



UDC 342.9:711:352.07

DOI: 10.31548/law/2.2025.25

Administrative and legal regulation of urban planning activities of local government bodies

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Article's History:

Received: 01.02.2025

Revised: 25.04.2025

Accepted: 22.05.2025

Abstract

The relevance of the chosen topic lies in the increasing delegation of both own and delegated powers to local government bodies in the field of urban planning activities. This study aimed to conduct a comprehensive legal analysis of the urban planning activities of local government bodies and the impact of such activities on the state of the surrounding natural environment. The research utilised formal-logical, prognostic, and systemic-structural methods. The results obtained indicate that the urban planning activities of local government bodies comprise a set of actions and decisions undertaken by these bodies in prescribed forms using appropriate methods and legal instruments. The activities are aimed at coordinating the actions of participants in urban planning legal relations to create the most comfortable and convenient living environment for people. The effectiveness of urban planning activities by local government

Suggested Citation:

Artemenko, O., & Yatsenko, V. (2025). Administrative and legal regulation of urban planning activities of local government bodies. *Law. Human. Environment*, 16(2), 25-40. doi: 10.31548/law/2.2025.25.



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bodies largely depends on their ability to integrate ecological priorities into management processes at all stages of planning and project implementation. The conducted research confirms that the implementation of strategic environmental assessment (SEA) should not only ensure compliance with legislative requirements but also fulfil a predictive function in assessing risks to the environment and public health. In the current context of increasing anthropogenic pressure, urbanisation stress, and environmental challenges caused by the consequences of war, such assessment is a key element in ensuring the sustainable development of territories. It enables not only the minimisation of potential negative impacts of urban planning activities but also promotes the development of a responsible approach to natural resources by local authorities, developers, and the public. The findings of this study may be utilised in the development of legislative acts in the field of spatial and urban planning activities

Keywords: local council; powers; natural environment; administration; environmental assessment

Introduction

In the current context of active local government reform, a key focus is the development of urban planning activities aimed at the continued progress of towns and villages. The course of the reform of territorial governance and local self-government in Ukraine, based on the principles of decentralisation and subsidiarity, confirms the appropriateness of the chosen direction (Concept of reforming local, 2014), which is focused on transferring powers and resources to the basic level of the administrative-territorial structure. As a result, an increasing number of functions are being devolved to the local level, with local government bodies responsible for securing funding to ensure effective implementation.

It is important to note that the clearance of areas damaged by missile strikes and other aggressive actions against Ukrainian cities remains a significant challenge for military reconstruction. The destruction caused by the war has led to the contamination of territories and the destruction of industrial zones, some of which have been relocated to safer regions (Brynzanska, 2024). Consequently, especially in large cities, the issue of brownfields – abandoned industrial sites, mostly found in the eastern and southern regions of the country – is becoming more pressing. Therefore,

post-war urban planning, to be carried out by local government bodies, must be based on principles of ecological restoration aimed at environmental recovery and the sustainable use of resources. In the context of post-war reconstruction, effective regulatory frameworks should become a key factor in attracting foreign investment, preserving cultural heritage, and creating new, comfortable living spaces (Hrybov, 2024).

The issue of administering urban planning powers by local government bodies is actively researched by both Ukrainian and international scholars. According to the studies of E. Kubejko-Polanśka (2019), the adaptation of cities to changes in demographic structure poses new challenges for urban planning policy, particularly the creation of a comfortable environment for the elderly, which requires a comprehensive strategic approach. Research by O. Dovbnya (2020) and M. Mykhalyova (2023) analysed the legislative framework in the fields of urban planning and architecture, identifying a range of problems related to the provision of administrative services in the urban planning sector and legislative restrictions on land use, as well as highlighting the lack of improved management approaches. I. Lopushynskyi *et al.* (2022) also noted that twenty years of

local government system development in Ukraine have revealed its inefficiency. The main cause was the inability of territorial communities to ensure the sustainable development of their territories, create a fully functional living environment, and provide high-quality social services to the population. According to S. Zapara *et al.* (2020), responsible local-level governance will become possible only if local authorities are granted the necessary powers and resources to effectively perform their functions and implement territorial community development programmes. An important component of such programmes must be environmental management. The aspect of strategic environmental assessment (SEA) was addressed by M. Mykolaichuk (2021), who proposed a new methodology that could be applied to enhance the effectiveness of state governance in sustainable development.

