Spatial Planning Act (ZPNacrt)


I. BASIC PROVISIONS

1. General provisions

   Article 1
   (subject of the act)

   (1) This Act regulates spatial planning as part of physical planning so that it lays down types of spatial planning document, their content and mutual relations, and procedures for their drafting and adoption.

   (2) This Act also regulates the provision of utility services to building sites and the setting-up and functioning of a spatial information system.


   Article 2
   (use of terms)

   (1) The terms used in this Act shall have the following meaning:

   1. Comprehensive renewal is a set of different activities aiming to improve the functional, technical, spatial-design, housing, economic, social, cultural and ecological conditions in a certain area by applying adequate spatial planning, and which ensure the preservation of constructed structures and the revival of urban and other areas. Comprehensive renewal in areas of cultural heritage is carried out along with the preservation of notable characteristics of the space and the cultural values of the protected area;

   2. brownfield site is a part of a settlement or an area outside a settlement in which the technical, spatial-design, housing, economic, cultural and ecological conditions are reduced to a state of inapplicability and measures for its revitalisation are necessary, or it is an area outside a settlement which has been degraded by a human activity or its suspension and its sanitation is necessary;

   3. a spatial planning unit is an area with unified spatial characteristics in which eligible use and the permissible utilisation of space and restrictions related to environmental protection, nature conservation and protection of cultural heritage are determined, and in which unified spatial implementation conditions, or guidelines and conditions and restrictions for drafting detailed municipal spatial plans, if so envisaged, are determined for individual types of activities affecting the environment;

   4. economic public infrastructure comprises buildings or networks intended for providing economic public services in accordance with the law, and economic infrastructure which is as such determined by law or by order of local authorities, as well as other buildings and
networks in the public domain. Economic public infrastructure has a national and local importance;

5. constructed public assets are lands and buildings constructed on those plots of land which are in accordance with the regulations intended for general use and are available to all under equal conditions;

6. a landscape is a part of space characterised by the prevailing presence of natural components and is the result of the interaction and influence of natural and human factors;

7. a building boundary is a boundary between building land and other land;

8. opinions are documents with which institutions performing spatial planning establish that their guidelines are taken into account in the drafting of a spatial planning document;

9. eligible use is the use of land and buildings determined by spatial planning documents;

10. institutions performing spatial planning are ministries, local community bodies, public servants and holders of public offices who participate in the drafting of spatial planning documents;

11. a settlement area is an area of densely built up surfaces, with buildings of various purposes, with their associated surfaces necessary for their use, and an area of surfaces intended for expansion, as determined by a spatial planning document;

12. an activity affecting the environment is an intervention in or on land with the aim of constructing a building under regulations on construction and other interventions in physical structures above and below ground;

13. a presentation of spatial status is a set of data on the actual and legal status of space and is the mandatory basis for drafting spatial planning documents;

14. a spatial planning document producer is a national or local community body responsible for the drafting of spatial planning documents;

15. space is the system of physical structures on, above and below the surface of the land, as far as the direct influence of human activities extend;

16. a spatial arrangement is a set of co-ordinated, planned interventions into space, activities and networks and their associated surfaces in a specified area;

17. spatial implementation conditions are criteria and conditions for placing interventions into space as determined by a spatial planning document, in accordance with which projects for the acquisition of building permits under regulations on construction are prepared.

18. spatial development is the balanced implementation of the spatial needs of the current and future generations, also taking into account competitiveness and market rules on spatial management;

19. spatial planning is an interdisciplinary activity with which interventions into space and spatial arrangements are planned on the basis of development policies which take into account the public benefits of environmental protection, nature conservation, the protection of animals and natural goods, protection of property and cultural heritage;
20. dispersed construction is a negative occurrence in space characterised by the irrational exploitation of space and insufficient public utility infrastructure, which as such needs rehabilitation;

21. dispersed settlement is a type of settlement with a low density of human settlement which represents an autochthonous example of a settlement and is preserved as such;

22. development region is a functional territorial integrity determined in accordance with regulations in the area of promotion of coherent regional development;

23. guidelines are documents in which institutions performing spatial planning concretize the provisions of regulations from their field of work on the area which is the subject of planning and on planned interventions in space or spatial arrangements;

24. building land is one or more land parcels or their parts on which a building is constructed, or a land parcel intended for the construction of buildings by municipal spatial plan;

25. green spaces in settlement are areas intended for free-time activities, primarily outdoor recreation and sport, parks and other public green areas aimed at improving the quality of living in a settlement.

(2) Terms used in this Act whose meaning is not determined in the previous paragraph shall have the same meaning as determined in building regulations

**Article 3**

**(objectives of spatial planning)**

(1) The objective of spatial planning is to enable coherent spatial development by the consideration and harmonisation of different development needs and interests with public benefits in the areas of environmental protection, the conservation of nature and cultural heritage, the protection of natural resources, defence and protection against natural and other disasters.

(2) Interventions in space and spatial arrangements have to be planned so that they enable:

1. sustainable development in space and the efficient and economic use of land,
2. quality living conditions,
3. spatially coordinated and mutually complementary location of activities,
4. renewal of the existing infrastructure, which has advantage ahead of the construction of new infrastructure,
5. preservation of characteristic features of space,
6. rehabilitation of brownfield sites,
7. protection of the environment, natural resources and nature conservation,
8. overall conservation of cultural heritage, including urban heritage,
9. providing for the health of the population,
10. free access to buildings and their use to persons with disabilities in compliance with legislation, and

11. defence of the state and protection against natural and other disasters.

(3) Spatial planning is in the public interest.

2. Basic principles

Article 4
(principle of sustainable spatial development)

(1) The state and a self-governing local community (hereinafter referred to as: municipality) must provide with spatial planning a quality living environment with a use of space which enables the needs of the current generation to be fulfilled and does not pose a threat to the needs of future generations, taking into consideration long-term environmental protection, nature conservation and the sustainable use of natural goods and other resources and overall preservation of cultural heritage.

(2) Sustainable spatial development is provided with the harmonisation of development needs with security requirements in space by achieving the rational use of space for individual activities, taking into account the existing quality of the natural, constructed and other constituents of space and identity of the landscape.

Article 5
(principle of publicity)

(1) In spatial planning, national and municipal bodies must allow for the interests of individuals or population groups to be expressed, and the participation of all interested persons in procedures of drafting and adopting spatial planning documents in accordance with the provisions of this Act.

(2) Everyone has the right to be informed on the procedures of drafting spatial planning acts, and to participate in such procedures with initiatives, opinions and in other ways, in accordance with the provisions of this Act.

(3) In accordance with this Act and the act regulating access to public information, competent national and municipal bodies have to provide everyone with insight into spatial planning documents, their expert material and other documents related to spatial planning, and to inform the public on spatial planning matters.

Article 6
(principle of direction of the spatial development of settlements)

(1) Spatial development is directed and planned on free, brownfield and insufficiently utilised sites within existing settlements, while renewal has the advantage over new construction.

(2) The development of settlements must not degrade the quality of the living environment, and green areas of settlements must be preserved as much as possible.
(3) The expansion of settlement is permissible only if further spatial development within the existing settlement is not possible.

(4) The expansion of settlement should be primarily directed into areas which are from the aspects of sustainable use of natural resources, the preservation of the best agricultural land, nature conservation and the protection of cultural heritage are less important and are functionally connected with the existing settlement.

Article 7
(principle of overriding public interest)

In spatial planning and when providing utility services to building sites, competent national and municipal bodies must take into account both public and private interests and weigh them in accordance with the objectives of spatial planning, while private interest must not affect public interest.

Article 8
(principle of preservation of the characteristic features of space)

Spatial planning must take into account values and the identity of the existing natural, constructed and other structures, which due to specific geographical, culture-historical, administrative, socio-economic and other development conditions, create the identity of space and determine its characteristics.

Article 9
(principle of inclusion of cultural heritage protection)

In spatial planning, spatial arrangements and interventions are directed and planned in a way that provides the preservation and renewal of areas and buildings of the existing cultural heritage, urban heritage in particular. The renewal of urban and other areas and consideration of the values and development potentials of heritage in the drafting of spatial planning documents are key instruments in the comprehensive preservation of cultural heritage.

Article 10
(principle of professional competence)

Spatial planning acts must be based on expert findings regarding the properties and capacities of space, and be drafted in accordance with expert methods of spatial planning and quality urban, architectural and landscape planning.

II. SPATIAL PLANNING

1. Competences in the field of spatial planning

Article 11
(the state and municipality competences)

(1) The state is competent for:
1. target setting for spatial development of the state,
2. determining references and guidelines for planning spatial arrangements at all levels,
3. planning spatial arrangements of national importance, and
4. supervision of the legality of spatial planning at the municipal level.

(2) The municipality is competent for:
1. determining references and guidelines for the spatial development of the municipality,
2. determining the use of space and conditions for placing interventions in space, and
3. planning spatial arrangements of local importance.

Article 12
(spatial arrangements)

(1) Spatial arrangements of national importance are:

1. spatial arrangements of economic public infrastructure of national importance and constructed public assets of national importance,

2. spatial arrangements for the purpose of environmental protection, which are in accordance with regulations on environmental protection under the competence of the state,

3. spatial arrangements in nature conservation areas protected by national legislation, and areas of cultural monuments so declared thereby,

4. spatial arrangements intended for defence and protection against natural and other disasters, and

5. other spatial arrangements which cover the area of more municipalities, or where their influence covers the area of more municipalities, and are important for the spatial development of the Republic of Slovenia because of their economic, social, cultural and security properties.

(2) Spatial arrangements of regional importance are spatial arrangements:

1. which cover the area of more municipalities or where their influence covers the area of more municipalities, and

2. spatial arrangements of economic public infrastructure of local importance, or spatial arrangements directly intended for the pursuit of local non-commercial public services, and

3. are necessary for the implementation of a regional development programme under regulations on the promotion of coherent regional development.

(3) Spatial arrangements of local importance are spatial arrangements:

1. which are directly intended for the pursuit of municipal commercial public services,
2. which are directly intended for pursuit of the local and national non-commercial public services,

3. which are intended for the pursuit of commercial and non-commercial activities,

4. which are intended for residence,

5. of constructed municipal public assets,

6. intended for the exploitation of mineral resources, and

7. other spatial arrangements which are not spatial arrangements of national importance.

(4) The Government of the Republic of Slovenia (hereinafter referred to as: the government) prescribes in more detail the types of spatial arrangements of national importance.

Article 13
(substitute state action)

(1) If a municipality fails to adopt a spatial planning document which in accordance with provisions of this Act should be adopted, and this poses a threat to the lives and health of people, or if this could affect the environment or lives and health of animals, or in providing protection against natural and other disasters, or in providing the pursuit of local public services, spatial planning documents are adopted by the state, and costs are charged to the municipality.

(2) In the cases referred to in the previous paragraph, the ministry responsible for spatial planning (hereinafter referred to as: the ministry), calls the municipality to adopt the spatial documents in accordance with provisions of this Act and sets an adequate deadline. If municipality fails to do this before the specified deadline, the ministry proposes that the government adopts a decision on substitute action in accordance with the provisions of paragraph 1 of this article. Costs related to substitute state action are covered by the municipality.

(3) In the cases referred to in the previous paragraph, the state adopts a substitute spatial planning document of the municipality in the manner and under the procedure applicable to the national spatial plan, but it shall be considered that the adopted spatial planning document has the legal form of a municipal spatial planning document which is substituted.

