land located outside the borderline of the cities (or any other inhabited areas)
- Land used or intended to provide business to certain kind of organizations and (or) operation of a certain kind of objects, the implementation of other special problems.

The last attribute allows to separate industrial land (or land of any other special intension) from similar elements inside the settlement land, such as manufacturing land, transport, infrastructure and military land.

Land code of Russian Federation also indicates, that industrial land (or land of any other special intension), in order to protect population and environment, can include protection and sanitary-protective zone or any other zones with special terms of usage.

The multiplicity of objectives implies a variety of legal regime of this complexcategory of land. The main control of the use of these lands is provided by the same agencies that manage the respective production and other activities assignedto them.

2.4.4 land of specially protected areas and sites

Land code indicates that specially protected land is land that has special environmental, scientific, historical, cultural, aesthetic, recreational, medical, or any other special value, for this land special legislative regime established and they are removed fully or partly from the economic use and trafficking.

The Land use code of the Russian Federation states that the Russian government, the relevant executive authorities of subjects of the Russian Federation, and local self-government may establish other types of land protected areas. This, in particular, may be the land on which there are suburban green areas, urban forests, city parks, protected shorelines, protected landscapes, biological

2.4.5 Forest land

Forest land includes:

- Forrest (areas, covered by forest vegetation or uncovered , but intended to restore it)
- Designet for forestry non-forest land (roads, glades, swamps)

There is a difference between forest land and forests located on another category of land. Forest land separated from other categories of lands by boundaries. Legal regime of forest land controlled by Forest Code of Russian Federation.

2.4.6 Water areas

Lands of the Water Fund include land occupied by water bodies, ground water-protection zones of water bodies, as well as land allocated for the establishment of ways and zones of water intakes, hydro plants and other water structures. Water areas is usage regulated by Water code of Russian Federation, as well as by Land code of Russian Federation.

Water areas can be used for construction and operation of facilities to ensure the needs of the population in the drinking water, household, recreational and other needs of the population, as well as water, agricultural, environmental,

industrial, fishery, economic, energy, transport and other public or municipal needs in compliance with established requirements.

The areas of water protection zones of rivers and reservoirs in accordance with Land code of Russian Federation also apply to land conservation purposes. At the same time on the land of conservation purposes business activities may be limited in compliance with the established regime of protection of these lands.

2.5 Land ownership

As written above according the Russian law there is 6 categories of land, and each of them have special legislative regime, which is also affects ownership regulations.

2.5.1 Ownership classification

State ownership of land – is land owned by the Russian Federation and the entities of Russian Federation. Management and disposal of land in state ownership is handled by the executive authorities of the Russian Federation and the entity of Russian Federation.

Municipal ownership of land – is land owned by municipalities. Management and disposal of lands municipally-owned is handled by local authorities.

Shared ownership of land – is total ownership of the land by two or more persons with the definition of the share of each.

Common ownership of the land - is total ownership of the land by two or more persons without a definition of the shares.

Ownership of the land by the entity of Russian Federation – is the land owned by entity of the Russian Federation.

Federal ownership of land – is the land owned by the Russian Federation.

Private ownership of land – is right to legal entities, citizens and their associations to own, use and dispose of the land.

2.5.2 Establishment of owner

In some cases it is very important to find an owner of the land.

In this case the following steps should be done:

- First step is to get cadastre number. It is possible to get this number in office of Federal Service for State Registration, Cadastre and Cartography (Rosreestr). This procedure is free of charge.
- In the same place extract from state register of land should be taken. This extract contains information about owner. This procedure is not free and maximum waiting time is 5 business days.

2.5.3 Agricultural land

The subjects of agricultural land are: citizens, legal persons, the Russian Federation, the RF subjects and municipalities.

The Land code indicates that agricultural land can be used for agricultural production, the creation of protective plantations, research, training and other related agricultural production purposes by:

- citizens, including the farm business , private farms, horticulture, animal husbandry
- economic partnerships and companies, production cooperatives, state and municipal unitary enterprises, other business organizations
- non-profit organizations, including consumer cooperatives, religious organizations
- Cossack societies
- development of production, training, education and training by experienced and production units of research organizations, educational institutions, agricultural profile and educational institutions
- communities of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation to preserve and develop their traditional way of life, farming and fisheries

Foreign citizens and foreign legal persons, stateless persons and legal entities in the authorized (share) capital of which the share of foreign citizens, foreign legal entities and stateless persons is more than 50% may have areas of land for agricultural purposes only by right to lease.

According to Art. 8 of the “Act of Agricultural Land Transactions” the sale of land from agricultural lands subject of the Russian Federation or in cases prescribed by law, the subject of the Russian Federation, the municipality shall have a preferential right to purchase such land at the price for which it is sold, except for the sale at public auction.

Rented agricultural land may be transferred for temporary use if they, passed state cadastral registration and land that are in shared ownership.

The lease of area from agricultural land can be concluded for a period not exceeding 49 years.

In the case if, unless otherwise provided by law or the lease, the tenant, properly performed his duties, upon the expiration of the lease have a preference right to enter into a lease agreement for a new term.

Land lots of agricultural land in state or municipal ownership can be sold to citizens and legal entities in the ownership by the tenders (auctions).

