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MASTER'S THESIS

Planning Law and its Implementation in Serbia

Planning Practice in Petrovac na Mlavi and Subotica

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Abstract

Serbian cities and municipalities are facing many challenges when adopting spatial and urban plans and implementing them. One aspect, which is often mentioned by Serbian planners, is that the implementation of legal obligations, which are provided mainly by the 2009 Law on Planning and Construction, is insufficient. Another main aspect is that the degree of plan implementation is not very high. Both aspects lead to the hypothesis that the adoption of spatial and urban plans is done formally, especially because of the legal obligation, but the role and importance of the plans is neglected in reality, which is why plan implementation seems to be poor.

The framework and preconditions of the case studies Subotica and Petrovac na Mlavi are different which is intended. Subotica is a city in the very north of the rather prosperous Autonomous Region of Vojvodina. Petrovac na Mlavi on the other hand is a municipality close to the Romanian border in the east of Serbia and is strongly influenced by agricultural structures. It can be concluded that smaller municipalities like Petrovac seem to have more problems with adopting and implementing plans, especially in regard to capacities of planning staff.

The local level, i.e. cities and municipalities, is overstrained with the provided planning system. The 2009 Law on Planning and Construction requires the adoption of many different spatial and urban plans (municipal spatial plans, arrangement schemes, general urban plans, general regulation plans, detailed regulation plans, urban projects). The capacities of Serbian cities and municipalities are absolutely not sufficient to do this in an appropriate way. That is why they are already overstrained to adopt this large number of different plans. Adopting these plans takes a very long time. Because of that, there are absolutely no capacities to have the implementation of these plans in mind.

In order to achieve a higher degree of plan implementation, reshaping and simplification of the planning system on the local level, with regard to the provided planning instruments, has to be forced. With a clearer structure of local planning instruments, plan implementation could reach a higher degree. Also the question, whether plans are realistic, has to be considered. The analysis of planning documents in the two case studies hypothesizes that the provided planning ideas, measures and goals are too ambitious. One main step towards a higher degree of plan implementation is to create realistic and realizable plans.

Kurzfassung

Städte und Gemeinden in Serbien stehen im Bereich der örtlichen Raumplanung vor zahlreichen Herausforderungen. In diesem Zusammenhang wird immer wieder die mangelhafte Umsetzung der gesetzlichen Verpflichtungen im Rahmen des serbischen Bau- und Planungsgesetzes 2009 genannt. Weiters wird auch eine mangelhafte Implementierung von Raumordnungsplänen im Allgemeinen hervorgehoben. Die Pläne werden zwar gesetzeskonform erlassen, jedoch wird von serbischen Planerinnen und Planern immer wieder beklagt, dass das Bewusstsein über deren Notwendigkeit größtenteils fehlt und deshalb auch die Implementierung der Pläne unzureichend ist.

Die Rahmenbedingungen und Ausgangssituationen der beiden Fallbeispiele sind relativ unterschiedlich, dies ist jedoch bewusst so gewählt. Subotica ist eine mittelgroße Stadt im nördlichen Teil der relativ wohlhabenden Region Vojvodina. Petrovac na Mlavi ist eine etwas kleinere Gemeinde im östlichen Teil Serbiens und stark von landwirtschaftlichen Strukturen geprägt. Kleiner Gemeinden, wie zum Beispiel Petrovac scheinen größere Probleme bei der Erlassung und vor allem der Implementierung von Plänen zu haben, insbesondere weil personelle Kapazitäten nur unzureichend vorhanden sind.

Die örtliche Ebene in Serbien ist mit dem derzeitigen Raumplanungssystem überfordert. Das Bau- und Planungsgesetz 2009 sieht die Erlassung von zahlreichen, formal unterschiedlichen Plänen vor (lokale Raumordnungspläne, generelle urbanistische Pläne, generelle Regulierungspläne; detaillierte Regulierungspläne; urbanistische Projekte). Serbischen Gemeinden und Städten fehlt es jedoch zumeist an Kapazitäten, um den gesetzlichen Verpflichtungen entsprechend nachzukommen. Dies führt zu einer gewissen Überforderung und vor allem zu fehlenden Kapazitäten, um sich der Implementierung von Plänen zu widmen.

Um einen höheren Implementierungsgrad zu erreichen, ist eine Umstrukturierung und Vereinfachung des serbischen Raumplanungssystems notwendig, um so Gemeinden und Städte zu entlasten. Die Zahl der vorgesehenen Planungsinstrumente auf der örtlichen Ebene muss verringert werden und effizienter eingesetzt werden. Zusätzlich muss auch die Umsetzbarkeit der Pläne beachtet werden. Die Analyse von relevanten Planungsdokumenten in den zwei gewählten Fallbeispielen lässt vermuten, dass die vorhandenen Raumordnungspläne zu umfangreich und anspruchsvoll sind. Deshalb muss auch hinterfragt werden, ob die erlassenen Pläne überhaupt umsetzbar bzw. realistisch sind.

Affidavit

I hereby affirm that this master's thesis represents my own written work and that I have used no sources and aids other than those indicated. All passages quoted from publications or paraphrased from these sources are properly cited and attributed.

The thesis was not submitted in the same or in a substantially similar version, not even partially, to another examination board and was not published elsewhere.

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1. Introduction

“The system still lacks the capacity to exert strong guidance and implementation of generally well-conceived plans and to promote (let alone protect) public interest. It is our tentative conclusion that the institutional and societal (political and economic) problems are more of an obstacle than the laws themselves. It is not the laws but their implementation that is based on flawed institutional processes and difficult societal circumstances.”¹

At first view, the spatial planning system in Serbia seems to be well developed: There is a Law on Planning and Construction², which was adopted in 2009 and already passed some amendments. This Law includes among other things different legal provisions relating to instruments of spatial planning and to the exposure of building land. The Republic of Serbia has also established National Ministries, which are dealing with spatial and urban planning issues: namely the Ministry for National Resources, Mining and Spatial Planning and the Ministry for Construction and Urbanism. In 2010 the Spatial Plan for the Republic of Serbia³ was adopted. This document defines the framework, in which the spatial planning practice in Serbia should work. So it seems that Serbia is making efforts to develop the spatial planning system. But according to most Serbian planners, Serbia has to deal with many challenges, which restrain the implementation respectively the realization of well-intentioned legal provisions and planning policies. At first view it cannot be the laws and legal framework, but their implementation in terms of realization of the aims and goals of the laws and spatial plans. This thesis shows that the elaboration on the one hand and the process of implementation, on the other hand cannot be separated just like that. Already in the phase of elaboration of the legal framework and plans, important elements have to be considered in order to get a successful implementation.

Plan implementation has many aspects and can be seen as series of actions, respectively as a result of cross-derived factors on the basis of: territorial organization guidelines and spatial integration; guidelines for further planning elaboration; general rules for constructing and land

¹ T. Dabović, D. Djordjević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, p. 451.

² Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013.

³ Ministarstvo Životne Sredine i Prostornog Planiranja, *Prostorni Plan Republike Srbije 2010-2014-2020 (Nacrt)*, Beograd, 2010, http://www.tvojpglas.rs/upload/files/Nacrt_prostornog_plana_Srbije_2010-2021.pdf, (accessed 21 March 2014)

use regulations; implementation of priority projects together with appropriate measures and instruments.⁴

The practice of plan implementation in Serbia is weak. This opinion is widely spread under experts of the Serbian spatial planning system. Trkulja (2012), Šećerov and Filipović (2010) and also Maksin and Tankosić (2012) agree that plan implementation is the bottleneck of the planning process in Serbia.

This master's thesis tries to verify this opinion as a hypothesis. There are numerous researches of Serbian but also foreign planners and experts which are dealing with the aspect of plan implementation. There is almost nobody, who does not agree that in Serbia there is an obvious challenge with plan implementation in real life. This fact has become apparent through the efforts of the Republic of Serbia to establish different types of implementation tools and mechanisms, e.g. according to the current valid Law on Planning and Construction the so-called "implementation programs" for the Spatial Plan of the Republic of Serbia, regional spatial plans and spatial plans for special purpose areas are designed. The attempt to provide so-called "implementation contracts" for spatial plans through the 2003 Law on Planning and Construction, illustrates the intention to improve plan implementation. Unfortunately this approach with contracts, which provided an agreement between municipalities and local public enterprises in order to achieve the implementation of defined priority projects, failed. In the approximately six years the 2003 Law was valid, there was signed just one implementation contract (namely for the Municipal Spatial Plan of Kladovo).⁵

The number of official documents which deal with implementation aspects illustrates the relevance plan implementation has in Serbia. Although a certain number of researches have been made, the obvious problem of the lack of implementation is not well tangible. In order to realize the challenges of plan implementation regions and municipalities have to face, at first the implementation processes from the national level down to the local level is illustrated. But the focus of this research is on the implementation processes within a municipality. This is done through selected municipalities respectively cities, namely the City of Subotica and the Municipality of Petrovac na Mlavi.

⁴ V. Šećerov, D. Filipović, 'Experiences and Problems in Implementing Spatial Plans of Municipalities', *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, pp. 208-209.

⁵ V. Šećerov, D. Filipović, 'Experiences and Problems in Implementing Spatial Plans of Municipalities', *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, p. 211.

What does “implementation” mean? In general, the process of implementation relating to spatial planning is about realizing legal provisions, which are defined in different laws and by-laws and about implementing the policy of spatial plans through other spatial plans or projects according to the state level. “*The implementation of the plan is actually a series of actions that contribute to its efficient realization. It essentially depends on the efficiency of the body that is tasked to implement it (authority) but also, in large extent on the planning document, that is professional preparation for implementation.*”⁶ Trkulja (2012) summarizes that the implementation process is a link from good analysis to realization of planned activities.

The process of implementation can also be described as a “*unique phenomenon at the interface between plan and policy making and actual (i.e. physical and spatial) land development.*”⁷ “*It is generally assumed by plan makers, politicians and their communities that desired planning outcomes, once developed and expressed through urban planning documents, will be delivered through the implementation process. A fundamental belief about the plan making process is that it provides a planning framework which delivers the planning outcomes as negotiated and agreed public planning policy.*”⁸

It can be distinguished between internal and external factors of plan implementation. Internal factors refer amongst others to planner’s biases and roles, flaws in planning goals, the failure of plans to recognize the effect of political agendas on planning decisions and the weakness of some plans. External factors refer to (local) political contexts, the degree of local social consensus about planning issues and the degree of support for planning in terms of funding and political support.⁹ Additionally the factors mentioned above are affected by the specific characteristics of the jurisdictions considered.¹⁰

Referring to different articles about municipal spatial plans in Serbia and their implementation, the key hypotheses of this thesis are:

⁶ V. Šećerov, D. Filipović, ‘Experiences and Problems in Implementing Spatial Plans of Municipalities’, *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, p. 209.

⁷ L. Laurian. et al., ‘What Drives Plan Implementation? Plans, Planning Agencies and Developers’, *Journal of Environmental Planning and Management*, vol. 47, no. 4, 2004, p. 557.

⁸ L. Beattie, *Plan Implementation: The Reality of Land Use Planning in Auckland, New Zealand*, University of Auckland, p. 1.

⁹ E. Talen, ‘Do plans get implemented? A review of evaluation in planning’, *Journal of Planning Literature*, vol. 10, no. 3, 1996, cited in L. Laurian. et al., ‘What Drives Plan Implementation? Plans, Planning Agencies and Developers’, *Journal of Environmental Planning and Management*, vol. 47, no. 4, 2004, pp. 557-558.

¹⁰ L. Laurian. et al., ‘What Drives Plan Implementation? Plans, Planning Agencies and Developers’, *Journal of Environmental Planning and Management*, vol. 47, no. 4, 2004, p. 575.

- *It is not the laws, but their implementation:* this is for sure a provocative hypothesis, but in fact, it should point out the two important elements of an implementation process. On one hand defining the planning policies and on the other hand implementing them. Thus, this thesis is considering the planning law respectively the legal provision as well as their implementation. It does not have in mind to say that the laws are perfect and just the implementation is unsatisfactory.
- *Disregard of basic research:* since the 2003 Law the phase of basic research is not provided as a legal obligation, which is why this phase is reduced in most cases to an inconsistent summary of assessment of potentials and limits of the territorial development of the municipality respectively city.¹¹ This leads to a non-integrative and non-problem-oriented planning approach, which furthermore leads to plans which are not in accordance with the real situation.
- *There is a lack of awareness of the purpose and importance of spatial planning:* the elaboration of spatial plans is rather more seen as legal obligation than an instrument with a specific purpose for the development of a municipality/city. In most cases the municipal spatial plans try to fulfill the legal obligation with regard to the part which is dealing with implementation, but without defining priority measures and projects for realization of planning provisions and without involvement of relevant actors at the level of local units and local administration. The focus is mostly on implementation of regulations for constructions. The role of the spatial plan as a strategic instrument is neglected. This is illustrated by the lack of clear goals and integrative approach and by provisions which cannot be referred to concrete space. The main goal is to provide a basic document for issuing building permits.
- *Undifferentiated but also too detailed and uniform regulation of constructions and spatial management:* The most problematic challenge is that the existing real estate cadastre is not up-to-date. Additionally the cooperation with the correspondent public service is not as well as it should be to provide a realistic plan. The public service cannot or does not want to deliver information about cadastre for elaborating spatial plans. So the lack of up-to-date basic maps and cadastre is a huge challenge. The current state is that orthophotos are used very often for drafting spatial plans (scale: 1:25.000).

¹¹ M., Maksin, N. Tankosić, 'Problemi i nedoumice u izradi i implementaciji prostornog plana opštine', *Arhitektura i Urbanizam*, no. 36, 2012, p. 4.

The main research questions, this thesis is dealing with, are:

- *Which legal framework does exist?*
- *Which provisions does the legislative framework determine?*
- *Which obligations arise for the municipalities out of the legal provisions?*
- *Which challenges and problems are the municipalities facing with regard to the implementation of spatial planning instruments on the local level?*

This thesis addresses the process of plan implementation in a concrete municipality respectively city in order to make proposals how a higher degree of the plan implementation can be achieved. These two case studies will focus on the City of Subotica and the Municipality of Petrovac na Mlavi. With the help of the identification of the actors responsible for plan elaboration and adoption (plan makers) and actors intended to implement plans (plan implementers) on the other hand, important elements of a successful implementation should be pointed out and suggestions should be given to avoid handicapping elements of implementation. This case study approach offers an in-depth understanding of planning and implementation processes in Serbian planning practice. The focus of this research will be on plan implementation with regard to the municipal spatial plans of Petrovac na Mlavi and Subotica through subordinated urban plans (indirect implementation) and on direct implementation of these spatial plans. The process of implementation of the National Spatial Plan through the correspondent regional spatial plans and furthermore through the municipal spatial plans of Subotica and Petrovac are considered too.

Another aspect of plan implementation is that new spatial plans have been widely adopted but a lot of regulatory plans have not been redrawn and, as a result, continue to be widely ignored. *“Not only should regulatory plans be updated, but the path to obtain building permits should be clarified.”*¹² Particularly the issue of obtaining building permits is crucial in the Serbian case, because of the confusing structure of planning instruments it is not always clear, which instrument is the basis for issuing building permits.

¹² S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, pp. 50-51.

The research approach of this master's thesis is to describe different aspects and factors of plan implementation. This approach seizes suggestions from a research approach, which already tried to explore the determinants of implementation of local plans through building permits.¹³ According to the mentioned research, different factors of plan implementation are considered: the quality of the plan, definition of plan implementers, characteristics of planning authorities and the cooperation between planning authorities and plan implementers.

To find answers to the defined questions above, different methods have to be used. To get as much knowledge as possible of the planning system in Serbia it was important to become acquainted with the planning legislation and planning practice in Serbia, because the planning legislation is the basis for the practical implementation process. Integral part of the research methods are in-depth interviews with practitioners involved in the plan making process, especially in the two case studies, as well as with experts, who are familiar with the Serbian planning system.

Finally it has to be clarified that this research is not evaluating the municipal spatial plans of Subotica and Petrovac, but deals with the institutional and political framework in which spatial and urban planning occurs and in which the implementation of the plans should be realized.

The following chapter is dealing with Serbia in general, with its present situation and administrative structure as well as with its historical development, which still seems to influence the present situation and development of Serbia in general. After this overview, the spatial planning system in Serbia will be illustrated in chapter three, in which especially the Law on Planning and Construction with its legal provisions and obligations will be discussed. Chapter four is discussing the two case studies, in which the spatial planning practice in Subotica and Petrovac will be analyzed, in due consideration of the above mentioned hypotheses and criteria of plan implementation. Concluding, the final chapter tries to illustrate starting points for improving plan implementation.

¹³ L. Laurian. et al., 'What Drives Plan Implementation? Plans, Planning Agencies and Developers', *Journal of Environmental Planning and Management*, vol. 47, no. 4, 2004, pp. 556-577.

2. Serbia in the past and today

“Over the past half a century Serbia experienced major societal turbulences – post-World War II reconstruction, nationalization, frequent changes in constitution, several shifts of societal practice (centrally planned economy, self-management, decentralization, etatization), the dissipation of former Yugoslavia, fall of communism and establishment of a multi-party system, privatization and return to market economy. All those changes were followed by continuous alteration of the planning system and legislation used to guide development and arrangement of Serbian settlements.”¹⁴

To understand today's Republic of Serbia with all its administrative, political, economic and societal structures and organizations, the history of Serbia and the former shapes of “Yugoslavia” has to be understood. Against the background of the very dynamic history, a better understanding of today's planning system in Serbia can be reached. Yugoslavia was clearly a republic with a communist respectively socialist system, but it has to be enhanced that it was different to the communist system in other former communist states.

2.1. Former Yugoslavia and its disintegration

“[...] Yugoslavia has experimented with a variety of planning mechanisms for its economy, but since the early 1950s, and especially since 1965, it has been characterized by a polycentric system of decision making in which there have been many hundreds organizations within the social sector, of which the central government has been an important, but by no means the dominant, one.”¹⁵

After World War II, the communist party of Yugoslavia succeeded to assume power over Yugoslavia. Under the communist leader Josip Broz Tito the “Federative Peoples Republic of Yugoslavia” (FNRJ) (also called as the “Second Yugoslavia”) was founded in 1945. The FNRJ consisted of the six part republics of Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia. The communist system occupied large areas in Central, Eastern, Southern and South-eastern Europe as it also did in “Second Yugoslavia.” But the FNRJ was trying to establish a Yugoslavian way of socialism, because Tito was at political and ideological variance with Josef Stalin, the powerful leader of the Soviet Block about the idea how socialism has to look like. Which is why the FNRJ distanced itself from the stalinist

¹⁴ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 451.

¹⁵ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p. 282.

communism. In comparison to the past decades Yugoslavia also experienced a relatively fast modernization of society and advanced from an agrarian society to an industrialized society. These two characteristics of liberalization tendencies and the further development to an industrialized society are outlined as the “Yugoslavian way of life”.¹⁶



Figure 1: The Former Yugoslavia¹⁷

Yugoslavia – under the leadership of Tito – managed to distinguish its state and societal system from the general Soviet system in three ways:¹⁸

1. Self-management and market-socialism: Yugoslavia established in Constitutional Law of 1953 the so called “self-management” of enterprises by their enterprises. This was a completely new form of economic management in Eastern Europe. In the 1940s almost all mining, manufacturing and service industry were nationalized and it was tracked a highly-centralized command economy of the Soviet type. In other words, all

¹⁶ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), <http://liportal.giz.de/serbien/geschichte-staat/> (accessed 25 December 2013).

¹⁷ Atlas of Yugoslavia, Wikipedia: The Free Encyclopedia, http://de.wikipedia.org/wiki/Jugoslawien#mediaviewer/Datei:Former_Yugoslavia_Map.png, (accessed 3 August 2014.).

¹⁸ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, pp. 280-284.

major decisions – especially concerning investment and production – were decided by the Federal government. This led to the first so called Five-Year Plan. This system was then replaced by the introduction of the above mentioned self-management system. Rapid economic growth followed these changes, but due to difficulties reforms were set again in 1965. They are considered as first steps towards the so called “market socialism”.

After the reforms prices were freed but they were set thereafter by enterprises according to the state of market. The banking system of Yugoslavia was decentralized so most decisions concerning financing or investment were transferred to communal and republican banks, which were controlled by their local communities. Supply and wages were ended, to some extent. It has to be emphasized, that local communities were made responsible for social services, which is why in the late 1960s the government covered less than a fifth of fixed capital investment. The main sources for financing investment were the banks and the enterprises, which were using their own funds. With the exception of agricultural land, ownership of the means of production remained communal. In 1963 the Republic was renamed to the “Socialist Federative Republic of Yugoslavia” (SFRJ).

In the early 1970s once more considerable changes were initiated, which devolved power further. These incorporated “self-management agreements” between all decision-makers. Government at all levels and enterprises were represented since then by “basic organizations of associated labor” (OOURs). With other words, all decisions concerning investments and production became the responsibility of the groups of workers involved. Five-Year Plans were still adopted in the 1980s but these were relatively general documents, which included advices to OOURs about future economic growth.

2. Possibility of private ownership: The second main difference to the Soviet model of development was the significant possibility of private ownership. The first stage towards this development was the abandonment of collectivization of agriculture in 1953 and of the compulsory deliveries of farm products to the state. Since then more than four fifths of the farmland were in the hands of peasants.
3. Openness of economy: The third main departure from the Soviet model, were the links with the market economies of the West, e.g. foreign investments helped to re-establish the rail system, joint ventures were undertaken with foreign firms. Unlike any

other Eastern European country Yugoslavia allowed its people to emigrate (temporarily) to work in Western Europe. In the early 1970s over a million workers and their dependents (more than a tenth of the Yugoslavian workforce) emigrated in Western European countries.

In consideration of the situation at the end of World War II respectively at the beginning of the post-World War II period, Yugoslavia developed relatively well: the output of manufacturing soared, mineral extraction increased, service industries were built up and the structure of economy was brought up in a better balance. Nevertheless, the socialist system was not able to solve all their former problems, namely the surplus of labor.¹⁹

Region	National Income per Capita (Yugoslavia = 100)		Agricultural Population as a Percentage of Total Population	Cars per Thousand of Population	Live Births per Hundred of Population
	1947	1983	1981	1983	1983
Bosnia-Herzegovina	82	69	16.5	82	17.1
Croatia	105	125	14.4	141	14.3
Macedonia	69	65	20.5	111	20.2
Montenegro	79	77	13.0	90	18.3
Slovenia	153	197	9.2	243	15.2
Serbia proper	99	99	26.5	125	14.2
Kosovo	50	28	23.8	34	31.8
Vojvodina	122	120	19.2	126	13.1

Table 1: Selected Regional Development Indicators for Yugoslavia²⁰

“The union of such a diverse range of peoples into a single state has been greatly assisted by the adoption of a federal structure and the devolution of a considerable amount of power to each of the constituent republics and autonomous areas.”²¹ Each republic and autonomous region was accorded substantial rights under the 1946 Constitution to plan, invest in and intervene in its own economy, and these have been strengthened by later revisions. So the rivalry between the country’s constituent peoples has been institutionalized within the planning system.²²

¹⁹ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p. 284.

²⁰ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p. 276.

²¹ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p. 278.

²² A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p. 279.

*“Before the 1990s, as part of former Yugoslavia, Serbia and Montenegro had together been considered as one of the most eligible candidates for joining membership of the European Union in the early twenty-first century.”*²³ In 1989, Slobodan Milošević became president of the Republic of Serbia. In 1991, Croatia, Slovenia and Macedonia declared independence, Bosnia followed in 1992. In this time the remaining republics of Serbia and Montenegro declared the new Federal Republic of Yugoslavia. At the end of the 1990s also violent conflicts happened at the area of Kosovo. The transition process which Serbia respectively Yugoslavia entered have had different characteristics from other former communist countries like Poland, Hungary or other countries. The collapse of Yugoslavia, the civil war, UN sanctions (between 1992 and 1995), hyperinflation and economic collapse under the rule of Milošević’s authoritarian regime entail the very difficult transformational process, because especially the wars strongly influenced the newly formed states.²⁴

2.2. Serbia after 2000

*“While the majority of the CESE formerly communist countries underwent the most dramatic phase of transition in the 1990s, in Serbia it started a decade later.”*²⁵

The fall of Slobodan Milošević in October 2000 after intense demonstrations is considered as a turning point in the history of Yugoslavia respectively of Serbia. In February 2003 the Republic of Serbia and the Republic of Montenegro adopted a new Constitutional Charter which led to the transformation of the FR Yugoslavia in the “State Union of Serbia and Montenegro”. In 2006 Montenegro left the State Union Serbia and Montenegro after holding a referendum and thus declared its independence.²⁶

In the same year the Serbian Parliament passed a new constitution - the first constitution after socialist time.²⁷

²³ B. Cavrić, Z. Nedović-Budić, ‘Waves of planning: a framework for studying the evolution of planning systems and empirical insights from Serbia and Montenegro’, *Planning Perspectives*, vol. 21, nr. 4, 2007, pp. 393-425.

²⁴ M. Milaković, M., N. Samardžić, and M. Vukmirović, ‘City Building and Urban Failure: Why Urban Development in Serbia Does Not Achieve Planned Results’, reviewed paper for REAL CORP 2013, p. 161.

²⁵ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 441.

²⁶ Embassy of the Republic of Serbia in Washington, DC, USA, http://www.serbiaembusa.org/serbiatext.php?subaction=showfull&id=1197024341&archive=&start_from=&ucat=21& (accessed 3 August 2014).

²⁷ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), <http://liportal.giz.de/serbien/geschichte-staat/> (accessed 3 August 2013).

When discussing the Serbian case many questions have to be considered, including: uniqueness of transition to post-communism; the extent of change that would warrant qualification as transitional vs. transformational or evolutionary (e.g. substantial vs. Minor; abrupt or revolutionary vs. gradual, etc.); the direction of change (i.e. could retrogressing be considered as a transitional state as well); determination of the start and end points and the length of the “moment” of discontinuity.²⁸

Today’s Republic of Serbia is a parliamentary democracy in which the president, the government, the parliament and the legal system are main institutions. The president has representative function. He/she, amongst others, dissolves the National Assembly, orders the forming of a government and ratifies laws, passed by the National Assembly. The president is elected for a period of five years. The Government of Serbia is the executive authority. The current Government commands two-thirds majority in the National Assembly, which means that with it the Constitution of the Republic of Serbia could be changed. The National Assembly is the legislative organ. Its members - the representatives - are elected for a period for four years.