2. Spatial planning documents

Article 14
(spatial planning documents)

(1) Spatial arrangements are planned with spatial planning documents.

(2) Spatial planning acts determine guidelines related to interventions in space, types of possible interventions in space, and conditions and criteria for their implementation.

(3) Spatial planning documents are national, municipal and inter-municipal spatial planning documents.
(4) National spatial planning documents are the national strategic spatial plan and national spatial plan.

(5) Municipal spatial planning documents are the municipal spatial plan and municipal detailed spatial plan. A municipality can adopt the strategic part of a municipal spatial plan as a municipal strategic spatial plan, which is thus an independent municipal spatial planning document.

(6) An inter-municipal spatial planning document is a regional spatial plan.

Article 15
(relations between spatial planning documents)

(1) The national spatial plan must not be contrary to the national strategic spatial plan, except in the case of planning spatial arrangements for cleanup operations after natural or other disasters from paragraph 3 of Article 27 of this Act.

(2) The regional spatial plan must not be contrary to national spatial planning documents.

(3) Municipal spatial planning documents must not be contrary to national spatial planning documents and regional spatial plans.

(4) Municipal detailed spatial plans must comply with the municipal spatial plan.

(5) Municipal spatial plans must not be contrary to municipal strategic spatial plans.

Article 16
(comprehensive environmental impact assessment)

A procedure of comprehensive environmental impact assessment in accordance with the provisions of this Act and provisions of the act regulating environmental protection is carried out for spatial planning documents under this Act, except for the national strategic spatial plan, while revision of the environmental report is not necessary.

Article 17
(form of spatial planning documents)

Spatial planning acts contain graphic and textual parts. They are made in digital form, while archiving and access to them is provided in digital and analogue form.

Article 18
(amendments to spatial planning documents)

Amendments to a spatial planning document are drafted and adopted under the procedure prescribed for its drafting and adoption, unless otherwise provided by the present Act.

Article 19
(annexes to spatial planning documents)

(1) Spatial planning documents contain the following mandatory annexes:
1. extracts from a higher spatial planning document which relate to the area in question, except for the national strategic spatial plan,

2. presentation of spatial status,

3. background documents on which the solutions of a spatial planning act are based,

4. guidelines and opinions,

5. grounds and justification of a spatial planning act,

6. summary for the public,

7. environmental report, and the date when it was produced.

(2) Annexes must be open to public view at the headquarters of the producer of the document in all phases of drafting and validity of spatial planning document.

Article 20
(procedure dossier)

(1) The producer of the document keeps a dossier on the drafting of the spatial planning act, which is the official register of materials related to the drafting and adoption of spatial planning acts.

(2) The producer of a spatial planning document registers in a time sequence all documents and material important from the aspect of the legality of procedures of drafting and the adoption of spatial planning act, including remarks and proposals given in the process of its drafting and adoption and the producers positions on them.

Article 21
(deposit of spatial planning documents)

(1) Spatial planning documents, their amendments and annexes, are deposited at the headquarters of the producer of the document and must be available to the public in accordance with legislation.

(2) On the day they enter into force, the producer of the municipal spatial planning documents and regional spatial plan, except for their annexes, sends them to the ministry and territorially competent administrative unit.

(3) On the day it enters into force, the producer of the national spatial plan sends it to the territorially competent administrative unit and municipalities covered by that plan.

3. National spatial planning documents

3.1. National strategic spatial plan

3.1.1. Purpose and scope of the national strategic spatial plan

Article 22
(purpose and scope)
(1) With the purpose of providing coordinated and efficient spatial development, with the wise use of natural, spatial, and other development potentials, the national strategic spatial plan, on the basis of the development needs of the state and taking into account public benefits in the field of environmental protection, nature conservation, the sustainable use of natural goods, the protection of cultural heritage, and preservation of human health (hereinafter referred to as: protection requirements) determines the objectives and references of spatial development of the state and determines guidelines for the planning of spatial arrangements of national and local importance.

(2) On the basis of objectives, references and guidelines from the previous paragraph, the national strategic spatial plan determines the layout of spatial arrangements of national importance so that development needs arising from the national development documents are coordinated with protection requirements.

3.1.2. Drafting of the national strategic spatial plan

Article 23
(draft national strategic spatial plan)

(1) The procedure for drafting the national strategic spatial plan begins with a decision adopted by the government.

(2) On the basis of the decision from the previous paragraph, the ministry drafts the national strategic spatial plan.

(3) The ministry drafts the national strategic spatial plan taking into account:

1. presentation of spatial status,

2. national programmes, strategies and other development acts and documents which determine a comprehensive national development policy and national policy in the fields of energy, transport, electronic communications, human settlement, agriculture and forestry, culture and cultural heritage, environmental protection, nature conservation, water management, defence, protection against natural and other disasters, etc.

(4) For the draft national strategic plan, the ministry also ensures the drafting of a report on the impact of the implementation of the plan.

Article 24
(report on the impact of the national strategic spatial plan)

(1) The report on the impact from paragraph 4 of the previous article describes and assesses the impact of the implementation of the national strategic spatial plan on the economic and social development of the state and attainment of environmental objectives.

(2) In the part which relates to economic development, the report contains in particular description and assessment of the impact of the implementation of the national strategic spatial plan on economic growth, employment and competitiveness.
(3) In the part which relates to social development, the report contains in particular a description and assessment of the impact of the implementation of the national strategic spatial plan on social, cultural and demographic development.

(4) In the part which relates to the environmental aspect, the report contains in particular a description and assessment of the impact of the implementation of the national strategic spatial plan on the attainment of environmental objectives, in accordance with the Environment Protection Act.

Article 25
(cooperation between ministries and municipalities)

(1) The ministry sends the draft national strategic spatial plan and the report from paragraph 4 of Article 23 to ministries and municipalities and requests them to send to the ministry within 30 days their remarks and proposals concerning the draft national strategic spatial plan.

(2) The ministry reviews the remarks and proposals from ministries and municipalities and adopts a position which is then sent to ministries and municipalities and published on the Internet.

Article 26
(proposal for the national strategic spatial plan)

(1) The ministry drafts a proposal for the national strategic spatial plan on the basis of positions on the remarks and proposals from the previous paragraph and, together with the amended report from paragraph 4 of Article 23, submits it for approval to the government.

(2) The government submits the proposal of the national strategic spatial plan for adoption to the National Assembly of the Republic of Slovenia. The proposal is accompanied by the report from the previous paragraph.

(3) The national strategic spatial plan is adopted with an ordinance by the National Assembly of the Republic of Slovenia on a proposal from the government.

(4) After the national strategic spatial plan is adopted, the government determines with a decision the timeline of its implementation with the national spatial plans by areas which are normally the areas of development regions.

3.2. National spatial plan

3.2.1. Purpose and scope of the national spatial plan

Article 27
(purpose)

(1) The national spatial plan is a spatial planning document with which spatial arrangements of national importance from the national strategic spatial plan are planned in accordance with the timeline from paragraph 4 of Article 26 of this Act.

(2) The area of the national spatial plan consists of areas intended for individual spatial arrangements of national importance.
(3) The national spatial plan also includes a plan for spatial arrangements which are in accordance with regulations necessary due to cleanup operations after natural or other disasters.

(4) The national spatial plan is a basis for the preparation of projects for the acquisition of a building permit under regulations on construction.

(5) With the enforcement of the national spatial plan, it is considered that the municipal spatial planning documents are amended in the part and for the areas from paragraph 2 of this article.

**Article 28**

*(scope)*

(1) The national spatial act determines for spatial arrangements of national importance the implementation conditions from Article 43 of this Act.

(2) The areas of individual spatial arrangements are determined in such detail that their boundaries can be determined on the spot and displayed in the land register.

(3) The national spatial plan may also determine the scope of deviation from the functional, design and technical solutions which are permissible in the preparation of a project for the acquisition of a building permit under regulations on construction, if new solutions within the scope of deviations do not change the planned appearance of the area, do not degrade living and working conditions in the area of the national spatial plan or in neighbouring areas, and are not contrary to the public interest.

(4) The national spatial plan specifically lays down the parts of individual spatial arrangements for which, in accordance with the timeline of the investor and in regard to the implementation, spatial implementation conditions related to the planning of individual buildings will be determined after the adoption of that national spatial plan. In this case, spatial implementation conditions are determined in more detail with amendments to the national spatial plan in a shortened procedure from Article 35 of this Act.

(5) The minister responsible for space (hereinafter referred to as: the minister), lays down in more detail the content and manner of drafting of the national spatial plan.

**3.2.2. Drafting the national spatial plan**

**Article 29**

*(beginning of drafting the national spatial plan)*

(1) The procedure of the drafting of the national spatial plan begins with a decision which is in accordance with the timeline from paragraph 4 of Article 26 of this Act adopted for an individual area by the government on a proposal from the ministry. If the national spatial plans are amended, compliance with the timeline is not a condition for the adoption of the decision.

(2) The decision from the previous paragraph contains:

1. a more detailed delineation of the area for which the national spatial plan is drafted,
2. commitments related to funding the drafting of the national spatial plan,

3. deadlines for the drafting of the national spatial plan and its individual phases,

4. the reference of institutions performing spatial planning, which are expected to submit within 30 days development needs in accordance with the national strategic spatial act and considering their time priorities,

5. the reference of institutions performing spatial planning, which provide guidelines for the planned spatial arrangements from their competence,

6. the manner of acquisition of expert solutions.

(3) The government also informs on the decision from paragraph 1 of this article the competent bodies in the region in accordance with regulations on coherent regional development and requests them to submit their development needs resulting from the regional development programmes and relating to the planning of spatial arrangements of national importance.

Article 30
(draft national spatial plan)

(1) The ministry drafts the national spatial plan on the basis of the presentation of spatial status and the national spatial plan.

(2) In the procedure of drafting the national spatial plan, the institutions performing spatial planning from item 4 of paragraph 2 of the previous article submit to the ministry background documents for the planned spatial arrangements for each spatial arrangement from their competence.

(3) The ministry sends the draft national spatial plan to the institutions performing spatial planning from item 5 of paragraph 2 of this article and requests them to submit guidelines for the planned spatial arrangements within their competence within 30 days. If the institutions performing spatial planning fail to submit the guidelines within this deadline, it shall be considered that they do not have them, while the producer must take into account all requirements for the planning of the envisaged spatial arrangements determined in the applicable regulations.

(4) The ministry responsible for environmental protection decides by the deadline from the previous paragraph if a comprehensive environmental impact assessment should be carried out for the national spatial plan.

Article 31
(supplemented draft national spatial plan)

(1) Bearing in mind the guidelines from paragraph 3 of the previous article, the ministry supplements the draft national spatial plan if necessary. Variant solutions can also be drafted for individual spatial arrangements. Variant solutions are assessed and compared from the spatial, environmental, functional and economic aspects.

(2) Variant solutions from the previous paragraph can also be acquired through a public tender. A public tender is usually carried out for an individual spatial solution dealt with in the national spatial plan, except for the planning of spatial arrangements of commercial public
infrastructure and constructed public assets of national importance. A public tender is carried out under the procedure determined by regulations on construction. A public tender is finalised with the selection of the most suitable variant solution in terms of expertise.

(3) If the national spatial plan requires the procedure of a comprehensive environmental impact assessment, the drafting of the environment report is provided by the ministry responsible for the environment.