The decision to grant land ownership, or to refuse to provide the property must be made within 30 days from the date of tenant application in writing form to the executive body of the subject of the Russian Federation or the local authority who are entitled to provide appropriate land in the within their jurisdiction .

2.5.4 Settlement land

In accordance with the Land use code, the development is a priority use of the settlement land, and therefore determined that land in urban and rural communities can be taken (purchased), for public or municipal use for the development in accordance with general plans of urban and rural settlements, land use and development regulations. When land is providing for construction from the state

or municipal land, the terms of each specific site, its size, limitations for the certain types of usage are specified in the decision of providing or leasing of the site. The specific amount provided for construction of the site will depend on the amount and type of proposed construction, adopted by the municipality in the rules of land allocation for housing, the availability of free land, etc. Construction works possible only if the building permission is established, which confirms compliance with the requirements of the project documentation and plan for urban land.

2.5.5 Industrial land, energetic, transport, broadcasting, television, land for space activity, military, and other land of special purposes

Rights to these lands occur only in the cases indicated in the Land use code of the Russian Federation, federal laws and laws of the Russian Federation.

Land lots included in the composition of these zones can not be taken out from their owners, permanent and temporary (tenants) users, but in their boundaries can be introduced a special conditions that restricts or prohibits those activities that are incompatible with the purposes of establishing zones.

The turnover of land is governed by civil law. The exception is land taken out of circulation or limited in circulation, which are determined by the Land Code. Land lots classified as taken out from circulation, can not be provided to private ownership, as well as be the subject of the transactions contemplated by the civil law. Lands, that are taken out from circulation, include:

- state nature reserves and national parks
- buildings, structures and facilities, which are available for the permanent activities of the Russian Federation Armed Forces, other troops, military formations and bodies
- buildings, structures, which house the military courts
- objects of organizations of the Federal Security Service
- objects of organizations of the federal bodies of state protection
- nuclear facilities, storage facilities for nuclear materials and radioactive substances

- facilities in accordance with the activities of which created a closed administrative-territorial units
- objects of institutions and bodies of the Federal Penitentiary Service
- military and civil burial
- engineering facilities, communication lines, erected for the protection and security of the State Border of the Russian Federation

2.5.6 Forest land

The Forest Fund is in federal ownership. On the basis of federal law the transfer of his ownership may be permitted to the subject of the Russian Federation. Citizens have the right to freedom to stay on forest land, to collect for their own use fruits, berries, nuts, mushrooms and medicinal plants and hunt. However, this may be restricted by legislation of the Federation in the interests of fire safety management of forests.

Forest Sites can be provided to citizens and legal persons in accordance with the Forest Code of Russian Federation by the rights of lease, rent, free use, concessions and short-term use. Forest users are obliged to comply with the terms of contracts, not to leave the undercuts and harvested timber harvesting areas beyond the expiration of its removal, to carry out reforestation activities, and to comply with sanitary regulations.

2.5.7 Water areas

The definition of a separate body of water is important to establish his regime: an isolated water body refers to real property and is part of the land. If the sale, pledge and committing other transactions that may lead to exclusion of water bodies are not allowed, then the isolated water bodies may be transferred from one person to another in the manner provided for civil and land legislation.

Municipal and private property is permitted only for isolated water bodies. Change of the channel of the river, or otherwise changing the location of a water body does not change the type of ownership of the water body. In the municipal property - both urban and rural settlements, and other municipalities where

water intended for local, municipal needs, water bodies controlled by local authorities.

In the Article 12 of Water Code of the Russian Federation indicated that the owners and users of land adjacent to surface water bodies, can use water bodies only for their own needs until it does not violate the rights and lawful interests of others. Everyone can use the water bodies and other public bodies of water, unless otherwise provided by law (public water easement). The rights of persons to whom water bodies provided for the long-term or short-term use may be restricted by agreement or by court decision in favor of other stakeholders (private water servitude). Water easements may be established for water intake, and driving cattle watering, water ways of ferries, boats and other small-sized swimming facilities.

2.5.8 Transactions with the land

According to the article 38.1 of the Land use Code of the Russian Federation about organizing and conducting auctions for the sale of land from the lands owned by the state or municipal ownership or right to lease and rent.

There are two ways to buy a state or municipal land:

- Tenders (auctions) for the sale of land or sell rights to their lease.
- Preliminary approval of the location of the land.

For example in Leningrad area:

In the Leningrad region, as well as in other regions of Russia, there is a procedure for granting land for business, commercial activities and for individual housing. District municipalities provide plots of no more than 3 hectares. If the plot has a large area, the rights to their disposal belong to Leningrad Region Government and the Committee on State Property (Decree of the Government of the Leningrad Region № 314 of December 9, 2005). In the Leningrad region, as well as in other regions of Russia, created a special Land Commission, which considers the material and the statements relating to the provision of land area of more than 3 hectares. If the land by, force of law, should be available at the auction, the bidding decision initiating by the Government of Leningrad re-

gion. If the land can be provided by law, without bidding, such plot is provided by Lenoblkomimuschestvo (<http://www.lenobl.ru/>).

