

Seminar
"Environmental law clinic"
Banjaluca, 28-30.9.2016.

Center for Environment

Our space initiative

Banja Luka, Bosnia and Herzegovina



TRANSITION
Transition Promotion Program



Spatial planning legislative in B&H

The legislative framework in Bosnia and Herzegovina in the field of spatial planning:

1. Law on Spatial Planning and Construction of the Republic of Srpska (Official Gazette of RS, No. 40/13 and 106/15)
2. Law on Spatial Planning and Land Use at the Federation of Bosnia and Herzegovina (FB&H) Official Gazette, number 02-06, 72-07, 32-08, 04-10 and 13-10)
3. Law on Construction in Federation of Bosnia and Herzegovina (Official Gazzete no. 55/02)
4. Law on Spatial Planning and Construction of the Brcko District (BD Official Gazette, number 29-08)

***NOTE: In Bosnia and Herzegovina at the state level there is no law in the field of spatial planning.**

Law on Spatial Planning and Construction of the Republic of Srpska (Official Gazette of RS, No. 40/13 and 106/15)

Article 1 regulates:

- the system of spatial planning and spatial development,
- preparation and adoption of spatial planning documents,
- location conditions,
- construction land,
- approbation of building permits,
- the type and content of technical documentation,
- building construction and mutual relations between participants in the construction process,
- usage and removal of buildings,
- legalization of buildings,
- supervision of the implementation of this law,
- jurisdiction and work of the Engineers Chamber,
- and other issues of importance for the development of space, construction land and building construction.

Spatial planning documentation

Strategic:

1. Spatial plan of Republic of Srpska
2. Spatial plan of special purpose area of Republic of Srpska
3. Joint plan for the territory of two or more units of local government
4. Spatial plan of the unit of local government
5. Urban plan

Implementing:

1. Zoning plan
2. Zone plan of special purpose area
3. Detailed plan
4. Urban project
5. Allotment plan

SEA and spatial planning documentation

Law on Spatial Planning and Construction of the Republic of Srpska, article 27, paragraph 4 **defines the need for strategic environmental assessment (SEA)**, which states:

“prior to accession to the drafting of spatial planning documents, the developer of the plan shall submit a draft document to the holder of the preparation that makes the decision on the **need for strategic environmental assessment** if, according to the criteria prescribed in a special regulation on the environmental protection, with prior opinion of the authority responsible for environmental protection, determines that there is a possibility of significant environmental impact.”

SEA and spatial planning documentation

1. Jurisdiction
2. Assembly in charge makes decision of accession to development of spatial planning document
3. Holder of preparation (Environmental protection Strategy)
4. Plan council
5. Developer of the plan
6. Preliminary draft of the plan
7. Draft of the plan

SEA and spatial planning documentation

10. Public participation (public presentation, public inspection, public hearing)

11. Proposal of the plan

***NOTE: This Law dose not define procedure of making Strategic Environmental Assessment. It is defined by Law of Environmental protection**

Building Permit Procedures

Location conditions

Investor is obligated to submit:

1. Expert opinion and Planning/Urbanistic conditions (if there is no Implementing document of spatial planning)
2. Copy of Cadastral plan
3. Proof of legality of the building
4. Description of the building
5. Concurrence on location of the building (utilities)
6. Act of ascertaining an obligation on implementing of Environmental Impact Assessment
7. Preliminary design project and proof of ownership

Building Permit Procedures

***NOTE: The procedure of issuing the Decision of implementing the Environmental Impact Assessment is not defined by this Law, these provisions are further defined in Articles 60-80 of the Law on Environmental Protection of the Republic of Srpska.**

Building Permit Procedures

Building permit

Investor is obligated to submit:

1. Location conditions
2. Proof of solved property and legal relations
3. Concession Agreement or Public-private partnership (if needed)
4. Major project (3 copies)
5. The report on the revision of technical documentation
6. Report and certificate of nostrification (if the Major project is made according to regulations of other country)
7. Environmental permit
8. Other proofs according to particular laws

Building Permit Procedures

***NOTE: The procedures of issuing and jurisdiction related to the issuance of Environmental permits are not defined by this Law, these terms are in more detail defined by Articles 85-110 of the Law on Environmental Protection of the Republic of Srpska.**