(4) Bearing in mind the assessments and comparisons of variant solutions from paragraph 1 of this article, or the implementation of the public tender from paragraph 2, the ministry proposes in a supplemented national spatial plan a selection of variant solutions for individual spatial arrangements, whereby it also considers coherence and the integrity of the proposed solutions or the most suitable solution selected in a public tender.

(5) The minister lays down the method for the preparation of variant solutions of spatial arrangements and for their assessment and comparison.

Article 32
(public participation)

(1) In the procedure of the drafting of the national spatial plan, the ministry must inform the public with a supplemented draft of the plan as part of public exhibition which lasts at least 30 days, and also provide its public hearing within the same time limit. If variant solutions are drafted, all variant solutions are exhibited in a public exhibition with an explanation of the selection of the solution.

(2) The ministry informs the public in a public announcement on the Internet and in a daily newspaper which covers the whole area which is the subject of the national spatial plan:

1. the place and time of the public exhibition and the web link to the electronic form of the plan,
2. the place and time of the public hearing,
3. the manner of how comments and proposals from the public are given and the deadline for their submission.

(3) The ministry informs the public on the public exhibition and public hearing of the supplemented draft national spatial plan at least seven days before the public exhibition.

(4) As part of the public exhibition, the public has the right to comment and make proposals on the supplemented draft national spatial plan.

(5) The ministry examines the remarks and proposals from the public within 30 days after the public exhibition and takes a position which is published on the Internet.

(6) If the national spatial plan requires a comprehensive environmental impact assessment, the ministry also has to inform the public about the environmental report in the manner described in the previous paragraphs.

(7) During the public exhibition of the supplemented draft national spatial, those parts which are labelled as classified due to defence or other security reasons must be treated in accordance with the regulations on classified information.
(8) If a member of the European Union decides to participate in the procedure of a comprehensive environmental impact assessment due to cross-border impact, the deadline from the paragraph 1 of this article is replaced with a deadline agreed in accordance with the act regulating environmental protection.

Article 33
(participation of municipalities)

(1) During the public exhibition from the previous article, the ministry sends the supplemented draft national spatial plan, and in the case from paragraph 6 of the previous article also the environmental report, to the municipalities covered by the proposal of the national spatial plan, at the latest simultaneously with the public announcement from paragraph 2 of the previous article, and calls on them to send to the ministry within 30 days their remarks and proposals related to the supplemented draft national spatial plan.

(2) The ministry reviews the remarks and proposals from municipalities, and within 30 days adopts a position which is then sent to municipalities and published on the Internet.

Article 34
(drafting and adoption of the national spatial plan)

(1) The ministry drafts the national spatial plan on the basis of the position from paragraph 5 of Article 32 and the position from paragraph 2 of Article 33 of this Act, and sends it to the institutions performing spatial planning from paragraph 3 of Article 30 to give an opinion on the proposal of the national spatial plan from the aspect of their competence within 30 days.

(2) In the opinion from the previous paragraph, the institutions performing spatial planning declare compliance with the guidelines they provided on the basis of paragraph 3 of Article 30 of this Act. If the institutions performing spatial planning do not respond, it is considered that there are no comments on the planned spatial arrangements and that they agree with them, while the producer has to take into account all the requirements for spatial arrangements envisaged for the planning determined by regulations in force.

(3) If the national spatial plan requires a comprehensive environmental impact assessment, the relevant ministries also take positions in the opinion on the admissibility of the environmental impact of the national spatial plan from the aspect of their competence, and send them to the ministry responsible for environmental protection.

(4) On the basis of the opinions of the institutions performing spatial planning, the ministry ensures the harmonisation of the proposal of the national spatial plan and sends it for adoption to the government. The ministry encloses with the coordinated proposal of the national spatial plan the position from paragraph 5 of Article 32 and the position from paragraph 2 of Article 33 of this Act.

(5) In the case from paragraph 3 of this article, the ministry sends the harmonised proposal of the national spatial plan for adoption to the government if the ministry responsible for environmental protection issued in accordance with the act regulating environmental protection a confirmation that the impact of its implementation on the environment is acceptable.

(6) The government adopts the national spatial plan with a decree.
Article 35
(shortened procedure for supplementation of the draft national spatial plan)

In the case of the supplementation of the national spatial plan from paragraph 4 of Article 28 of this Act:

1. the drafting procedure begins with the government's decision on the basis of an initiative from the ministry competent for the planned spatial arrangement,

2. provisions on the drafting of the plan in the variant solutions are not taken into account,

3. the deadline for the submission of guidelines and opinions is shortened to 15 days,

4. the public exhibition is shortened to 15 days,

5. the acquisition of remarks and proposals from municipalities is shortened to 15 days.

3.2.3. The planning of spatial arrangements of local importance in the area of the national spatial plan and the cooperation of the state and municipalities in the drafting of spatial arrangement of common importance

Article 36
(planning of spatial arrangements of local importance in the area of the national spatial plan)

(1) If this does not prevent the implementation and use of spatial arrangements determined in the national spatial plan, a municipality can plan, in the areas from paragraph 2 of Article 28 of this Act, spatial arrangements within its competence, if the government consents to this.

(2) A municipality which intends to plan spatial arrangements within its competence in the area of the national spatial plan sends an initiative to the government in which it defines the area on which it intends to plan, describes the planned spatial arrangement and justifies the need for an intervention in the area of the national spatial plan. The area must be defined in such detail that it can be determined on the spot and displayed in the land register.

(3) The government examines possibilities for the implementation and use of spatial arrangements determined with the national spatial plan from the aspect of the intended spatial arrangement, and within 60 days issues a consent, or rejects an initiative from a municipality with a decision. If the government fails to adopt a decision before the deadline, it is considered that it agrees with the planning.

(4) If the government agrees with the planning in the area of the national spatial plan, it also prescribes to the municipality, with the consent from the previous paragraph, the prior conditions for the planning, whereas these conditions are not regarded as guidelines or opinions of ministries in the procedure of the drafting of the municipal spatial plan.

(5) After the adoption of the municipal spatial planning document, the government decides if the national spatial plan ceases to be valid in a specified part due to such a municipal spatial planning document.

Article 37
(cooperation between the state and municipalities in the planning of spatial arrangements of common importance)
(1) The ministry and the participating municipality or municipalities can agree that the participating municipality or municipalities plan and adopt a spatial planning document for a specified spatial arrangement of common national and regional importance or national and local importance, if that is more suitable considering the connection between the spatial arrangement of national importance with the spatial arrangement of regional or local importance.

(2) In the case of a spatial arrangement of common national and regional importance, the participating municipalities plan it with a regional spatial plan in accordance with the provisions of this Act, while mayors (hereinafter referred to as: mayors) of the participating municipalities adopt a decision on the beginning of its drafting with the prior consent of the minister.

(3) In the case of a spatial arrangement of common national and local importance, the municipality plans it with a municipal spatial plan or a municipal detailed spatial plan in accordance with the provisions of this Act, while the mayor adopts a decision on the beginning of its drafting with the prior consent of the minister.

(4) If a spatial arrangement of national or local importance is planned with a municipal detailed spatial plan, it must be confirmed by the ministry prior to its adoption.

4. Municipal spatial planning documents

4.1. Municipal spatial plan

4.1.1. Purpose and scope of spatial plan

Article 38
(purpose)

A municipal spatial plan is a spatial planning document which, taking into account the guidelines from national spatial planning documents, the development needs of a municipality and protection requirements, determines the objectives and references of spatial development of a municipality, plans spatial arrangements of local importance and determines the conditions for the placement of building into space (hereinafter referred to as: spatial implementation conditions).

Article 39
(scope)

(1) A municipal spatial plan contains the strategic and operational part.

(2) The strategic part of a municipal spatial plan determines:

1. bases, objectives and a concept of spatial development of a municipality;

2. guidelines for the development of human settlement and comprehensive renewal, guidelines for development in a landscape, for determining the eligible use of lands and spatial implementation conditions, as well as the concept of commercial public infrastructure of local importance;

3. areas of settlement, including areas of dispersed construction spatially related to them;
4. areas of dispersed settlement.

(3) The operational part of a municipal spatial plan by individual spatial planning units determines:

1. areas of eligible use of space;
2. spatial implementation conditions;
3. areas for which a municipal detailed spatial plan is drafted.

(4) A municipal spatial plan is a basis for the preparation of a project for the acquisition of a building permit under regulations on construction.

(5) The minister prescribes in more detail the content, form and manner of the drafting of a municipal spatial plan and conditions for the identification of areas in which dispersed settlements are rehabilitated and the areas for the development and expansion of settlements.

Article 40
(spatial arrangement unit)

(1) Spatial arrangement units which cover the whole area of a municipality are designed in the spatial plan of a municipality on the basis of a comprehensive analysis of space, its values, characteristics, identity and planned spatial arrangements.

(2) Spatial arrangement units in settlements are determined on the basis of an urban plan.

(3) Spatial arrangement units must be determined in such detail that their boundaries can be determined on the spot and displayed in the land register.

(4) The boundaries of spatial arrangement units are determined in respect of unique design characteristics and taking into account arrangements, measures and restrictions in space determined by regulations laying out special legal regimes.

Article 41
(urban plan)

(1) The content of the strategic and operational part of the municipal spatial plan from paragraphs 2 and 3 of Article 39 of this Act are determined for the areas of individual towns or settlements of urban importance and other development centres which will become towns or settlements of urban importance on the basis of an urban plan.

(2) In addition to the content from the previous paragraph, also determined on the basis of the urban plan for settlements from the previous paragraph are:

- the areas of comprehensive renewal of settlements, with solutions and measures for comprehensive renewal,
- areas of public use and other forms of public assets,
- traffic planning, including areas for parking,
– green areas of a settlement,
– basic structures of a settlement with elements of urban and architectural design,
– the commercial public infrastructure of a settlement.

(3) On the basis of an urban plan, a municipal spatial plan can determine for the areas of spatial arrangements by areas of public use, spatial arrangements with a public programme, complex spatial arrangements and spatial arrangements in the influence area of spatial dominants, that urban planning and architectural solutions are acquired through a public tender.

(4) The public tender in the previous paragraph is carried out in accordance with regulations on construction. A selected expert solution is a basis for the drafting of a detailed municipal spatial plan.

5) The minister prescribes in more detail criteria for the identification of the areas from paragraph 3 of this article.

Article 42
(areas of eligible use of space)

(1) In spatial arrangements, units are determined or displayed in the areas of building, agricultural, wooded, water and other land (hereinafter referred to as: areas of eligible use of space).

(2) The areas from the previous paragraph are determined in such detail that their boundaries can be determined on the spot and displayed in the land register.

(3) The areas of eligible use of space can be divided into areas of detailed eligible use of space.

(4) The minister prescribes the types of detailed eligible use of space.

Article 43
(spatial implementation conditions)

Spatial implementation conditions primarily determine:

1. detailed conditions in terms of the intended use of interventions in space, its position, size and design,

2. conditions in terms of connecting buildings to the commercial public infrastructure and constructed public assets,

3. criteria and conditions for land allotment,

4. conditions for the comprehensive preservation of cultural heritage, nature conservation, protection of environment and natural goods and protection against natural and other disasters,

5. conditions for health protection.
Article 44

(planning of spatial arrangements and interventions in space out of settlement areas)

(1) Spatial arrangements and individual interventions into space can be planned out of settlement areas if they are:

1. directly used for agricultural, forestry or tourist activities,
2. intended for the pursuit of local commercial services (commercial public infrastructure),
3. intended for general use (local constructed public asset),
4. intended for the implementation of measures in the area of environmental protection, nature conservation, the protection of cultural heritage and preservation of identifying characteristics of landscape,
5. intended for sport and recreation,
6. intended for the use of natural goods and rehabilitation of abandoned areas,
7. intended for defence and protection against natural and other disasters when those spatial arrangements are under the authority of a municipality.