Organizer of the auction is "The Property Fund of the Leningrad region." Sale of land for housing construction or sale of rights to enter into leases of land for housing could be got only through auctions.

At the auction (tenders, auctions) exhibited plots (st.30.p.4 Land Code), which are putted to the cadastre, with dimensions, area, established (confirmed) type of permitted use, as well as with the technical specifications of connectivity to engineering support and a connection fee.

If the land is not formed within the territory where the applicant had planned to receive it, he will have to wait until Lenoblkomimuschestvo or municipality does not hold all the work of its formation, or prepared to accept Lenoblkomimuschestvom or district municipalities, with proposals for the sites.

Details of the bidding (auction) is published on the official websites of the Government of Leningrad region and Lenoblkomimuschestva, in official publications. (www.leofi.ru)

Administration of the rural (urban) settlements - which are the municipalities of the first level, have the right to dispose of parts of an area of 1 hectar, located within the settlement.

Provision of squares from 1 to 3 hectares – is the competence of the district municipalities.

Provision of areas of 3 hectares and more – is the competence of the regional level of government.

2.6 Conversion of land from one category to another

2.6.1 The competent authorities

According to chapter 8 of Land use code of Russian Federation allocation of land to the relevant categories and their transfer from one category to another is carried out in respect of:

- For lands in federal ownership – by the government of Russian Federation
- For lands in ownership of subjects of Russian Federation, agricultural lands in municipal ownership – by executive authorities of subjects of the Russian Federation
- For lands in municipal ownership, except agricultural lands – by local authorities
- For privately owned lands:
 - Agricultural – by executive authorities of subjects of the Russian Federation
 - Others – by local authorities

Direct order of transferring land from one category to another is set by Federal Law “About the transfer of land or land from one category to another” (from 21 December 2004) N172-Φ3

2.6.2 The legal mechanism of changing the categories of land

For transfer of land or plots of land in the composition of such lands from one category to another interested part must fill a petition for transfer of land (plots of land) from one category to another in the executive body of state authority or local authority, authorized for consideration of this petition.

In this petition must be indicated:

- cadastral number of land or plot of land
- category of land, comprising plot of land or land, and the category of land transfer in the composition of which is supposed to be implemented.
- justification for the transfer of land from one category to another
- rights to land

Also in accordance with federal law “About the transfer of land or land from one category to another” to the petition should be attached following documents:

- Extract from the state land cadastre information about the land, which is transferring from one category to another

- Copies of documents certifying the identity of the applicant - private person, or an extract from the Unified State Register of Individual Entrepreneurs or an extract from the Unified State Register of Legal Entities
- Extract from the Unified State Register of Real Estate Rights and Transactions of the rights to the land, which is translated from the land of one category to another
- conclusion of state environmental expertise, if its implementation is provided by federal laws
- agreement of land owner to transfer the land from the one category to another
- calculations of losses in agricultural production and (or) loss of forest

As a result of consideration of the petition by the executive organ of state power or local authority act on the transfer of land or land in the composition of such lands from one category to another act or refusal to transfer land or land in the composition of such lands from one category to another establishing.

- within three months from the date of receipt of the application, unless otherwise provided by regulations of the Russian Federation – by Russian Federation Government
- within two months from the date of receipt of the application – by the executive body of state power of subjects of the Russian Federation or the local authority

Finally changes should be included into cadaster plan, and anyone can see them in the interactive cadaster map at maps.rosreestr.ru

2.6.3 Possible reasons of denying

Transferring of land from one category to another not allowed in the following cases:

- establishment in accordance with federal laws limitations for the transfer of land or land in the composition of such lands from one category to another, or a ban on such transfers

- having a negative opinion of the state ecological expertise, if its implementation is provided by federal laws
- Establishment of non-compliance of the claimed purpose of land or land plots to approved territorial planning documents and planning documentation area of land use or forest management documentation.

2.6.4 Features of the transfer of land from one category to another

Features of the transfer of land from one category to another are governed by Chapter 2 of the law “About the transfer of land” in which detailed features indicated to each category of land.

Transferring of agricultural land to another category only in following cases:

- Land conservation
- Creating specially protected environmental territories
- Creating or changing the boundaries of inhabitant land
- Construction of the objects that are not connected with agriculture, on the lands that are not suitable for agricultural production.
- Including unusable for agriculture production land to the forest land or water areas
- Construction of transport infrastructure, communication lines, electricity lines (or any other linear objects), if cadaster price of agricultural land is 30% lower than average cadaster price of nearby area and linear object located alongside of the roads and fields used for producing any type of crop.
- Fulfillment of international obligations of the Russian Federation, ensuring national defense and state security, mining, saving of historical or cultural objects.

