



The Importance of Plans in Rural Land Planning

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ABSTRACT

This paper approaches the importance and role of urban plans in spatial planning. Generally, these plans have the character of a specific regulation, establishing rules and outlining directives for the development of localities, determining the areas to be built and the areas with no constructions in a certain locality, assigning the functions in localities, thus influencing the development and organization of the territory. Any construction or any investment is made on the basis of such a plan (General Urban Plan, Zonal Urban Plan, and Detailed Urban Plan) following the legislation and the plans for that specific territory at that moment. The wider territorial plans (plans made for the national territory or at a county scale) and the present urban legislation regulate the manner of intervention on a territory through urban plans. However, the urban regulations apply differently according to the specificity of the rural area, taking into account the cultural influences, the traditions, customs, the relief forms, population, etc. (i.e. the General Urban Plan for Săvădisla – Hungarian influences in land planning, the General Urban Plan of Râşca, the General Urban Plan of Unguraş – planning influenced by the landscape). The Zonal Urban Plan and the Detailed Urban Plan are documents that have the role of modifying the regulations of the general urban plan, establishing new requirements for building regime and spatial arrangement (ex. Zonal Urban Plan of Călăţele holiday village - planning of a tourist area), taking into account the area's specificity and the needs of the community, the territorial offer etc. The urban plans can contribute to the spatial development of a locality by setting the functions and facilities, yet they can also restrict and limit the way in which a rural locality develops.

1. INTRODUCTION

The purpose of this paper is to underline the importance of urban plans in the process of rural planning. Any arrangement (be it tourist or economic), any investment is made, according to urbanism documentations (General Urban Plan, Zonal Urban Plan, Detailed Urban Plan) and to legislation specific to that area at the moment. Current legislation regulates intervention by imposing the elaboration of documentations. They limit options, by requiring rules for the development of settlements, delimiting the residential area from the non-residential one, establishing the functions of each territory, defining the protected areas etc., thus influencing the development and organizing of the area.

The aim of territorial planning is the identification of the best distribution of population within the national territory, corresponding to the organization of natural resources and economic activities.

Urbanism can be considered the expression of planning policies, these instruments determining the evolution of urbanization in the area.

2. MATERIAL AND METHOD

The methodology of this paper comprises various stages: bibliographic research, reading of urbanism documentations (GUP, ZUP, and DUP), the use of cartographic and topographic material, of aerial photographs, and analysis of specific legislation.

3. HISTORICAL PERSPECTIVE OF URBANISM

Broadly speaking, urbanism is the art of building, of setting the rule in a harmonious and rational way for a population, in an established geographical area. Therefore, we can speak of classical urbanism that is specific to the school of Milet in Ancient Greece, characterized by urban planning in regular shapes, with street designing in a square shaped system. It was followed by the renescent urbanism defined by a unitary vision of the city. However, real urbanism appears only as an impact of the industrial revolution; it is a synthesizing science, which includes contributions from different fields (architecture, geography, economy, sociology, law, ecology) and aims to properly organize the available geographical space, according to the necessities of the settlement and its local community.

Seen from a modern perspective, regulations concerning urbanism have been found in Romania since 1831 (the Organic Statute) that lead to the creation of „citizens' gatherings” that had the role to administrate the city, in various domains, including paving and public lighting or urban politics to improve them etc [1].

At the moment, urbanism documentations comply with the legislation, namely the Law 350/2001, the Law 50/1991, the resolution 525/1996, and the local urban rules specific to every community.

4. DEFINING URBANISM REGULATIONS

Urbanism regulations impose the type of land use and specific conditions for building within any land units both in case of urban and rural settlements. They reflect the elements included by development plans for the national territory, or for regions and counties, yet at a smaller scale. According to the existing regulations, the General Urban Plan (GUP), the Zonal Urban Plan (ZUP), the Detailed Urban Plan (DUP) and the associated statute represent the fundamental urbanism documentations. They are based on the Urbanism Certificate, issued and approved by the appropriate local authorities.