The Republic of Serbia is subdivided into 145 units of local self-government, in which there are 122 municipalities, 22 cities and the capital city of Serbia, Belgrade with a special status (not including the municipalities and cities in Kosovo). Additionally the Autonomous Province of Vojvodina has special self-government rights. Furthermore there are also 24 districts – seven in the AP Vojvodina and 17 in Central Serbia – which are just administrative units but they do not have self-government rights. Nevertheless the Republic of Serbia has a centralized organization with politics on national and municipal level.²⁹

²⁸ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 452.

²⁹ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), <http://liportal.giz.de/serbien/geschichte-staat/> (accessed 3 August 2013).



Figure 2: Districts in the Republic of Serbia (not including Kosovo)³⁰

After 2000 the local government was given greater powers by strengthening the decentralization.³¹ The Law on Territorial Organization³² defines the competences of municipalities in the provisions of Article 20: amongst others the adoption of development programs and implementation of projects of local economic development; adoption of urban plans and adoption of the program of building land. The legal position of the Mayor (president of the municipality) is described as follows: amongst others the immediate execution and securing the execution of decisions and other acts of the Municipal Assembly; care about the execution of tasks entrusted from the Republic or from the territorial autonomy. The Law also defines the Municipal Council as a local executive together with the mayor, who was until recently, the only holder of decentralized government executive power.³³

³⁰ List of districts in Serbia, Wikipedia: The Free Encyclopedia, http://en.wikipedia.org/wiki/Administrative_divisions_of_Serbia#mediaviewer/File:Districts_of_Serbia.png, (accessed 3 August 2014).

³¹ M. Milaković, M., N. Samardžić, and M. Vukmirović, 'City Building and Urban Failure: Why Urban Development in Serbia Does Not Achieve Planned Results', reviewed paper for REAL CORP 2013, p. 162.

³² Law on Territorial Organization, Official Gazette of the Republic of Serbia No. 129/2007, as amended on 11 September 2014, Art. 29-32.

³³ D. Vučetić, 'The most important changes in Serbian system of territorial decentralization', *Laws and Politics*, vol. 5, nr. 1, 2007, p. 43.

In 2008, Kosovo declared its independence from Serbia. Approximately half of UN Member states have recognized the Republic of Serbia. According to the 2011 adopted Law on Spatial Planning for Kosovo. The following planning instruments are provided: the Spatial Plan of Kosovo and spatial plans for special areas (at the level of the area of Kosovo) as well as municipal development plans, urban development plans and urban regulatory plans (at the municipal level).

Serbia inherited membership of the United Nations and other international institutions such as Council of Europe or Organization for Security and Co-operation in Europe. According to the United National Development Program economic reforms have mostly stalled in 2012. The Republic of Serbia got the official membership status of a “Candidate country” in 2012. Already in 2013 a Stabilization and Association Agreement between the European Union and Serbia entered into force. In January 2014 the accession negotiations officially started.

Today’s Republic of Serbia is facing numerous serious problems. There is a lag in development (high unemployment rate, low GDP, etc.), an inadequate economic structure (e.g. lagging the sector of service industries), an economic inefficiency (especially low competition, high social costs (poverty, surplus labor, etc.)), unfavorable demographic trends (population decline, aging, etc.), energy inefficiency, many problems related to the environment in some respects, and in inadequate attitude in land use. General problems related to legal and institutional frameworks must be mentioned as well. They are connected to unfinished harmonization of national legislation with the European Union, to horizontal and vertical imbalances of institutions and planning documents, “mixing” of jurisdiction and lack of clear responsibilities.³⁴

Furthermore Serbia suffers from a high uneven regional development. According to the Report on the development of Serbia in 2009, the main characteristic of regional development of Serbia is a distinct territorial disparity, which is characterized by a general undeveloped territory, by a developed center and insufficient developed periphery. This is reflected in interregional differences manifested in demographic movements in Serbia, regional educational structure of the population, interregional economic differences, differences in the infrastructural development and poverty. This very uneven regional development is caused by several economic, demographic and social factors but especially by marginalization of regional development strategies for a long time.³⁵ The trend of

³⁴ M. Nevenić, ‘Historical and Geographical Determinants of the network settlements development in the Republic of Serbia’, *Bulletin of the Serbian Geographical Society*, nr. 1, 2003, p. 59.

³⁵ Republički Zavod za Razvoj (RZZR), ‘Regionalni razvoj Srbije 2009, Regionalne neravnomernosti, <http://www.razvoj.gov.rs> (accessed 23 August 2014).

migration of population towards economically better situated centers leads to the forming of especially one vital territory in Serbia, which is the territory between the regions of Belgrade and Novi Sad. But centralization is not only present from the national point of view, it *“is manifested in all levels, the state, the province as well as the level of municipality.”*³⁶ The strategic orientation towards the accession to the European Union, the process of regionalization and more even development in Serbia are getting more and more important, which is why it is a primary goal for solving the problem of very uneven regional development.³⁷ Stojkov (2009) names three crucial problems which influence the orientation towards regionalization and equal development: the deficiency of laws regulating restitutions, denationalization, laws of public or municipality property, the deficiency of systematic decentralization as an expression of political will and the political appropriation of the system of regionalization.

³⁶ M. Milaković, M., N. Samardžić, and M. Vukmirović, 'City Building and Urban Failure: Why Urban Development in Serbia Does Not Achieve Planned Results', reviewed paper for REAL CORP 2013, p. 162.

³⁷ M. Milaković, M., N. Samardžić, and M. Vukmirović, 'City Building and Urban Failure: Why Urban Development in Serbia Does Not Achieve Planned Results', reviewed paper for REAL CORP 2013, p. 162.

3. Spatial planning in former Yugoslavia and today's Serbia

In order to understand the current system of spatial planning in Serbia, the historical development of Serbia and its planning system has to be understood. Again, in this context the connection between the planning system and the societal, political and economic situation of the former Yugoslavia and Serbia has to be considered. Which is why this chapter overviews the historical development and changes of the spatial planning system since the end of World War II before the current Serbian system of spatial planning and its legislation is overviewed. There is a strong interaction between planning legislation and societal setting.

“The Serbian planning system has retrograded from the culmination of its unique (self-made) type of socialist planning in the 1980s to a centralized system under the authoritative regime of President Slobodan Milosevic in the 1990s, and moved on towards a revamped liberalized planning system after democratic elections in year 2000. The laws enacted in 1985, 1995 and 2003 reflect those systems and their corresponding political environments.”³⁸

3.1. Historical development of the planning system

“[...] the societal context and the level of political centralization in particular, are strong determinants of spatial planning legislation and system in Serbia. Other factors, such as the economic system and circumstances, professional culture and institutional maturity also significantly influence planning laws and their implementation.”³⁹ The dynamic changes of societal, economic and political context in Serbia respectively Yugoslavia in the past resulted in continuous alteration of the planning system and planning legislation.

The post-WWII socio-economic and political system in former Yugoslavia can be described as a system of “market socialism”. It is characterized as relatively liberal, in particular relating to the political and ideological re-directing away from the general Soviet Block. Of course the adoption of the “societal self-management” influences the spatial development. The ownership of economic enterprises and land was mixed – public and private.

³⁸ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, pp. 429-455.

³⁹ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 429.

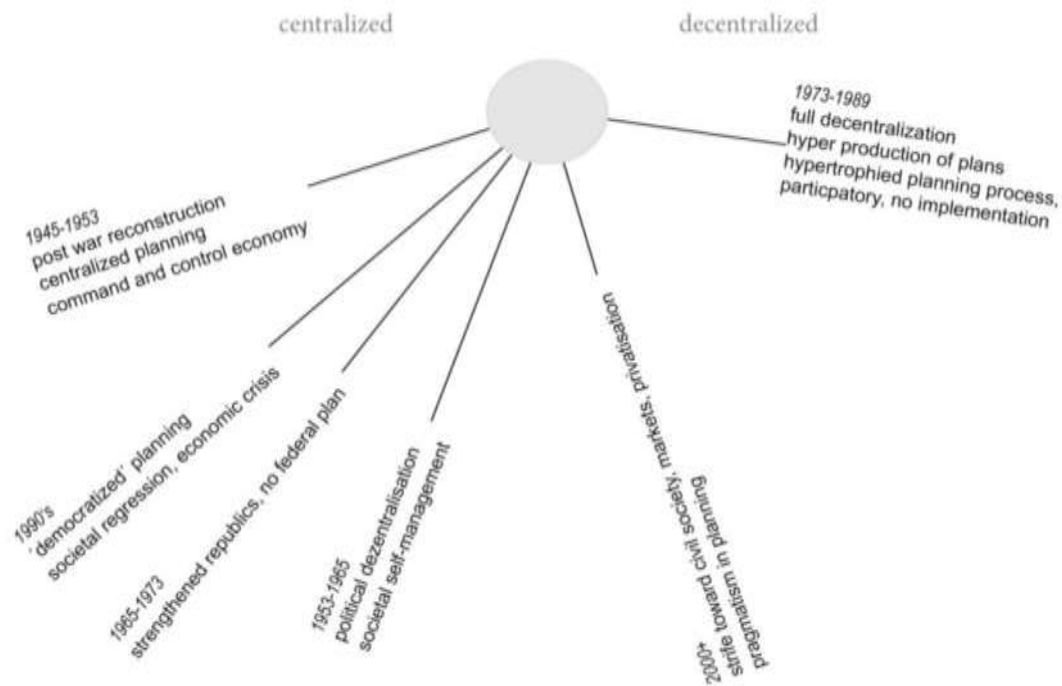


Figure 3: The swinging pendulum of planning legislative context in Yugoslavia/Serbia (1945-)⁴⁰

The trend of decentralization was significant in the 1970s and 1980s, whereas after the disintegration of former Yugoslavia in the 1990s Serbia was characterized by re-centralization of political power, weakening of local institutions and replacement of “societal” by “state” ownership. Parallel to this, the civil wars in Croatia, Bosnia and Herzegovina and the Province of Kosovo as well as the bombing of Serbia by NATO in 1999 were present. This led to international isolation, an almost ceased economic production, which again led to an expansion of the informal sector and grey economy. In the early 2000s the first democratically upheld elections were held. The period from the early 2000s on can be compared to the period, which most of the other central, eastern and southeast countries (CESE) went through after the overthrow of socialism respectively communism (see figure 3). So, because of the turbulences, the Balkans went through in the 1990s, the phase of transition has taken place relatively late in Serbia.⁴¹

The evolution of the Serbian planning system has been very dynamic through the last decades. Pajović (2005) identifies five main periods concerning the evolution of the planning system and relevant constitutional and legal framework after World War II (see table 2): post-WWII construction (1945-1953); institutional decentralization and the first generation of

⁴⁰ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 439.

⁴¹ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011.

planning laws (1953-1963); strengthening of the republican level legislation and the second generation of planning laws (1963-1973); hyper-production of urban statutes and regulation and the third generation of planning laws (1974-1989); post-socialist planning and the fourth generation of law (from 1989). In the period of 1953 - 1963 the state administrative system of planning became more and more a decentralized system, in terms of an overall institutional decentralization, the introduction of economic system of self-management and the nationalization of land for construction. In this time the so-called “first generation” of Serbia spatial planning laws was developed (e.g. the 1961 Law on Urban and Regional Spatial Planning). The 1965 Law on Urban and Regional Spatial Planning was an important part of the “second generation” of spatial planning laws, which developed between 1963 and 1973.

Period	Constitutional framework	Urban planning legislation and institutions
Post-WWII reconstruction (1945-1953)	1945 Constitution of the Federal Peoples Republic of Yugoslavia (<i>Federalna narodna republika Jugoslavija - FNRJ</i>) and the Constitution of Serbia	The 1931 Construction Law is still in use until 1949 Central-command economy, the first 5-year plan, and centralized urban planning Urban Planning Bureau (<i>Urbanisticki zavod</i>) of the People's Republic of Serbia (<i>Narodne republike Srbije - NRS</i>) is operational from 1947 to 1952 as part of the Planning Commission (<i>Planska komisija</i>) of NRS Instruments of urban development are implemented through the centralized economic planning commissions, state ownership and federal investment funds
Institutional decentralization and the first generation of planning laws (1953 - 1963)	1953 Constitutional Law of the FNRJ	Departure from the centralized state administrative system Introduction of economic system of self-management, and the nationalization of land for construction 1961 Law on Urban and Regional Spatial Planning (<i>Zakon o urbanistickom i regionalnom prostornom planiranju</i>)
Strengthening of the republican level legislation and the second generation of planning laws (1963-1973)	1963 Constitution of the Socialist Federal Republic of Yugoslavia (<i>Socijalisticka federativna republika Jugoslavija - SFRY</i>) and the Constitution of Serbia 1971 Constitutional Amendments XX-XLII and the Constitution of Serbia	1965 Law on Urban and Regional Spatial Planning of NRS (<i>Zakon o urbanistickom i regionalnom prostornom planiranju Narodne Republike Srbije</i>) Spatial planning legislation of individual republics and provinces leave the federal level with only general policy and harmonization roles
Hyper-production of urban statutes and regulation and the third generation of planning laws (1974-1989)	1974 Constitution of the SFRJ and the Constitutions of Serbia Socialist Independent Province (<i>Socijalisticka autonomna pokrajina - SAP</i>) of Kosovo and SAP of Vojvodina 1989 Constitution of the Socialist Republic of Yugoslavia (<i>Socijalisticka republika Jugoslavija - SRJ</i>)	Planning documentation proliferates, especially at the level of the republics (except for the Spatial Plan of Serbia which was started in 1967, completed in 1993, and adopted in 1996) and communes, with a proportional lack of implementation power 1974 Law on Planning and Arrangement of Space 1985 Law on Planning and Arrangement of Space (<i>Zakon o planiranju i uredjenju prostora</i>); build on 1974 Law) as the formal culmination of this period and its fully decentralized approach to planning 1989 Law on Planning and Arrangement of Space, which is fundamentally similar to 1985 Law except for the introduction of the requirement for the Spatial Plan of Serbia
Post-socialist planning and the fourth generation of planning laws (from 1989)	1990 Constitution of Serbia 1992 Constitution of SRJ 2006 Constitution of the Republic of Serbia	1995 Law on Planning and Arrangement of Space and Settlements of the Republic of Serbia (<i>Zakon o planiranju i uredjenju prostora i naselja Republike Srbije</i>) 2003 Law on Planning and Construction of the Republic of Serbia (<i>Zakon o planiranju izgradnji Republike Srbije</i>) 2009 Law on Planning and Construction

Table 2: Post-WWII periodization of the legal context of spatial planning in Serbia⁴²

⁴² D.S. Pajović, *Pregled urbanistickog zakonodavstva Srbije*, Novi Sad, 2005, cited in T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, pp. 437.

These periods reflect the different understandings and roles of planning after World War II: during post-WWII recovery planning in Serbia – like in many other European countries – had to support the process of reconstruction and rehabilitation of the economic situation. Already after short time the political and administrative system in former Yugoslavia was increasingly decentralized. This led to an integrated and decentralized participatory system. The period of post-1989 is characterized by re-legitimatization and re-establishment of a planning system facing the changing societal circumstances.⁴³

3.1.1. Planning in socialist period

Planning in the communist system in general was characterized by following aspects: the planning system was highly expert-driven and rigidly hierarchical organized, which is why there was little room for citizen participation; the gap between plans and their implementation were sometimes very obvious – therein the skepticism to the planning profession per se and to the planning activities especially in the early post-communist years could be explained; there were little integrated approaches between economic and physical planning.⁴⁴

Three main general legal and institutional factors transformed planning after the end of communism: first, the post-communist era was marked by massive transfer of state resources to private hands; second, the process of institutional decentralization; third, legal reforms regarding urban spatial planning were a rather low priority and thus lagged behind.⁴⁵

The concept of rational, scientific planning was dominant in the communist ideology. Thus an equitable and efficient distribution of resources and immunity from the periodic crisis which plagued capitalist economies were expected. Main pillars of the communist system and its development were the adoptions of so-called national five-year economic plans. These plans with their national economic goals were translated through numerous industrial plans – prescribing all major infrastructure investments – into objectives and strategies for every republic, region, county, city, town, and factory. It has to be emphasized that these kinds of plans were no spatial plans per se but they influenced the spatial organization of certain areas and distribution of state resources at all levels, from national to local. Thus the role of planners was to act as technical translator of the higher level economic goals into physical planning approaches. Consequently their task was to plan and design new factories, new

⁴³ T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, p. 439.

⁴⁴ S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, p. 34.

⁴⁵ S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, pp. 40-41.

roads and bridges, new housing, parks and services. In Yugoslavia, local communities had the authority to turn down national prescriptions. But nevertheless, the ability of local authorities to challenge decisions made at higher levels was rather limited. In the 19th and early 20th century, planning in Yugoslavia – as elsewhere in the world – was understood as physical planning, in terms of ‘regulatory planning’ – setting of broad regulations. This means that planning was understood as an activity, which was dealing with existing and future streets and infrastructure, with the most important public buildings, and the basic building zones. Additionally national governments designated areas for nature protection and they developed sets of spatial planning and building construction standards (e.g. minimum residential and green space allotted per person, types of plumbing fixtures required in housing projects). In the case of Yugoslavia, such norms were created at the republican level.⁴⁶ *“Thus, Yugoslavia has experimented with a variety of planning mechanisms for its economy, but since the early 1950’s, and especially since 1965, it has been characterized by a polycentric system of decision making in which there have been many decision making in which there have been many hundreds of organizations within the social sector, if which the central government has been an important, but by no means the dominant, one.”*⁴⁷

*“Thus, the spatial arrangement of investment has not been plan based, and there has never been a detailed regional development plan in which the needs and resources of all parts of the country have been evaluated against each other, even during the first few years of the post-war period. Rather, it has become the product of a complex system of bargaining between federal, republican and communal authorities, enterprises and workers.”*⁴⁸

But the intended functioning of the planning system respectively hierarchy did not work as smoothly as communist theory wanted. *“On the contrary, national as well as local plans were routinely ignored for a variety of reasons, from shortage in financial resources to bureaucratic inertia, and from weak plan-monitoring mechanisms to lack of transparency and accountability in government plans and actions.”*⁴⁹ Therefore already at this time, the planning system in Yugoslavia respectively Serbia had to face massive implementation

⁴⁶ S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, pp. 31-33.

⁴⁷ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p 282.

⁴⁸ A.H. Dawson, ‘Yugoslavia’, in Dawson, A.H. (ed.), *Planning in Eastern Europe*, London and Sydney, Croom Helm, 1987, p 285.

⁴⁹ S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, p. 33.

problems. Spatial planning in communism “was well conceptualized but failing in implementation just as the state socialism itself.”⁵⁰

3.1.2. Planning in the 1980s, 1990s and 2000s

The 1980s still were under socialist system but the reason why this decade is pointed in a separate chapter is to better illustrate the changes between the last years of the socialist time of the former Yugoslavia, the period of transition – which is different in Serbia in comparison to other former communist states – and the post-transitional time. Dabović, Đorđević, and Nedović-Budić (2011) use the phrase “societal pendulum” to describe the societal changes through the time, which the former Yugoslavia has undergo: “from a centralized state and command and control economy to decentralized society functioning as a semi-market economy based on the principles of self-management and, finally, to a society in turbulent transitioning to the western model of democracy and markets.”⁵¹

Period/law	Approach	Authority and actors
1980s/1985	<ul style="list-style-type: none"> • Societal self-management planning • Decentralized, "bottom-up" • Consensus building, principle of the "cross-acceptance" • Public ownership of urban land (only "use" granted) • Integral / integrated / comprehensive planning 	<p><i>Key authority:</i></p> <ul style="list-style-type: none"> • Local communities (or municipalities) <p><i>Actors:</i></p> <ul style="list-style-type: none"> • Citizens in local communities • Workers in the "organizations of associated labor" • Members of the "socio-political organizations"
1990s/1995	<ul style="list-style-type: none"> • Mandated spatial and urban planning at all levels • Centralized power and control at the republic level • State ownership of urban land 	<p><i>Key authority:</i></p> <ul style="list-style-type: none"> • Republic (Serbia and Montenegro) <p><i>Actors:</i></p> <ul style="list-style-type: none"> • Citizens (but with very low level of participation)
2000s/2003	<ul style="list-style-type: none"> • Modelled after French planning law and the 1931 Construction Law (Kingdom of Yugoslavia) • Dealing with illegal construction • Streamlining / expediting the issuance of building permits • Use of "implementation contract" • Opens ownership of urban land to private entities 	<p><i>Key authority:</i></p> <ul style="list-style-type: none"> • Municipality <p><i>Actors:</i></p> <ul style="list-style-type: none"> • Public (still marginalized, low involvement) • Land developers • Investors • Engineers

Table 3: Characteristics of the Serbian planning systems in the 1980s, 1990s and 2000s⁵²

The socio-economic context was radically reformed after the end of communism. State-owned assets (urban land, real estate and means of production) were privatized. In matters of spatial development multiple parties were involved: not just public authorities, which were not as powerful as in socialist times, but also private owners, builders, developers, citizens, non-profit organizations and other interest groups. The new societal context and the sharp economic downturn in the 1990s were followed by severe spatial and urban challenges,

⁵⁰ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 452.

⁵¹ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 438.

⁵² T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 443.

especially in terms of uncontrolled sprawl, accompanied by failing infrastructure, loss of natural resources and cultural heritage as well as socio-spatial segregation. Unfortunately, institutional reforms of an appropriate planning system to react to the new context lagged behind. Post-2000, planning partially re-established itself as an important societal function across the region. Post-2000 includes the establishment of a clearer institutional framework for planning, increased public involvement in the planning process and an emphasis on sustainable development, as well as the emergence of new forms of planning approaches including strategic and environmental planning.⁵³

1985 Law		1995 Law
Spatial Plans	SR Serbia - Republic Municipality / Settlement Regional association of municipalities Special purpose areas	SR Serbia Region Special purpose area Infrastructure network
Urban plans	General Regulation base Detailed	General city / settlement plan General landscape plan General plan of infrastructure network Regulation plan Urban plan, urban project and subdivision plan
Process transparency	Agreements on plan basis and goals among all "subjects" of planning Extensive public participation in all phases Professional control	Professional control Public review of the draft
Implementation	Midterm plans of socio-political entities Urban conditions (locational and technical) for development issued by the socio-political unit	Urban permit and agreement (valid for 5 years)
2003 Law		2009 Law
Spatial Plans	Strategy for Spatial Development of Serbia Schemes of spatial development Special purpose areas Regional spatial plan Municipal spatial plan	National spatial plan of Serbia Regional spatial plan Spatial plan for special purpose areas Municipal spatial plan
Urban plans	General urban plan for arrangement Regulation plan (general and detailed)	General urban plan General regulation plan Detailed regulation plan
Process transparency	Professional control Public review of the draft	Professional control Public review of the draft
Implementation	Implementation contract Urban conditions and project (expires in 3 years) Building permit (expires in 2 years) Detailed regulation plan Directorates for Urban Development Chief Architect	Implementation program for the NSP Implementation program for RSP Implementation program for SPSPA

Table 4: Comparison of the main elements of the 1985, 1995, 2003 and 2009 planning laws⁵⁴

⁵³ S. Hirt, K. Stanilov, *Twenty years of transition. The Evolution of urban planning in Eastern Europe and the former Soviet Union, 1989-2009*, Nairobi, UNON, 2009, pp. 36-37.

⁵⁴ T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, p. 449.

Relating to implementation of planning documents, the three Laws used different approaches: the 1985 Law provided midterm plans of socio-political entities; the 1995 Law used urban permits and agreements as main implementation tools of spatial planning; the 2003 Law focused on the building permitting process and some new approaches relating to implementation tolls and institutions were introduced, e.g. the directorates for urban development, the chief architect, the implementation contract, the Republican Agency for Spatial Planning (RAPP) (see table 4).⁵⁵

The 1980s: The 1985 Law on Planning of Arrangement of Space

The 1980s are termed the “golden age” of spatial planning in the SFRY. “Preparation, discussion and implementation of planning decisions was over-loaded with various types of individual, group and general public participation processes.”⁵⁶ Planning practice was characterized by integrative approaches, which considered social, economic, environmental and spatial aspects. According to Plesković and Dolenc (1982) regional planning was underdeveloped – both in terms of planning and implementation methodology – although a broad network of regional planning and policy institutions existed.⁵⁷ From the institutional and formal point of view, Yugoslavia may be seen as over-planned. At the local level, the number of detailed plans increased very much – over one thousand detailed plans were adopted in the 1980s just for the capital of Yugoslavia Belgrade. At this time, the state organization of Yugoslavia was seen as one of the most decentralized systems of planning in policy.⁵⁸

The 1990s: The 1995 Law on Planning and Arrangement of Spaces and Settlements

The sharp socio-economic and political changes at the end of the 1980s and in the 1990s accompanied also massive changes in the role and importance of spatial planning. The 1995 Law on Planning and Arrangement of Space and Settlements was peculiar because it already reflected an altered understanding of spatial planning, in terms of a process of re-centralization. Cavrić (2002) describes the situation as follows: the 1995 Law “*verifies the involvement of planners only in the preparation and implementation of regional, district and*

⁵⁵ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 450.

⁵⁶ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, p. 442.

⁵⁷ B. Plesković, M. Dolenc, Regional development in a socialist, developing, and multinational country, the case of Yugoslavia, *International Regional Science Review*, vol. 7, no. 1, 1982, pp. 1-24, cited in T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, pp. 437.

⁵⁸ T. Dabović, D. Đorđević, and Z. Nedović-Budić, ‘The Mornings after...Serbian Spatial Planning Legislation in Context’, *European Planning Studies*, vol. 19, no. 3, 2011, pp. 442-443.