Transfer of lands of industry, energy, transportation, communications, broadcasting, television, computer, land for space activities, land for defense, security and other special land to another category is unrestricted, but it has next features:

- in the translation of industry lands and lands for other special purposes, which violated, contaminated or built up with buildings, structures to be demolished, in a different category needs an approved land recultivation project

Transfer of forest land or land plots in the composition of such lands in the other category is allowed in the following cases:

- if the change of purpose provided by forest management documentation or documents of territorial planning and territorial planning documentation for the construction and operation of health facilities, cultural and community facilities, housing and utilities, social facilities, roads and other linear objects.
- in connection with establishing or changing the characteristics of settlements

Transferring of land with water areas allowed in following cases:

- creation of protected areas
- establishing or changing the characteristics of settlements
- placement of objects of state or local significance in the absence of other options for placement of these objects
- termination of water bodies, changing beds, borders and other changes to the location of water bodies in the presence of a positive opinion of the state ecological expertise

Transfer of land from the reserve land to another category of land, depending on the purpose of further use of this land and can be carried out only after the formation of borders of land in respect of which act of the transferring of land from the reserve land to another category of land establishing.

2.7 Permission for construction works

According to article 51 of Town planning code of Russian Federation permission for construction works is a document, that approving compliance with the requirements of the design documentation architectural plan of the land and giving the developer the right to carry out the construction works, reconstruction of objects of capital construction and repair of objects.

2.7.1 General information

Construction of new buildings, or production of any other construction works are carried out on the basis of approving documentation. Issues related to construction activities are regulated by the Civil Code, the Federal Law (from 17 November 1995) N169-Φ3 "About Architectural Activity in the Russian Federation" and other regulations.

In paragraph 1 of article 263 of the Civil Code determined that owner of the land can build on his land buildings and facilities, carry out their reconstruction or demolition or allow to produce construction works on his site to others. These rights are realizing under conditions of their correspondence to town planning and building regulations, and requirements of using of this type of land.

Construction of any facility must be conducted with the permission of the owner of the land and (or) buildings, structures, and in compliance with town planning, building codes and regulations.

The customer (developer) - a citizen or legal person intending to carry out the construction works, reconstruction of the architectural object for which a permission for construction works is required - must have an architectural project, executed in accordance with the architectural-planning assignment (§ 1 of Art. 3 of the law "About Architectural Activity in the Russian Federation").

Architectural planning task should contain provisions of approved planning documentation, required environmental, sanitary, fire protection requirements to the architectural object, the requirements for the protection of historical and cultural monuments, the instructions to build in special circumstances, the requirements

for the rights of citizens and legal persons whose interests touched in the course of construction.

The basis for issuing the architectural-planning task is the application of the customer (the developer) and the documents proving his ownership (right of disposition) for the land, or permission of the land owner for designing on this site.

A construction permit is not required if construction does not entail changes in the external architectural appearance of the existing buildings of the city or other locality and their individual objects and do not affect the characteristics of reliability and safety of buildings, structures and engineering services (Sec. 2, Art. 3 of Law "About Architectural Activity in the Russian Federation"). The list of sites for the construction of which do not required a permission for construction works is defining by the state authorities of the Russian Federation.

According to the Model Rules about order of issuing permissions for construction works (approved by Order of the Ministry of Construction of Russia from 03.06.1992 N131) permission to carry out construction work for production facilities and non-production facilities - is issuing to customer (developer) on the base of decision of the territorial bodies of executive power about the construction (reconstruction, expansion) of the object. Permission is establishing by authorities of the State Architectural and Construction Supervision of the Russian Federation, and in cities and regions where they are absent, by architecture and urban planning authorities, permission to perform construction works on complex objects made with the participation of specialists from the relevant territorial authorities.

Permission to perform construction works divided into two types:

- To perform all operations on the object;
- To perform certain types of development assistance: preparation work, excavation work, laying communications, foundations.

Validity of permission is establishing by authorities for a period of time that necessary for the construction of the facility or performing certain types of work.

Transferring the right to build an object to another investor, changing the legal form of the contractor or transferring of contract for the construction to another organization, permission for construction works must be re-registered by the organization in the supervising authorities within three weeks.

2.7.2 General Plan

General plan is document (includes maps) which describes the development of the cities and other territories, it also establishing functional zoning, and architectural restrictions in every area. For example there is a separate General Plan for St-Petersburg, where described limitations for height of buildings in historical center, and any other district.