5. THE ROLE OF URBANISM DOCUMENTATIONS IN THE DEVELOPMENT OF RURAL SETTLEMENTS

The elaboration and update of urbanism regulations take into consideration the existing regulations, the specificity of each settlement (structure, typology and tradition), the size of the residential area, the socio-economic profile, relief, etc.

The regulations included in the documentations are set by law, and they can both contribute to or restrict the development of a settlement by the facilities and functions they describe. For example, the creation of protected areas limits or forbids the activity of building.

The main objective of urbanism is the attribution of long term directives to the territory. They cannot be the same for the entire territory, therefore appearing a selective character, transposed in the limitation or forbiddance of building rights, having a great influence on the value (price) of the land, thus generating inequalities between land owners.

For example, the interdiction introduced by the article 71 in OUG no. 195/2005, forbids changing the function of green areas into private property; currently, public authorities do not make any allowances for the owners affected by the long term directives.

Seen from the perspective of public interest, urbanism documentations favour the development of settlements and regulate the possible interventions. At the same time, they contribute to the harmonious development of rural settlements, offering the possibility to extend the residential area in order to create new economic units, regulate the spatial distribution of units, establish the percentage of occupied territory, alignments, etc.

Therefore, for a better exemplification each type of documentation will be analyzed separately.

5.1. General Urban Plan

The General Urban Plan represents the basic urbanism documentation in settlement organizing, it establishing the conditions of intervention, building possibilities and planning.

The GUP consists of 2 parts: the written one, in which are laid the general provisions and its adjacent statute and the graphic part, including sketches that represent graphically the urban regulations.

Each administrative unit has a personalized General Urban Plan.

It represents the main instrument for the rational planning, being the legal basis for the implementation of development programmes in a settlement. It has both a directive and regulatory aspect, given by the Local Urban Statute; it also functions as an interface between the planning and urban plans.

The General Urban Plan encloses rules to be applied on short, medium and long term. The first category comprises the following:

- it establishes the residential area within the administrative territory of the settlement and the built up area in order to prevent chaotic building;

- it sets land cover within the residential area;

- it establishes the division of the territory according to functional features (inhabited areas, institutions and services, productive units, infrastructure) and regulations in order to achieve them;

- it organizes traffic; sets rules for access, and according to the degree of modernization of the infrastructure contributes to the development possibilities;

- it develops technical-urban infrastructure that improves the living standards of the local population though it may lead to expropriations;

- it establishes public long term directives;

- it establishes protected areas and special areas designed to contribute to the protection of natural and/or social values;

- it indicates setting and volume conditions for the built items;

- it delimits risk areas, establishes building prohibition for certain areas, indicates possibilities for tourist development;

- it includes the list of main development projects, indicates the areas suggested to undergo urban regeneration;

- it establishes the type of property for each territory;

- it indicates the possibilities to change the judicial attribution of territories.

The medium and long term rules set by the GUP are related to:

- the evolution of the settlement;

- the directions of functional development;

- the path of transport corridors set by the development plans made at a national, regional or county level;

- the natural risk areas established according to the law, and the specific measures for preventing and reducing risks, land cover and building in those areas;

- the list of major development and restructuring plans;

- setting the limit to areas with temporal or permanent building prohibition.

These regulations have an important role in defining the direction of development in case of urban or rural settlements.

Special care is required from the stakeholders taking part in the elaboration process of the development strategies, both on medium and long term, since they will eventually influence the local community.