*action-area plans. The category of urban development and comprehensive master plans [...] has practically been replaced by so-called urban design projects, which are the exclusive responsibility of architects and civil engineers.*⁵⁹ Thus Cavrić (2002) points out the role of planners in the mid-1990s and that planners were not involved in municipal spatial planning, especially because municipal spatial plans were excluded and detailed plans were skipped (but some of its aspects were covered in the urban and subdivision plans and projects).⁶⁰

The centralized system was reflected in the organization of responsibilities with respect to planning issues: the national level, represented by the federal government dealt with overall socio-economic policy and the common spatial development policy. Thus local authorities (municipalities) lost considerable planning powers. This again was reflected in the fact, that general / master urban plans were approved by the republic's planning authority. The general loss of importance of spatial planning is revealed by the fact, that between 1992 and 2000 only two plans were completed: the special purpose plan for a water basin and the Republic's Spatial Plan.⁶¹ Cavrić (2002) confirms that planning issues and planners become unpopular in this period. Subsequently spatial development in the period of the 1990s and 2000s was to a less extent regulated through spatial plans and it was characterized by considerable illegal construction activities.

The adoption of the Spatial Plan of the Republic of Serbia in 1996 was the final step after a very long period of drafting the plan. Drafting the Plan was started already in 1967 and completed in 1993. Just in 1996 the spatial plan was adopted. It include some efforts to meet the complex and relatively new challenges but in fact the plan but all new arrangements in general were a mixture of old habits and just few institutional changes which could not match the new challenges.⁶² Vujosević (2002) mentions the different mixed elements of the planning system at that time and calls it "crisis-management planning", "planning-supporting-wild-marketization-and-privatization" or "project-based-planning".⁶³

⁵⁹ B.I. Cavrić, 'The new planning paradigm in the latest Yugoslav state alliance of Serbia and Montenegro', *Spatium*, issue 8, 2002, p. 18.

⁶⁰ T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, p. 448.

⁶¹ T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, pp. 443-444.

⁶² D. Đorđević, T. Dabović, 'System of spatial planning in Serbia: A critical overview', *Dela*, vol. 31, 2009, p. 146.

⁶³ M. Vujosević, *New changes in the planning theory and practice in the West and recommendations for the planning in Serbia/Yugoslavia*, 2002, Belgrade, cited in D. Đorđević, T. Dabović, 'System of spatial planning in Serbia: A critical overview', *Dela*, vol. 31, 2009, p. 146.

Đorđević and Dabović (2009) remark that the 1990s were characterized by a totally undeveloped and inadequately established assessment and evaluation system of the financial-economic feasibility of planned solutions accompanied by a lack of an appropriate strategy concerning the economic development. Especially with respect to the implementation of spatial planning goals through appropriate tools, this fact is relevant because thus spatial plans were placed in an unreal and not-existing economic space and time.

The 2000s: The 2003 Law on Planning and Construction

The 2003 Law on Planning and Construction peculiarly considered the exposure to illegal constructions. The law was modeled after at that time French planning law and it considered in particular engineering aspects. In this Law the connection to the European Union and the 1999 European Spatial Development Perspective was visible. It incorporated three previous laws: the Law on Planning and Arrangement of Space, the Law on Construction and the Law on Construction Land. *“Its main goal was to reintegrate the planning process with its ultimate implementation point – the issuance of a building permit – and to shorten this process of prospective applicants.”*⁶⁴ This intention to emphasize the implementation aspect is reflected through the introduction of so-called ‘implementation contracts’. But realization of these implementation contracts failed, as Nedović-Budić, Djordjević and Dabović (2011) observe, because local, private and most frequently state (national) institutions did not want to get into this kind of contract, in particular due to required commitments of funding.



Figure 4: The pyramid of spatial planning levels in Serbia (according to the 2003 Law)⁶⁵

⁶⁴ T. Dabović, D. Đorđević, and Z. Nedović-Budić, 'The Mornings after...Serbian Spatial Planning Legislation in Context', *European Planning Studies*, vol. 19, no. 3, 2011, p. 445.

⁶⁵ D. Đorđević, T. Dabović, 'System of spatial planning in Serbia: A critical overview', *Dela*, vol. 31, 2009, p. 152.

Until 2009 there still was no Spatial Development Strategy of Serbia and also no Spatial Development Schemes, like it was designed by the 2003 Law. So the basic document on national level in 2009 still was the 1996 Spatial Plan of the Republic of Serbia. The challenge of this situation was inasmuch difficult as that planning but also political document referred to a meanwhile again changing socio-economic and political situation. One level lower, except the Region Spatial Plan for Belgrade's administrative area, no other regional spatial plan was neither prepared nor adopted, although the topic of regionalization was the main topic of the new constitution of 2006. The only type of realized plan filling the gap between national and local level were spatial plans for special purpose areas. Such special purpose areas have concerned areas of protected nature, water accumulations, coal basins (lignite) and infrastructural corridors. But the weaknesses of these plans – like of all other spatial planning tools in Serbia – have been amongst others the retroactive and non-coordinated approaches. Local (municipal) spatial plans, together with spatial plans for special purpose areas are produced the most. These local plans at the end of 2009 were backed up by poorly assessed economic and social needs development analyses. The planning practice is still predominantly planners' centered, thus there has not been any room for different stakeholders to take part in the planning process.⁶⁶

3.2. Current system of spatial planning in Serbia

This chapter illustrates the legal framework of spatial planning issues, the competencies and instruments of spatial planning based on the legal framework as well as the institutions and actors, which are dealing with spatial planning issues. In fact public administration respectively spatial and urban planning is executed on two levels, on the state level and at the local respectively the municipal level. Only in the Autonomous Province of Vojvodina there is a regional level in-between with competencies with regard to spatial and urban planning.⁶⁷ In fact, there is one basic law on the national level concerning spatial and urban planning in Serbia, namely the Law on Planning and Construction, which was adopted in 2009. Besides that there are several other laws and by-laws which influence spatial planning matters directly or indirectly.

Along with the National Spatial Plan of Serbia the intention to develop a more symmetric administration and planning system is noticeable through emphasizing the processes of decentralization and regionalization. Decentralization is understood as the transfer of

⁶⁶ D. Đorđević, T. Dabović, 'System of spatial planning in Serbia: a critical overview', vol. 31, 2009, pp. 152-154.

⁶⁷ Z. Radosavljević, *Mogućnosti unapređenja institucionalnog organizovanja prostornog planiranja na nacionalnom nivou u Srbiji*, Master's thesis, Belgrade, 2010, p. 51.

competencies from the national level to a lower level. Regionalization is understood as the transfer of competencies from local level to a higher level.⁶⁸

3.2.1. Territorial organization of the Republic of Serbia

Before illustrating the provisions of the Law on Planning and Construction and different other laws and by-laws, this chapter wants to overview the territorial organization of Serbia. Due to the fact that different provisions of the Law on Planning and Construction refer to different types of territorial units, the Law on Territorial Organization 2007 has to be considered when the system of spatial and urban planning in Serbia is illustrated. This Law determines the territories of territorial units. According to it, the territorial elements of the territorial organization of Serbia are municipalities, cities and the capital city of Serbia Belgrade as well as the Autonomous Province.

Settlements respectively cadastral subdivisions of a municipality compose the territories of cities, municipalities and the city of Belgrade. A settlement is defined as a part of a municipality which has constructed facilities for housing and commerce, the basic utility infrastructure and other facilities for meeting the needs of the permanent residents. Municipalities are the basic territorial units of the territorial organization in Serbia which have to implement their rights and responsibilities and to which the local self-government refers. In general municipalities have more than 10,000 inhabitants. Municipalities can have less than 10,000 inhabitants if the Law on Territorial Organization defines it. A city is defined as a territorial unit, which is an economical, administrative, geographic and cultural center in its region, with more than 100,000 inhabitants. Also cities may have less than the defined minimum size of 100,000 inhabitants under certain conditions. The territory of a city can also be divided into urban districts. The City of Belgrade has a specific status as the capital city of Serbia, which is defined by the Constitution and by law. The Autonomous Province of Vojvodina has also a specific status because of its certain autonomy as a territorial unit within Serbia.

3.2.2. Legal framework of spatial planning

The Law on Planning and Construction, which was adopted in 2009, is the main legal framework. This law includes provisions with regard to planning documents respectively planning instruments, implementation tools for these instruments as well as provisions with regard to procedures which have to be undertaken for passing planning documents respectively planning instruments.

⁶⁸ Republic Agency for Spatial Planning (RASP), *Regional Spatial Plans: Overview*, Belgrade, 2012, p. 6.

According to the 2009 Law on Planning and Construction there are two categories of planning in Serbia: urban planning and spatial planning. Again there are defined three different kinds of documents of spatial and urban planning in Serbia. First, there are planning documents respectively spatial plans per se, second there are documents respectively programs which should deal with the implementation of spatial plans and third, there are so called urban plans. For each individual type of planning documents, i.e. spatial plan, urban plan and implementation programs the 2009 Law defines the most important content of the different planning documents respectively implementation programs. Also the competencies of the state, the Autonomous Provinces and the municipalities with regard to elaboration and adoption of planning documents are defined in the 2009 Law.

Additionally the Law on Planning and Constructions defines constituent parts of planning documents for spatial plans for special purpose areas, municipal spatial plans and all types of urban plans. These plans have to include: first, the definition of rules of regulating; second, the definition of rules for construction and third, graphic parts concerning the plan.⁶⁹

Planning Instruments	Jurisdiction over Passing	Controlling Authority
Spatial Plan of the Republic of Serbia	National Assembly of Serbia	-
Regional Spatial Plan	National Assembly of Serbia / Assembly of the Autonomous Province of Vojvodina	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"
Spatial Plan for Special Purpose Areas	National Assembly of Serbia / Assembly of the Autonomous Province of Vojvodina / Assembly of the City of Belgrade	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"
Municipal Spatial Plans	Assembly of the unit of local administration	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"
General Urban Plans	Assembly of the unit of local administration	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"
General Regulation Plans	Assembly of the unit of local administration	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"
Detailed Regulation Plans	Assembly of the unit of local administration	"Responsible ministry for spatial planning issues" / "Responsible institution of the AP Vojvodina"

Figure 5: Competencies concerning the adoption of spatial and urban plans⁷⁰

Furthermore the Law on Planning and Constructions includes amongst others provisions with regard to professional exams and licenses for professional planners, location and building

⁶⁹ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 29-32.

⁷⁰ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013.

permits, conversion of land use and building land, penalty provisions for breaches of the law and references to by-laws connected to the Law on Planning and Construction.

The constitutional basis for adopting the Law on Planning and Construction is derived from provisions of the Constitution of the Republic of Serbia. Thus the Republic of Serbia regulates and ensures the protection of property, sustainable and balanced development as well as “other relations” of interest to the Republic of Serbia.⁷¹ Furthermore Article 183, sections 2, number 1 of the Serbian Constitution defines that Autonomous Provinces shall regulate matters of provincial interest which include amongst others issues of spatial planning and development.

The 2009 Law is also complemented by different by-laws, amongst others by the By-law on the content and elaborating of planning documents⁷² or the By-law on rules of allotment, regulation and construction.⁷³

The Law on Regional Development from 2009 defines amongst other the territories of five regions: the Region of Vojvodina, the Belgrade Region, the Region of Šumadija and Western Serbia, the Region of Eastern and Southern Serbia and the Region of Kosovo and Methohija.⁷⁴ Additionally the Law also defines legal provision concerning the definition of regions with regard to NUTS which are parts of one of the above defined regions.⁷⁵ Furthermore the Law also name instruments and documents relevant for regional development, namely the National Plan for Regional Development, the Strategy for Regional Development and programs for financing the development of regions. These instruments can be seen as basis for the elaboration of spatial plans.

3.2.3. Republic Spatial Planning Agency

The so-called Republic Spatial Planning Agency is an autonomous institution which was founded to advance spatial planning practice in Serbia. The legal basis of this institution constitutes the 2009 Law on Planning and Construction which stipulates the rights,

⁷¹ Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 98/2006, as amended on 11 September 2014, Article 97.

⁷² Bylaw on the content and elaboration of planning documents, Official Gazette of the Republic of Serbia No. 31/2010, as amended on August 2011.

⁷³ Bylaw on rules of allotment, regulation and construction, Official Gazette of the Republic of Serbia, No. 50/2011, as amended on 23 August 2011.

⁷⁴ Law on Regional Development 2009, Official Gazette of the Republic of Serbia No. 51/2009, as amended on 11 September 2014, Art. 5.

⁷⁵ Law on Regional Development 2009, Official Gazette of the Republic of Serbia No. 51/2009, as amended on 11 September 2014, Art. 6.

obligations and responsibilities as a legal entity. So it carries out public authority in accordance with this law. The work of the agency is responsible to the Government of the Republic of Serbia.⁷⁶

The agency is authorized to do the following:⁷⁷

1. *“to prepare, coordinate, supervise the drafting of, and propose the Strategy of the Spatial Development of the Republic of Serbia, and monitor the implementation of the spatial development of the Republic of Serbia;*
2. *to take part in the drawing up of spatial development schemes, and coordinate the work of the competent ministries in the drafting of spatial development schemes;*
3. *to prepare, coordinate, supervise the drafting of, and propose the spatial plans for special-purpose regions, in cooperation with the competent ministries and other agencies and organizations;*
4. *to perform the tasks of expert control of the spatial plans for special-purpose regions, and the regional spatial plan, unless otherwise stipulated by the law;*
5. *to conduct international cooperation in the field of spatial planning;*
6. *to provide expert help in the drafting of plans;*
7. *to establish an integral information system on the spatial situation;*
8. *to keep a register of the planning documents for the territory of the Republic of Serbia;*
9. *to prepare and realize educational programs for the purposes of drafting planning documents;*
10. *to perform other operations in accordance with the law and the bylaws.”*

The seat of the agency is in Belgrade but it also has organizational units in the cities of Novi Sad, Kragujevac and Niš. The predecessor of it was the Institute for Spatial Planning and Urbanism.

The agency respectively its website offers a valuable archive with all kind of spatial but also urban plans (municipal spatial plans, regional spatial plans, spatial plans for special purpose areas, etc.) from all over Serbia. So a large number of valid spatial plans can be downloaded

⁷⁶ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 71-81.

⁷⁷ Republic Agency for Spatial Planning (RASP), <http://www.rapp.gov.rs> (accessed 10 May 2014).

on the website of the agency which is why the agency is an important platform for information, coordination and cooperation in the field of spatial planning in Serbia but also with regard to transborder cooperation. On the one hand the idea of a central archive of current (but also older) spatial and urban plan has to be appreciated. On the other hand the completeness of the archive must be improved, because there are still missing valid plans.

3.2.4. Spatial and urban plans

3.2.4.1. The Spatial Plan of the Republic of Serbia

The National Spatial Plan of the Republic of Serbia is the planning instrument on the highest tie in Serbia and it is passed for the whole territory of the Republic. Since this document is legally binding all other subordinated planning documents have to be consistent with the National Spatial Plan. Consequently it constitutes the basic planning document for spatial planning activities and spatial development in Serbia. The 2009 Law on Planning and Construction defines that this kind of Spatial Plan is passed for a period of at least ten years and a maximum of 25 years. According to Article 14 of the 2009 Law on Planning and Construction the Spatial Plan of the Republic of Serbia has a “strategical-developmental and general regulatory function”. The former Serbian Minister of Environment and Spatial Planning, Oliver Dulić, described the Spatial Plan of Serbia as “the cover document of all planning documents and development strategies, in all sectors and at all levels of government in Serbia.”⁷⁸ Article 16 of the Law on Planning and Construction defines the process of decision making with regard to the National Spatial Plan. According to this article the government of Serbia makes the decision for elaboration of this spatial plan based on a proposal of the Ministry responsible for spatial planning issues.

The defined basic goals of the National Spatial of Serbia are:

- Balanced regional development and improved social cohesion;
- Regional competitiveness and accessibility;
- Sustainably used natural resources and protected and improved environment;
- Protected and sustainably used natural and cultural heritage and landscape;
- Spatial-functional integration with the surroundings.

The quoted basic goals point out the strong focus on the regional level of spatial development respectively on regional policy. Which is why the first two goals are a ‘Balanced

⁷⁸ Ministry of Environment and Spatial Planning, *Spatial Plan of the Republic of Serbia 2010-2014-2020 (abridged English version)*, Belgrade, 2010, p.3.

regional development and improved social cohesion' and 'regional competitiveness and accessibility'. Already the description of the second goal contains a reference to implementation aspects: "*Strengthening jurisdiction and responsibility for better quality and more efficient spatial development of local and regional self-government units, along with the systematic support by the state, should provide success in competition for those who increase productivity, and reduce expenses, strengthen institutions and invest in education.*"⁷⁹ This quotation contains important aspects of successful implementation of spatial plans. It brings up the responsibility of local and regional self-government units with regard to spatial planning respectively spatial development as well as the necessary support by state institutions. The term 'better quality' illustrates the short satisfaction with spatial planning practice on regional and local level.

The defined principle of an active implementation of spatial development policies and public participation is worth mentioning with regard to this research.⁸⁰ Furthermore the National Spatial Plan of Serbia addresses also responsibilities of different state levels with regard to spatial development. So this spatial plan brings up amongst others that Serbia will develop instruments of so-called administrative pressure to ensure the implementation of laws, national and local regulations and other documents including urban and spatial plans. Also the quoted will to develop instruments of communication and cooperation, vertically (towards regions and the Republic) as well as horizontally (on the level of surrounding and cross-border cooperation) and to support local self-governments to follow up their legally defined competencies.⁸¹

3.2.4.2. Regional spatial plans

Regional spatial plans are elaborated for spatial units, which are connected in an administrative, functional, geographical or statistical way for the purpose of collective goals and projects.⁸² Hence this type of spatial plan stands on a tie between the national and the local level. But it has to be distinguished between regional spatial plans of certain areas: in general, regional spatial plans are passed by the Government of Serbia (at the proposal of the Ministry responsible for spatial planning). This is for sure a specific characteristic,

⁷⁹ Ministry of Environment and Spatial Planning, *Spatial Plan of the Republic of Serbia 2010-2014-2020 (abridged English version)*, Belgrade, 2010, p.11.

⁸⁰ Ministry of Environment and Spatial Planning, *Spatial Plan of the Republic of Serbia 2010-2014-2020 (abridged English version)*, Belgrade, 2010, p.10.

⁸¹ Ministarstvo Životne Sredine i Prostornog Planiranja, *Prostorni Plan Republike Srbije 2010-2014-2020 (Nacrt)*, Beograd, 2010, p. 47-48, http://www.tvojglas.rs/upload/files/Nacrt_prostornog_plana_Srbije_2010-2021.pdf, (accessed 21 March 2014).

⁸² Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 17.

because with the exception of the Autonomous Province of Vojvodina and the special case of the capital city Belgrade, there is no regional level with competencies with regard to spatial and urban planning. The Regional Spatial Plan for the territory of the Autonomous Province of Vojvodina is passed by the Assembly of the Province and the Regional Spatial Plan for the territory of the City of Belgrade is passed by the Assembly of the City of Belgrade.⁸³



Figure 6: Classification of regions in Serbia⁸⁴

Relating to the definition of the regional areas, it can be noticed that there is a difference between the intended classification of regions according to the Law on Regional Development and the real adopted regions respectively regional spatial plans. In reality there were adopted nine regions and regional spatial plans, namely for the Region of Belgrade, the Region of Southern Pomoravlje, the Region of Timočka Krajina, the Region of Vojvodina, the Region of Pirot, Niš and Toplička, the Region of Moravica and Zlatibor, the Region of Podunavlje and Braničevo, the Region of Šumadija, the Region of Pomoravlje, Raška i Rasina and the Region of Kolubara i Mačva. This classification was chosen, because it

⁸³ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 35.

⁸⁴ Republic Agency for Spatial Planning RASP, *Regional Spatial Plans: Overview*, Belgrade, 2012, p. 5.

considers more the functional connection of the region than the classification according to the Law on Regional Development, which considers the statistical criteria. The Republic Agency for Spatial Planning prepared and coordinated the elaboration of the nine regional spatial plans. Thus the whole territory of the Republic of Serbia is covered with regional spatial plans which are the scope for spatial plans for special purpose areas as well as for municipal spatial plans. The Serbian Government also passed a decision to elaborate a Regional Spatial Plan for the territorial unit of the municipalities of Kosovska Mitrovica (in the north of Kosovo), Zvečan, Leposavić and Zubin potok (see figure 6).⁸⁵

3.2.4.3. Spatial plans for special purpose areas

These spatial plans must be elaborated for areas which are defined in the National Spatial Plan of Serbia. But Article 21 of the Law on Planning and Construction defines also a few purposes which the spatial plans can be elaborated for even if the concerned areas are not listed in the National Spatial Plan, e.g. for special natural or cultural-historical heritage, mineral resources or tourism. But these kind of spatial plans are also elaborated for areas, in which constructions are built for which constructions permits have to be granted by the ministry responsible for construction issues or the responsible institution on the level of the autonomic province. Spatial plans for special purpose areas are passed by the Government of Serbia (at the proposal of the ministry responsible for spatial planning). Only spatial plans for special purpose areas, which refer to areas in the Autonomous Province of Vojvodina as a whole, are not passed by the National Government but by the Assembly of the Autonomous Province (see also chapter 4.1.3.1.)

3.2.4.4. Municipal spatial plans

A municipal spatial plan is elaborated for the whole territory of a municipality. The function of this type of spatial plan is amongst others to define development guidelines with regard to land use.⁸⁶ This plan is passed by the assembly of the unit of local administration.⁸⁷

According to Article 20 of the Law on Planning and Construction a municipal spatial plan includes especially:

- the extent of building land;
- planned land use;

⁸⁶ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 19.

⁸⁷ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 35.

- the network of the settlements and the distribution of services;
- the spatial development of transport and other infrastructural systems;
- territorial parts, for which urban plans respectively urban projects have to be designed;
- necessary arrangements schemes for certain settlements;
- planned protection, regulations, use and development of natural and cultural assets as well as of the environment;
- legal provisions with regard to construction regulations for areas, for which no urban plans have to be elaborated;
- implementation measures and instruments for the spatial plan;
- measures for a balanced territorial development of the municipality.

The By-law on the Content and Elaboration of Planning Documents offers four main land use categories, namely “agricultural land”, “forest land”, “water expanse land” and “building land”.⁸⁸ According to that, there should be a map referring to the land use, a map referring to the network of settlements and infrastructural systems, a map referring to tourism and protection of the environment and also a map referring to implementation aspects. The latter refers mostly to the obligation to elaborate urban plans for certain zones respectively settlements as well as urban projects and arrangements schemes.⁸⁹

In fact, the role and functions of this kind of spatial plans are still not clear. This is for sure connected to the fact that the status of the municipal spatial plan changed during the past time. With the 1995 planning law the municipal spatial plan was abolished running with the tendencies of centralization. Since the 2003 planning law the elaboration of these spatial plans is legally obligated. But this legal obligation has not developed the planning practice in a fully satisfy way: “*Legal obligation and, less frequently, the understanding of the necessity of adopting and implementing this type of plan, contributed to the fact that they are made today in the most cases.*”⁹⁰ But with the 2003 and 2009 laws there is still a lack of important strategic dimensions because the focus is rather more on provision concerning regulation aspects with regard to concrete construction projects. Municipal spatial plans are often used

⁸⁸ Bylaw on the content and elaboration of planning documents, Official Gazette of the Republic of Serbia No. 31/2010, as amended on August 2011, Art. 6.

⁸⁹ Bylaw on the content and elaboration of planning documents, Official Gazette of the Republic of Serbia No. 31/2010, as amended on August 2011, Art. 9.

⁹⁰ V. Šećerov, D. Filipović, ‘Experiences and Problems in Implementing Spatial Plans of Municipalities’, *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, p. 207.

as the direct basis for constructions in areas which for no urban plans have to be elaborated (see above). These areas are especially rural areas. This trend of focusing on regulation provisions results in uncontrollable construction areas and thus it also prioritizes individual interest more than public interest with regard to land use and spatial protection. As aforementioned the Law on Planning and Construction defines that municipal spatial plans must include so-called arrangement schemes for certain settlements. But there is no satisfying definition of what such arrangement schemes should be, which is why in practice the way such schemes are made - in a very different way and also in a way that it is not realizable – is insufficient.⁹¹

Urban plans in general (thus GP, GRP and DRP) are planning instruments which implement municipal spatial plans and these plans should be directed to the more developed centers of a municipality which need more detailed planning regulations.⁹²

3.2.4.5. General urban plans

General urban plans are elaborated for populated settlements which are the seat of a unit of local administration and additionally have a population of over 30,000 inhabitants. According to the definition of the Law on Planning and Construction a general urban plan has the character of a strategic development plan and it includes: the area of building area; general “urban decisions”, especially in areas of building land; general corridors with regard to transport, energy supply, water supply and municipal infrastructure; divisions of the area into different zones.⁹³ General urban plans as well as general regulation plans and detailed regulation plans are passed by the municipal respectively city council (see also figure 5).⁹⁴

3.2.4.6. General regulation plans

The drawing up of general regulation plans is obligated for populated settlements which are the seat of a unit of local administration drawing. But it is also emphasized that general regulation plans can be elaborated for other settlements of a municipality or city if provision is made by the relevant spatial plan of the unit of local administration.

⁹¹ M. Maksin, N. Tankosić, 'Problemi i nedoumice u izradi i implementaciji prostornog plana opštine', *Arhitektura i Urbanizam*, no. 36, 2012, p. 3-4.

⁹² V. Šećerov, D. Filipović, 'Experiences and Problems in Implementing Spatial Plans of Municipalities', *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, p. 209.

⁹³ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 24.

⁹⁴ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 35.

According to Article 26 of Law on Planning and Construction, the general regulation plan includes amongst others: the area of building land; division of the space into separate zones; predominant use of land with regard to certain zones; building lines and street lines; infrastructural corridors and areas for traffic, energy supply and municipal infrastructure; measures for protection of cultural and historic monuments as well as protected natural areas; definition of zones for which the elaboration of a DRP is mandatory as well as the prohibition of construction activities until the DRP is adopted; definition of locations for which a UP have to be elaborated; zoning and construction regulations for areas for which there will be not provided a detailed regulation plan.