St. Petersburg master plan. Functional (land use) zoning by 2015

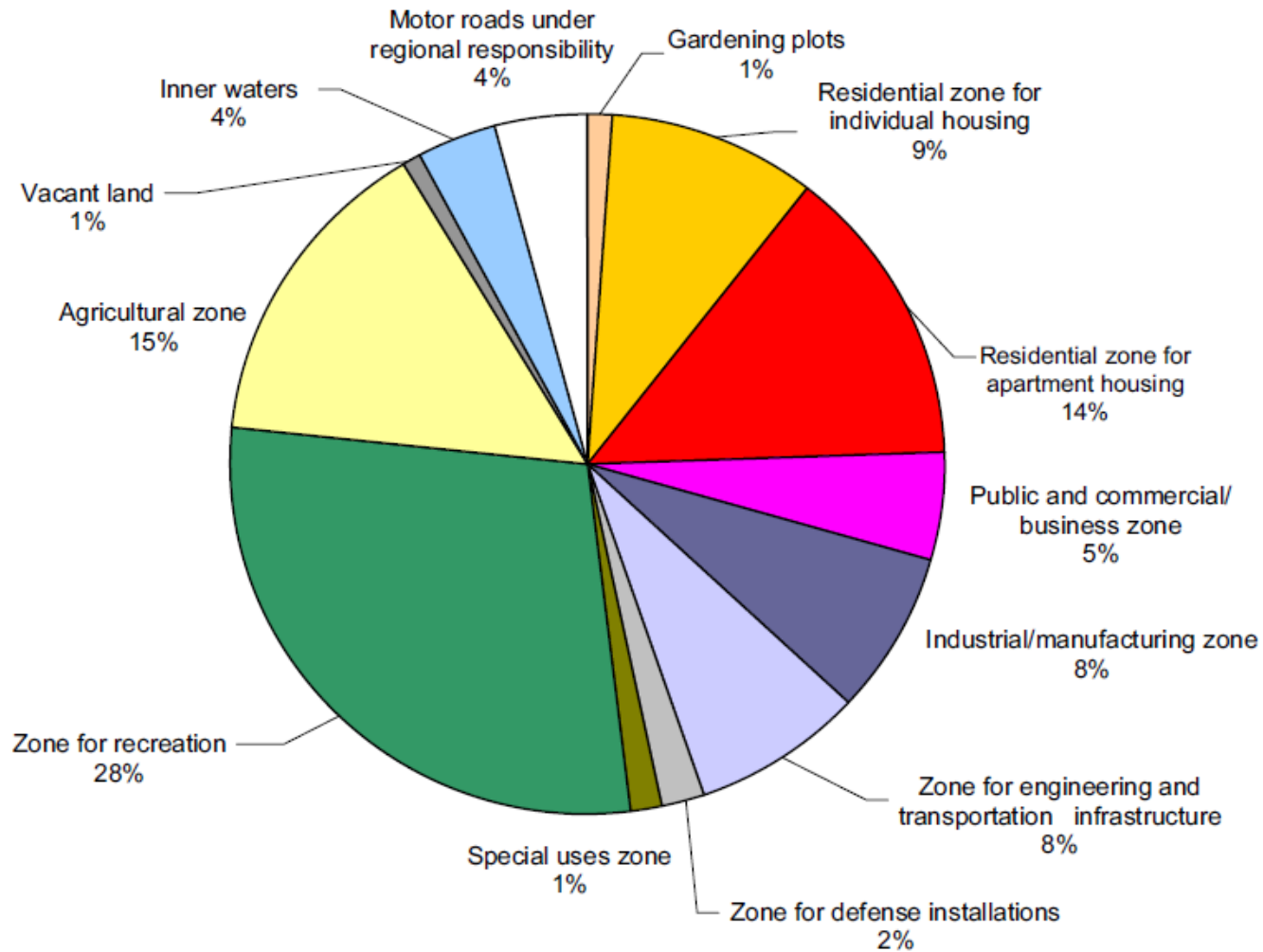


Figure 3 "St. Petersburg land use zoning by 2015

2.7.3 Required documentation

To obtain permission to perform all construction works customer must submit the following documents and materials to the authorities of the State Architectural and Construction Supervision of the Russian Federation:

- application for permission (form N1 of the Model rules)
- project documentation (coordinated and approved) in an amount sufficient to assess the reliability and safety of the object, as well as the general plan of construction site
- conclusion of the environmental and institutional expertise and administrative approval document of project documentation
- master plan and site plan, agreed with the bodies of Architecture and Urban Planning, and other interested organizations
- a copy of the certificate of land ownership, lifetime inheritable possession, indefinite (permanent) land use
- orders of customer, contractor and the designer about appointment persons in charge for exercising technical supervision, supervision, responsible producer of works
- log of works

Also authorities of the State Architectural and Construction Supervision of the Russian Federation can require following documentation:

- Conclusion from bodies of protection of monuments about protection of monuments of history and the cultural layer of historical human settlements at the site of the upcoming construction.
- Conclusion of territorial geological organizations about the absence or presence of minerals (ore) at the site of the upcoming construction

2.7.4 Public hearings

The process of public hearings is regulated by Town Planning Code of the Russian Federation, legal requirements for holding public hearings on draft master plans for settlements and the general plans of urban districts are contained in

Article 28 of the Town Planning Code of the Russian Federation. The legal requirements for conducting public hearings on the draft Land Use and Development Regulations - Article 31 Clause 12 of the Civil Code. The legal requirements for conducting public hearings on draft plan - Article 46 of the Civil Code.

In the Town Planning Code defined two fundamental rights, which should correspond to the project:

- human right to favorable conditions of life
- rights and lawful interests of owners of land and capital construction objects

Every subject of urban relationships, who interested in receiving of information, should be able to obtain information about the content of the project, evaluate the project from the perspective of compliance or violation of the rights (listed above) and give its assessment in the form of approval, suggestions or objections.

Town Planning Code requires: In order to bring to the public information about the content of the draft master plan authorized, for conduction of public hearings, local authority must obligatory organize exhibitions, exposures, demonstration of draft master plan, presentations from local authorities, developers of the project master plan at meetings of residents, on radio and television . Town Planning Code regulates the content of the information required to be available during the public hearing:

- goals and objectives of spatial planning
- list of activities on spatial planning and an indication of the sequence of their execution

Participants of public hearings may submit their proposals and comments on the draft master plan to the local authority for inclusion them into the protocol of public hearings.