Borik residential area Detailed Plan

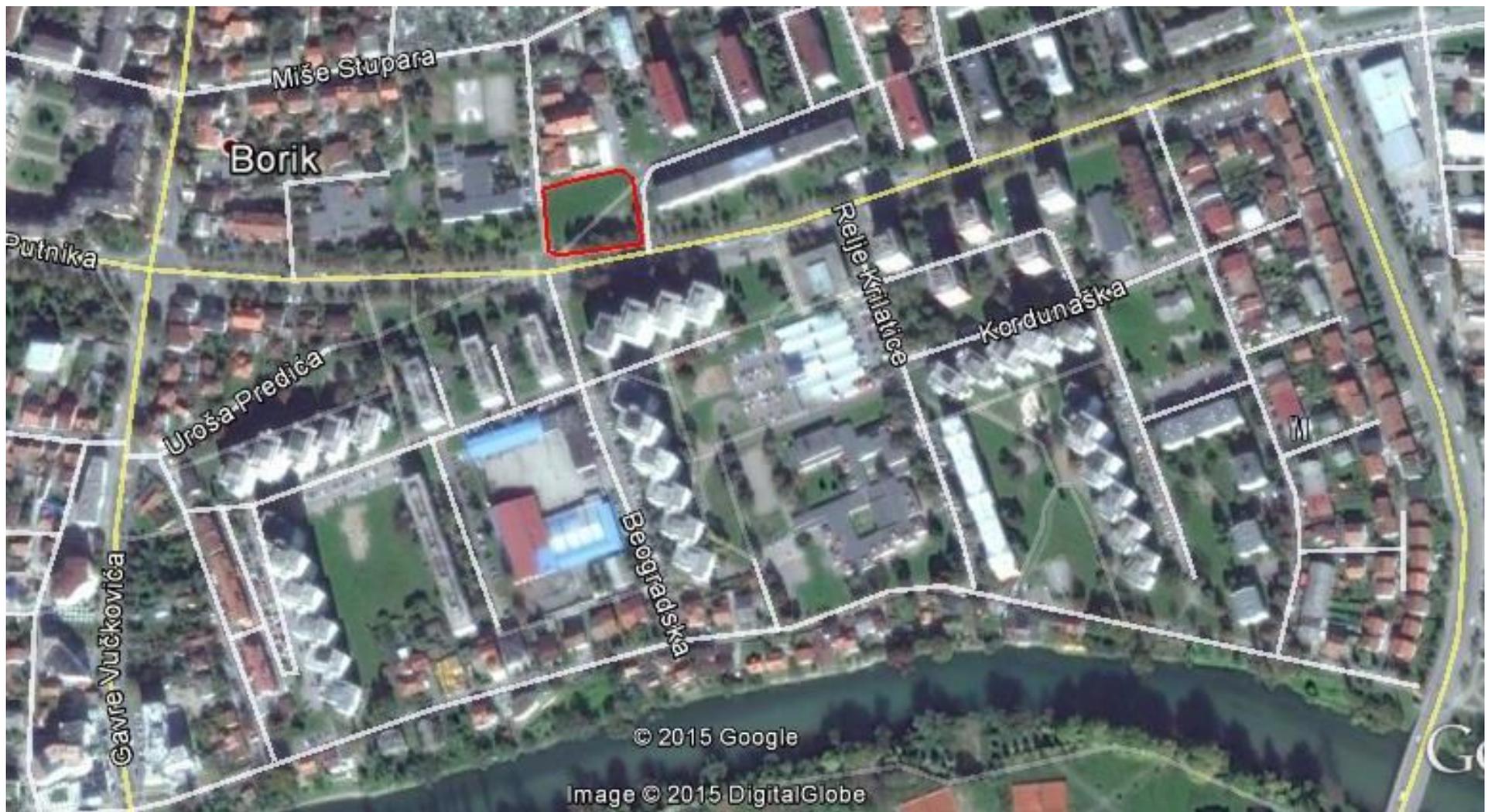
Borik residential area Detailed Plan



Borik residential area Detailed Plan



Borik residential area Detailed Plan



Borik residential area Detailed Plan



Borik residential area Detailed Plan

Civic Initiative for Borik is formed according to **Law on Referendum and Civic Initiative** of Republic of Srpska.

- 3 members of Initiative Board
- Petition (700 signatures)
- Initiative Board submits Proposal of the Act to Assembly in charge
- Initiative Board is obliged to report dates, time, places and all persons who will collect signatures to the Ministry of internal relations
- List of signatories
- Assembly in charge makes decision
- Appeal to the Supreme Court

Public presentation



Petition



GRADANSKA
INICIJATIVA ZA BORIK

PETICIJA

za očuvanje dječjeg igrališta i javne zelene površine
(između OŠ Branko Ćopić i zgrade Titanik)

Peticiju možete potpisati **svakog dana od subote (7. novembar)**
do petka (13. novembar) u periodu od **10.00 do 20.00 časova**, na dvije lokacije:
ispred prodavnice mojMarket u Boriku i na Trgu Krajine

Napomena: da biste potpisali peticiju, trebate dati sljedeće podatke:
ime i prezime, adresu stanovanja, JMBG, broj lične karte.

Petition



Public hearing



Desicion



Media



Media



Thank you for your attention!

Jelena Brkić

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