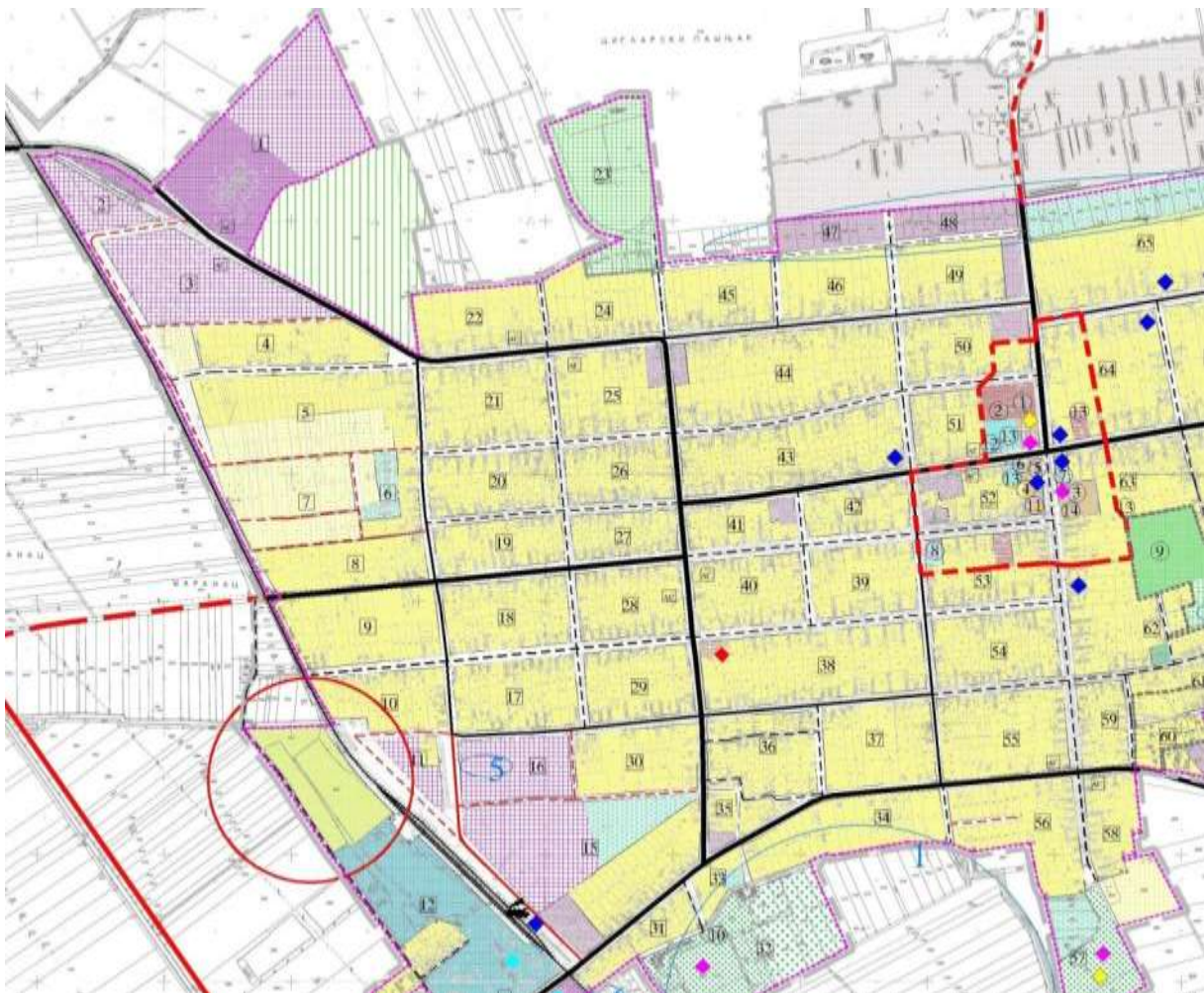


Figure 7: Extract of the GRP in the Municipality of Odžaci⁹⁵

General regulations plans must cover the whole area of building land in populated settlements for which the elaboration of general urban plans is obligated according to planning law.

⁹⁵ Municipal council of Odžaci, 'General Regulation Plan for the settlement of Ratkovo in the Municipality of Odžaci', http://195.250.98.80:4000/system/files/839/original/Plan_namene_povrsina_i_objekata_evidentirana_prirodna_i_kulturna_dobra_i_zastita_zivotne_sredine.jpg, (accessed 8 August 2014).

3.2.4.7. Detailed regulation plans

Detailed regulations plans are drawn up for certain parts of populated settlements, for zones of urban renewal, for infrastructural corridors and facilities or for the purpose of bringing in order of informal settlements. The elaboration of detailed regulation plans is obligated if superordinate planning documents define areas for which these detailed plans have to be elaborated.



Figure 8: Extract of a DRP in the City of Zrenjanin⁹⁶

According to Article 28 of the Law on Planning and Construction, a detailed regulation plan includes amongst others: the area of building land; detailed land use with regard to certain zones; infrastructural corridors and areas for traffic, energy supply and municipal infrastructure; measures for protection of cultural and historic monuments as well as protected natural areas; definition of zones for which the elaboration of a detailed regulation plan is mandatory as well as the prohibition of construction activities until the appropriate

⁹⁶ City Council of Zrenjanin, 'Detailed Regulation Plan for a regional waste disposal site in Zrenjanin', http://www.zrenjanin.rs/userfiles/file/Urbanizam_PlanskiDokumenti/Planovi%20DetaljneRegulacije/RegionalnaDeponija/RegionalnaDeponija-GrafickiDeo.jpg, (accessed 8 August 2014).

detailed regulation plan is adopted; definition of locations for which urban projects have to be elaborated; zoning and construction regulations with regard to the defined zones.

3.2.4.8. Urban projects

A so-called urban project is a planning instrument for architectural shaping of public purpose areas and for other architectural elaboration of locations. The elaboration of these urban projects is prescribed by urban plans, municipal spatial plans or spatial plan for special purpose areas. The urban projects must be in accordance with the mentioned plans.

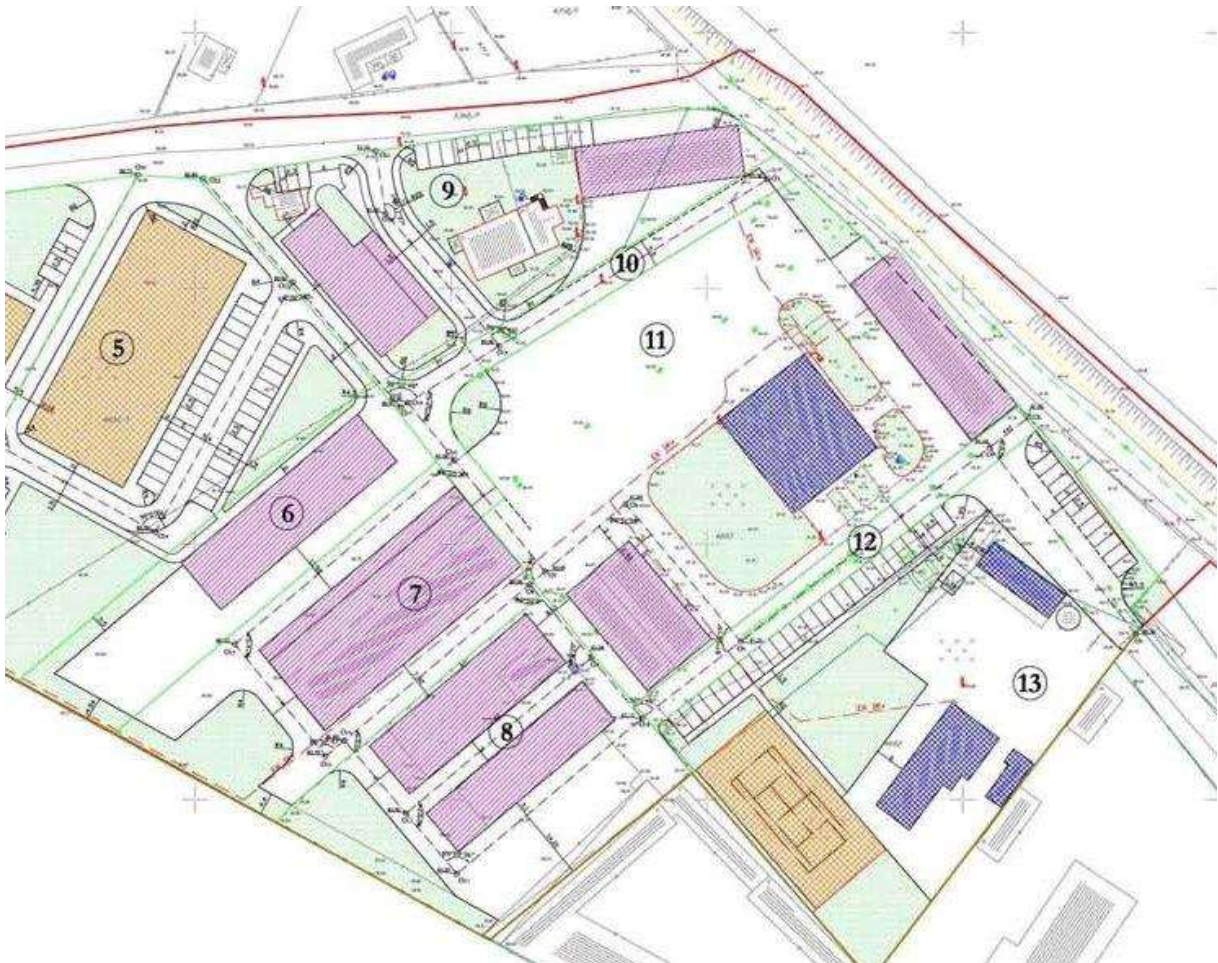


Figure 9: Example of an urban project in the City of Šabac⁹⁷

It contains the conditions for construction on the construction lot, a feasibility study of municipal infrastructure, a description, technical description and explanations about the solution in the urban project, as well as preliminary architectural and urban solutions of buildings and landscape development.

⁹⁷ City Council of Šabac, 'Urban project' <http://www.plansabac.co.rs/fajlovi/tes.jpg>, (accessed 8 August 2014).

3.2.5. Procedure for passing planning documents

The Law on Planning and Construction defines also the exact procedure for passing different planning documents. The Articles 46 to 52 of the law describe the individual steps of the procedure:

- I. Decision on drawing up planning documents
- II. Elaboration and outsourcing of production of planning documents
- III. Concept of planning document
- IV. Supervision of planning documents
- V. Public insight
- VI. Planning Commission

The decision on drawing up a planning document is brought by the agency authorized to pass it. The decision is announced in the appropriate official gazette.

The responsible for elaboration of planning documents are appropriate authorized planning institutions of the Republic, of the Autonomous Province, a municipality or a city. The elaboration of the appropriate of the plan can also be outsourced to an enterprise or another legal entity which fulfils the legal preconditions to elaborate plans.

Upon announcing the decision to elaborate a planning document, the responsible elaborate the so-called concept of the plan. In favor data have to be gathered, particularly on: existing planning documents, under-lays, special conditions for the protection and regulation of the space, other documents significant for the production of the plan, the condition and capacity of the infrastructure, as well as other data necessary in the preparation of the plan. The concept of the plan includes: an assessment of existing conditions, concepts and proposals of development, protection and regulation of the space, as well as other issues of significance in the preparation of the planning document. The concept of a plan, for the purposes of drawing up an urban plan, includes more detailed information on the building land as well as on planned routes, corridors and regulation of municipal infrastructures. The concept includes a graphic and a textual part and it is subject to professional verification in compliance with the Law on Planning and Construction.

The supervision means a professional verification, which includes examining the reconciliation of the planning document with superordinate planning documents, with the decision to proceed and also with this Law on Planning and Construction. The supervision of the Spatial Plan of the Republic of Serbia, for spatial plans for special purpose areas and for

regional spatial plans and the appropriate implementation programs for spatial plans is performed by the ministry responsible for spatial planning. The professional verification of spatial plans for special purpose areas and of regional spatial plans for territories in the Autonomous Province of Vojvodina is performed by a planning commission which is set up by the authorized institution of the Autonomous Province. The professional verification of planning documents of units of local administration is performed by the planning commission. Upon completion of professional verification, a report is written, which includes data on the verification carried out, with all remarks and opinions of the responsible agency respectively the planning commission.

The public presentation of the planning document for public insight is made after the professional verification is completed. The presentation of the planning document for public insight lasts 30 days from the day of announcement. It is announced in a daily and local newspaper. The responsible agency respectively the planning commission writes a report on the completed public insight into the planning document, which includes data on the completed public insight, with all remarks and decisions for each remark. In the event that, following the public insight into the draft planning document, the responsible agency respectively the planning commission establishes that the proposed remarks essentially change the planning document, it brings a decision instructing the responsible of the preparation to prepare a new draft, or concept of the planning document, within a deadline which cannot exceed 60 days from the day of bringing the decision.

The assembly of the unit of local administration sets up a planning commission for the purposes of getting professional feedback. The president and the members of the commission have to be experts in the field of spatial planning and urbanism, and other fields which are important in the performance of professional jobs in the field of planning with appropriate licensure. One third of the members are nominated on the recommendation of the minister responsible for spatial planning and urbanism. For plans, elaborated within the area of the Autonomous Province, one third of the members are nominated on the recommendation of the agency of the Autonomous Province responsible for urbanism and building construction. The mandate of the president and members of the commission is four years of duration.

3.2.6. Reconciliation of planning instruments

Article 33 of the Law on Planning and Construction defines provisions regarding reconciliation of planning instruments. It is emphasized that spatial plans as well as urban plans have to be in accordance with planning documents on a higher level. The law defines that the so-called “ministry responsible for spatial planning issue” has to obtain approval with

regard to reconciliation of plans on the regional level but also for plans on the local level. More precisely, this approval is necessary for regional spatial plans within the Autonomous Province of Vojvodina, the Regional Spatial for the City of Belgrade, municipal spatial plans, general urban plans and general regulation plans (for populated settlements which are the seat of a unit of local administration) after public inspection. But the term of “responsible ministry” leads to a confusing situation, because in fact there are two ministries to come into consideration, namely the Ministry for Construction and Urbanism and the Ministry for Natural Resources, Mining and Spatial Planning. According to discussions with Serbian planners, it is not always clear, which ministry is responsible for certain cases, although in most cases the Ministry for Natural Resources, Mining and Spatial Planning is responsible. In any case the responsible ministry has to decide within a deadline not longer than 30 days after receiving request for approval.

Municipal spatial plans, general urban plans and general regulation plans concerning municipalities respectively settlements in an autonomous province are approved by the provincial institution responsible for spatial planning with regard to reconciliation, which is the Provincial Secretariat for Urban Planning, Construction and Environmental Protection (*Pokrajinski sekretarijat za urbanizam, graditeljstvo i zaštitu životne sredine*). The deadline for approval is the same. Furthermore Article 33 defines provisions with regard to approval of urban plans within an area for which a spatial plan for a special purpose area is drawn up. The provisions are correspondingly to the above described provisions.

3.2.7. Implementation programs

In order to reach a higher degree of plan implementation the Law on Planning and Construction from 2009 provides the legislative obligation to elaborate so-called “implementation programs” for the following planning instruments:⁹⁸

- **Implementation Program for the National Spatial Plan of Serbia:** This document provides measures for realization of the policies of the National Spatial Plan for a period of five years. It is passed by the Government of Serbia (based on a proposal of the Ministry responsible for spatial planning issues) within one year from the day of enactment of the Spatial Plan.

⁹⁸ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 58.

- **Implementation programs for regional spatial plans:** This document provides measures for realization of the policies of a certain regional spatial plan for a period of five years. It is passed by the institution, which passed the certain regional spatial plan within one year from the day of enactment of the spatial plan
- **Implementation programs for spatial plans for special purpose areas:** This document also provides measures for realization of the policies of a certain spatial plan for a special purpose area for a period of five years. It is passed by the institution, which passed the certain regional spatial plan within one year from the day of enactment of the spatial plan.

The notion of these planning instruments is to concretize detailed measures and activities in order to better implement the intended policies of a spatial plan through the definition of:⁹⁹

- priority projects;
- amounts and sources of funds for the financing of projects;
- deadlines for the completion of projects;
- responsibility for the completion of projects;
- indicators for monitoring the changes of conditions in space.

Additionally, annual reports on the spatial development and realization of the mentioned spatial plans have to be prepared.¹⁰⁰ So, in fact these implementation documents consist of three main parts: first, the elaboration of strategic priorities as guidelines for monitoring their realization; second, the definition and guidelines for operationalization of spatial development; third, the creation of initial model for information system on spatial development.¹⁰¹ The effort to implement at least the legal provision – namely to adopt implementation programs – is visible with the help of the deadline which was adhered to with regard to the National Spatial Plan. The Government of Serbia already adopted the Implementation Program for the National Spatial Plan of Serbia which is valid for the period from 2011 to 2015.

⁹⁹ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 59.

¹⁰⁰ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013, Art. 58.

¹⁰¹ S. Trkulja, Implementation of Spatial Plans in Serbia, 48th ISOCARP Congress 2012, p. 3.

This program defines 125 elaborated strategic priorities according to sectoral areas. For all these priorities there are defined different aspects according to Article 59 of the 2009 Law on Planning and Construction respectively according to the following questionnaire.

A. Strategic priority
Description of the priority Chapter in the plan
B. Responsibility for realisation
Main responsibility Stakeholders in horizontal cooperation Stakeholders in vertical cooperation Specific partnerships
C. Funding
Costs Sources
D. Dynamics
Duration of the project Beginning End Phases Indicators Indicator(s) influenced by realisation of the project Link with the goal(s)
E. Risk management
Problems and challenges Possible solutions

Figure 10: Questionnaire for elaboration of strategic priorities¹⁰²

The questionnaires were sent to relevant institutions in order to collect the necessary information. Additionally, phone calls or organized meetings took place to complement the information. The second part of the implementation concerns the definition of indicators for monitoring spatial development. The number of indicators is relatively high. With the help of 106 indicators spatial development should be monitored, whereupon each indicator is described more in detail (amongst others according to goals, interpretation, sources for data collection). Trkulja (2012) also mentions a third main part of these implementation documents although this is not foreseen directly by the Law on Planning and Construction. Namely, he refers to the creation of a GIS-based Information System on spatial development in Serbia. Through the implementation program there are undertaken steps towards a comprehensive information system.¹⁰³

¹⁰² S. Trkulja, Implementation of Spatial Plans in Serbia, 48th ISOCARP Congress 2012, p. 4.

¹⁰³ S. Trkulja, Implementation of Spatial Plans in Serbia, 48th ISOCARP Congress 2012.

3.3. Spatial planning in Serbia in summary

When talking about planning in Serbian municipalities and cities, it has to be considered that Serbia in general, but also the planning system went through very turbulent times in the past. Already the first phase after WWII was characterized by a very centralized planning approach, whereas the 1970s and 1980s were characterized by a highly decentralized planning approach. From the so-called (self-made) type of socialist planning in the 1980s, to a highly centralized planning system during the 1990s and a more liberalized planning system in the 2000s: the Serbian spatial planning system had to deal with significant changes within very short time. This is what the swinging pendulum of planning legislative context illustrates very well (see figure 3). So the municipalities and cities have had to reorganize themselves.

Today's planning system seems to be in a 'phase of self-discovery'. It seems that the Serbian planning system is still searching for the right planning approach after the long phase of significant changes in the last decades. But the last decade was pretty much affected by pursuing planning approaches of countries of the European Union, especially of Western and Central European Countries. This is obvious, especially when looking at the elements of the 2009 Law on Planning and Constructions. This law tries to cover aspects of planning as well as construction and this has to be appreciated. The structure and the provided planning instruments are mentioned in the law. The organization of the hierarchy of planning instruments from the national and regional level to the local level is comprehensible. The National Spatial Plan was adopted in 2010 and it is the main planning document for further planning instruments and planning activities. The adoption of different regional spatial plans seems to challenge the planning system, also because the definition of certain regions has changed. The Law on Regional Development has provided different regions than the regions, which were actually defined in reality. This level of regions in Serbia is a crucial challenge, because it is a main step respectively level in the process of implementation of the National Spatial Plan (see chapter 3.2.4.2.).

Spatial plans for special purpose areas refer to areas with specific characteristics, e.g. areas which include special natural or/and natural heritage, mineral resources or appropriate touristic resources. What has to be emphasized is that this type of plans can be the basis for issuing building permits. This is insofar remarkable as these plans refer to a rather high respectively regional level, which is why it has to be questioned if it is rational to enable issuing permit on the basis of these plans. Already the provided planning system respectively hierarchy of planning instruments on the local level seems to be too complicated and too confusing. The mandatory adoption of different planning instruments (municipal spatial plans,

arrangement schemes, general urban plans, general regulation plans, detailed regulation plans, urban projects) overstrain planning authorities and institutions in Serbian municipalities and cities.

On closer inspection of the necessary contents of general regulation plans as well as of detailed regulation plans, it is obvious that the intended contents of these plans are more or less the same. Table 5 illustrates very well the similarities with regard to the mandatory contents of DRPs and GRPs according to the 2009 Law on Planning and Construction (elements illustrated with a grey background).

General Regulation Plan (GRP)	Detailed Regulation Plan (DRP)
<ul style="list-style-type: none"> • area designated by the plan and area of building land; • street lines and building lines; • leveling of streets and public zones; • infrastructural corridors for transport, energy and municipal infrastructure; • measures for protection of cultural and natural sites; • zones, for which urban projects are mandatory respectively tender offers have to be organized; • construction regulations for zones, for which there are not elaborated DRPs; • other elements relevant for plan implementation; 	<ul style="list-style-type: none"> • area designated by the plan and area of building land; • street lines and building lines; • leveling of streets and public zones; • infrastructural corridors for transport, energy and municipal infrastructure; • measures for protection of cultural and natural sites; • zones, for which urban projects are mandatory or tender offers have to be organized; • construction regulations for different zones • other elements relevant for plan implementation;
<ul style="list-style-type: none"> • allocation of certain zones and areas; • predominant land use with regard to certain zones; • areas, which for DRPs have to be elaborated. 	<ul style="list-style-type: none"> • detailed land use; • list of allotments / description of public zones.

Table 5: Comparison of the mandatory contents of a GRP and a DRP¹⁰⁴

There are just a few differences, which concern very detailed information. For example general regulation plans include “predominant land uses” and detailed regulation plans include the more “detailed land uses”. In summary, the separation of these two plans has to be questioned, because the distinctive elements can be combined within one together regulation plan and in fact, the separation causes confusions also in practice. The latter was acknowledged by Serbian planning practitioners, because it is mostly not clear, in which cases the different types of plans have to be elaborated and taken for issuing building permits. Also the illustrated extracts of appropriate plans (see figure 7 and 8) do not seem to be very different with regard to the content and illustrations. To make things more confusing,

¹⁰⁴ Law on Planning and Construction 2009, Official Gazette of the Republic of Serbia No. 72/2009, as amended on 4 September 2013.

the characteristic of general urban plans are also similar to general and detailed regulation plans. The absence of many intended general urban plans in Serbia raises many questions. Since 2009 the Law on Planning and Construction provides “general urban plans” instead of “general plans”. In fact, many municipalities and cities adopted general plans little before 2009. Serbian municipalities are not able to meet legal obligations because of different reasons, which is why this thesis encourages reshaping the structure of the Serbian planning system (see also chapter 5).

4. Case studies

This chapter refers to two concrete case studies, namely to the City of Subotica and the Municipality of Petrovac na Mlavi. This approach to analyze the planning practice in these two cases helps understanding concrete challenges: challenges, which Serbian municipalities and cities are facing with regard to the adoption of spatial respectively urban plans and their implementation. For both cases, general information on the municipality/city and information on planning institutions as well as on valid spatial and urban plans are given. Concluding there is an illustration of a comparative analysis of the two case studies.

4.1. Case study Subotica

4.1.1. Subotica today and in the past

The City of Subotica is located in the very north of the Republic of Serbia, next to the Serbian-Hungarian border and it is the administrative center of the North Bačka District. The administrative area of Subotica has around 140,000 inhabitants, it extends to 1,007 km² and it comprises the urban center Subotica-Palić as well as 22 settlements¹⁰⁵:

- Bački Vinogradi
- Bačko Dušanova
- Bajmok
- Bikovo
- Čantavir
- Đurđin
- Donji Tavankut
- Gabrić
- Gornji Tavankut
- Hajdukovo
- Kelebija
- Ljutovo
- Madaraški Salaši
- Mala Bosna
- Mirgeš
- Micićevo
- Nosa
- Novi Žednik
- Palić
- Skenderovo
- Stari Žednik
- Šupljak
- Verušić
- Višnjevac

The administrative area also comprises ten cadastral municipalities, namely Stari Grad, Novi Grad, Palić, Donji Grad, Bajmok, Čantavir, Tavankut, Bikovo, Žednik and Đurđin. Also the

¹⁰⁵ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 12.

ethnic composition is worth mentioning: around 36 percent belong to Hungarians, 27 percent to Serbs, 10 percent to Croats, 10 percent to Bunjevci and 17 percent to others (see also figure 11).¹⁰⁶



Figure 11: Overview of Subotica (left: geographical position; right: settlements the city)

The administrative area also comprises ten cadastral municipalities, namely Stari Grad, Novi Grad, Palić, Donji Grad, Bajmok, Čantavir, Tavankut, Bikovo, Žednik and Đurđin. Also the ethnic composition is worth mentioning: around 36 percent belong to Hungarians, 27 percent to Serbs, 10 percent to Croats, 10 percent to Bunjevci and 17 percent to others.¹⁰⁷

The development of the City of Subotica has been affected by the position between the two opposing forces of the Austrian-Hungarian and the Ottoman Empires. This is why the city and also the region of Vojvodina are relatively multi-ethnic. After the Turks conquered and governed Subotica (1542-1686), Maria Theresa declared Subotica a free borough in 1743. This status meant that the Subotica had extended autonomy and it was also an impulse for development and growth of the city. The name of the city also changed in that time, namely to “Maria Theresiopolis”. During the Serbian Vojvodship (Serbian Vojvodina) between 1850 and 1860 but also after the Austro-Hungarian Compromise of 1867 (until 1914) the development of the city advanced through the construction and establishment of district schools and strengthening the civil society. The development of handicraft, industry and economy advanced, amongst others through the arrival of the first train, the construction of the electric power station in 1896 and the tram traffic in 1897. Through the Treaty of Trianon

¹⁰⁶ City of Subotica, Subotica u brojevima, <http://www.subotica.rs/index/page/id/47/lg/sr/>, (accessed 10 June 2014).