5.2. Zonal Urban Plan

The role of the Zonal Urban Plan is to set specific regulations for a certain area of a settlement, be it urban or rural, that comprises more territories and covers all functions: inhabitancy, services, production, transport, green areas, public institutions etc. [5]

The Zonal Urban Plan has the function to create detailed and specific rules, setting new features or modifying the old ones, or gives the possibility to integrate new territories into the residential area. Article 47, align. 1 of Law 350/2001 defines the ZUP as being „a planning instrument for specific regulating that coordinates integrated urban development of some areas of the settlement, characterized by a high degree of complexity or in an accentuated urban dynamic”. The Zonal Urban Plan ensures the correlation of integrated urban development with the General Urban Plan, and the integration and correlation of regulations in the GUP. It also sets the conditions to establish investments and public and private development objectives. The ZUP facilitates the inclusion of new territories within the residential area, having different functions (i.e. inhabitancy, agro-industrial, tourism and recreation etc.) or the changing of functions established in the GUP (e.g. transforming the industrial area into inhabiting area).

The Zonal Urban Plan establishes rules for:

- organizing road network in order to allow the setting up of new access ways, optimizing transport;

- the division of territory according to functions;

- urban indices and indicators;

- the architectural-urban organization according to the features of the urban structure;

- the land use;

- the development of urban infrastructure;

- the judicial status of the territory and the change of judicial owner;

- the protection of historical monuments and long time directives in case of protected areas.

5.3. Detailed Urban Plan

As defined in article 48 align. 1 of Law 350/2001, „the Detailed Urban Plan has exclusively the role of specific regulations that ensure the setting, size and dimension conditions, the adjusting and urban infrastructure of one or more items, on one or more adjacent lots, correlated with the “immediate neighbourhoods”. Thus the Detailed Urban Plan ensures:

- rules that assure the access to urban facilities;

- restrictions and allowances regarding buildings;
- functional relations and building and plantation adjusting.

Consequently, the Detailed Urban Plan modifies the urban regulations set by General Urban Plan or Zonal Urban Plan.

Seen from the perspective of private interest, urban regulations may have sometimes a discriminating role. Setting and limiting the residential area, conditions of building only within it; the rules regarding land cover conditions the shape, structure and minimal surface of the building lots, and limits the height and

alignment of buildings. Traffic organizing may impose limits to building next to public roads whereas development of technical-urban infrastructure may lead to expropriations.

The creation of protected areas limits, or in some cases, forbids building completely, whereas the existence of natural risk areas prohibits or sets restrictions for specific conditions for establishing economic facilities within risk areas.

The two-sided aspect of some urban regulations, which favour and/or limit the development of a rural settlement from the perspective of public-private interest, is summarized in table 1.

Table 1. Urban regulations that favour and/or limit the development of a rural settlement.

Regulations that favour development (public interest)	Urban Regulations	Regulations that limit/condition development (private interest)
sets the building area, preventing chaotic building	<i>establishing and limiting residential area</i>	conditions the building only inside the residential area
sets rules regarding safe building, setting, shape and size of lots	<i>rules regarding land use</i>	conditions the shape, structure and minimal surface of building lots, limits the height of buildings inside the residential area
sets functions (public institutions area, industrial, inhabiting, etc.)	<i>functional zoning</i>	forbids the creation of items incompatible with the established functions
modernization of roads contributes to the improvement of living standards	<i>traffic organizing</i>	limitation or restriction of certain property rights (implementation of long term directives)
improvement of living standards	<i>development of technical-urban infrastructure</i>	may limit the property rights (expropriations)
protection of natural/social values economic use of protected areas	<i>establishing protected areas</i>	limits or in some cases forbids completely the building, limits the property rights
avoids producing material damages or even casualties	<i>outlining risk areas</i>	forbids or impose specific conditions for the creation of economic units
sets the development directions of the settlement	<i>creation of traffic corridors</i>	may limit the property rights (leads to expropriations)

The urban regulations set by the urbanism documentations must also take into consideration the size of the residential area. Distinction must be made between small settlements (under 50 ha), medium (50-150 ha), large (50-150 ha) and the largest ones (over 250 ha), in which case the urban rules will be adapted to the specific needs of the community. The residential area can have a regular shape (square, circular, rectangular, triangular, etc.) or irregular, being determined by a complex of factors, both physical and social-economic. The configuration of the relief can be a favourable element in planning and development of the territory. Hence, the mountainous and hilly relief determines the fragmentation of settlements.