(2) The planning of spatial arrangements and individual interventions in space from the previous paragraph on the best agricultural land is permissible only if land less suitable for agricultural production cannot be used.

(3) In agreement with the ministry responsible for agriculture, the minister prescribes the criteria for planning and intervention in space on the best agricultural land.

Article 45

(areas of dispersed settlements)

An area of dispersed settlement is preserved and protected to the maximum extent by the planning of reconstruction or renewal of legitimately constructed buildings. Planning new interventions into space as determined in paragraph 1 of Article 44, including residential building, is possible only if this preserves the identifying characteristics of the space, in accordance with the guidelines from paragraph 1 of Article 22 of this Act.

4.1.2. Drafting of the municipal spatial plan

Article 46

(beginning of the drafting of a municipal spatial plan)

(1) The drafting of a municipal spatial plan begins with a decision adopted by a mayor and published in the official publication and on the Internet, and sent to the ministry and neighbouring municipalities.

(2) The decision from the previous paragraph contains:

1. an assessment of the situation and reasons for the drafting of a spatial plan,
2. the area of a spatial plan, when amendments of a municipal spatial plan are concerned,
3. the manner of the acquisition of expert solutions,
4. deadlines for the drafting of a spatial plan and its individual phases, and
5. the reference of institutions performing spatial planning which provide guidelines for the planned spatial arrangements within their competence.

Article 47
(draft municipal spatial plan)

(1) A municipality drafts a spatial plan on the basis of the presentation of spatial status, guidelines from the national strategic spatial plan, guidelines from the municipal strategic spatial plan if it was adopted as an independent document, a development programme if it was drawn up for the area covered by the spatial planning document, its own development needs and development needs expressed by other persons. Development needs must be explained and documented.

(2) A municipality sends the draft municipal spatial plan to the ministry, which immediately, not later than seven days, sends it to the institutions performing spatial planning to provide guidelines for the planned spatial arrangements from their competence within 30 days.

(3) The institutions performing spatial planning send the guidelines to the ministries and municipalities. If the institutions performing spatial planning fail to submit the guidelines, it shall be considered that they do not have them, while the producer must take into account all requirements for the planning of the envisaged spatial arrangements determined in the applicable regulations.

(4) The ministry responsible for environmental protection decides by the deadline from the previous paragraph if a comprehensive environmental impact assessment should be carried out for the national spatial plan.

Article 48
(supplemented draft municipal spatial plan)

(1) Bearing in mind the guidelines from paragraph 3 of the previous article, the municipality supplements the draft municipal spatial plan. Variant solutions can also be drafted for individual spatial arrangements. Variant solutions are assessed and compared from the spatial, environmental, functional and economic aspects.

(2) When a comprehensive environmental impact assessment has to be carried out for a municipal spatial plan, the municipality ensures for the supplemented draft municipal spatial plan an environmental report and sends it together with the supplemented draft municipal spatial plan to the ministry responsible for environmental protection.

(3) The ministry responsible for environmental protection determines within 15 days whether the environmental report is of the appropriate quality and if it was made in accordance with regulations. If the ministry assesses that the environmental report is not of the appropriate quality or that it was not made in accordance with regulations, it rejects it with a decision.
Article 49
(harmonisation of guidelines)

If a municipality cannot harmonise the draft spatial plan because of the guidelines from paragraph 3 of Article 47 of this Act, it informs the ministry, which at the latest within 15 days after the receipt of the information ensures harmonisation between the municipality and institutions performing spatial planning the guidelines of which the municipality was not able to harmonise with the draft municipal spatial plan.

Article 50
(public participation)

(1) In the procedure of the drafting of a municipal spatial plan, a municipality must inform the public with a supplemented draft of the plan as part of a public exhibition which lasts at least 30 days, and also provide its public hearing within the same time limit.

(2) With a public announcement and on the Internet, a municipality informs the public in the manner commonly practised in its local area about:

1. the place and time of the public exhibition and the web link to the electronic form of the plan,
2. the place and time of the public hearing, and
3. the manner of making public comments and proposals and the deadline for their submission.

(3) Public announcements from the previous paragraph must also contain references of all land parcels the eligible use of which is changed, except in the drafting of the first municipal spatial plan.

(4) The municipality informs the public on the public exhibition and public hearing of the supplemented draft municipal spatial plan at least seven days before the public exhibition.

(5) As part of the public exhibition, the public has the right to make comments and proposals on the supplemented draft strategic spatial plan.

(6) The municipality reviews the comments and proposals from the public and adopts a position which is then published in the manner commonly practised in its local area and on the Internet. Owners (hereinafter referred to as: owners) of the land from paragraph 3 of this article must be informed by the municipality in written form with its positions on the remarks and proposals expressed within the public exhibition.

(7) If the municipal spatial plan requires a comprehensive environmental impact assessment, the municipality also has to inform the public about the environmental report in the manner described in the previous paragraphs.

(8) During public exhibition of the supplemented draft municipal spatial plan, those parts which are labelled as classified due to defence or other security reasons must be treated in accordance with the regulations on classified information.

(9) If a member of the European Union decides to participate in the procedure of a comprehensive environmental impact assessment due to cross-border impact, the deadline
Article 51
(confirmation of the proposed municipal spatial plan)

(1) A municipality drafts the proposed municipal spatial plan on the basis of positions on the remarks and proposals from the public and sends it to the ministry, which immediately, not later than seven days, sends it to the institutions performing spatial planning to assess within 21 days if the draft municipal spatial plan takes into account their guidelines. If the institutions performing spatial planning do not respond, it is considered that there are no comments on the planned spatial arrangements and that they agree with them, while the producer has to take into account all the requirements for spatial arrangements envisaged for planning determined by the regulations in force.

(3) The institutions performing spatial planning send the opinion to the ministry and municipalities.

(2) The ministry also prepares within the time limit from the previous paragraph its opinion with which it examines whether:

1. the content of the proposed municipal spatial plan is drafted in accordance with the provisions from Articles 39 through 45 of this Act,

2. it is based on the presentation of spatial status, and

3. it takes into account guidelines and definitions from national spatial planning documents.

(3) If a municipal spatial plan requires a comprehensive environmental impact assessment, the relevant ministries also take positions in the opinion on the admissibility of the environmental impact of the municipal spatial plan from the aspect of their competence, and send them to the ministry responsible for environmental protection.

(4) On the basis of the opinions of the ministries from the previous paragraph, the ministry responsible for environmental protection makes a decision on the admissibility of the impact of the implementation of the municipal spatial plan in accordance with the act regulating environmental protection.

(5) Within 75 days from the receipt of the proposed national spatial plan from paragraph 1 of this article, the minister confirms with a decision the proposed national spatial plan. If the institutions performing spatial planning establish in their opinions that their guidelines were taken into account in the proposed municipal spatial plan, and in the case from paragraph 4 of this article, if the ministry responsible for environmental protection issued in accordance with the act regulating environmental protection a confirmation that environmental impact of its implementation is acceptable.

(6) If the institutions performing spatial planning establish in their opinions that their guidelines were not taken into account in the proposed municipal spatial plan, or if the ministry responsible for environmental protection rejects the issuing of the confirmation from the previous paragraph, the ministry proposes to the government that it make a decision on the confirmation of the proposed municipal spatial plan and informs the municipality thereof. The government decides on the confirmation of the proposed municipal spatial plan with a decision within 30 days.
(7) If the ministry fails to confirm the proposed municipal spatial plan or send it to the government within the time limit from paragraph 5 and in accordance with the previous paragraph, it is considered that the proposed municipal spatial plan is confirmed, except if the ministry responsible for environmental protection rejects the issuing of the confirmation from paragraph 4 of this article.

(8) A municipality can at any point of the procedure of the confirmation of the proposed municipal spatial plan withdraw it from the procedure and replace it with a new proposal. In such a case the procedure under this article begins again.

(9) No appeal against the decision of the government from paragraph 6 of this article is available, whereas an administrative challenge may be initiated. An administrative challenge may also be initiated if the government fails to adopt a decision within 30 days.

Article 52
(adoption of municipal spatial plan)

(1) A municipal spatial plan is adopted by a municipal council with a decree which is published in the official publication together with the date and number of the minister's decision from paragraph 5 of the previous article of this Act, or the government's decision from paragraph 6 of the previous paragraph of this Act with which it confirmed the proposed municipal spatial plan.

(2) In the case from paragraph 8 of the previous article of this Act, a municipality publishes a decree without the date and number of the minister's decision.

Article 53
(shortened procedure for amending a draft municipal spatial plan)

When the amendments to a municipal spatial plan relate only to the spatial implementation conditions and do not extend to the determination of the eligible use of space, the deadline for the submission of guidelines and opinions in the process of drafting amendments to a municipal spatial plan is shortened to 15 days, and the duration of the public exhibition is shortened by the same period of time.

4.2. A municipal strategic spatial plan as an independent document

Article 54
(municipal strategic spatial plan as an independent document)

(1) A municipality can adopt the strategic part of a spatial plan as an independent document.

(2) In the case from the previous paragraph, a municipal strategic spatial plan is drafted with the content determined for the strategic part of a municipal spatial plan by paragraph 2 of Article 39 of this Act.

(3) In the case from paragraph 1 of this article, the provisions of this Act applicable to the drafting and adoption of a municipal spatial plan are applied mutatis mutandis for the procedure of drafting and adoption of a municipal strategic spatial plan, while the provisions from paragraphs, 5, 6, 7, 8 and 9 of Article 51 of this Act are not applied.
4.3. Detailed municipal spatial plan

4.3.1. Purpose and scope of a detailed municipal spatial plan

Article 55
(purpose of a detailed municipal spatial plan)

(1) A detailed municipal spatial plan is a spatial plan with which spatial arrangements in the areas from paragraph 5 of Article 39 of this Act are planned in more detail, and also in other areas if so required after the adoption of a municipal spatial plan.

(2) A detailed municipal spatial plan is also made for spatial arrangements of local importance due to the consequences of national and other disasters which are not determined in the municipal spatial plan.

(3) A detailed municipal spatial plan is a basis for the drafting of a project for the acquisition of a building permit.

Article 56
(scope of a detailed municipal spatial plan)

(1) A detailed municipal spatial plan determines in more detail:
1. the area of a detailed municipal spatial plan,
2. architectural, landscape and design solutions for spatial arrangements,
3. the areas for which project solutions are acquired through a public tender,
4. land allotment plan,
5. stages of the implementation of spatial arrangements, if necessary,
6. solutions and measures for a comprehensive preservation of cultural heritage,
7. solutions and measures for the protection of the environment and natural resources and nature conservation,
8. solutions and measures for defence and protection against natural and other disasters, including fire protection, and
9. conditions in terms of connecting buildings to the commercial public infrastructure and constructed public assets,

(2) A detailed municipal spatial plan also displays the impact and connections with neighbouring spatial arrangement units.