¹⁰⁷ City of Subotica, Subotica u brojevima, <http://www.subotica.rs/index/page/id/47/lg/sr/>, (accessed 10 June 2014).

Subotica was incorporated in the then new state of Yugoslavia in 1920. Before that – in 1918 – the Great National Assembly in Novi Sad declared the unification of Banat, Backa and Baranja with the Kingdom of Serbia. In 1941 – by the beginning of World War II – Subotica was occupied by Hungarian fascist and later liberated by the Partisan unit of Subotica and Red Army units in 1944.¹⁰⁸

4.1.2. Spatial Planning in the City of Subotica

The City Planning Institute of Subotica (*Zavod za Urbanizam Grada Subotice*) as well as the City Department for Construction and Property (*Služba za građevinarstvo i za imovinsko-pravne poslove*) are main institutions with regard to spatial and urban planning activities in the City of Subotica. The Institute and its staff elaborate spatial and urban plans for the city. Before that, the City Authority for Constructions of Subotica (*Direkcija za izgradnju Grada Subotice*) orders the elaboration of the relevant plan, the City Department for Construction and Property has to prepare the decisions which has to pass the City Council.

In 2005 the City Council of Subotica established the today's City Planning Institute. The Institute is subdivided into four organizational units: Urban and Spatial Planning Service; Economic-Financial and Legal Affairs Service; Development Consulting Department; Environment Protection Department. The structure of the employers has to be considers especially with regard to implementation aspects: There are mostly architects, construction engineers, other technicians and engineers of various profiles.

The most important activities and tasks of the Institute are amongst others “spatial and urban planning for the municipality and for other employers, providing development consulting services, elaborating general and special conditions for environment protection, making strategic environmental impact studies on design and plans [...]”¹⁰⁹

4.1.3. Municipal Spatial Plan of Subotica and its implementation

The Municipal Spatial Plan of Subotica was adopted by the City Council in 2012, after the decision to elaborate a new plan passed the City Council in 2009 and it pursues a planning horizon until 2025. First priorities should be realized already until 2015. The previous Municipal Spatial Plan was adopted only in 2008 but because of essential changes of the Law on Planning and Construction in 2009 a new spatial plan had to be elaborated. The current Spatial Plan was elaborated by the City Planning Institute.

¹⁰⁸ City of Subotica, Istorijat Subotice, <http://www.subotica.rs/index/page/id/42/lg/sr/>, (accessed 11 June 2014).

¹⁰⁹ City Planning Institute of Subotica, About Us, <http://www.urbansu.rs/en/index/article/a/about>, (accessed 08 June 2014).

Basically the Municipal Spatial Plan of Subotica consists of a textual and graphical part: There were adopted four main maps according referring to land use (map 1), network of settlements and infrastructural systems (map 2), tourism (map 3) and plan implementation (map 4). Additionally Arrangement Schemes for 19 settlements were elaborated.

The first part of the textual part of the spatial plan deals with the territory, for which the plan is valid. It deals as well with the implementation of relevant provision of superordinate planning documents (see below). This is the whole territory of the municipality with the urban center Subotica-Palić as well as the 22 settlements Bajmok, Čantavir, Donji i Gornji Tavankut, Skenderovo, Mirgeš, Kelebija, Hajdukovo, Šupljak, Bački Vinogradi, Nosa, Mišičevo, Madaraški salaši, Mala Bosna, Đurđin, Stari Žednik, Novi Žednik, Verušić, Bačko Dušanovo, Višnjevac, Bikovo and Gabrić.

The second part deals with land use aspects and different aspects which illustrates the integrative approach. There are defined four main land use categories, namely agricultural use, forestry use, water expanses and building land. The plan illustrates also a balance of the different land uses in current situation and in the future. According to that forestry land as well as building land will be extended clearly and agricultural land will be reduced until 2025. The baseline study is also illustrated according to different thematic fields: amongst others natural resources, living, settlements network, public services, economic activities, tourism, traffic, infrastructure, environmental protection, cultural heritage and soil protection. Additionally, there are also defined principles, objectives and goals of spatial development with regard to the above named thematic fields. The third part of the document deals with land use regulations and construction regulations. It defines the land use categories, the allowed kind of use and constructions on the relevant areas as well as the prerequisites for changing the land use. The way of implementation of the spatial plan is also illustrated in the third main part of the textual part.

4.1.3.1. Implementation of superordinate planning documents

Already at the beginning of the textual part of the Municipal Spatial Plan of Subotica first implementation aspects are described. Namely, by referring to planning documents at superordinate levels the importance of implementation is illustrated. This municipal spatial plan refers namely to the National Spatial Plan of Serbia, to the Regional Spatial Plan of Vojvodina and also to the Spatial Plan for the Area of the Infrastructural Corridor of the Highway E-75 Subotica-Belgrade (Batajnica).

The latter, which is a spatial plan for a special purpose area, was adopted in 2003, but it was amended several times. The last amendments were made by the Republic Agency for

Spatial Planning and the Ministry for Environment, Mining and Spatial Planning respectively the Provincial Institute for Urbanism of Vojvodina. The funding was made by the public enterprise "Roads of Serbia".

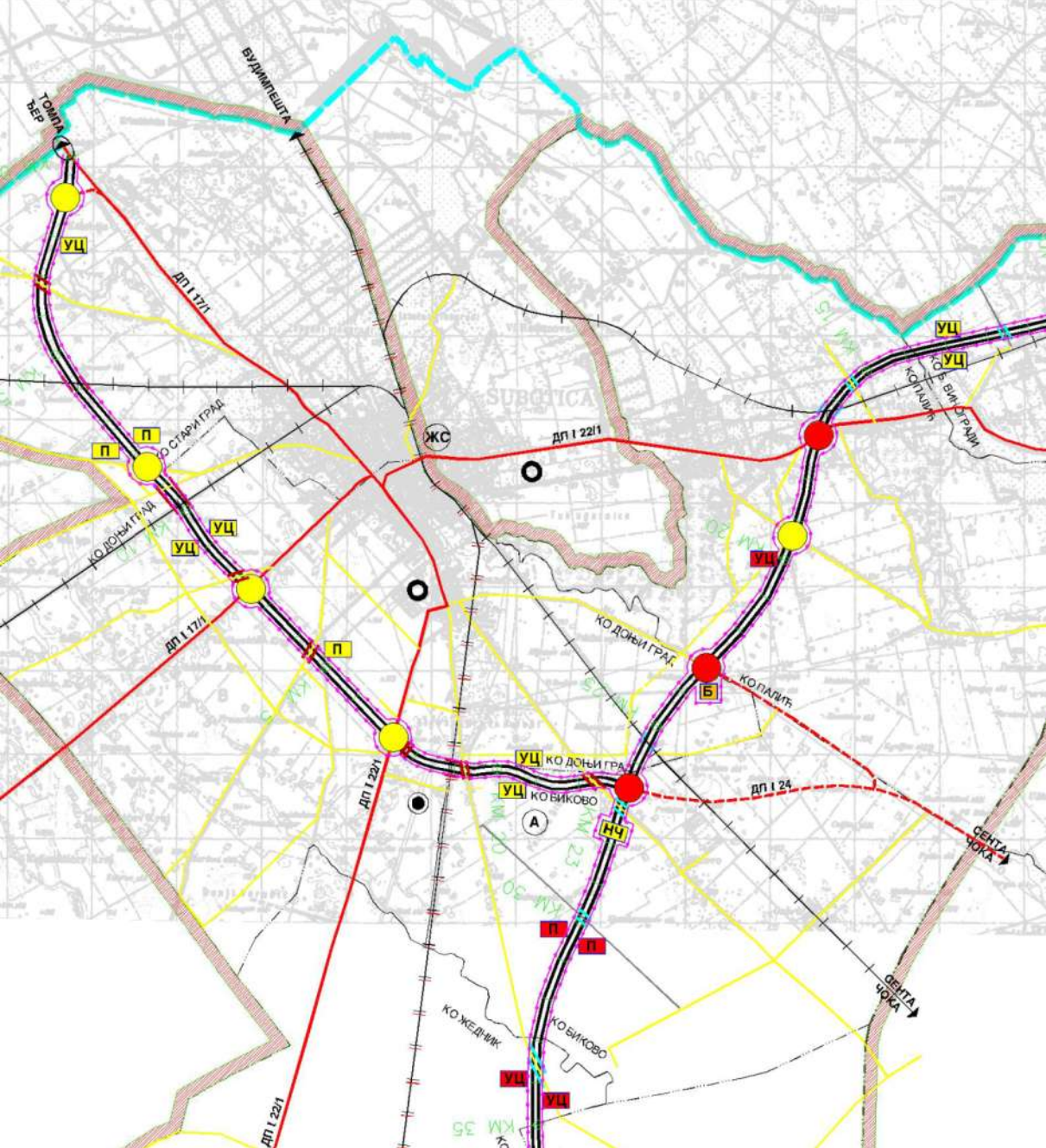


Figure 12: Extract of the Spatial Plan for the Area of the Infrastructural Corridor E-75¹¹⁰

¹¹⁰ Government of the Republic of Serbia, 'Spatial Plan for the Area of the Infrastructural Corridor E-75 Subotica-Belgrade (Batajnica)', 2003, http://195.250.98.80/rapp_mape/98/PP-E-75.PDF, (accessed 11 September 2014).

Regional Spatial Plan for the Autonomous Province of Vojvodina

The Regional Spatial Plan of Vojvodina was adopted in 2011. The responsible institution for the elaboration of the plan was the Provincial Secretary for Urbanism, Construction and Environmental Protection (*Pokrajinski sekretarijat za urbanizam, graditeljstvo i zaštitu životne sredine*) and for preparation and coordination the Republic Agency for Spatial Planning. The planning horizon of the plan provides guidelines and priority projects until 2020.

The Regional Spatial Plan consists also of a textual and graphical part. The graphical part consists of maps on a scale of 1:200,000 according to land use (map 1), network of settlements and infrastructure (maps 2.1., 2.2. and 2.3.) and tourism (maps 3.1. and 3.2.). The textual part is divided into four parts, first the illustration of basic research, second principles and goals of spatial development, third planning provisions and fourth provisions referring to the implementation of the plan. The latter includes amongst others priority projects and provision about plan implementation through subordinated planning documents.

The Spatial Plan of Subotica refers to the Regional Spatial Plan of Vojvodina insofar as it offers the main propositions for Subotica, amongst others with regard to the settlement's network, rural development, housing, public services, economy, industry, forestry, agriculture, tourism, environmental protection, protection of cultural heritage, solid waste management, traffic, water management and renewable energy. On the one hand it illustrates general goals of the Regional Spatial Plan but on the other hand it emphasizes also special propositions with regard to the City of Subotica.

With regard to industrial development, Subotica is classified as economical center of II degree. According to the Regional Spatial Plan of Vojvodina urban centers as well as development corridors are important factors of industrial development. According to the National Spatial Plan Subotica is a center – according to the definition of functional urban areas – with national importance. As to reach polycentric development the macro-regional center Novi Sad should drive the polycentric development together with the urban centers of Subotica, Sombor, Sremska Mitrovica, Kikinda, Zrenjanin, Pančevo and Vršac. According to the Regional Spatial Plan of Vojvodina the City of Subotica belongs to those cities which: have the potentials to become a center respectively engine for the development of the surrounding or there are national respectively regional interests for these development paths for these cities; show functional connections to the surrounding, e.g. Subotica-Sombor-Apatin or Apatin-Bač-Bačka Palanka-Novı Sad; have potentials to develop know-how and innovations; and which are close to other cities respectively urban centers, e.g. Sombor, Apatin, Odžaci, Bačka Palanka, Kikinda, Vršac, Sremska Mitrovica, Šid.

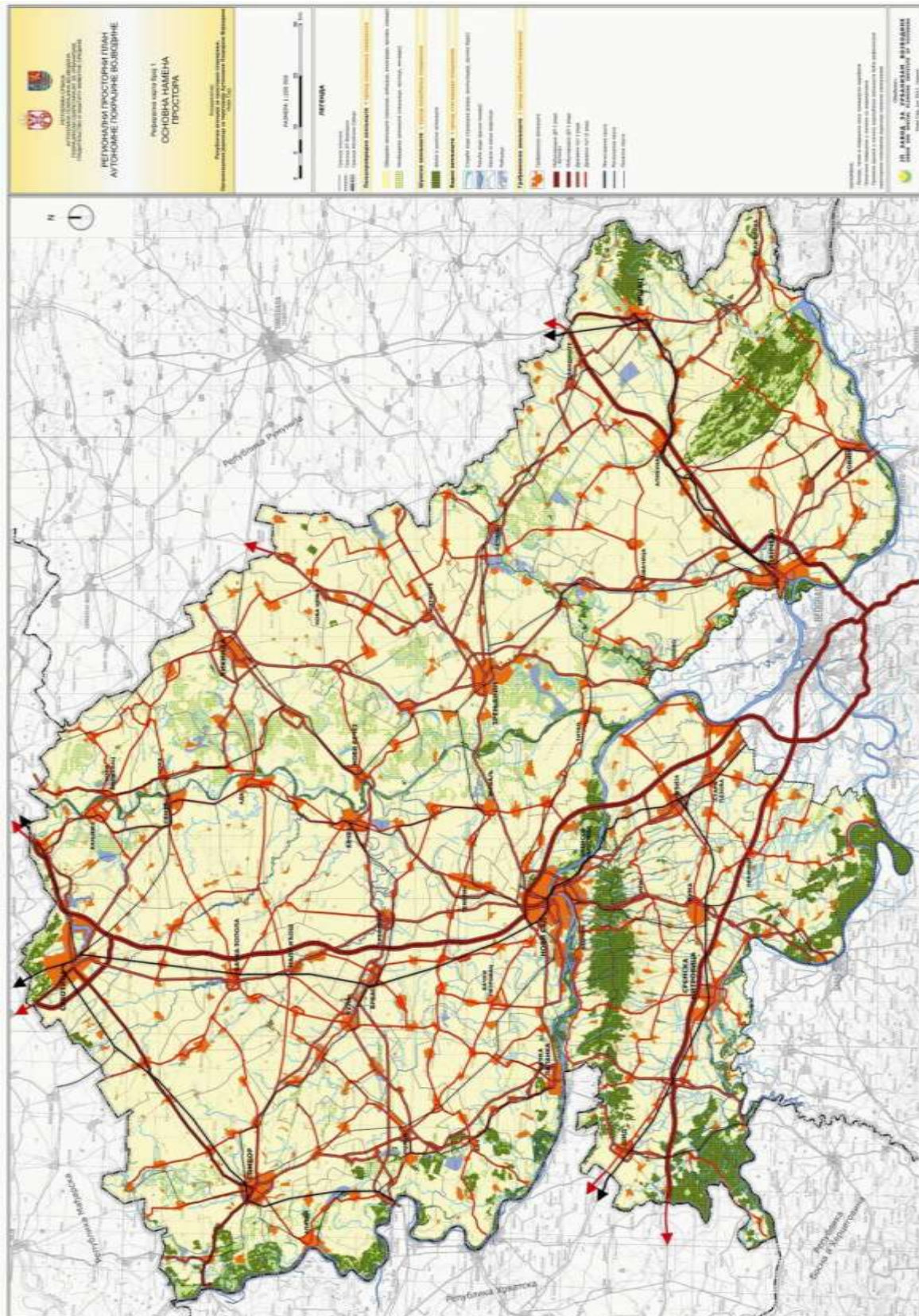


Figure 13: RSP for the AP of Vojvodina – map referring to land use¹¹¹

¹¹¹ Assembly of the Autonomous Province of Vojvodina, 'Regional Spatial for the Autonomous Province of Vojvodina 2020', 2011, http://195.250.98.80/rapp_mape/150/RPP%20APV%20%20-%20Nacr.pdf, (accessed 11 September 2014).

The City of Subotica is also defined as touristic center (in connection to the Tisa river) which must be connected to trans-border cooperation with Hungary but also with Croatia. There are also propositions that the touristic development has to be connected to certain areas defined for tourism and in compliance with the Regional Spatial Plan of Vojvodina. For transport aspects the Regional Spatial Plan does not define separate propositions, with the exception of planned roads of regional importance and the planned construction of the railway between Subotica and Baja (Hungary). Also with regard to solid waste management Subotica should take an important role as regional center for waste management in Vojvodina.¹¹²

4.1.3.2. Implementation of the Municipal Spatial Plan of Subotica

Direct and indirect implementation of the municipal spatial plan

The Spatial Plan defines clearly, in which cases the plan has to be implemented directly as well as in which cases the plan will be the basic concept for more detailed spatial and urban plan, which concretize the municipal spatial plan. The spatial plan defines the areas inside of the municipality, which for more detailed spatial and urban plans are respectively have to be elaborated. For the settlements of the administrative area there are elaborated arrangement schemes for settlements which concretize the municipal spatial plan. For certain areas urban plans have to be elaborated: There will be elaborated amongst others a new General Urban Plan for the urban center Subotica-Palić, General Regulation Plan for the settlements Donji Tavankut and Hajdukovo (until its adoption, the arrangements schemes will be the basic planning concept). The cases in which Detailed Regulation Plans and/or Urban Projects have to be elaborated are also defined. Detailed Regulation Plans must be elaborated e.g. for all infrastructural facilities which needs a public land use and for constructions of sport and touristic facilities. Urban Projects must be elaborated e.g. for farming zones which have more than 5 hectare, for windpark or facilities to produce biofuel.¹¹³

Furthermore it also defines that for all other cases the municipal spatial plan has to be implemented directly. The spatial plan has to be implemented directly for certain areas outside of the so-called settlements (*atar*) by being the basic concept for issuing location permits for constructions, e.g. in areas for forestry, agriculture and water expenses.¹¹⁴ The consideration of implementation aspects is also illustrated by the reference to implementation of the plan provisions in to other plans and programs.¹¹⁵

¹¹² Government of the Republic of Serbia, 'Strategy for Waste Management 2010', 2010, http://www.kombeg.org.rs/Slike/CeTranIRazvojTehnologija/2010%20Maj/strategija_upravljanja_otpadom_konacno.pdf, (accessed 12 September 2014), p. 65.

¹¹³ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 312.

¹¹⁴ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 311.




¹¹⁵ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 314.

Municipal Spatial Plan Subotica

Map 4: Plan Implementation

Legend

Borders

-  National border
-  Administrative border of the City of Subotica
-  Border of the cadastre municipality

Implementation of plans


























- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  Intended elaboration of GUP |  Intended elaboration of DRP (for facilities of line infrastructure) |
|  Adopted GRP |  Construction of second rail track of the rail line E-85 |
|  Intended elaboration of GRP (as a priority for settlements centres) |  Planned state road of first degree |
|  Adopted DRP |  Planned state road of second degree |
|  Intended elaboration of DRP |  Planned municipal road |
|  Industry zone |  Planned transmission line (110 kV) |
|  Touristic and sports facilities |  Planned pipeline |
|  Border crossing |  Possible amendment of new facilities based on urban projects |
|  Cemetary |  Implementation of the Spatial Plan through Arrangement Schemes of Settlements |
|  Animal cemetary |  Direct implementation of the Spatial Plan through zoning regulations |
|  Regional waste disposal site | |
|  Buyback centre | |
|  Planned facilities for sewage disposal | |
|  Planned facilities for water collection | |
|  Pumping station | |

Figure 14: MSP of Subotica - legend for map 4 (plan implementation)"¹¹⁶

¹¹⁶ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012.

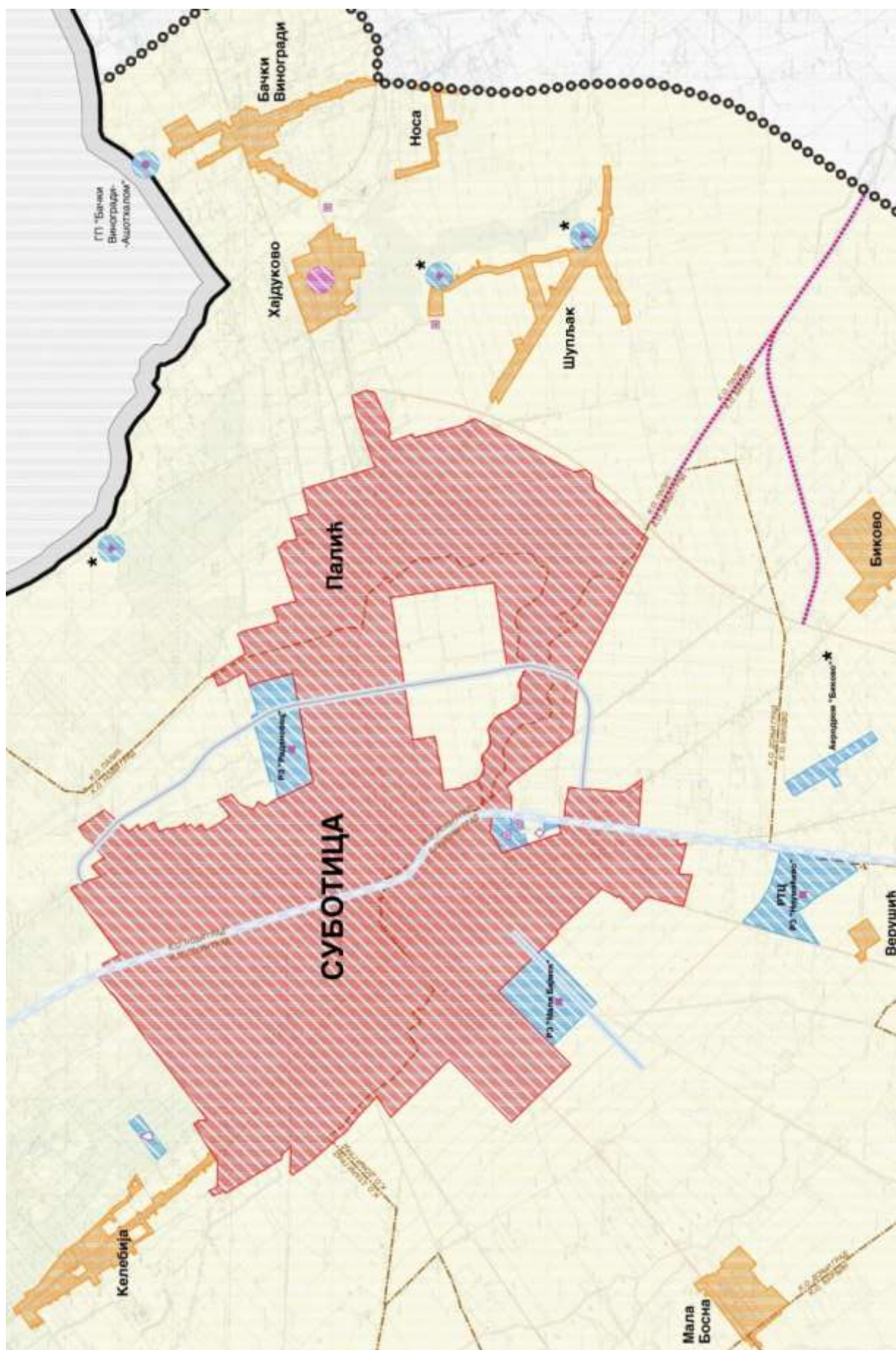


Figure 15: MSP of Subotica - extract of map 4 (plan implementation)

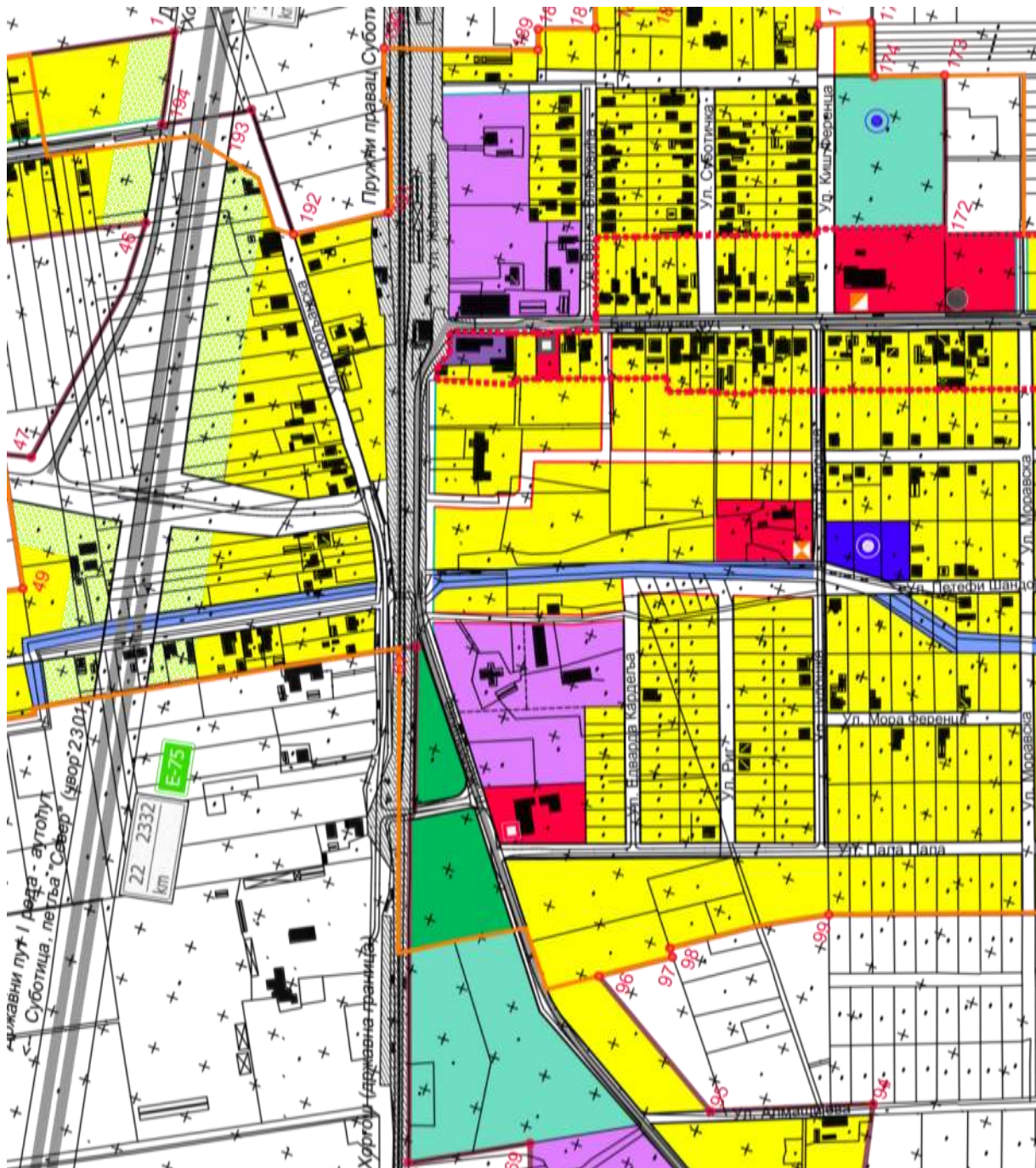


Figure 16: Extract of the arrangement scheme for the settlement Bački Vinogradi¹¹⁷

The municipal spatial plan defines 19 settlements, for which arrangement schemes have to be elaborated. These schemes include land uses respectively the area of building land in the appropriate settlement and there are defined construction regulations in it (see figure 16). Furthermore the cases are described, in which these plans must be used as basis for issuing location permits.¹¹⁸

¹¹⁷ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012.