The structure of the residential area is the quantitative item that indicates the degree of

concentration of households within it [2]. Three types of major structures are to be identified in Romania: *enclosed, spread and scattered* [3].

The ones that have an *enclosed structure* present high concentration of the households and services, clearly delimited from the agricultural or forest land, conditioned by the relief, easy access to vital facilities, preserving the agricultural land.

They can be found in Transylvania (e.g Oșoi village in Cluj County) Banat (Liebling village in Timiș County, in the area of Swabians), and Dobrogea, where influences from the Turkish villages *ciflik* can be observed [2].

The actual trend in the urban regulations regarding this type of villages is to limit building and include new territories within the residential area.

The villages with a *spread structure* are specific to mountainous regions, where the residential area is fragmented, comprising various units interrupted by areas of variable surface and with different agricultural use (i.e. Rîșca village in Cluj county). The urban regulations adopted for this type of settlements allow the formation of new residential units, taking into consideration the specificity of the geographic space.

The main characteristics of the *scattered* type village are the highly spread households and the residential area fragmented into small units (i.e. Mărișel village in Cluj County). As in the case of villages with spread structure, the urbanism regulations allow to a larger extent the inclusion of new territories within the residential area by the formation of new residential units.

The areas with specific regulations can be identified in the General Urban Plan, regulations that cannot be later modified for those areas with the help of Zonal Urban Plans and Detailed Urban Plans. These rules are clearly specified in the local urbanism regulations that join the GUP.

Urbanism documentations are constantly changing. The regulations set by them evolve in time under the influence of socio-economic factors, suffering from constant transformation and update corresponding to a certain moment of the local evolution. They must not restrict the establishment of some necessary investments that were not stipulated in the existing urban plans. The regulations contain a series of measures that allow the modification and the update of urbanism documentations, giving them a flexible end evolving character.

The approval of urbanism documentation brings together different stakeholders that are frequently in conflict: public institutions involved in the planning and urbanism process, land owners, contractors etc., each having sometimes contradictory interests. There should be a series of mechanisms to concentrate the decision process, in which different partners could present their points of view and find solutions.

The conflictory role results from the type of property, public or private, transposed in the common and private interest.

However, the economic interest that requires the rational management of space, frequently contravenes to the environmental protection, living standard and aesthetic aspects that impose limits to planning.

The attitude and actions of local authorities, as initiators of urbanism documentations can contribute or should contribute to the development of rural

settlements by giving certain facilities to private investors, through the interest shown to the projects initiated by the EU and the Romanian Government in what public utilities are concerned (water supply system, sewage, road modernization, etc.).

In addition, by introducing new territories with development potential within the residential area, by changing some functions, by reducing bureaucracy in simplifying the way to obtain approvals and assents necessary to create investment units that contribute to the development of the settlements the local authorities can improve the economic status of the settlement.

6. CONCLUSION

The high share of approximately 45% of rural population in Romania, determines the necessity of studying the evolution and development of rural settlements. Each component of the Romanian territorial administrative system must have an Urban General Plan, the associated statute included, that would facilitate regulations in the interest of settlement's evolution and development. The involvement of the local inhabitants in the elaboration of development strategies should be mandatory.

The lack of information, the level of education as well as the political factor, increasingly active in "technical" activities, represent inhibitory factors for the population's involvement in the development of rural settlements.

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[8] *** Law no. 350/2001, amended and supplemented.

[9] *** Law no. 50/1991, amended and supplemented.

[10] *** OUG nr. 195/2005.

[11] *** OUG nr. 195/2005.

[12] *** General Urban Plan of Rîșca village.

[13] *** General Urban Plan of Recea Cristur village.

[14] *** General Urban Plan of Mărișel village.