(3) If a detailed municipal spatial plan is indented for a comprehensive renewal of an area, its mandatory part is the conservation plan drafted in accordance with regulations on the protection of cultural heritage.

(4) A detailed municipal spatial plan may also determine the scope of deviation from functional, design and technical solutions which are permissible in the preparation of a project for the acquisition of a building permit under the regulations on construction if new
solutions within the scope of deviations do not change the planned appearance of the area, do not degrade living and working conditions in the area of the national spatial plan or in neighbouring areas, and are not contrary to the public interest.

(5) The minister lays down in more detail the content, for and manner of the drafting of a detailed municipal spatial plan.

### 4.3.2. Drafting of a detailed municipal spatial plan

**Article 57**

**(beginning of the drafting of a detailed municipal spatial plan)**

(1) Drafting of a detailed municipal spatial plan begins with a decision adopted by a mayor and published in the official publication and on the Internet, and sent to the ministry.

(2) In addition to the content from paragraph 2 of Article 46 of this Act, the decision from the previous paragraph also determines commitments related to funding of the drafting of a detailed municipal spatial plan.

**Article 58**

**(draft detailed municipal spatial plan)**

(1) A municipality drafts a detailed spatial plan on the basis of presentation of spatial status, municipal spatial plan and investment intentions expressed by the municipality and other persons.

(2) A municipality sends a draft detailed spatial plan to the institutions performing spatial planning and calls them to provide their guidelines within 30 days of receipt of the call.

If the institutions performing spatial planning fail to submit the guidelines from paragraph 1, it shall be considered that they do not have them, while the producer must take into account all requirements for the planning of the envisaged spatial arrangements determined in applicable regulations.

(4) The ministry responsible for environmental protection informs the municipality by the deadline from the previous paragraph if a comprehensive environmental impact assessment should be carried out for the detailed municipal spatial plan.

**Article 59**

**(supplemented draft detailed municipal spatial plan)**

(1) Bearing in mind the guidelines from paragraph 3 of the previous article, the municipality supplements the draft detailed municipal spatial plan. Variant solutions can also be drafted for individual spatial arrangements. Variant solutions are assessed and compared from the spatial, environmental, functional and economic aspects.

(2) When a comprehensive environmental impact assessment has to be carried out for a detailed municipal spatial plan, the municipality ensures for the supplemented draft municipal spatial plan an environmental report, and sends it with the supplemented draft detailed municipal spatial plan to the ministry responsible for environmental protection.
(3) The ministry responsible for environmental protection inspects within 15 days to determine whether the environmental report is of the appropriate quality and if it was made in accordance with regulations. If the ministry assesses that the environmental report is not of the appropriate proper quality or that it was not made in accordance with regulations, it rejects it with a decision.

Article 60
(public participation)

In the procedure of the drafting of a detailed municipal spatial plan, a municipality must ensure public participation by applying mutatis mutandis the provisions of Article 50 of this Act.

Article 61
(adoptions of detailed municipal spatial plan)

(1) A municipality drafts a detailed municipal spatial plan on the basis of the position it takes on the public comments and proposals from the previous article and is immediately sent to the institutions performing spatial planning to determine whether the draft municipal spatial plan takes into account the guidelines given on the basis of Article 58 of this Act.

(2) If a detailed municipal spatial plan requires a comprehensive environmental impact assessment, the relevant ministries in their opinion also take positions on the admissibility of environmental impact of the detailed municipal spatial plan from the aspect of their competence, and send them to the ministry responsible for environmental protection.

(3) On the basis of the opinions of the ministries from the previous paragraph, the ministry responsible for environmental protection makes a decision on the admissibility of the impact of the implementation of the detailed municipal spatial plan in accordance with the act regulating environmental protection.

(4) A municipality proposes to a municipal council a harmonised proposal of a detailed municipal spatial plan for adoption if it is clear from the opinions of the institutions performing spatial planning that the guidelines were taken into account in the draft municipal spatial plan and if the ministry responsible for environmental protection issued, in accordance with the act regulating environmental protection, that the environmental impact of its implementation is acceptable.

(5) A detailed municipal spatial plan is adopted by a municipal council with a decree and is published in the official publication.

5. Inter-municipal spatial planning documents

5.1. Regional spatial plan

5.1.1. Purpose and scope of regional spatial plan

Article 62
(purpose of regional spatial plan)

(1) For the implementation of a regional development programme under regulations on the promotion of a coherent regional development which demand the planning of spatial
(2) The participating municipalities or a union of municipalities conclude an agreement on the drafting of a regional spatial plan in which they also determine the producer of the plan.

(3) A regional spatial plan is a basis for the preparation of projects for the acquisition of a building permit under the regulations on construction.

**Article 63**

(spatial arrangements of national importance)

If the regional development programme from the previous article also requires the planning of spatial arrangements of national importance, the ministry takes them into account in the drafting of the national spatial plan in accordance with the procedure determined for the drafting of the national spatial plan.

**Article 64**

(coordination of the drafting of regional spatial plan and regional development programme)

Regional spatial plans and regional development programmes must be mutually coordinated.

**Article 65**

(scope of regional spatial plan)

(1) Spatial arrangements from paragraph 1 of Article 62 of this Act are planned with the regional spatial plan on the basis of the presentation of spatial status, guidelines from the national strategic spatial plan, and taking into account the national spatial plan and regional development programme.

(2) A regional spatial plan determines the eligible use of space and spatial implementation conditions from Article 43 of this Act for the planning of spatial arrangements in such detail that a project for the acquisition of a building permit under the regulations on construction can be drafted on its basis.

(3) A regional spatial plan replaces a municipal spatial plan in the part which relates to the planned spatial arrangements.

(4) The minister lays down in more detail the content, form and manner of the drafting of a regional spatial plan.

**5.1.2. Drafting of a regional spatial plan**

**Article 66**

(beginning of the drafting of a regional spatial plan)

(1) The drafting of a regional spatial plan begins with a decision adopted by mayors of the participating municipalities and published in the official publication and on the Internet, and sent to the ministry.

(2) The decision from the previous paragraph contains:
1. an assessment of the situation and reasons for the drafting of a regional spatial plan,
2. the area of a regional spatial plan,
3. the manner of acquisition of expert solutions,
4. commitments related to the funding of the drafting of a regional spatial plan,
5. deadlines for the drafting of a regional spatial plan and its individual phases, and
6. the reference of institutions performing spatial planning which provide guidelines for the planned spatial arrangements from their competence.

Article 67
(drafting of a regional spatial plan)

The provisions from Articles 47 through 51 of this Act are applied mutatis mutandis for the drafting of a regional spatial plan, while:

– the draft is prepared on the basis of the presentation of spatial status, regional development programme, guidelines from the national strategic spatial plan, and taking into account the municipal spatial plan,

– the draft regional spatial plan is confirmed by municipal councils of the participating municipalities.

Article 68
(adoptions of regional spatial plan)

(1) Municipal councils of the participating municipalities adopt a regional spatial plan in wording identical to a decree which is then published in the official publications of all participating municipalities, with the date and number of the decision of the government or the ministry on the confirmation of the draft regional spatial plan.

(2) A regional spatial plan is adopted when it is adopted by all municipal councils of the participating municipalities.

6. Land allotment on building lands

Article 69
(land allotment on building lands)

(1) If conditions for land allotment for areas of building land are laid down in spatial planning documents, land allotment cannot be carried out without regard to those conditions.

(2) Conditions for land allotment are acquired by an authorised land surveyor at the municipal body competent for spatial planning. Conditions are issued in the form of a confirmation, which also contains data on the eligible use of land.
(3) Confirmation from the previous paragraph has the character of an official record and is issued in accordance with regulations on administrative procedures against the payment of fees.

III. SUPPLY OF UTILITY SERVICES TO BUILDING LANDS AND PUBLIC UTILITIES

CHARGE

1. Supply of utility services to building lands

Article 70
(purpose of supply of utility services)

Supply of utility services to building sites is designing and construction of public utility equipment, buildings and networks of other commercial public infrastructure which are necessary so that spatial arrangements or buildings planned with a municipal spatial plan or a detailed municipal spatial plan can be carried out and serve its purpose.

Article 71
(public utility infrastructure)

(1) Public utility infrastructure comprises:

1. buildings and infrastructure networks for the provision of mandatory local commercial public services related to environmental protection subject to regulations on environmental protection,

2. buildings and infrastructure networks for the provision of optional local commercial public services subject to energy regulations in areas where a connection is mandatory,

3. buildings of constructed public assets, namely: municipal roads, public car parks and other areas of public use.

(2) The minister can determine in more detail the types of public utility infrastructure in agreement with the minister competent for an individual type of public utility infrastructure.

Article 72
(building land with developed facilities)

(1) A building plot in an individual spatial arrangement unit is considered to have developed facilities:

1. if the public utility infrastructure, buildings and networks of other commercial public infrastructure, determined in a municipal spatial plan, is constructed and made available for the use of that unit, or

2. if public utility infrastructure, buildings and networks of other commercial public infrastructure included in a municipal plan of development programmes envisaged in a municipal spatial planning document is included in a municipal budget for the current or next year.

(2) The construction of buildings and networks, except commercial public infrastructure, is permitted on building lands with developed facilities.
(3) Notwithstanding the provisions in the previous paragraph, the construction of buildings is also permitted on building lands without developed facilities if utility services are supplied to buildings simultaneously with their construction.

(4) In the circumstances pertaining in the previous paragraph of this act, constructed buildings can obtain a building permit only if all the envisaged public utility infrastructure, buildings and networks of other commercial public infrastructure have been constructed and made available for use.

Article 73
(planning of the supply of utility services to building lands)

(1) A municipality determines in a municipal spatial plan the types of public utility infrastructure which has to be constructed by individual spatial planning units.

(2) A municipal spatial plan, taking into account documents for long-term development planning, also determines which buildings and lands comprising the infrastructure of commercial public services, which are not public utility infrastructure and spatial arrangements of national importance, should be constructed in individual spatial planning units.

(3) The long-term development planning documents in the previous paragraph are national development strategies, regional development programmes, sectorial national programmes or their operative programmes, other plans for the development of networks and other documents with which the development or expansion of individual buildings and commercial public infrastructure networks is planned on the basis of regulations.

(4) If the documents in the previous paragraph do not determine time limits and financing, it shall be determined which buildings and commercial public infrastructure networks should be constructed by individual spatial planning units on the basis of an agreement between the municipality and operator of commercial public services.

(5) If there is no agreement as per the previous paragraph, the municipality can construct an electricity power network necessary for the supply of utility services to building lands at its own expense if the municipality has determined the supply of an electricity power network to building land in the applicable spatial plan or detailed spatial plan and public utility programme.

(6) The provider of the mandatory public electricity supply service takes over the network from the previous paragraph after its incorporation in the infrastructure in accordance with energy regulations.

(7) In the cases noted in paragraphs 5 and 6 of this article, the municipality charges the costs of supplying the infrastructure to building land to the provider of the public service in the previous paragraph of this article.

(8) The provider of public service in the previous paragraph must refund the costs of the construction of the electricity power network in paragraph 5 of this article upon the request of the municipality. The costs are refunded so that the charged services on the network are paid into the account of the municipality from the day when the first building was connected to the network to the total amount of costs.
(9) The type of costs in the previous paragraph, the manner of their refund and the period of refund are determined by the minister responsible for energy.