Conclusion on the results of public hearings must be published in the manner prescribed for the official publication of municipal legal acts and on the official site in the Internet.

Public hearings are conducted by local governments of urban or rural settlements. If there is agreement on the devolution of local government settlement to local authorities of the municipal district, public hearing may be conducted by local authorities of the municipal district.

3 Planning system in Finland

3.1 Legislative basis

Planning system in Finland is based on Land Use and Building Act.

In principle the land use planning system is hierarchic: higher level planning steers plans at lower levels. When a plan has legal power, it is binding for all actors. For example, a regional plan has legal power when the Ministry of Environment has confirmed it, but the regional plan is not valid in areas where a legally binding local plan is in force.



Figure 4. Planning levels in Finland.

In Finland the municipalities and the State are responsible for regional development, there is no secondary level of self-government. The country is divided into 446 self-governing municipalities (of which 111 are towns or cities), which

are governed by a uniform set of rules. The government defines the principles of municipal self-government by legislation. Planning and zoning of the municipal area as well as strategic and regional planning in cooperation with other local authorities are some of the most important statutory functions performed by municipalities.

Regional Councils act as regional development authorities. For further development of a region each Regional Council draws up a regional plan and a regional strategic programme that outline the aims of regional development. The regional strategic programme shall include development objectives, essential measures to achieve the objectives and finance the planned programme.

3.2 Spatial planning responsibilities at the State level

At the national level the three policy fields of land-use planning, regional development and environmental policies are separated between two ministries. The Ministry of Environment is responsible for the issues of environmental policies (and sustainable development) and land use planning, while regional development is under the Ministry of the Interior. The main elements of legal structures concerning spatial planning consist of the Land Use and Building Act and the Regional Development Act. Local authorities are expected to adopt a more open and interactive planning culture.

The new legislation opens better opportunities for public participation and involvement, since “a procedure for participation and assessment” will be required in every planning project. The aim of this requirement is to safeguard everyone’s right to a healthy environment and the right to influence in the decision-making in one’s own living environment. New act emphasizes also other socially sustainable issues, such as availability of services by controlling the siting of the location of hypermarkets.

Municipal plans will be approved by the municipal councils after necessary negotiations with neighboring municipalities, the regional council and the regional environmental center have taken place. Local authorities are also allowed to draw “joint master plans” or to establish “development areas”.

3.3 Regional State administration

For the purposes of central government administration, Finland is divided into six provinces (State Provincial Offices). They act as joint regional authorities, without democratically elected organs, for seven ministries in the following fields: social and health care, education, police administration, rescue services, traffic administration, competition and consumer affairs, and juridical administration.

For environmental administration there are 13 environmental centers, and the ministry of labour has 15 employment and business development centers with the responsibility for regional labour policies. In addition, there are regional road departments and forestry centers.



Figure 5. Regional councils map.

3.4 Planning at the national level

There is no national spatial plan in Finland. Apart from general legislation and policy statements, the involvement of the national administrative level in spatial planning is carried out by the formulation of national policies and national land use guidelines, which outline Finland's land use far into the future. National guidelines are implemented mainly through regional plans.

The national land use guidelines cover the entire country and include requirements on the quality of the living environment, economical and ecological development of the community structures, the preservation of natural values and the built heritage, sparing utilisation on natural resources, and functional communication networks. They also give guidelines for more than regional issues, such as balanced settlement structure, transport and other main infrastructures and environmental issues. The national land use guidelines are also linked with international considerations (e.g. ESDP). They ensure that issues of national importance are taken into account in planning and decisions on land use regionally and locally as well as by all government authorities.

3.5 Planning at the regional level

Regional Councils are statutory joint municipal authorities operating according to the principles of local self-government. The Councils operate as regional development and regional planning authorities and are thus the units in charge of regional planning and looking after regional interests. Their member municipalities fund them and for the statutory regional development and regional planning the municipalities receive a general state grant. The main tasks of regional councils are the management of regional development work, responsibility for regional development, responsibility for regional planning and taking care of the international functions under the Regional Development Act.

Regional development work consists of a strategic regional plan, a regional plan and a regional development programme (see figure below). The emphasis in regional planning and development is on visions and strategic matters. The strategic regional plan (regional scheme) is the key task of the Regional Councils as a fundamental document for the region's development. It defines the ob-

jectives of the long-term development of the region. Furthermore, the Councils draw up regional development programmes and reconcile them with the regional development measures of the regional administration authorities, present objectives for the development of regional infrastructure and reinforce the regional economy in every possible way. Plans and programmes are drawn up in cooperation with the state and local government and with businesses and organisations within the region.

National and regional goals will be expressed in regional plans, which are the only plans to be submitted for ratification. The plan is supervised by Regional Environment Centre and confirmed by the Ministry of the Environment. Preparation and approval of regional plans are the obligation of regional councils (alliances of municipalities). The planning object is the entire region or part of it. The basic objective is that the regional plan implements national land use guidelines. The legal impact of the regional plan itself is that it must be taken into account when planning, preparing or amending local plans. Regional plans should also be used as a guideline when sectoral measures, e.g. traffic infrastructure development, are taken to organise land use.