¹¹⁸ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 121.

Definition of institutions and organization responsible for implementation

The Municipal Spatial Plan of Subotica also defines relevant parties respectively plan implementers of the spatial plan. Hence more than 40 institutions and organization are named to implement the plan. On the one hand it has to be looked upon this definition favorably, on the other hand the named institutions have not been informed appropriate about their task within the process of plan implementation (see chapter 4.3.).

- Responsible Ministries
- Responsible Institutions of the City
- Science (Faculties, Institutes)
- Responsible institutions of the city administration
- City Authority for Constructions of Subotica
- City Planning Institute of Subotica
- Park Palić Ltd, Subotica
- Public enterprise Palić-Ludaš, Subotica
- Technology Parks Ltd, Subotica
- Customs authority, Belgrade
- Public enterprise "Roads of Serbia", Belgrade
- Joint Stock Company "Serbian Railways", Belgrade
- Provincial Institute for Nature Conservation, Novi Sad
- Provincial Institute for the protection of cultural monuments, Novi Sad
- Telekom Serbia A.D., Belgrade
- Public Water Management Company "Vode Vojvodine", Novi Sad
- Public enterprise for Forestry in Vojvodina "Vojvodinašume", Petrovaradin
- Public Enterprise, Electric Supply Network, Novi Sad
- Electricity Distribution Company Elektrovojvodina Ltd., Novi Sad
- Provincial Office for Health, Social Policy and Demographics, Novi Sad
- Public enterprise "Water Supply and Sewage Water System", Subotica
- Inter-municipal Institute for the Protection of Cultural Monuments, Subotica
- Public enterprise "Heat Supply Station", Subotica
- Public enterprise "Subotica Gas", Subotica
- NIS Naftagas, Novi Sad
- Radio and Television Serbia (RTS), Belgrade

- Ministry for Defense, Belgrade
- Ministry for Interior, Belgrade
- Civil Aviation Directorate of the Republic of Serbia, Belgrade
- Public enterprise “Broadcasting and Communication”, Belgrade
- Tourist organization of the City, Subotica
- Seismological Survey of Serbia, Belgrade
- City Public Health Institute of Subotica
- Non-governmental organizations
- “mesne zajednice”

Furthermore it also illustrates the source for financing plan implementation, namely financial resources of the Republic of Serbia, of the Autonomous Province of Vojvodina, of the City of Subotica, certain funds, private investors, etc.

Definition of priority projects

There are defined 105 priority projects by the Municipal Spatial Plan. The projects are grouped according to different thematic fields. For every priority project there is also defined the source of financing and the responsible implementing the projects until 2025.

Priority Project	Financing	Responsible
005 Revitalization and activation of natural resources in the area of Kelebija	City, Local and international funds	Settlements, NGO's, Public Company for Forest Management “Vojvodinašume”, City Planning Institute
036 Strategy for Revitalization of the urban centre	City	City Authority for Constructions
039 Elaboration of the Strategy for Sustainable Development for the period 2012-2021	Reference to own human resources and local public services	City Authority for Constructions, Institutions of the City and the AP Vojvodina, Private Sector
043 Construction of municipal roads	City Authority for Construction, Public Company "Roads of Serbia	City Authority for Constructions
064 Waste Recycling	Private Initiatives, municipal companies	Responsible department of the city administration, Telekom Serbia, AP Vojvodina, responsible Ministry
066 Reform of the cadastre and cadastral register	EU (IPA program)	City, responsible services of the City
093 Regional Development Agency	City, EU and UN projects	City of Subotica, European institutions, UN
103 Elaboration of a GP for Green Areas in Subotica	City, City Authority for Constructions	Responsible Institution of the City

Table 6: Examples for priority projects defined in the MSP of Subotica¹¹⁹

¹¹⁹ City Council of Subotica, ‘Spatial Plan for the City of Subotica’, 2012.

The priority projects are grouped into the thematic fields of natural resources, water and fluid measuring, living and networks of settlements, public services, culture and identity, economy, traffic, infrastructure, agriculture, industry, tourism, urban renewal and environment (see table 6).

4.1.4. General Plan Subotica-Palić

The General Plan for Subotica-Palić was adopted in 2006 and defines planning provisions with a planning horizon until 2020. Because in 2009 the Planning Law has changed and the new municipal spatial plan was adopted in 2011, a new general urban plan has to be elaborated. The elaboration of this plan is currently (September 2014) done in the City of Subotica. At the same time appropriate superordinate plans (especially general regulation plans) are elaborated, which have to be in accordance with the new general urban plan. The municipal spatial plan also defines clearly, that until the adoption of the new general urban plan, the old general plan will be valid. The old plan will also be valid in a direct way for those areas, for which more detailed plans have to be elaborated, but this has not been done yet (see figure 17).¹²⁰

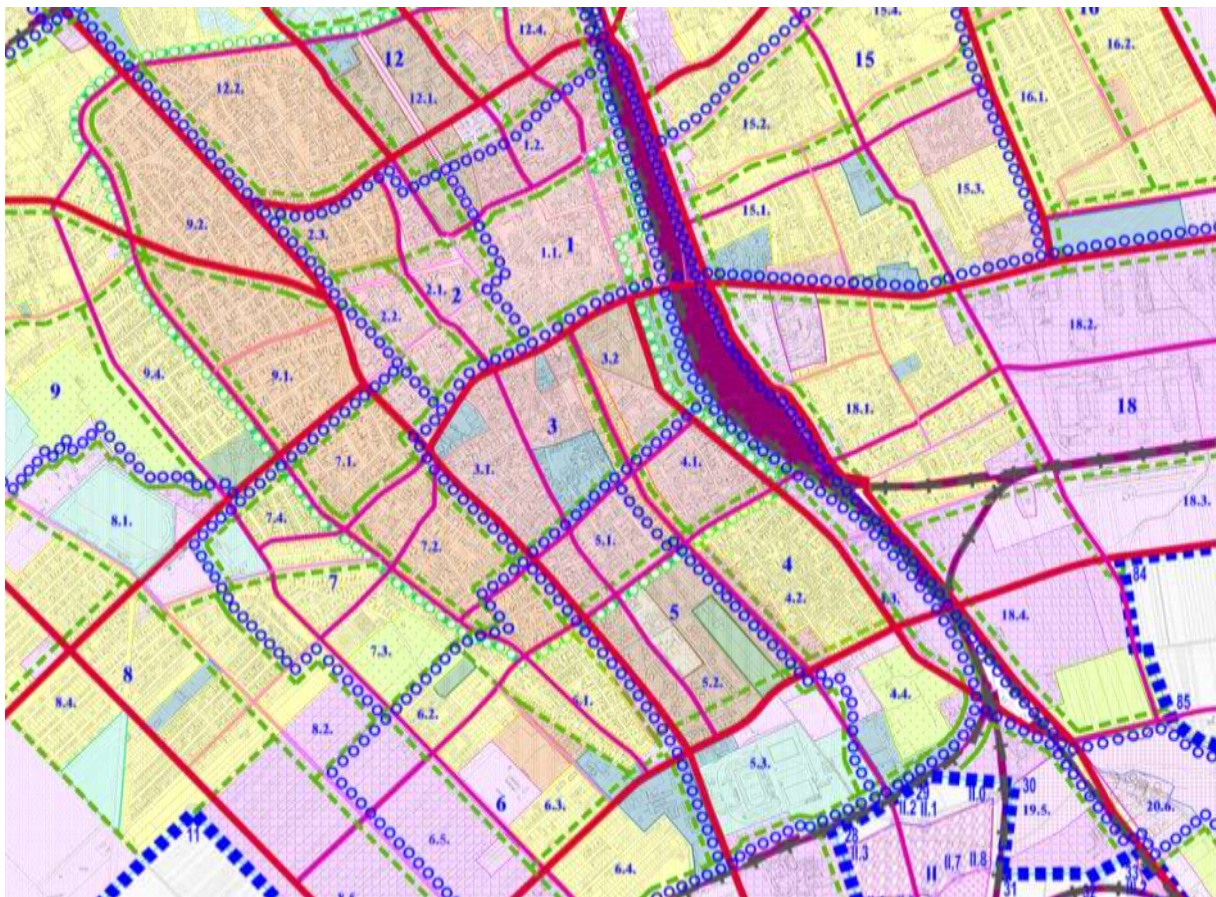


Figure 17: GP Subotica - extract of the map, referring to land use

¹²⁰ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 312.

4.2. Case study Petrovac na Mlavi

4.2.1. Petrovac today and in the past

The Municipality of Petrovac is located in the middle-east of Serbia and it extends over an area of 655 square kilometers. The municipality belongs to the administrative district of Braničevo (*Braničevski okrug*). It has altogether more than 46,000 inhabitants and more than 11,000 domestic homes. It includes the following 34 settlements:

- Bistrica
- Bošnjak
- Burovac
- Busur
- Vezičevo
- Veliki Popovac
- Veliko Laole
- Vitovnica
- Vošanovac
- Dobrnje
- Dubočka
- Ždrelo
- Zabrdje
- Kamenovo
- Kladurovo
- Knežica
- Krvije
- Leskovac
- Lopušnik
- Malo Laole
- Manastirica
- Melnica
- Oreškovica
- Orljevo
- Pankovo
- Petrovac town
- Ranovac
- Rašanac
- Stamnica
- Starčevo
- Tabanovac
- Trnovče
- Čovdin
- Šetonje

In 1869 the sacred church was constructed, also because this was a precondition to get the status of a town, which Petrovac was signed in 1873 by ruler Milan Obrenović. The development was affected especially by handcraft and trade structures but also by being a cultural center in the closer region. The construction of railway until Petrovac in 1912 affected the further development.¹²¹ The today's situation is characterized by relatively high rate of agricultural activities and agricultural areas. Around two third of the whole area is agricultural land, thus there are also a lot of domestic homes which are perceived as so-called "rural living" and which also depend on agricultural production. Further the area of the municipality

¹²¹ Municipality of Petrovac na Mlavi, O Opštini, <http://www.lat.petrovacnamlavi.rs/o-opstini.html>, (accessed 11 September 2014).

is in general characterized by a huge urban sprawl which leads to challenges amongst others with regard to the supply with facilities of technical and social infrastructure.



Figure 18: Geographical position of the Municipality of Petrovac in Serbia¹²²

Petrovac town is situated on the bank of the Mlava River and has around 8,500 inhabitants. It is the center of trade, industry, health, culture and education of the municipality. The town is situated at a crossing point area of Braničevo district which connects Bor, Žagubica and Petrovac with Požarevac on one side and the highway Belgrade-Niš on the other.¹²³ Because of personal experience it must be also emphasized that there are many emigrants from this municipality, but also the broader region who immigrated in the last decades especially to Western and Central European countries like Austria, Germany, and Switzerland. Thus these people, who mostly visit their country of origin in summer and winter holidays influence the region insofar, as they support their alliance in the region especially from the financial point of view. But because of the large number of emigrants also many domestic homes are empty almost all over the year, which influences spatial development and especially the challenges of supply with facilities of social and technical infrastructure.

¹²² Petrovac na Mlavi, Wikipedia: The Free Encyclopedia,

http://upload.wikimedia.org/wikipedia/commons/1/1f/Serbia_Petrovac_na_Mlavi.png, (accessed 1 August 2014).

¹²³ Municipality of Petrovac na Mlavi, O Opštini, <http://www.lat.petrovacnamlavi.rs/o-opstini.html>, (accessed 11 September 2014).

4.2.2. Spatial planning in the Municipality of Petrovac

Compared to the case study of Subotica, in the case of Petrovac there is no regional planning authority, like it is the AP of Vojvodina, on the level above the municipal level. The two main planning institutions of the municipality are the planning department of the municipal administration and the Directorate for Construction and Development of the Municipality of Petrovac na Mlavi (*Direkcija za izgradnju i razvoj opštine Petrovac na Mlavi*).

The municipal administration provides a department which deals with urban planning respectively spatial planning issues. Within the process of elaboration of the municipal spatial plan the department took the role of coordination, which means that it had amongst others to coordinate the data collection or to organize the public insight and to invite the presidents of the settlements to participate in the process of elaboration, which had to be done according to the planning law.

The Directorate for Construction and Development of the municipality is a public undertaking which deals amongst others with the elaboration of all kind of urban plans, spatial plans and urban projects. There are a small number of experts employed in the field of urbanism. This institute was involved in the elaboration of the Municipal Spatial Plan of Petrovac, in the General Plan "Petrovac 2026" as well as in regional and local development strategies.¹²⁴

4.2.3. Municipal Spatial Plan of Petrovac and its implementation

The lead of the elaboration of the Municipal Spatial Plan of Petrovac was taken by a private company - in contrast to the elaboration of the Spatial Plan of Subotica. The municipal council passed this Plan in October 2012. The decision to adopt a new Spatial Plan was passed in November 2009 by the municipal council and it has included the aim and the period of elaboration of the plan, the content of the plan as well as the financial resources for the elaboration of the plan. The spatial plan pursues a planning horizon until 2025 – the same like the Municipal Spatial Plan of Subotica - also through defining priority projects which have to be realized until 2015.

With regard to the financing of the elaboration of the spatial plan it must be highlighted that it was financed through a project called "Exchange 3" with the support of the European Union. It was a project, which did not support just the elaboration of the spatial plan of Petrovac but also spatial and urban planning activities in the region of Požarevac. Besides, it is also mentioned that monitoring the process of realizing planning provisions and implementation of

¹²⁴ Directorate for Construction and Development of the Municipality of Petrovac na Mlavi, Department for Urbanism, <http://www.direkcija-petrovac.com/index.php/sadrzaj/jedna/6>, (accessed 8 September 2014).

GIS software should also be financed through this project.¹²⁵ In fact, neither monitoring of the realization of planning provisions, nor the implementation of GIS software has been realized. Both aspects does not seem to be realistic at the moment.

The role of the municipal spatial plan is defined as the basic planning instrument for directing and managing sustainable development of the municipality, land use management as well as spatial organization.¹²⁶ But the role also refers to broad thematic fields, which illustrates the integrative approach too, e.g. prepositions for spatial development, natural resources, demographic development, development of settlements, public services, economic development, tourism, infrastructural development, environmental protection as well as natural and cultural heritage.

Beside the textual document there are also provided four main maps, which have to be drafted according to the Law on Planning and Construction: first, referring to land use (Map 1); second, to the network of settlements, public services and infrastructural systems (Map 2); third, to tourism and spatial protection (map 3) and fourth, to plan implementation (Map 4). Extracts of the land use map and the implementation map are given bellow. Additionally the spatial plan also provides arrangements schemes for certain settlements of the municipality.

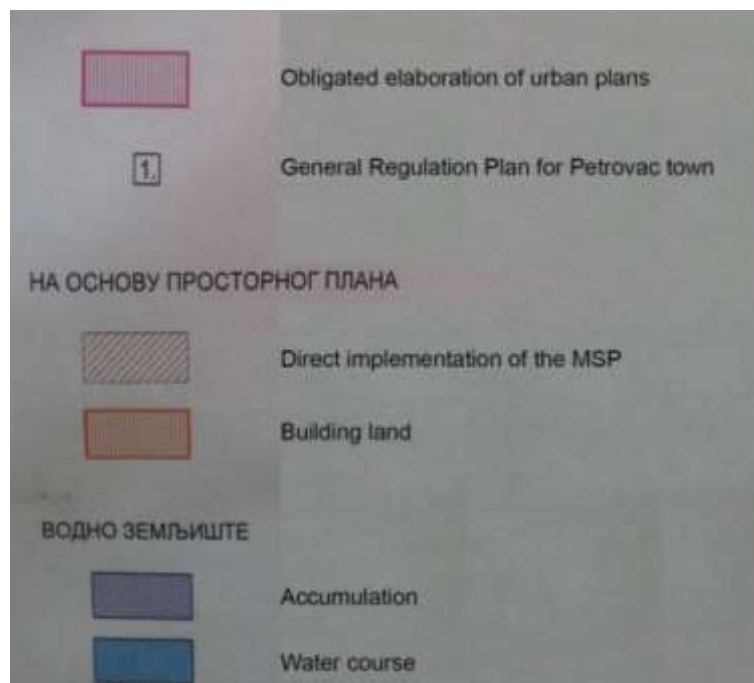


Figure 19: MSP of Petrovac - extract of the legend for map 4 (plan implementation)¹²⁷

¹²⁵ Interview with a planner of the administration office of the Municipality of Petrovac na Mlavi.

¹²⁶ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, p. 8.

¹²⁷ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

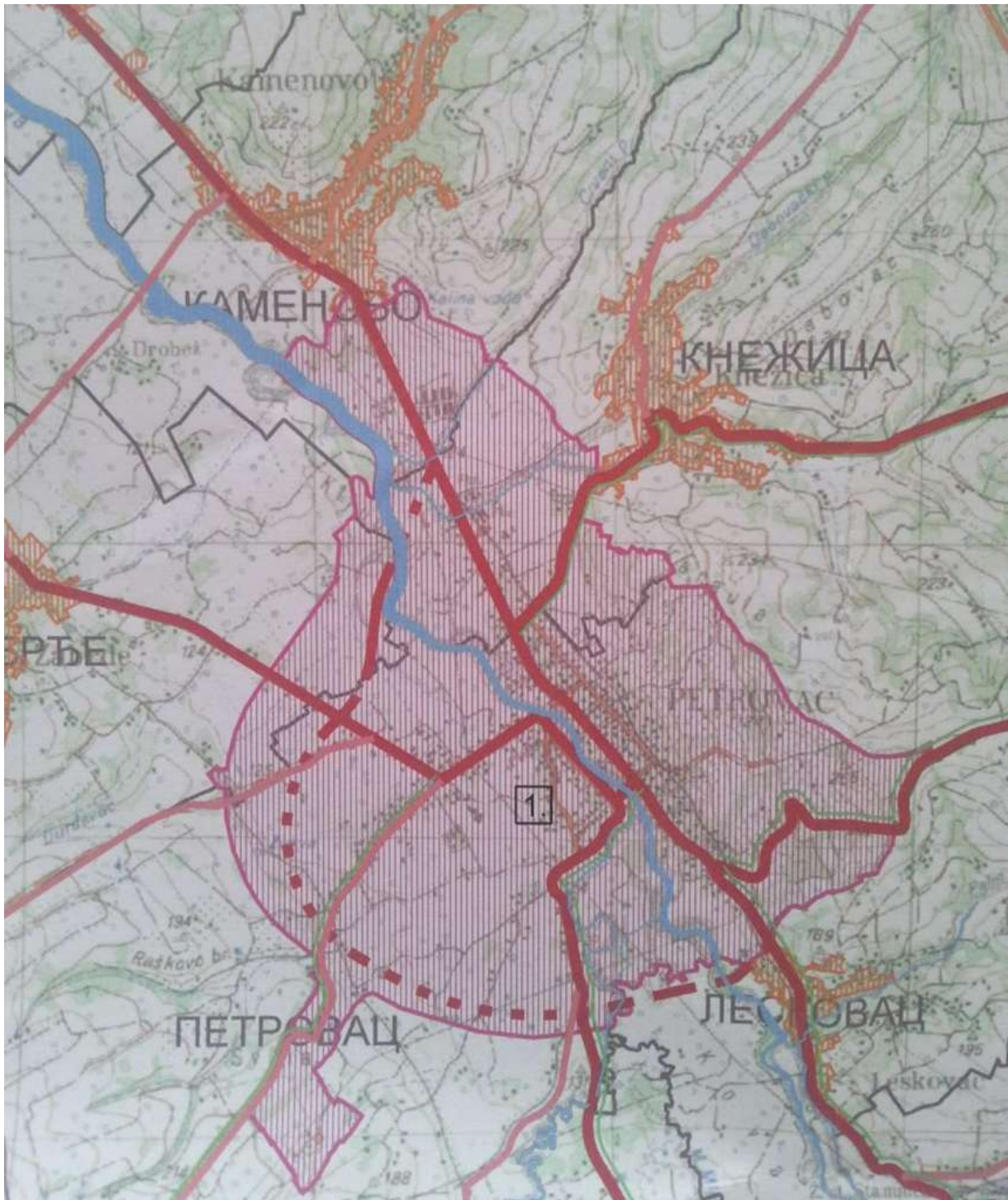


Figure 20: MSP of Petrovac - extract of map 4 (plan implementation)¹²⁸

The map referring to plan implementation illustrates the implementation through further plans which are more detailed. So the main function of this map is to illustrate for which areas the spatial plan will be implemented in a direct way and for which areas the spatial plan will be implemented through arrangement schemes or through urban plans. For Petrovac town,

¹²⁸ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

according to the plan it has to be elaborated a detailed regulation plan, which is still in progress (see figure 20 and 21).



Figure 21: MSP of Petrovac - extract of map 1 (land use)¹²⁹

Figure 21 and 22 illustrate an extract of the land use map, which is part of the Municipal Spatial Plan of Petrovac. It contains the main land uses in the municipality, which are building land, agricultural land, forest area and watercourse. But it contains also existing and planned roads. The planning provisions with regard to land uses are very general and undifferentiated.

¹²⁹ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

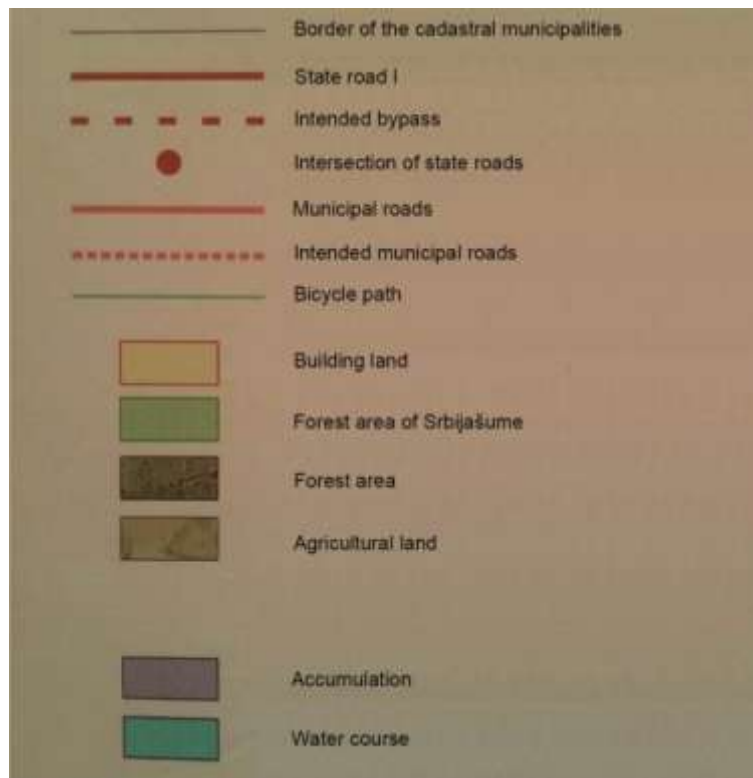


Figure 22: MSP of Petrovac - extract of the legend for map 1 (land use)¹³⁰

The first part of the textual document illustrates the basic research and the integration of superordinate planning documents. In this case, just the National Spatial Plan of the Republic of Serbia is considered through pointing out the main provisions of the National Spatial Plan which refer to the Municipality of Petrovac. The basic research refers to natural resources, living issues, settlements and public services, economic development, technical and social infrastructure and it also defines main goals of the different fields.

The second part refers to land uses and planning provisions according to different thematic fields. The rate of agricultural land reflects the importance of agriculture in the Municipality of Petrovac. Around 73 percent of the whole area is agricultural land, 21 percent of the area is used as forest area and 6 percent of the area is building land. The municipal spatial plan envisages the extension of the building land for 1.2 percent through reduction of agricultural land.¹³¹ Furthermore this part of the Spatial Plan contains more detailed provisions for agricultural land, forest area and watercourse. It must be emphasized that there is no definition of the different land use categories. There are just made prepositions with regard to the exposure to the land use categories, e.g. the small units of agricultural land have to be combined so that the average size of an agricultural unit should be around 20 hectare.

¹³⁰ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

¹³¹ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, p. 33-34.