Article 74
(programme for the supply of utility services)

(1) The supply of utility services to building land is carried out on the basis of a programme for the supply of utility services. A municipality can construct a public utility infrastructure determined in a spatial planning document without a programme for the supply of utility services if it does not exceed 5% of the funds the municipality has invested in public utility services in the previous year. The municipality cannot levy public utility charges for such public utility infrastructure.

(2) A programme for the supply of utility services is drafted on the basis of a municipal spatial plan or detailed municipal spatial plan.

(3) A programme for the supply of utility services is adopted by a municipal council with a decree. A programme for the supply of utility services can be adopted as a part of the decree with which a municipal spatial plan is adopted as amendments to such a decree, or with a special decree on the programme for the supply of utility services which must be consistent with the municipal spatial plan.

(4) At a request from the ministry, the competent body of the municipal administration which drafted the programme must send it to the ministry at the latest 15 days after the receipt of the request.

Article 75
(content of programme for the supply of utility services)

(1) A programme for the supply of utility services determines in more detail the public utility infrastructure which to be constructed, deadlines for the construction by individual spatial arrangement units and the bases for levying public utility charges for the areas in which the construction of a new public utility infrastructure, objects or networks of other commercial public infrastructure is envisaged with a spatial planning document.

(2) Investment in a public utility infrastructure from the plan of development programmes within a municipal budget must be justified in a municipal spatial plan or detailed municipal spatial plan.

(3) A programme for the supply of utility services determines the bases for levying public utility charges for the existing public utility infrastructure. The bases for levying public utility charges are accounting areas, the costs of the public utility infrastructure, the conversion of costs per measured unit, and more detailed criteria for levying of public utility charges.

(4) In the drafting of the bases for levying public utility charges, a municipality takes into account funds already invested in the construction of the public utility infrastructure and the investment in public utility infrastructure determined in a municipal plan for development programmes for the current and next year.

(5) The government prescribes the content of the programme for the supply of utility services in more detail.
Article 76
(accounting area)

(1) The accounting area of an individual type of public utility infrastructure is an area in which a connection to that type of public utility infrastructure is provided, or an area where it is used.

(2) Accounting areas are determined for the existing public utility infrastructure and for all envisaged new public utility infrastructure by a municipal plan for development programmes within a municipal budget for the current or following year.

(3) For public utility infrastructure intended for buildings in the areas of more municipalities, only a portion of the costs for that public utility infrastructure is recognised in the accounting area of an individual municipality.

77. Article 77
(provision of the construction of public utility infrastructure)

(1) The construction of a public utility infrastructure is provided by municipality.

(2) The construction of a public utility infrastructure is funded from public utilities charges, the state budget and other resources.

Article 78
(contract on the supply of utility services)

(1) With a contract on the supply of utility services, the investor (hereinafter referred to as: investor) and the municipality agree that the investor will construct on their own a part or the whole of the public utility infrastructure for the land on which it intends to build also when the construction of that public utility infrastructure is envisaged in the programme for the supply of utility services.

(2) A municipality can conclude a contract on the supply of utility services with an investor if it has adopted a programme for the supply of utility services or the bases for levying of public utility charges for all the existing public utility infrastructure in the area of the whole municipality.

(3) The contract from the previous paragraphs contains:

1. a definition of the area of the supply of utility services, with a list of the land parcels which will be supplied with utility services by the investor,

2. a review of the existing public utility infrastructure in that area,

3. a review of the public utility infrastructure which will be supplied by the investor,

4. an indication of the public utility infrastructure to which the investor will connect the constructed public utility infrastructure from item 3 of this paragraph,

5. the part of public utilities charge from paragraph 4 of this article which has to be paid by the investor,
6. a guarantee that the area to be supplied with utility services on the basis of project documentation under the building regulations approved by the municipality,

7. a guarantee that the municipality will issue to the investor a confirmation of settled liabilities related to public utility charges on the basis of a bank guarantee in the amount of the part of the public utility charges in item 5 of this paragraph and the value of the inventory of works on the basis of project documentation from item 6 of this paragraph,

8. a time limit within which the investor will construct the required public utility infrastructure,

9. a definition of the supervisory body which will perform supervision of the implementation and handover of the public utility infrastructure,

10. the rights and commitments of the investor related to irregularities determined by municipal supervision,

11. a bank guarantee with which the envisaged deadline and scope of works is secured, and a bank guarantee with which the good performance of works and the elimination of faults in the guarantee period is secured,

12. a time limit within which the municipality may change the part of spatial plan which is the basis for the investment under that contract. In the case a municipality alters the spatial plan within the time limit of the contract, it will be liable to damages.

(4) The costs of construction of the public utility infrastructure envisaged in a contract are charged to the investor. By being charged the costs, it is considered that the investor has paid in kind public utility charges for the construction of public utility infrastructure which they have constructed on their own. The investor is also obliged to pay the remaining part of the public utility charges if he or she will burden the already constructed public utility infrastructure to which the investor will connect the public utility infrastructure in item 3 of the previous paragraph.

(5) A municipality is obliged to take over the public utility infrastructure constructed in accordance with the contract when an operating permit for it is issued.

2. Public utility charges

Article 79
(public utility charges)

(1) A public utility charge is a payment for part of the costs of the construction of public utility infrastructure which the debtor of the costs (hereinafter referred to as: debtor) pays to the municipality. The amount of the public utilities charge does not include costs for the maintenance of the public utility infrastructure.

(2) For the needs of the supply of utility services to building land and levying of public utility charges, a regional municipal plan is treated as a municipal spatial plan.

(3) A public utilities charge for an individual type of public utility infrastructure can be levied if a building site is situated in the accounting area of that type of public utility infrastructure.

(4) By paying a public utilities charge, the debtor is guaranteed a connection to the already constructed public utility infrastructure, or is guaranteed that it will be constructed within a given time limit and the scope determined in the programme for the supply of utility services.
(5) It is considered that all costs for the connection of the building of the public utility infrastructure are settled by payment of a public utilities charge, except for the construction of those parts of the connections which are under private ownership.

(6) When a public utilities charge is levied for the needs of construction, it is levied by the competent body of the municipal administration with a decision on a request from the debtor, or when it receives from the administrative unit on the behalf of the debtor a confirmation of the completeness of the application for a building permit. The time limit for issuing a decision is 15 days, while the municipality also informs the administrative unit that a decision has been issued.

(7) When the public utilities charge is levied in order to improve the public utility infrastructure on a building site, the competent municipal body issues a decision under statutory powers.

(8) An appeal against a decision under the previous paragraph, to be decided on by the mayor, is permitted. The time limit for a decision on an appeal is 30 days.

(9) An administrative unit must not demand from an investor documented confirmation that a public utilities charge has been paid before the issue of a building permit, but it receives that information from the municipality. If there is no decision on levying a public utilities charge within the time limit under paragraphs 6 and 7 of this article, the payment of public utilities charge is not a condition for the issue of a building permit.

(10) If the investor paid the public utilities charge as per the previous paragraph, and does not submit an application for the issue of a building permit to the body competent for construction, or the building permit has not been issued or has expired, the investor is eligible for a refund of the public utilities charge already paid.

(11) A municipality which fails to adopt a programme for the supply of utility services within six months after the municipal spatial plan has entered into force, including the bases for levying public utility charges for all of the existing public utility infrastructure in the area of the whole municipality, levies public utilities charges on the bases established by the minister responsible for spatial planning.

(12) The bases in the previous paragraph are established on the basis of the average costs of supplying building land with individual types of public utility infrastructure.

(13) A municipality which uses the bases in paragraph 11 of this act for levying a public utilities charge, can levy a public utilities charge on the basis of a programme for the supply of utility services only if it has already adopted a programme for the supply of utility services with the bases for levying of a public utilities charge for all of the existing public utility infrastructure in the area of the whole municipality.

(14) A municipality which has drafted a programme for the supply of utility services with the bases for levying of the public utilities charge for all existing public utility infrastructure in the area of the whole municipality informs the ministry responsible for spatial planning of such a programme.

Article 80
(debtors of a public utilities charge)

A debtor of a public utilities charge is an investor or an owner of a building which is reconnected to the public utility infrastructure, or which increases the net plan view area of a building or changes its intended use.
Article 81
(contract on the connection to the public utility infrastructure)

(1) Upon payment of a public utilities charge, the debtor from the previous paragraph has the right to request from the municipality a contract on mutual commitments related to the connection to the public utility infrastructure.

(2) The contract from the previous paragraph determines the deadline for the connection of the building to the public utility infrastructure and other questions related to the connection of the building to the public utility infrastructure.

Article 82
(criteria for levying a public utilities charge)

(1) A public utilities charge is determined on the basis of a programme for the supply of utility services considering the area and the supply of the public utility infrastructure to building land, and considering the net plan view area of the building and its intended use, or considering the improvement of the supply of the public utility infrastructure to the building land.

(2) Criteria from the previous paragraph are prescribed in more detail by the minister.

(3) In accordance with the previous two paragraphs, a municipality can prescribe more detailed criteria for levying a public utilities charge.

Article 83
(exemption from payment of a public utilities charge)

(1) A public utilities charge is not paid for the construction of commercial public infrastructure.

(2) A municipality can prescribe that a public utilities charge is not paid for the construction of non-profit housing and the construction of individual types of buildings for education, science and research, and health, under regulations on the introduction and application of the uniform classification of facilities.

(3) A municipality can prescribe a partial or a total exemption from the payment of a public utilities charge also for the construction of all or individual types of non-residential building under regulations on the introduction and application of the uniform classification of facilities. In this case, a municipality has to compensate for the exempt payment from this paragraph from the undesignated revenue of the municipal budget.

Article 84
(the eligible use of funds collected from public utility charges)

(1) A public utilities charge is a funding resource for the construction of public utility infrastructure. With a decree adopting the municipal plan, a municipality defines the public utilities charge as dedicated revenue.
(2) A municipality can use the funds collected from a public utilities charge only for the construction of public utility infrastructure in accordance with the plan for development programmes in the municipal budget.

IV. SPATIAL INFORMATION SYSTEM AND PRESENTATION OF SPATIAL STATUS

Article 85
(spatial information system)

(1) For performing the tasks of the state and monitoring the tasks of municipalities in the field of spatial planning, including drafting and adopting national and municipal documents, and monitoring spatial status, and for enabling the public to be informed about the status of a space, the ministry ensures the management and maintenance of the spatial information system.

(2) The information system in the previous paragraph contains:

1. data on the actual status of space on the basis of a register of real estate, including data on the networks and buildings of the commercial public infrastructure,

2. data on the legal status in space on the basis of spatial planning documents, including the eligible use of space,

3. data on other legal regimes related to closed, protected, brownfield, endangered and other areas on which a special legal regime has been established on the basis of regulations,

4. data on the evaluation, impact and restrictions of cultural heritage and nature conservation in space, kept on the basis of regulations on the protection of cultural heritage and nature conservation,

5. data from administrative acts related to construction,

6. other data for the drafting, adopting and monitoring of spatial planning documents.

(3) The spatial information system also contains tools which enable the drafting and monitoring of the implementation of spatial planning documents in electronic form.

(4) The spatial information system also contains methods and procedures for supporting the coordination, cooperation and inclusion of the public in the procedures of the adoption of spatial planning documents.