The regional land use plan transfers national and regional land use goals to land use planning at the local authority level. When the plan is being drawn up, special attention is given to ensure that there is an appropriate regional and community structure, to preserving landscape values and ecological sustainability, and to providing the proper operating conditions for business and industry. It should also show transport and technical infrastructures, protection of natural and cultural heritage and promote the availability of recreation areas.

The general guidance of community structure, land use and the siting of various activities are provided by a local master plan, which is approved by the municipal council. The planning object can be the whole municipality or a part of it. Depending on the needs, the local master plan can be either a very general strategic plan or a more detailed one for direct regulation of building. The local master plan is used to resolve questions concerning the functionality and economics of the community structure, the accessibility of services, the preservation of natural and cultural values, the quality of the living environment and the reduction of environmental hazards. When the plan is being drawn up, consultations have to be held with the Regional Environmental Centre, which ensures that national goals are taken into account in local plans.

Municipalities may also decide on joint master plans, regulating road planning, and the siting of retail trade, workplaces, and residential areas. Such joint plans require the approval of the Ministry of the Environment.

Local detailed plans, such as town plans are used for regulating building, the formation of the physical townscape and size and type of the buildings. The planning object is a part of the municipality where development is needed. The emphasis is on taking local conditions into account and promoting the use of the existing building stock, as well as ensuring that there are enough parks and local recreation areas. In the light of public rights, detailed plans must not reduce the quality of anyone's living environment without a very good reason

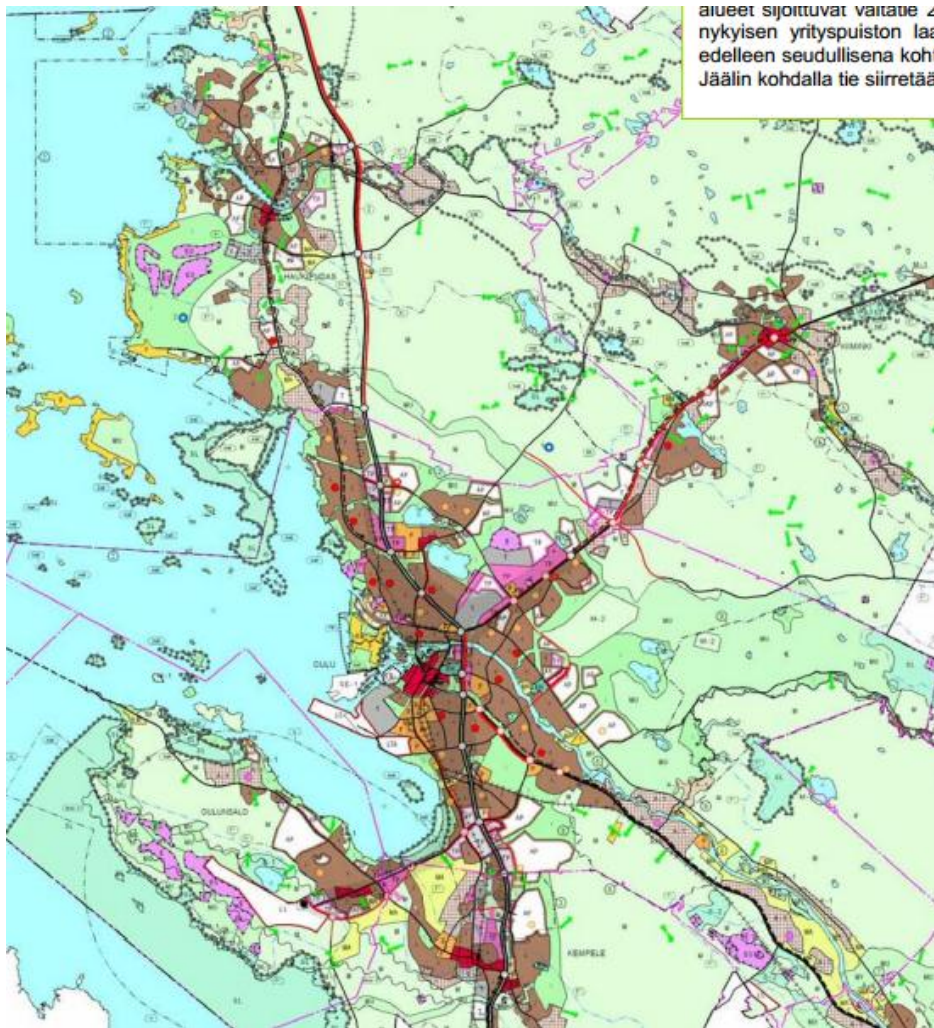


Figure 7. Example of master plan

4 Comparing of planning systems

4.1 Law systems

| Finland | Russia |
|--|---|
| Planning system based on two main acts: <ul style="list-style-type: none">- Land Use and Building Act- Regional Development Act | Planning system based on next laws: <ul style="list-style-type: none">- Land Use Code- Town Planning Code There is separate acts or laws that establishing special regime for some territories (e.g. Forest Code, Water Code) Also there is special laws for transferring lands from one category to another, laws about transactions with land, etc. |

4.1.1 Conclusion

As can be seen from above Russian law system is more complicated than Finnish. If the Land Use and Building Act in Finland is one document, in Russian law it's analog divided in two codes (Land Use Code and Town Planning Code). In Finnish law local authorities have more power and freedom than in Russian.