The awareness of the dominance and importance of agricultural structures in the municipality seems to be considered when talking about sustainable development in the municipality. Which is why the spatial plan points out a better integration of rural settlements and parts in the development process of the municipality, because one important aspect of the plan is the protection and sensitive use of natural resources in connection to tourism and environmental protection in general.¹³²

The third part contains provisions with regard to settlements which for arrangement schemes have to be elaborated, namely the settlements of Bistrica, Bošnjak, Burovac, Vezičevo, Veliki Popovac, Veliko Laole, Vitovnica, Vošanovac, Dobrnje, Dubočka, Ždrelo, Zabrdje, Kamenovo, Knežica, Krvije, Leskovac, Lopušnik, Malo Laole, Oreškovića, Orljevo, Pankovo, Rašanac, Stamnica, Tabanovac, Trnovče, Čovdin, Šetonje i Ranovac. It also includes prepositions for land management of public land and constructions of public facilities, for the demanded municipal infrastructure to get the location permit as well as for the strategic assessment of environmental effects. On the other hand the spatial plan provides general construction regulations. There is a distinction between general and more detailed construction regulations as well as between construction regulations within building areas of a settlement and outside of these areas, e.g. agricultural land, forest area, watercourse. The final chapter illustrated the way of plan implementation, including guidelines, priority projects, plan implementers, measures and instruments for implementers.



Figure 23: Extract of the legend for the arrangement scheme for the settlement of Ranovac¹³³

¹³² Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, p. 141.

¹³³ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

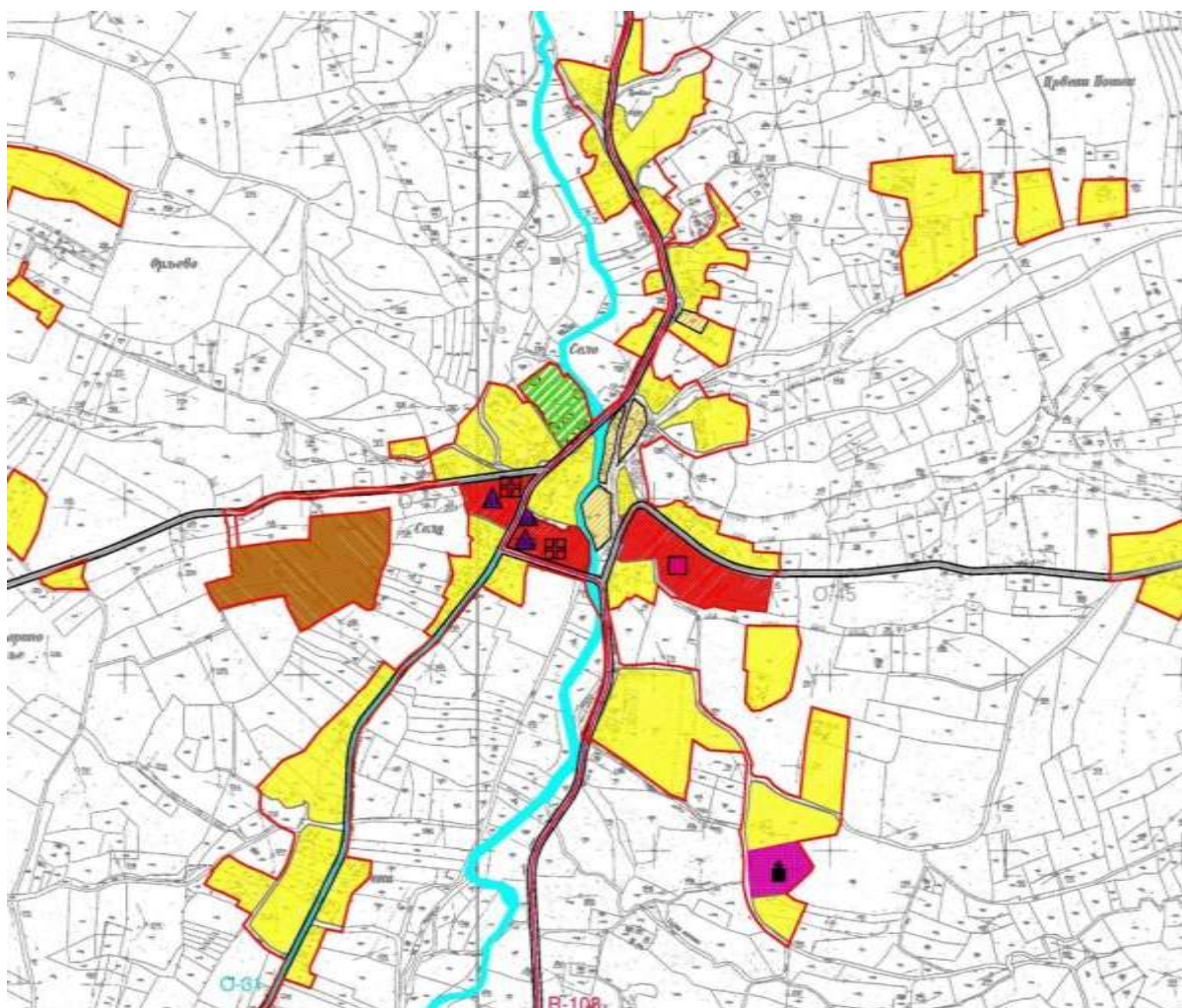


Figure 24: Extract of the arrangement scheme for the settlement of Ranovac¹³⁴

Arrangement schemes are not elaborated for every single settlement of the municipality but just for those settlements which have certain functional or spatial importance and which are identified as central locations in the network of settlements in the municipality. It is mentioned in the textual document that one main goal of the spatial plan respectively arrangement schemes is to restrict the extension of building land areas, especially because of the low density outside of Petrovac town. Nevertheless it is also defined, in which cases the area of building land can be extended.¹³⁵ But it must be emphasized that these definition seem to be too much general, which enable avoiding the provisions. Furthermore figure 23 and 24 point out challenges of and exposure to housing in areas of so-called 'rural living'. These areas are definitely not all used according to their label 'rural living'.

The spatial plan also contains provisions which define that at least every four years the administration of the municipality has to write a report about the implementation of the spatial

¹³⁴ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011.

¹³⁵ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, pp. 91-92.

plan respectively an assessment of plan implementation which also includes recommendations for changes and adaption of the plan. This report has to be introduced to the Municipal Council of Petrovac.¹³⁶

4.2.3.1. Implementation of superordinate planning documents

The only superordinate planning document which is considered at the elaboration of the municipal spatial plan is the National Spatial Plan of Serbia. Thus the municipal spatial plan refers to the important function of the area of Petrovac as a fruit-growing area and also as forestry area in which there should take place reforestation already until 2014. It also considers provision of the National Spatial Plan with regard to water management and water supply through the Mlava river and construction activities next to water areas. Thus the spatial plan also indicates that it defines the water area and which has to be protected as well as the degree and type of protected area (together with urban plans). Furthermore it also takes into account aspects of mineral resources, hydrogeology, environmental protection, solid waste management – Petrovac is defined as regional location for solid waste management – housing and demography as well as polycentric development in the wider region.¹³⁷

According to talks with a planner of the municipal administration office of Petrovac the elaboration of a regional spatial plan which includes the district of Braničevo is still in process. This plan will not be elaborated by a regional institution like it is done for the Regional Spatial Plan for Vojvodina, but is done by the national level.

4.2.3.2. Implementation of the Municipal Spatial Plan of Petrovac

The Municipal Spatial Plan of Petrovac is for certain areas the basic document for plan implementation in a direct way. On the other hand the municipal spatial plan has to be implemented through urban plans. Furthermore the so-called program for management of building land as well as sectoral programs have to implement the spatial plan, as it is mentioned in the textual document. Unfortunately I could not get any detailed information on the program for management of building land, with the exception that it is not realistic that it will be passed soon. The Municipal Council has already passed a decision to elaborate a general regulation plan for Petrovac town. The spatial plan also defines that until the adoption of this new General Regulation Plan the General Plan of Petrovac town “Petrovac 2026” respectively the municipal spatial plan is valid.¹³⁸

¹³⁶ Municipal Council of Petrovac na Mlavi, ‘Municipal Spatial Plan of Petrovac na Mlavi’, 2011, p. 159.

¹³⁷ Municipal Council of Petrovac na Mlavi, ‘Municipal Spatial Plan of Petrovac na Mlavi’, 2011, pp. 9-12.

¹³⁸ Municipal Council of Petrovac na Mlavi, ‘Municipal Spatial Plan of Petrovac na Mlavi’, 2011, pp. 141-142.

The spatial plan also defines the obligated elaboration of urban plans for public land use and public facilities which are connected to the public interest as well as areas which need additional construction regulations. According to the spatial plan urban projects have to be elaborated for areas which are important for the identity of settlements or parts of it as well as for public facilities which are not regulated by an urban plan.¹³⁹

The obligation to elaborate detailed regulation plans is valid amongst others for new traffic infrastructure, for commercial, economic, working and living zones which have to be connected to national and municipal roads. Detailed regulation plans are also necessary for all touristic centers outside of the municipal's center, for areas with mineral resources and for protected areas.

Furthermore it also names the circumstances in which official tenders can be organized by the municipal administration, i.e. locations and facilities with spatial or functional importance or for projects which have impacts on the surrounding. So, this provision just points to the possibility of an official tender, without legal obligation for it. A following provision is also confusing, because it defines that an area of building land can be changed through urban plans in certain cases defined by the spatial plan. It is also said that the land use and construction regulations defined by the spatial plan can be adapted and changed if it follows the basic land use according to the defined prerequisites because the defined regulations in the spatial plan are described as guiding principle.¹⁴⁰ Such formulations lead to think about the role of the municipal spatial plan and the more detailed plans on a lower level.

The definition of measures provided in the plan illustrates the multi-sectoral approach. There are defined several measures and instruments which are needed to implement respectively reach the planning goals.

Definition of priority projects

In order to achieve an appropriate implementation of the Municipal Spatial Plan of Petrovac there are defined priority projects according to certain thematic fields, which are more or less concrete described and which refer to a concrete location. The following short list of defined priority projects should just illustrate the wide range of thematic fields as well as the concreteness of the projects¹⁴¹:

¹³⁹ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, pp. 141-142.

¹⁴⁰ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, p. 142.

¹⁴¹ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, pp. 142-147.

- Construction of the municipal road O-40 Kamenovo-Zabrđe;
- Program for subventions of investments in settlements;
- Definition of concrete brownfield locations which have to be activated (e.g. the given up casern ‘Jovan Šerbanović’, the old primary school);
- Development of concrete locations for tourism (e.g. ski trail in Beljanica, sports center of Vrbovac);
- Consolidation of land ownership with regard to agricultural land;
- Flood protection;
- Construction of facilities for sewage plant.

So some defined projects are more concrete and some less. It is definitely meaningful to define projects and measures the concrete as possible and to also refer to concrete locations because thus the risk of misunderstandings is low.

Key implementation actors

On the one hand the spatial Plan defines main implementation actors in general but also according to certain issues. Hence the municipal administration, institutions and funds of the Republic of Serbia, public undertakings, public institutions and special organizations, the Chamber of Commerce of the Republic of Serbia and the region, trade associations, domestic and foreign banks, interested business companies, NGO’s as well as the municipality’s population are named as main implementers of the spatial plan. Furthermore the main actors of implementation are defined according to following issues: providing conditions for attracting investments; development and organization of public services; development of tourism, environmental protection and protection of natural and cultural heritage, reservation and management of space.

4.2.4. General Plan “Petrovac 2026”

The General Plan was elaborated by the same undertaking as the Municipal Spatial Plan of Petrovac and it was adopted already in 2007. The elaboration of a new plan – according to the 2009 planning law it is called ‘General Urban Plan’ instead of ‘General Plan’ – is in progress. The structure of the textual part of the plan is very similar to the municipal spatial plan because it also mainly contains provisions with regard to land use and construction regulations but also regulations with regard to protection of certain areas.

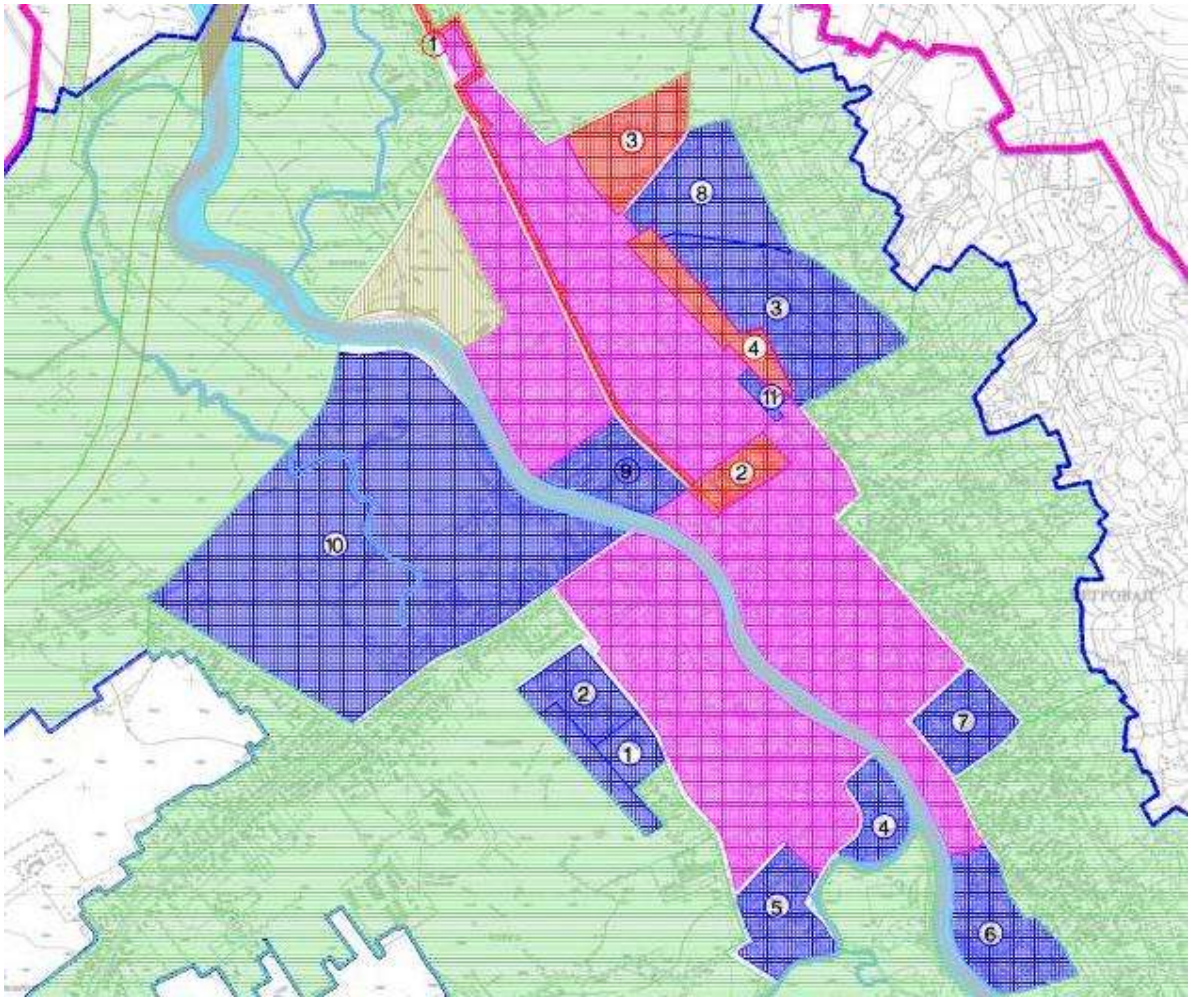


Figure 25: GP of Petrovac - extract of the map referring to implementation¹⁴²

In addition to the textual part, fifteen maps are added to the General Plan referring to the scope of the plan, to the geodetic basis, to the appropriate National Spatial Plan of Serbia, to detailed and general land use regulations, to provision with regard to traffic, to public building land, to water management, to electric energy infrastructure, cultural heritage but also to the implementation of the General Plan through other plans (e.g. GRP, DRP, UP).

The general plan provides maps referring amongst others to plan implementation (see figure 25), to general land use (see figure 26) as well as to concretized land use (see figure 27). So the yellow zones of the general land use plan illustrate the building land in general without distinguishing between different building land zones. The regulations are concretized by illustrating determination of building land. According to that there is public building land (e.g. for education, health care, social infrastructure in general or administration) but also a determination with zones for living. Thus, areas for living is distinguished through defining categories of population densities respectively areas for so-called rural living.

¹⁴² Municipal Council of Petrovac na Mlavi, 'General Plan Petrovac 2026', 2007.

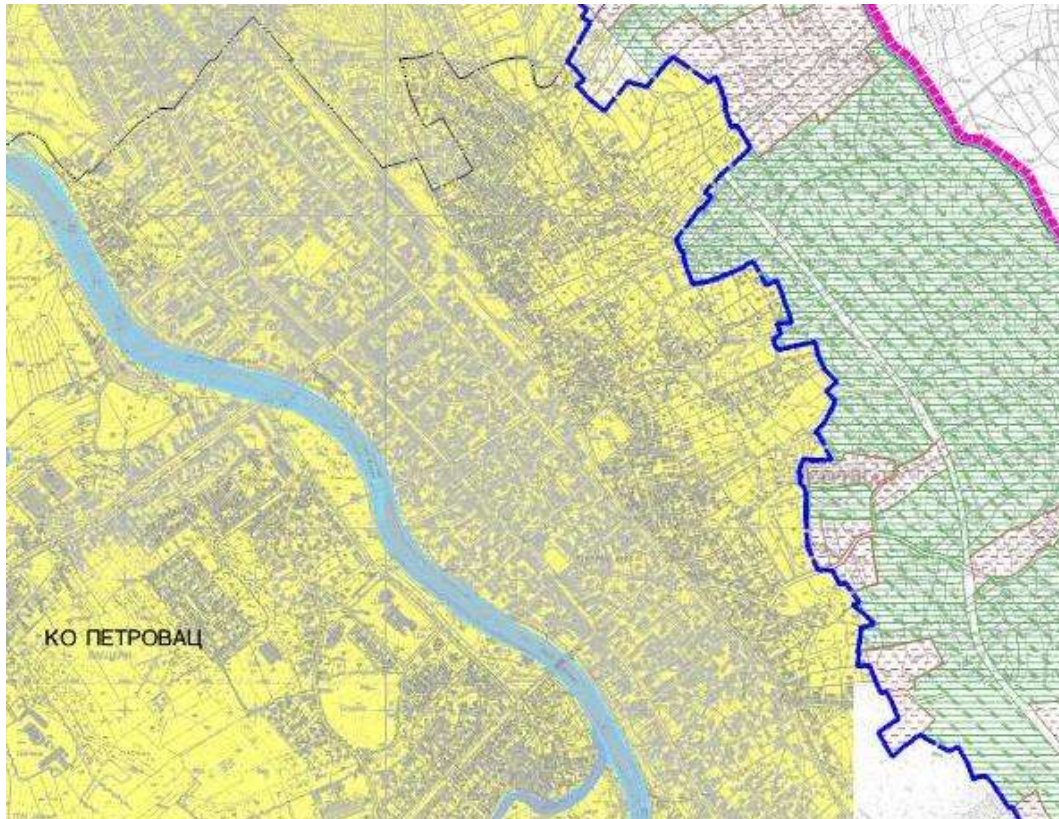


Figure 26: GP of Petrovac - extract of the map referring to general land use¹⁴³

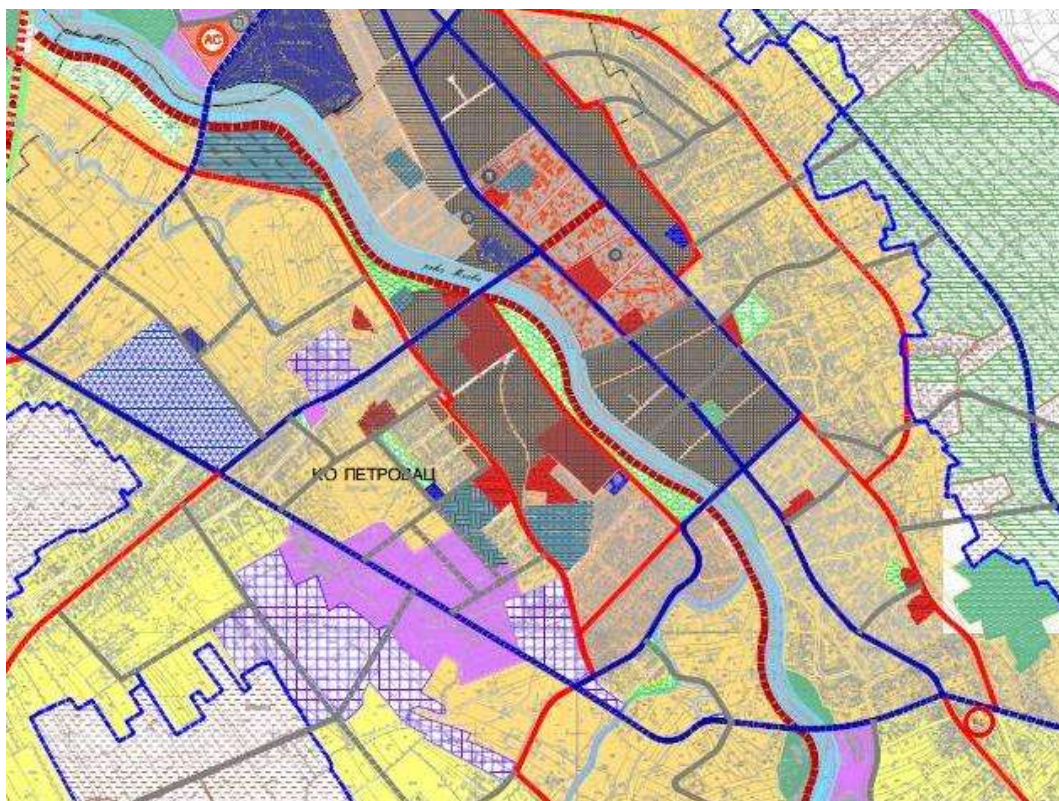


Figure 27: GP of Petrovac - extract of the map referring to detailed land use¹⁴⁴

¹⁴³ Municipal Council of Petrovac na Mlavi, 'General Plan Petrovac 2026', 2007.

¹⁴⁴ Municipal Council of Petrovac na Mlavi, 'General Plan Petrovac 2026', 2007.

Although the Municipal Spatial Plan of Petrovac provides the elaboration of a general regulation plan for the area of the municipal's center Petrovac town, the 2007 passed general plan is valid until the elaboration of the general regulation plan is by the municipal council.¹⁴⁵

4.3. Comparison of the case studies

The following remarks are mostly based on discussions with planning practitioners in Subotica and Petrovac. In Subotica I talked to planners respectively architects, which are employed at the City Planning Institute of Subotica as well as at the City Department for Construction and Property and the City Authority for Constructions of Subotica. In Petrovac I had the opportunity to talk to a main planner respectively architect of the department of the municipal administration dealing with urbanism. Furthermore, the remarks refer also to information, which are gained through the provided planning documents.

On the one hand, the purpose of municipal spatial plans is in general clear but on the other hand, it overstrains the intended plan implementers, which are mentioned in both municipal spatial plans, because a municipal spatial plan comprises the role of a spatial strategy as well as the role of an instrument for land use planning and construction regulations at the same time. This is mostly the consequence of the Serbian planning system and planning law. The comprehensive and complicated legal requirements overstrain also the planning practitioners in Petrovac and Subotica. The purpose of the spatial plan is illustrated by the structure of the document. On the one hand, it is the basic document for more detailed plans, which have to be elaborated in order to implement the spatial plan. On the other hand, it is the basic document for direct implementation through defining precise constructions regulations. With regard to the purpose, also the question, if a plan provides a strategic or/and regulation approach, has to be considered.

The aim of the Municipal Spatial Plan of Subotica is defined in the following way: it is a plan which defines long-term provisions with regard to spatial development and propositions of development, use and protection of natural resources and cultural heritage, demographic development, development of settlements and public services, economic development and tourism, infrastructural development as well as environmental protection.¹⁴⁶

¹⁴⁵ Municipal Council of Petrovac na Mlavi, 'Municipal Spatial Plan of Petrovac na Mlavi', 2011, p. 142.

¹⁴⁶ City Council of Subotica, 'Spatial Plan for the City of Subotica', 2012, p. 11.

Legal obligations are fulfilled in both cases

	Subotica	Petrovac
Fulfilling legal obligations	<p>The MSP of Subotica was adopted in 2012 according to the 2009 Law on Planning and Construction.</p> <p>The GP "Subotica-Palić" will be replaced by the GUP "Subotica-Palić" soon.</p>	<p>The MSP of Petrovac was adopted in 2012 according to the 2009 Law on Planning and Construction.</p> <p>The GP "Petrovac town 2026" will be replaced by a GRP soon. So, there will be no GUP like in Subotica, because Petrovac has the status of a municipality.</p>

The process of elaboration of the municipal spatial plans of Petrovac and Subotica as well as the final documents and maps are in general in accordance with the legal framework, mainly determined by the 2009 Law on Planning and Construction. Discussing the case of Petrovac with a main planner of the municipal administration, who is actually an architect and who was significantly involved in the elaboration process of the municipal spatial plan as a coordinator and also in the elaboration process of the general plan, helped to understand the framework which local planning practice has to deal with.

No law is perfect and no planning practice is perfect. After talking to planners in Subotica and Petrovac, the intention, awareness and obligation that planning practice has to comply with the legal obligation was revealed. So the relevant actors seem to be aware about their responsibility to provide planning documents which are in accordance with planning law. Although the implementation of planning law into practice is seen lately as a bottleneck of spatial and urban planning in Serbia (see chapter 1), the cases of Subotica and Petrovac illustrate that there is absolutely awareness about the obligation to fulfill the legal requirements. According to the experience of the past in Serbia, this is not as a matter of course.

There is a gap between intended ideas of plans and reality

Nevertheless, the talks in Subotica and Petrovac with relevant planners illustrated that the formal planning documents and the real situation are two different parts, especially in Petrovac, although it was not possible to verify this statements of the interviewed persons on the basis of concrete examples. According to the talks with planning practitioners, there is definitely a wide gap between plans and the real situation. The municipal administration, but also the representatives of the settlements, seem to be overstrained and there is a lack of knowledge and expertise about planning issues in the municipality. According to the planner in Petrovac, *"there is almost nobody to implement the plans"*, thus pointing to overstrained

representatives of the settlements. In fact, planning authorities are too much involved in elaborating of plans than concerning with plan implementation.