(5) The government prescribes in more detail the content and manner for the drafting, management, use by the state and municipal bodies, and maintenance of the spatial information system in paragraph 1 of this article, including the sole content and form in which data should be kept, so that it provides for the electronic availability of the data at one place, and in a manner and form adequate for use in procedures for adopting spatial planning documents.

Article 86

(the presentation of spatial status)
(1) The presentation of spatial status is a mandatory basis for the drafting of spatial planning documents. It is drafted on the basis of data from the spatial information system and contains in particular:

1. a presentation of the actual status in space, which includes the presentation of building, agricultural, wooded, water and other land,

2. a presentation of closed, protected, brownfield, endangered and other areas on which a special legal regime has been established on the basis of regulations,

3. a presentation of the areas of eligible use established with spatial planning documents.

(2) The presentation of spatial status is jointly drafted by the ministry and municipalities.

(3) The presentation of spatial status contains both graphics and text, and is constantly updated and published. (2) The presentations in the previous paragraph are determined in such detail that their boundaries can be determined on the spot and displayed in the land register.

(4) The minister lays down in more detail the content and manner of drafting and use of the presentation of spatial status.

Article 87
(commitments of national and municipal bodies)

National and municipal bodies and other organisations are obliged to exchange the data in Articles 85 and 86 of this Act, each from their operating field, and send it to the ministry in the prescribed form, while also ensuring its traceability and interoperability in the spatial information system.

Article 88
(data on administrative acts)

(1) Data from administrative acts related to construction are kept in the administrative act database.

(2) The database from this article is kept by the ministry, and the entry of data for the issue of administrative acts is performed by the competent administrative bodies.

(3) The database from this act is kept in the land register and cadastre of buildings as guest data.

Article 89
(data on the networks and buildings of commercial public infrastructure)

(1) Data on the networks and buildings of commercial public infrastructure are kept in the cadastre of commercial public infrastructure on the basis of data on already constructed networks and buildings of commercial public infrastructure and data submitted by the investor after the construction has been completed.
(2) The keeping of the cadastre from the previous paragraph is undertaken by the municipalities and ministries whose operating areas cover individual networks and buildings of commercial public infrastructure.

(3) Cumulative data on the position of networks and buildings of commercial public infrastructure is submitted by the investors from a topographic base interoperable with the land register to the body competent for land surveying. Any changes to data in the cadastre of commercial public infrastructure which results in a change to the data in the topographic base is registered and submitted to the body competent for land surveying within three months following such changes.

(4) The identification markings determined by the body which is within the ministry competent for land surveying are used for the keeping of the cadastre of commercial public infrastructure.

(5) The content of the cadastre of commercial public infrastructure for individual types of networks and buildings of commercial public infrastructure is prescribed in more detail by the competent ministers with consent from the minister responsible for spatial planning.

Article 90
(the publication of data from the spatial information system)

Data from the spatial information system is public, except for personal data and other data protected by regulation.

V. TRANSITIONAL AND FINAL PROVISIONS

1. National spatial planning documents

1.1. National strategic spatial plan

Article 91
(national strategic spatial plan)

(1) The ministry drafts the national strategic spatial plan not later than six months after this Act and the regulations issued on its basis enter into force.

(2) Until the national strategic spatial plan enters into force, the national spatial plan is drafted in accordance with the Ordinance on Spatial Planning Strategy of Slovenia (Official Gazette of RS, no. 76/04).

1.2. Validity and amendments to the existing national spatial planning documents

Article 92
(validity and amendments to the existing national spatial planning documents adopted on the basis of the Spatial Planning Act)

(1) The Ordinance on Spatial Planning Strategy of Slovenia (Official Gazette of RS, no. 76/04) and the decree on Spatial Order of Slovenia (Official Gazette of RS, no. 122/04) are valid in accordance with the provisions of this Act until the national strategic spatial plan enters into force.
(2) After this Act enters into force, the national detailed plans adopted on the basis of the Spatial Planning Act (Official Gazette of RS, no. 110/02, 8/03 – corrigendum and 58/03 – ZZK-1; hereinafter referred to as: ZUrP-1) remain valid, and can be amended while taking into account the provisions of this Act which regulate the national spatial plan.

(3) National detailed plans from the previous paragraph remain valid until the implementation of interventions into space planned with it, or until the national spatial plan is adopted in accordance with the provisions of this Act.

Article 93
(validity and amendments to the national spatial planning documents adopted on the basis of other regulations)

(1) After this Act enters into force, the spatial implementation plans adopted on the basis of the following acts and articles will remain valid:

– 41. Articles 45 and 45.a through 45.j of the Act on urban planning and other forms of land use (Official Gazette of SRS, no. 18/84, 37/85 and 29/86 and Official Gazette of RS, no. 26/90, 3/91, 18/93, 47/93, 71/93, 44/97 and 9/01 – ZPReb, hereinafter referred to as: ZUNDPP),

– the Act on arrangement regarding certain issues involved in the construction of buildings at border crossings (Official Gazette of RS, no. 111/01),

– the Act on Measures to be Taken to Repair the Damage Caused by Certain Large-Scale Landslides in 2000 and 2001 (Official Gazette of RS, no. 21/03 and 98/05) and

– the Post-earthquake Reconstruction of Structures and Development Promotion in Posocje Act (Official Gazette of RS, no. 26/05 – official consolidated text).

(2) Spatial implementation plans from the first indent of the previous paragraph can be amended under the provisions of ZUrP-1 related to the drafting and adoption of the national detailed plan.

(3) Spatial implementation plans from the second, third and fourth indents of paragraph 1 of this article can be amended in the manner and under the procedure determined for their drafting and adoption by the acts referred to in those indents.

(4) Spatial plans from the previous paragraphs remain valid until the implementation of interventions into space planned with it, or until the national spatial plan is adopted in accordance with, the provisions of this Act.

1.3. Completion of procedures for the drafting of national spatial planning documents

Article 94
(national detailed plan)

(1) Procedures for the adoption and amendments to the national detailed plan, initiated on the basis of the provisions of ZUrP-1 before this Act entered into force, within which proposals for detailed plans have not yet been publicly exhibited, are continued and completed under the provisions of this Act related to the adoption of the national spatial plan and within the content of the adopted programme for the drafting of an individual national detailed plan.
(2) Procedures for the adoption and amendments to the national detailed plan, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which proposals for detailed plans have not yet been publicly exhibited, are continued and completed under the provisions of ZUreP-1.

(3) Procedures for the adoption and amendments to the national detailed plan, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which a variant has already been selected, are continued and completed under the provisions of this Act related to the adoption of the national spatial plan and within the content of the adopted programme for the drafting of an individual national detailed plan.

2. Municipal spatial planning documents

2.1. Municipal spatial plans

Article 95
(municipal spatial plans)

(1) A municipality must adopt a spatial plan not later than 24 months after the regulation from paragraph 5 of Article 39 of this Act enters into force.

(2) Until a municipal spatial plan enters into force, spatial arrangements related to drawing on EU cohesion funds and the Common Agricultural Policy in the period of the new financial perspective 2007–2013 are considered as spatial arrangements of national importance under this Act, unless municipal implementation of spatial planning documents under ZUreP-1 or ZUNDPP have already been adopted for them.

(3) Until the municipal spatial plan enters into force, other spatial arrangements can be considered as spatial arrangements of national importance under this Act if an initiative for their planning with the national spatial plan is sent to the ministry responsible for spatial planning by the council of the municipality in the area of which the spatial arrangement is situated, and if the government establishes that this is a spatial arrangement which, because of its economic, social, cultural and protection characteristics, has the nature of a spatial arrangement of national importance, or that it is important for the spatial development of the state, or that it is in other public interests. For the planning of such spatial arrangements, the government and municipality can conclude an agreement in which they regulate mutual commitments related to the drafting and funding of the planning of such spatial arrangements.

(4) Until the municipal spatial plan enters into force, a detailed municipal spatial plan is drafted in accordance with the spatial constituents of the long-term municipal plan for the 1986-2000 period and spatial constituents of the mid-term municipal social plan for the 1986-1990 (hereinafter referred to as: spatial constituents).

(5) The procedure of comprehensive environmental impact assessment in accordance with the act regulating environmental protection, and taking into account the provisions of this Act related to comprehensive environmental impact assessment for the municipal spatial, is carried out for the detailed spatial plans in the previous paragraph.

2.2. Validity and amendments to existing municipal spatial planning documents

Article 96
(validity and amendments to municipal spatial planning documents adopted in accordance with other regulations)

(1) Spatial constituents are valid in accordance with the provisions of this Act until the municipal strategic spatial plan enters into force.

(2) Spatial constituents can be amended while taking into account the provisions of this Act related to the municipal spatial plan within the period referred to in paragraph 1 of the previous article, and cannot be amended after the period has expired.

(3) The municipal spatial planning documents adopted on the basis of ZUNDPP remain valid until the municipal spatial plan enters into force.

(4) Spatial arrangement conditions from Article 25 of ZUNDPP cease to be in force on the day the municipal spatial plan enters into force, and until then, they can be amended under the provisions of this Act regulating the detailed municipal spatial plan.

(5) Upon the adoption of the municipal spatial plan, the municipal council establishes with a decree which spatial implementation plans adopted on the basis of ZUNDPP and town-planning schemes adopted on the basis of the Urban Planning Act (Official Gazette of SRS, no. 16/67, 27/72 and 8/78) or their individual constituents are contrary to the municipal strategic spatial plan or to the municipal spatial plan, or which have already been implemented. If a municipality establishes that the municipal spatial implementation plan has already been implemented, or that it is totally or partially inconsistent with the municipal spatial plan, the municipality nullifies it with the mentioned decree in its entirety or in the inconsistent part.

(6) If a municipality fails to adopt the decree on consistency within the time limit in the previous paragraph, the municipal spatial plan or the town-planning scheme from the previous paragraph must not be implemented.

(7) The municipal spatial implementation plans and town-planning schemes in paragraph 3 of this article which comply with the municipal spatial plan are considered as detailed municipal spatial plans under this Act and can be amended under the provisions of this Act which regulate detailed municipal spatial plans.

Article 97
(validity and amendments to the municipal spatial planning documents adopted on the basis of ZUreP-1)

(1) If the strategy for spatial development of a municipality has already been implemented on the basis of ZUreP-1, it is considered as a municipal strategic spatial plan under this Act, and is amended under the procedure determined by this Act.

(2) If the spatial order of the municipality has already been implemented on the basis of ZUreP-1, it is considered as a municipal strategic spatial plan under this Act, and is amended under the procedure determined by this Act.

(3) Municipal detailed plans adopted on the basis of ZUreP-1 remain valid until the implementation of interventions into space which are planned with it, and are amended under the procedure prescribed for the adoption of the detailed municipal spatial plan.

2.3. Completion of the procedures for drafting municipal spatial planning documents
Article 98
(completion of initiated procedures for the adoption of spatial planning documents from ZUreP-1)

(1) Procedures for the adoption of the strategy for spatial development of the municipality, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which it has not yet been publicly exhibited, are continued and completed under the provisions of this Act as a municipal strategic spatial plan or municipal spatial plan.

(2) Procedures for the adoption of the spatial order of the municipality, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which it has not yet been publicly exhibited, are continued and completed under the provisions of this Act as a municipal spatial plan.

(3) Procedures for the adoption of the municipal detailed plan, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which it has not yet been publicly exhibited, are continued and completed under the provisions of this Act as a detailed municipal spatial plan.