4.2 Land use, categories and limitations

| Finland | Russia |
|--|---|
| There is no official categorization of land in the Finland. All information about land use contains in the region-almaps and national land use guid-lines. | Russia has the similar classification of land types as Finland. |

4.2.1 Conclusion

In this area of law can be seen that Russia and Finland has similar type of land classification, with only little differnces.

4.3 Planning system

| Finland | Russia |
|---|---|
| Planning system has 3 levels: <ul style="list-style-type: none">- National- Regional- Municipal | Planning system also has 3 levels. But in fact authorities on different levels are not always working in cooperation. And authorities on low levels doesn't have so many power as in Finland. |

4.3.1 Conclusion

Both systems are hierarchical, but Russian is more complicated, especially in questions of cooperation, documents turnover, and bureaucracy. But on the other side in some questions Russian system gives much more freedom to customers, because there is less architectural limitations, if comparing to Finland.

4.4 Public participations

| Finland | Russia |
|---------------------------|---------------------------|
| Obligatory on all levels. | Obligatory on all levels. |

4.4.1 Conclusion

The systems are same.

5 Plans of cross-border development.

5.1 Transport facilities

The Finnish Government has announced that, in accordance with the approved state program, in the years 2012-2016 will be implemented two major projects to improve transport links in the border areas with Russia. Both of them are associated with the development of the international highway E18: 240 million euros will be invested in the reconstruction of the section line between Hamina and Vaalimaa and 25 million euros - in the arrangement of parking lots for heavy vehicles in the border zone. In accordance with the development of this new concept of European highways, by 2018 it is planned to be fast all over the Finnish site - from the Russian-Finnish border to the city of Turku. In the future, the E18 is planned to develop as an international transport corridor from St. Petersburg to Oslo.

5.2 SOUTH-EAST FINLAND – RUSSIA ENPI CBC PROGRAMME 2007–2013

The aim of the South-East Finland - Russia ENPI CBC 2007-2013

Programme is to promote cross-border cooperation across the Finnish-Russian border between South Karelia, South Savo, Kymenlaakso, St. Petersburg, and the Leningrad Region with the adjacent regions of Itä-Uusimaa, Pohjois-Savo, Päijät-Häme and Republic of Karelia. The Programme, which is co-funded by the European Union from the European Neighbourhood and Partnership Instrument, will grant support to joint projects following the strategy and priorities jointly agreed by the Finnish and Russian partners

6 Summary

In this work the differences between Russian and Finnish land use and planning systems have been described. The Russian system is more complicated, but it also gives more freedom for architects. For example in many areas for private housing it does not matter what colour you choose for your building.

Also Russian local authorities do not have as much power as the Finnish. Big differences were found in land use codes, in Russia there is strict division of land

by its types, and in Finland purposes of areas are included into national guidelines. Also the big minus of both systems is lack of information in foreign languages (e.g. English), it makes cooperation much harder, and all negotiations longer. The main goal of this work is to overview all the major points of Russian and Finnish land use and planning law, to make cooperation easier. In my private opinion there must be more strict rules in Russia, and especially in Saint-Petersburg, because sometimes Russian laws allow to build something unsuitable for some area (like GAZPROM Tower). On the other hand there is nothing written about energy saving technologies in land use plans. I think it is very important to include guides about energy saving into the planning system. Finally those countries who want to work in cooperation in the field of civil engineering must translate all major documents and laws into English. To make cooperation easier. In this case creation of cross border territory development plan together will be much easier and better than now.

Figures

Figure 1. General Plan of St-Petersburg, p. 18

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Figure 5. Regional council map, p. 46

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Figure 7. Example of master plan , p. 51

Refernces

Land Use Code(N 136-Φ3, from 25 October 2001) P. 2012 St. Petersburg: Urkniga

Town Planning Code (N 190-Φ3, from 29 December 2004) P. 2012 St. Petersburg: Urkniga

Cadastr information www.rosreestr.ru

SOUTH-EAST FINLAND – RUSSIA ENPI CBC PROGRAMME 2007–2013
http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-cross-border/documents/south_east_finland-russia_adopted_programme_en.pdf

Appendix 1

List of Laws and Codes

- Land Use Code(N 136-Φ3, from 25 October 2001)
- Town Planning Code (N 190-Φ3, from 29 December 2004)
- Tax Code
- Federal law “About state regulation to ensure the fertility of agricultural lands” (from 16 June 1998) N101-Φ3
- Federal law “About Agricultural Land Transactions” (from 24 July 2002) N101-Φ3
- Federal law “About land reclamation” (from 10 January 1996) N4-Φ3
- Federal law “About the peasant (farmer) sector” (from 11 June 2003) N193-Φ3
- Federal law “On Agricultural Cooperation” (from 8 December 1995) N193-Φ3
- Federal law “About gardening, gardening and country-profit associations of citizens” (from 15 April 1995) N66-Φ3
- Forest Code of Russian Federation.
- Water Code of Russian Federation
- Law about Architectural Activities in Russian Federation

Appendix 2

Site Plan Example

<http://www.ipcziz.ru/G3.php>