In fact, the written provisions and ideas of the plan are logical and also meaningful in terms of goals of planning. Nevertheless, the discussions about reality showed that the implementation of the spatial plan is a very difficult and has not reached already a high level. Although talking with the practitioners did not bring out concrete areas, in which plan implementation is not appropriate, according to the experience of the interviewed person, especially in Petrovac, building permits are granted although many of them are “against plans”.

Different quality of data information

	Subotica	Petrovac
Quality of data information	The basic cadastral data information is up-to-date, which is why the quality of these data information is high. Also a certain planning reliability can be reached through this. The City of Subotica uses also a well developed GIS.	The cadastral data information is not up-to-date. Old orthophotos have to be scanned and used for municipal and different types of urban plans. According to this, the quality of these plans is affected.

After searching of documents it can be summarized that the quality of the fact base, i.e. the information the appropriate institutions provided are comprehensive and complete as far as I can tell after searching of documents. The basic research respectively fact base is illustrated in the first part of the appropriate textual document. This illustration seems to ensure a good basis for the further planning provisions, because in this further provisions there is also illustrated the identification of relevant issues, which is based on the basic research. But there are differences between Subotica and Petrovac. In connection with the fact base it has to be emphasized that in Petrovac the basic data, like the cadastral information and also the basic maps, which are orthophotos and basic parts of spatial and urban plans, are not up-to-date. The cadastral data used for the municipal spatial plan is not up-to-date and it is also not available in a digital version but in hardcopy. Also the basic orthophotos used for the plans are not digital. Because of that, these orthophotos have to be scanned and used in the plans. Referring to not up-to-date data information and the non-availability of digital data leads to a certain legal uncertainty, which makes the spatial and urban plans difficult to implement, if thus they refer to data information which do not correspond with the real situation. Nevertheless, the planner in Petrovac also mentioned, that representatives of the settlements sometimes ask for hardcopies of the appropriate arrangements schemes, which signifies a certain interest in planning instruments. In both cases, it has also become

apparent that the technical equipment of planning authorities is clearly insufficient, both concerning hardware as well as software, even if Subotica has already developed structures for using a Geographic Information System (GIS).

One more issue of planning practice and plan implementation must be mentioned with regard to the quality of plans, namely, there are different characteristics of arrangement schemes. Like Maksin and Tankosić (2012) mention, there are still cases, in which arrangement schemes are just extracts of superordinate municipal spatial plans instead of concretizing instruments, which implement municipal spatial plans. Although it does not concern the cases of Subotica and Petrovac, it must be pointed out, because I became across such cases in Serbia. This issue is crucial, because these arrangement schemes are basic planning documents of municipalities and cities.

Cooperation with different institutions in order to get data information

At the beginning of the process of elaboration of any municipal spatial plan, information is gathered from different institutions. Already this step illustrates integrative aspects, because in the case of Subotica information about sectoral planning documents are gathered amongst others from the Electricity Distribution Company (*Elektrovojvodina Ltd*), from different institutions of the Autonomous Province of Vojvodina (e.g. the Secretary for Health, Social Politics and Demography, Provincial Institute for Natural Protection), Telekom Serbia or the Intercommunal Institute for Protection of Cultural Monuments. Thus the concept of the plan illustrates the consideration of different documents, e.g. the Strategy for Regional Development of the Republic of Serbia 2007-2012, the Development Strategy for Tourism of the Republic of Serbia, the Development Strategy for Telecommunication of the Republic of Serbia, the Development Strategy for Forestry of the Republic of Serbia, the Development Strategy for Agriculture of the Republic of Serbia, the Development Strategy for Energy of the Republic of Serbia, National Strategy for Solid Waste Management, the Strategy for Economic Development of Subotica 2007-2011, the Master Plan of Palić or the Program for Development of Water Supply until 2020. Necessary information and data which are needed for the elaboration for the arrangement schemes are in both cases, Subotica and Petrovac, also gathered from the individual settlements. These data contains amongst others information about necessary communal infrastructure (e.g. canalization), about desired extension of building land but also about development potentials and priorities (e.g. with regard to the construction of traffic infrastructure). This step has to be appreciated because thus the information and knowledge of the settlements can be considered during the elaboration of the plans. This leads also to a higher chance of better plan implementation. According to the information of the City Planning Institute in Subotica and Planning

Department of the municipal administration in Petrovac, the cooperation with the appropriate institutions for getting the necessary data worked well in general.

At the beginning of the elaboration process different institutions provided information about existing planning documents and development plans and during the phase of public insight, all representatives of the settlements were invited to make statements on the draft of the municipal spatial plan. These two elements of participation happened in accordance with the legal requirements.

Lack of participation of different actors

The only phase of active interaction between the planning agency and the plan implementers, which are mentioned in the appropriate municipal spatial plan, occurred at the very beginning of the planning process. In this phase the necessary information about existing ideas and official documents of different fields are delivered to the planning agency, which is the City Planning Institute of Subotica respectively the planning department of the municipal administration in Petrovac. This can be considered as an important first step towards an integrative planning approach. But after this first phase, the mentioned plan implementers are not involved in the planning process anymore. The named implementers are also not informed individually about the municipal spatial plan after the elaboration, about their tasks with regard to plan implementation. This is argued with the fact, that the data information, which was delivered at the beginning of the planning process, is considered in the spatial plan anyway and that the relevant plan implementers are bounded anyway to their planning documents, which are integrated in the municipal spatial plan. But according to this argument, the municipal spatial plan is just a compendium of relevant sectoral planning documents.

Consideration of superordinate plans

	Subotica	Petrovac
Consideration of superordinate plans	The MSP of Subotica refers to the National Spatial Plan of Serbia, to the RSP of the AP of Vojvodina and to the Spatial Plan for the Purpose of the Infrastructural Corridor of the Highway E-75 Subotica-Beograd.	The MSP of Petrovac just considers the National Spatial Plan of Serbia, which is why the elaboration of the appropriate RSP is still in progress. There is also no valid spatial plan for special purpose areas for this area.

Another part of the textual part of the municipal spatial plans illustrates the comprehension of superordinate plans, which are the National Spatial Plan of the Republic of Serbia (used in both case studies), the Regional Spatial Plan of the Autonomous Province of Vojvodina and the Spatial Plan for the Purpose of the Infrastructural Corridor of the Highway E-75 Subotica-

Beograd (Batajnica) just in the case of Subotica. The provisions of these superordinate plans, which are relevant for the City of Subotica, are illustrated more in detail. Consequently, this allows good pre-conditions for the implementation of these plans through the municipal spatial plan.

Priority projects and plan implementers are defined more concrete in Subotica

	Subotica	Petrovac
Priority projects	In both cases, there are defined priority projects.	In both cases, there are defined priority projects.
Definition of plan implementers	The MSP of Subotica defines plan implementers more concrete than Petrovac. Every priority project is connected to concrete actors/plan implementers, who have to implement the appropriate project and because of that also the MSP.	The MSP of Petrovac also defines plan implementers, but not as concrete as Subotica does. The defined priority projects are not connected to plan implementers.
Other important aspects of plan implementation	The priority projects are not only connected to concrete plan implementers, but also to financial resources. The MSP provides contracts, which have to be signed with regard to the implementation of priority projects. Untill now, there is no such contract signed.	The MSP does not provide information on financial resources, which should finance the defined projects.

In the case of Subotica, it must be also highlighted that the municipal spatial plan mentions a contract which has to be signed with regard to the implementation of the priority projects and based on the defined project. It is not mentioned, who has to sign it and which purpose this contract should have. According to the information of the City Planning Institute, this mentioned contract is still not implemented. After my experiences in Subotica, it must be doubted that such contracts will be implemented.

In both cases, the chapter, which deals with plan implementation, contains in general the necessary contents to make it meaningful. There is a definition of guidelines, priority projects, measures and plan implementers. So, on the one hand, this seems enough but on the other hand, in the case of Petrovac, it has to be noted that it would be more meaningful if the defined priority projects and measures would be connected more to the concrete actors respectively plan implementers. It must be also noted that there are no provisions with regard to financial resources for the projects and measures. But this must be considered, because especially the lack of financial resources is always pointed out when talking about spatial and

urban plans at the local level and the lack of their implementation. In both cases, the communication between the planning authority and the defined plan implementers has been insufficient. When bringing up the process of communication between planning authorities (plan makers) and the explicit defined plan implementers in the talks with planning practitioners, it seemed that it is considered enough, getting data information at the very beginning of the planning process of the appropriate institutions. Thus it is considered, that it is not necessary to have a special communication with plan implementers at the end of the elaboration process of a plan.

The Municipal Spatial Plan of Subotica refers to monitoring, especially with regard to environmental protection and water supply and waste water treatment. But these provisions are not described more in detail. Among other things the definition of priority projects are grouped into certain thematic fields illustrates the identification of relevant issues in the City of Subotica. The foregoing basic research seems to ensure the relevant issues of the special case of Subotica. The quality of the basic research can be assessed as well. The documentation of the basic research according to different thematic field (e.g. natural resources, spatial development, economic development, tourism) in the textual part (section two) of the spatial plan illustrate also a good fact base, on which the definition of special issues and corresponding goals are based.

Intended further planning tools are not realized

The fact, that at least every four years the municipal administrations of Subotica and Petrovac intend to write a report about the state of implementation respectively assessment of plan implementation illustrates the motivation to reach a certain kind of monitoring. After talks with the appropriate municipal planning administration, it turned out that after the current state there is no intention respectively there are no financial resources to realize such a report. So, at least this report, which is part of the municipal spatial plans, will not be realized and thus not implemented.

The lack of intended further planning instruments in the case studies signifies what Šećerov and Filipović (2010) mean, when talking about legal obligations and understanding of the need of planning and that the adoption of spatial and urban plans is not more than the fulfillment of legal obligations. The mandatory planning instruments are adopted but further ideas respectively instruments of municipal spatial plans, which are not legally obliged but nevertheless mentioned in municipal spatial plans, are not implemented. Namely, for example the Municipal Spatial Plan of Petrovac intends to elaborate a separate program for

management of building land. After talking to the local planner, it became apparent that there is even no intention to implement this idea.

Planning authorities are overstrained

In Petrovac as well as in Subotica there are a lot of formal documents, which contain a lot of text and which comprise a large number of pages. After viewing of other municipalities and cities in Serbia too, this can be remarked also for several other examples. To return to the focused question: are municipal spatial plans and the more detailed urban plans more than just textual documents? Although in both case studies there could not be named concrete minus development, the discussions with relevant actors of planning practice illustrated that the staff and financial capacities are insufficient to deal with plan implementation after adopting the formal planning documents. In fact, planning authorities are mainly concerned with the elaboration of plans in order to fulfill legal obligations. In both cases, in Petrovac as well as in Subotica, implementation reports respectively kind of evaluation reports about plan implementation should have been written, but according to information of local planners this will not be done soon, whereat financial difficulties but also the lack of staff named as main reasons for that.

After dealing with the planning practice in the City of Subotica and Municipality of Petrovac, the conclusion of Maksin and Tankosić (2012) that the strategic component of city respectively municipal planning is missing, can be confirmed. After analyzing the planning documents of the two selected case studies, it can be confirmed that construction regulations dominate to a certain extent, although of course land use regulations are also provided.

After talking to planning experts from all over Serbia, it can be concluded that Serbia in general is making efforts to improve at least the formal quality of planning documents, through regulating contents by law or through defining preconditions for practitioners, who are allowed to elaborate spatial and urban plans. The conclusion is that a certain formal quality of the plans in Subotica and Petrovac is mostly existent.

5. Conclusions and recommendations

*“The implementation of effective spatial planning depends upon the development of relevant laws, policies, guidance, procedures and incentives. Implementation requires that both short-term considerations and constraints be taken into account, and that the work is guided by a long-term vision.”*¹⁴⁷

This thesis is not dealing only with plan implementation of certain spatial and urban plans per se, but it considers different aspects of implementation. So, it is not a comprehensive evaluation of certain plans, but it is amongst others an illustration of the institutional and legal framework, planning has to deal with, especially on the basis of the two chosen case studies, the City of Subotica and the Municipality of Petrovac na Mlavi. It is about the legal obligations for units of self-administration as well as about its implementation. The existing legal obligations referring to the adoption of many different plans overstrain cities and municipalities, so that the quality of plans is often not sufficient. But this thesis is also about the way of cooperation between different actors of local, regional and national actors and between the so-called ‘plan makers’ and the intended ‘plan implementers’: *“Lack of clear links between educational institutions and science, the organizations that are preparing plans and, ultimately, the authorities that are ordering and implementing it, can be a core of the problem but also a key for solving today’s unfavorable situation.”*¹⁴⁸

Comparing urban and spatial planning practice in the City of Subotica and the Municipality of Petrovac na Mlavi leads to interesting conclusions and also to the illustrations of differences, although in both case, Subotica and Petrovac, it seems that there are individual motivated and ambitious planners.

Planning law has to reach continuity

Continuity of the planning system and planning law supports plan implementation. Frequent changes and amendments of planning law do not subserve plan implementation. Laws in general but especially Serbian planning law is not only adapted but it is changed significantly regularly. On the one hand, amendments to the current Law on Planning and Construction are made frequently and this has to be appreciated, because changes in the real world

¹⁴⁷ United Nations, Spatial Planning – Key Instrument for Development and Effective Governance, 2008, p. viii, http://www.unece.org/fileadmin/DAM/hlm/documents/Publications/spatial_planning.e.pdf, (accessed 21 September 2014).

¹⁴⁸ V. Šećerov, D. Filipović, ‘Experiences and Problems in Implementing Spatial Plans of Municipalities’, *Glasnik Srpskog Geografskog Društva*, no. 1, 2010, p. 208.

require amendments. It has also to be appreciated that planning aspects and construction aspects are integrated in one law. But on the other hand, the planning law has changed in the last few decades significantly so that they have distinguished from their previous and also from their consecutive laws significantly. This leads to the circumstance that there is no continuous legal framework, it creates legal insecurity and it also leads to continuous innovation of new planning instruments and cancellation of old planning instruments. Especially the planning practice respectively planning practitioners seem to be overextended to adapt the planning instruments according to the planning law. It also seems that for this reason there is no time for plan implementation. If plans are elaborated and passed by the appropriate planning authority, new and mostly changed provisions require the formal adaptation of the planning documents, which may also lead to the definition of new priority projects and planning provisions. Because of that it can be concluded that it is the law respectively the legal framework in an indirect way, when talking about the reasons of a lack of plan implementation. This has also to be viewed in connection to the fragile political and social framework in Serbia, which is also changing regularly not only very fast but also significantly.

According to talks with planning experts from the Institute for Architecture and Urban and Spatial Planning (IAUS) as well as from planning authorities in Subotica and Petrovac a new planning law with more than 50 changes compared to the current Law on Planning and Construction from 2009 is discussed and should be passed soon. The current draft provides again changes rising the municipalities and cities to challenges through the obligation to adapt planning instruments and documents. It is important to provide a continuous planning legislation, which includes continuous keystones over a longer period and without changing them significantly.

Provisions of planning law must be defined more in detail

Generally, it has to be appreciated that there is a comprehensive Law on Planning and Construction on the national level, which seeks to include elements of spatial and urban planning as well as of construction regulations. So the law defines provisions for the whole territory of the Republic of Serbia and thus it tries to harmonize the planning systems, for example by defining the concrete contents of spatial and urban plans, which concern land use planning, construction regulations and maps of the plans. Additionally, the contents of separate implementation programs, which refer to the National Spatial Plan of the Republic of Serbia, regional spatial plans and for spatial plans for special purpose areas, are regulated. Nevertheless, the provided planning system is partially confusing and not totally clear. On the one hand, some of the provided planning instruments are described clearly with

regard to the contents and procedure of adoption, e.g. the National Spatial Plan of the Republic of Serbia, regional spatial plans and spatial plans for special purpose areas. On the other hand, the provided planning instruments, especially for the municipal respectively city level cause confusion, because it is not totally clear which planning instruments have to regulate certain issues. The planning practice in Serbia shows that there is no consistent implementation of the law, in the sense of interpretation of the legal provisions. And this leads to an unclear situation with regard to plan implementation, because it occurs perhaps that is not clear, which of the different planning documents are the basis for issuing building permits. Consequently planning law has to define certain provisions more clearly. But this must happen together with a simplification and reshaping of parts of the spatial planning system (see below).

The structure of planning instruments on the local level has to be simplified

The planning system and its planning instruments on the local level are confusing. On the local level there exist municipal spatial plans and arrangement schemes (as part of municipal spatial plans), urban plans, general regulation plans, detailed regulation plans and urban projects. In fact the named planning instruments contain in many cases more or less the same. This confusing setting of planning instruments on the local level leads definitely to situations, in which it is not clear which planning instruments have to be referred to in certain cases. This unclear and confusing situation is also the reason why plans are not implemented appropriate. I suggest a simplified but nevertheless clear and qualitative system of planning instruments, which does absolutely not mean that main planning issues will not be considered. However, this simplification fulfills the main planning issues on the local level, having strategic components in mind as well as land use regulations and construction regulations.

When viewing the process of issuing building permits, the confusing situation can be illustrated: in fact many different planning documents can be the basis for issuing building permits, namely municipal spatial plans, general urban plans, general regulations plans, detailed regulation plans or arrangement schemes. Even spatial plans for special purpose areas can be the basis for issuing building permits. This has to be emphasized insofar, as in general these plans refer to a wider area than even municipal spatial plans do. But issuing building permits should be effected on a much lower level. So, this is definitely a confusing circumstance which has to be clarified and simplified. This confusing system also leads to evading planning respectively construction law, which, according to the talks to planning experts, is still present very much in Serbian spatial planning practice.

Land use regulations are provided in all of the mentioned plans, with the exception of the urban projects, which is already on a very detailed level. In the case of the Autonomous Province of Vojvodina already the maps of the Regional Spatial Plan of Vojvodina include an illustration of the areas of building land in the whole province provisions. This is not meaningful at all because of the level of planning (scale of 1:200.000).

Because of the sizes of Serbian municipalities and cities and the reference area of municipal spatial plans have to deal with, it is suggested that on this level of municipal spatial plans it is rather more meaningful to provide guidelines for strategic development than detailed provision for land uses and construction regulations. Current municipal spatial plans use scales of 1:50.00. So there is a 'problem of scale'. This planning instrument is suited to provide a framework for land use management and construction activities but first of all without considering individual interests for land uses. So, in this case municipal spatial plans contain development goals for municipalities respectively cities and it demonstrates a comprehensive plan for future development. Consequently, a certain planning reliability and legal certainty can be achieved through providing a framework and basic instrument for further development decisions through land use management and construction activities.

Especially the structure of urban plans (GUP, GRP, DRP) and urban projects has to be reshaped. At least general regulation plans and detailed regulation plans could be combined because of the similarities of these two types of plans. The number of different types of urban plans must be reduced. Concrete construction regulations should be regulated in a comprehensive national planning law at all.

Harmonization of land use regulations

With regard to land use regulations it must be remarked that there are no legal provisions, neither in the 2009 Law on Planning and Construction nor in by-laws about the exposure to different types of land uses. There are just provisions concerning building land, about the two different types of building land (urban building land and building land outside of the perimeter of urban building land), the framework of changing agricultural land into building land, the exposure to prepare building land with utilities for construction and leasing of building land in public ownership. This points out that in this case the focus of urban and spatial planning is on building land and developing it. In fact, the role of planning must also be to consider different land uses, like agricultural areas, recreational areas but also distinguishing these individual land use classifications. Also the By-law on the Content and Elaboration of Planning Documents from 2010 does not contain any further provisions with regard to land use management. This circumstance leads to a confusing land use regulation practice in

Serbia, because the Serbian units of self-government (cities and municipalities) use very different land use classifications, which is why especially the planning law must provide a clearer framework with regard to land use planning. It is not enough just to define the exposure of building land. It would be helpful to Serbian municipalities and cities, to define a framework of land use classification, which could be also more in detail but which also provides a certain scope to implement the guidelines for land use planning. This should be also connected to guidelines for notations symbols which should be provided by national spatial planning law. First steps in this direction were made already through a project, which points to designs of notation symbols through examples of Austrian and German planning practice.¹⁴⁹

Plans have to be realistic

One main precondition to achieve a high degree of plan implementation is that plan has to be neither too optimistic nor too pessimistic, but it has to be realistic. The cases of Petrovac and Subotica illustrate that the plans are in accordance with planning law. After analyzing the planning documents it has to be asked whether the planning ideas, measures and goals are too ambitious respectively realistic. The analyzed planning documents are very comprehensive with many meaningful ideas and goals in terms of fulfilling the role of planning. However the plans – municipal spatial plans as well further urban plans – are very comprehensive and they seem to overstrain relevant planning actors because of too much information.

Including settlements and cadastral municipalities in the planning process

The level of settlements, or cadastral municipalities too, is suited to regulate land use management. But in order to make this possible the competences of cadastral municipalities and settlements have to be checked. According to talks with Serbian planners settlements, which are part of municipalities and cities and are relevant actors who influence spatial development, have to be strengthened by allowing them certain competences. It must be considered that already because of the current situation, in which the municipal/city level is the main planning level, municipal and cities do not have enough capacities to provide appropriate spatial and urban planning practice. So, the main question must be: how Serbian settlements could be involved more in planning activities of municipalities and cities?

¹⁴⁹ T. Dillinger, L. Riegler, *Landmanagement Serbien. Planzeichenverordnung und Nutzungsverordnung für die gemeindlichen Landnutzungspläne in Serbien (Widmungskategorien)*. Studie im Rahmen des Projekts „Landmanagement in Serbien“, Wien, 2013.

Implementation programs have to be evaluated

Serbia has at least realized, that plan implementation is a bottleneck of local planning system. This is illustrated by considering this issue in the 2009 Law on Planning and Construction through scheduling separate implementation programs for three different planning instruments, namely the National Spatial Plan of the Republic of Serbia, regional spatial plans and spatial plans for special purpose areas. Although it is discussible if these programs really improve plan implementation, the intention to improve plan implementation is given. Already the 2003 Law on Planning and Construction sought to improve the situation of plan implementation through providing so-called "implementation contracts", which should have been main part of spatial plans for special purpose areas, regional spatial plans and municipal spatial plans. But as illustrated above, this approach failed. Only one single contract was closed after introducing this kind of instrument. But the intention has to be noticed. Further research should be done with regard to the effect of current implementation programs, because I assume that these programs have little impacts on a higher degree of plan implementation.

It is necessary to define controlling authorities more precisely

It has to be mentioned too that the 2009 Law on Planning and Construction defines mechanisms to supervise reconciliation of planning documents. Particularly with regard to plan implementation, this provided mechanism must be emphasized, because this ensures general implementation of appropriate superordinate planning documents. Article 33 of the 2009 Law on Planning and Construction defines the 'ministry responsible for spatial planning' to be the institution to ensure reconciliation. But this vague definition of a ministry, which is responsible for spatial planning issues, is an element of uncertainty in the Serbia case, because late there were two ministries in Serbia which are dealing with spatial and urban planning. Discussing this issue of responsibility with planners from Serbia pointed out that in practice the question of competency is not always clear. In the case of the Autonomous Province of Vojvodina there is defined that 'the responsible institution of the autonomous province' has to ensure reconciliation of municipal spatial plans, general urban plans and detailed regulation plans. In the case of the national ministry as well as the regional institution as controlling authorities, it must be remarked that the responsibilities have to be defined more clearly in order to avoid misunderstandings. It has to be considered that the structure of ministries has changed in summer 2014 after political changes. There is still the Ministry for Natural Resources, Mining and Spatial Planning but there is also a reorganized ministry, which is labeled 'Ministry for Construction, Transport and Infrastructure'. But this new structural organization cannot be considered, because at the time of these changes this

thesis is almost finished. Nevertheless, the role of national spatial planning law is to clarify the roles of different institutions in spatial and urban planning practice.

Planners have to be exercised more and more

Of course, high quality spatial and urban plans are significantly influenced by those, who have to create them, eventually skilled planners who are employed in authorized public agencies, licensed companies but also at scientific institutions respectively universities, which are also involved in the elaboration of spatial and urban plans in Serbia. Spatial planners are exercised more and more at Serbian universities but planning practice is still characterized to a certain degree by architects, who have to educate themselves in order to be allowed to participate in creating plans in the field of spatial and urban planning, which should not be neglected per se. So in the cases of the City of Subotica and the Municipality of Petrovac mainly exercised architects are involved in planning practice. The 2009 Law on Planning and Construction also contains provisions about licenses for planners in order to achieve a higher quality of planning practitioners. Because of my experiences with planning practice and study programs for spatial planning as well as with Serbian students of these programs, it can be remarked that universities really try to make efforts to train good planners. This process has to be continued.

Other challenges have to be considered

When talking about the Serbian planning system, it has also to be mentioned that several changes of planning law but also construction law seem to be primarily directed to attract investments. This is insofar problematic as planning must consider the so-called public interest but the public interest seems to be neglected through focusing strongly on attracting investment. Attracting investments as fast as possible puts strategic elements and protection of public interest at risk. Planning has to focus on public interest, which is why Serbian spatial planning must prevent focusing only the attraction of investments.

Also the challenges of non-formal constructions are still crucial in Serbia. The 2013 adopted Law on Legalization¹⁵⁰ is an ambitious step to legalize these numerous non-formal constructions. In fact the implementation of the law goes on slowly, probably also because of the fees, concerned persons have to pay. So this law is just the beginning of a long-term process of legalization. But this issue has to be solved, because it affects planning practice by bringing legal uncertainties with regard to ownership structures.

¹⁵⁰ Law on Legalization 2013, Official Gazette of the Republic of Serbia No. 95/2013, as amended on 29 September 2014.

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9. List of abbreviations

AP	Autonomous Province
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
DRP	Detailed regulation plan
GIS	Geographic Information System
GP	General plan
GUP	General urban plan
GRP	General regulation plan
MSP	Municipal spatial plan
RASP	Republic Agency for Spatial Planning
RS	Republic of Serbia
SDS	Spatial Development Strategy
UN	United Nations
UP	Urban project