(4) Procedures for the adoption of the strategy for spatial development of the municipality, a spatial order of the municipality, or municipal detailed plan, initiated on the basis of the provisions of ZUreP-1 before this Act entered into force, within which these documents have already been publicly exhibited, are completed under the provisions of ZUreP-1. In such a case the strategy for spatial development of the municipality is considered as a municipal strategic spatial plan, a spatial order of the municipality as a municipal spatial plan, and a municipal detailed plan as a detailed municipal spatial plan.

(5) Procedure for comprehensive environmental damage assessment in accordance with the act regulating environmental protection is carried out for a municipal detailed plan which is being drafted.

Article 99
(completion of initiated procedures for the adoption of spatial planning documents under ZUNDPP)

(1) Procedures for the adoption of spatial planning documents under ZUNDPP are continued and completed under the provisions of this Act.

(2) Procedures for comprehensive environmental damage assessment in accordance with the act regulating environmental protection are carried out for spatial implementation acts.

2.4. Regional conception of spatial development

Article 100
(regional conception of spatial development)

(1) On the entry into force of this Act, the drafting of regional conceptions of spatial development is discontinued. Expert material is used as expert bases for the drafting of municipal spatial plans.
(2) With the discontinuation of the drafting, it is considered that the drafting programme has been implemented and that the programme council for the drafting of a regional conception of spatial development has been suspended.

(3) Notwithstanding the provisions in paragraph 1 and 2 of this article, a regional conception of spatial development drafted as a proposal in the form and content adequate for public exhibition is considered in the drafting of the national spatial plan as the development need of a development region from paragraph 3 of Article 29 of this Act if the participating municipalities or a union of municipalities agrees to them, and if they are spatial arrangements the planning of which is under the competence of the state, under the provisions of this Act.

(4) A regional conception of spatial development for which an environmental report in accordance with the act regulating environmental protection has not yet been compiled is also considered as a proposal for regional conception of spatial development.

3. Establishment of provinces

Article 101
(establishment of provinces)

Upon the establishment of provinces, they are to take over the planning of spatial arrangements under item 5 of paragraph 1 of Article 12 and the spatial arrangements under paragraph 2 of Article 12 of this Act. Detailed content and procedures for the adoption of spatial planning documents with which the provinces will plan those spatial arrangements are determined by legislation.

4. The spatial information system and presentation of spatial status

Article 102
(spatial information system)

(1) The ministry begins to establish the spatial information system within two months after the regulation in paragraph 5 of Article 85 of this Act enters into force, and completes its establishment within nine years after the regulations enters into force. Trial operations of the spatial information system start simultaneously with its establishment.

(2) Within three months after the implementing regulation in paragraph 5 of Article 85 of this Act enters into force, the ministry sends to the municipalities the available data from the spatial information system for the purpose of the presentation of spatial status.

(3) National and municipal spatial databases compiled on the basis of the provisions of Articles 147 through 154 of ZUreP-1 become part of the spatial information system under this Act.

5. Cessation of application and validity of the provisions of ZUreP-1

Article 103
(cessation of application)

(1) On the day this Act enters into force, the provisions of Articles 1 through 16, paragraph 2 of Article 95, Articles 167 through 180 and 182 through 191 of ZUreP-1 in the parts which
relate to spatial planning within the meaning of this Act and to the supply of utility services to building land and public utilities charges will cease to be applied.

(2) On the day this Act enters into force, the provisions of Articles 17 through 79 and 135 through 155 of ZUreP-1 will cease to be applied.

(3) Notwithstanding the provision of the previous paragraph, the provisions of Articles 17 through 79 of ZUreP-1 necessary for the amendment and completion of procedures for the drafting of national and municipal spatial planning documents which are in accordance with the provisions of this Act continued and completed under the provisions of ZUreP-1 will continue to apply.

6. Validity of implementing regulations issued on the basis of ZUreP-1

Article 104
(use of implementing regulations)

(1) Until implementing regulations on the basis of this Act are issued, the implementing regulations adopted on the basis of ZUreP-1 will be applied, if they are not contrary to this Act.

(2) Notwithstanding the provisions in the previous paragraph, the implementation of this Act terminates the use of the provisions of the Rules on the detailed form and method of issuing of planning information (Official Gazette of RS, no. 35/04) related to planning information for the purpose of real estate transactions, while a confirmation on the eligible use of land from Article 105 of this Act is issued for the purpose of real estate transactions.

(3) After this Act enters into force, the Rules on the land register of the public communications network and associated facilities (Official Gazette of RS, no. 56/05) remains in force and is continued to be applied as consistent with this Act.

Article 105
(confimation on the eligible use of land)

(1) Confirmation on the eligible use of land contains data on the eligible use of space as determined by the municipal spatial plan, and data on spatial planning measures determined on the basis of regulations on spatial planning. A confirmation of the eligible use of land is enclosed with a copy of the graphic part of the municipal spatial plan.

(2) Confirmation on the eligible use of land is valid until amendments to the municipal spatial plan or national spatial plan enter into force. If amendments to the municipal spatial plan or national spatial plan are drafted for land to which the confirmation applies, this must be in particular specified in the confirmation.

(3) Confirmation on the eligible use of land has the nature of a confirmation from the official record and is issued in accordance with regulations on administrative procedures and is exempt from the payment of an administrative fee, such as with the regulations on administrative fees determined for confirmations issued by bodies on the basis of official records, while an individual land parcel constitutes a single application.

(4) Notwithstanding the provisions of other regulations, the submission of planning information or confirmation on the eligible use of space will no longer be mandatory in any procedure on the day this Act enters into force. The body has to obtain the data for the
procedure on its own. On the day this Act enters into force, planning information or confirmation on the eligible use of space will no longer be a condition for the implementation of simple interventions into space.

7. The cessation of applications and validity of the provisions of the Environment Protection Act on comprehensive environmental impact assessment

Article 106
(cessation of applications and validity of certain provisions of the Environmental Protection Act)

(1) On the day this Act enters into force, the provisions of paragraph 5 and item 1 of paragraph 6 of Article 40 of the Environmental Protection Act (Official Gazette of RS, no. 39/06 – official consolidated text, 49/06 – ZMetD; hereinafter referred to as: ZVO-1) will cease to apply in that part which relates to the comprehensive environmental impact of the national and municipal spatial plan and detailed municipal spatial plan.

(2) On the day this Act enters into force, paragraph 5 of Article 41, Articles 49, 66 and 67 and paragraph 7 of Article 92 of ZVO-1 will cease to apply.

(3) Notwithstanding the provision of the previous paragraph, the provisions of Articles 66 and 67 of ZVO-1 will continue to be applied for the completion of procedures for the drafting of national and municipal spatial planning documents which are in accordance with the provisions of this Act continued and completed under the provisions of ZUreP-1, and also for their amendment.

Article 107
(completion of environmental impact assessment procedure)

(1) Holder of activity affecting the environment as per paragraph 2 of Article 51 of ZVO-1 planned with by means of a national or municipal detailed plan under the regulations on spatial planning which has been adopted before this Act entered into force, but was not granted environmental protection consent in accordance with the provisions of Article 66 or 67 of ZVO-1 needs to obtain environmental protection consent for such activity.

(2) An application for the acquisition of environmental protection consent under the previous paragraph contains an environmental impact report and its revision, while the ministry acquires the detailed plan under the previous paragraph and decides on the granting of environmental protection consent in accordance with the provisions of Article 61 of ZVO-1, while it is considered that the demands for public participation under the provisions of ZVO-1 have been met by the public exhibition of the detailed plan as per the previous paragraph.

(3) The environmental impact assessment procedure for a national or municipal detailed plan under the regulations on spatial planning in paragraph 1 of this article which was publicly exhibited on the day this Act entered into force together with the environmental impact report is suspended.

(4) Holder of activity affecting the environment under the previous paragraph must acquire environmental protection consent in accordance with the provisions of paragraph 2 of this article after the detailed plan in the previous paragraph enters into force.
(5) An environmental impact assessment procedure for a national or municipal detailed plan under regulations on spatial planning in paragraph 1 of this article which is still not publicly exhibited on the day this Act entered into force has not been implemented.

(6) Revisions of an environmental report which was compiled before the day this Act entered into force, or if the producer of spatial planning documents concluded an adequate contract for its compilation by the day this Act enters into force, this is taken into account in the procedure for comprehensive environmental impact in accordance with the provisions of ZVO-1.

8. Completion and implementation of administrative procedures

Article 108
(procedures for levying public utility charges)

(1) Procedures for levying public utility charges initiated before this Act entered into force are completed under the hitherto valid regulations.

(2) In the first six months of the implementation of a municipal spatial plan, public utility charges are levied under the hitherto valid regulations.

Article 109
(expropriation procedures under ZUreP-1)

It is considered that the public interest from paragraph 3 of Article 93 of ZUreP-1 is demonstrated if the graphic part of the national spatial plan, municipal spatial plan or detailed municipal spatial plan determines real estate so that it can be identified in the land register.

9. Harmonisation of terms

Article 110
(terms)

(1) For the purpose of issuing building permits and the implementation of other regulations, on the day this Act enters into force it is considered that:

– a strategy for the spatial development of a municipality under ZUreP-1 is a municipal strategic spatial plan,

– a spatial order under ZUreP-1 is a municipal spatial plan,

– a detailed municipal plan under ZUreP-1 is a detailed municipal spatial plan,

– a national detailed plan under ZUreP-1 is a national spatial plan.

(2) For the purpose of the implementation of the Public Roads Act (Official Gazette of RS, no. 33/06 – official consolidated text) and the Act Regulating Specific Issues Dealing with the Construction of the Motorways Network in the Republic of Slovenia (Official Gazette of RS, no. 35/95), it is considered on the day this Act enters into force that the regulations on a detailed plan means a regulation on the national spatial plan.
(3) For the purpose of the acquisition of licences under Article 130 of ZGO-1, on the day this Act enters into force it is considered that:

– the regional conception of spatial development under ZUreP-1 is the municipal a spatial plan,

– the conception of urban development under ZUreP-1 id an urban plan,

– the conception of landscape development and protection under ZUreP-1 is a municipal spatial plan under the provisions of this Act.

(4) For the needs of other acts, the term ‘settlement development zone’ under ZUreP-1 is considered as building land under this Act, and the planning information for the purpose of real estate transactions under the regulations on spatial planning is considered as a confirmation of the eligible use of land in Article 105 of this Act.

10. Implementing regulations

Article 111
(government regulations)

The government issues the regulations in paragraph 4 of Article 12, paragraph 5 of Article 75 and paragraph 5 of Article 85 within three months after this Act enters into force.

Article 112
(minister regulations)

(1) The minister issues the regulations from paragraph 5 of Article 28, paragraph 5 of Article 31, paragraph 5 of Article 39, paragraph 4 of Article 42, paragraph 5 of Article 56, paragraph 4 of Article 65, paragraph 11 of Article 79 and paragraph 4 of Article 86 of this Act within two months after this Act enters into force.

(2) The minister, in agreement with the minister responsible for agriculture, issues the regulations in paragraph 3 of Article 44 of this Act within two months after this Act enters into force.

(3) The minister, in agreement with the minister responsible for energy, issues the regulations in paragraph 10 of Article 73 of this Act within two months after this Act enters into force, while the provisions of paragraph 5 and 6 of Article 76 are not applied until this Act enters into force.

11. Entry into force

Article 113
(entry into force)

This act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.