A. Bokolo (2024) noted that effective community engagement in smart cities is based on the use of digital platforms, collaborative planning, participatory governance, and open data. Key tools include the gamification of urban services, support for local initiatives, and the implementation of inclusive technologies. These tools contribute to the creation of a sustainable, socially inclusive urban environment and improve interaction between authorities and residents. An important aspect highlighted by O. Zaiets *et al.* (2024) is that natural and financial resources gained through decentralisation provide a substantial material basis for the development of territorial communities. From an environmental perspective, residents of each community have a primary interest in the rational use and preservation of natural resources. This approach has been termed “environmental decentralisation” in the academic literature. However, P.Yu. Mashika *et al.* (2024) identified that current Ukrainian legal and regulatory acts are often advisory in nature, allowing for the lobbying of specific group interests without adequate consideration of environmental safety.

Directions for improving the legal regulation of permitting activities in the urban planning sector were proposed by V.P. Leshchynsky (2024).

Despite a large number of scientific studies dedicated to various aspects of the urban planning activities of local government bodies, the issue of their impact on the natural environment remains insufficiently explored. Given climate change and the consequences of active hostilities in Ukraine, this topic is becoming especially relevant and requires thorough analysis. This study aimed to conduct a comprehensive administrative and legal analysis of the activities of local government bodies in exercising their own and delegated powers in the field of urban planning, through the lens of their impact on the natural environment caused by such activities. The study focused on the following objectives: defining the concept, main characteristics, and essence of the urban planning activities of local government bodies; analysing administrative documents that record the outcomes of these activities; assessing the impact of urban planning processes on the environment; and substantiating the need for strategic environmental assessment.

Materials and Methods

The research was based on a systemic approach, which allows urban planning activities of local government bodies to be viewed as a multi-level interconnected system. This approach provided a comprehensive understanding of the interaction between legal, administrative, and environmental factors influencing the management of territorial development. Thanks to the systemic approach, the study examined how legal mechanisms combine with practical administrative decisions and environmental requirements for sustainable development.

Several methods were employed in the course of the research. Primarily, a thorough analysis of the legal framework regulating urban planning activities in Ukraine was conducted. The

provisions of the following laws were examined: Law of Ukraine No. 2354-VIII "On Strategic Environmental Assessment" (2018), Law of Ukraine No. 858-IV "On Land Management" (2003), Law of Ukraine No. 3038-VI "On the Regulation of Urban Development Activities" (2011), Law of Ukraine No. 2780-XII "On the Basics of Urban Planning" (1992), and Law of Ukraine No. 280/97-BP "On Local Self-Government in Ukraine" (1997). This analysis made it possible to identify the legal approaches to regulating territorial planning and development, reveal gaps and contradictions in the legislation, and outline the legal grounds for the activities of local government bodies in the relevant field.

Functional analysis was employed to assess the effectiveness of local government bodies in exercising their powers in the field of urban planning. The study focused on actual administrative decisions documented in urban planning materials, such as master plans, zoning plans, and detailed territorial plans. This method enabled the identification of practical outcomes resulting from the implementation of legislative requirements and the evaluation of the conformity of decisions made with the principles of balanced development.

Results and Discussion

Concept, characteristics, and essence of urban planning activities of local government bodies. Before defining the concept of urban planning activities of local government bodies, it is necessary to distinguish between two key terms: "construction" and "urban planning". The term "construction" encompasses a wide range of activities involving various stages of creation, reconstruction, and demolition of structures. The main aspects of construction include:

1) construction works – covering earthworks, the erection of new buildings and structures, structural modifications of existing objects, restoration, major and routine repairs (including cleaning,

painting, insulation), as well as the demolition and dismantling of buildings and structures of any type.

2) civil engineering – encompassing large-scale infrastructure projects such as earthworks, the construction and reconstruction of airports, sea and river ports, dams, coastal protective structures, roads and railways, bridges, tunnels, viaducts, as well as communication networks, water supply, sewage, energy supply, and drainage systems.

3) assembly and disassembly of structures – this includes the installation or disassembly of buildings and structures composed of factory-made modular elements, as well as the on-site production of prefabricated constructions directly at the construction site (Convention concerning Safety and Health in Construction, 1988).

Detailing the concept of construction allows for a clearer distinction from urban planning, which encompasses a broader process of spatial planning, territorial development, and the organisation of functional environments to support the population's livelihood.

In Ukrainian, the term "urban planning" literally consists of two components: "city" and "construction". According to the Dictionary of the Ukrainian Language (n.d.), "city" refers to a large populated settlement that functions as an administrative, industrial, commercial, and cultural centre. The word "construction" reflects the action associated with erecting or constructing buildings or creating and organising something. However, as scholars emphasise, the use of the word "city" in this compound term limits the meaning of "urban planning" solely to the construction of cities. This is inaccurate, as the concept of "urban planning" includes not only the design and construction of structures within cities but also the development of other types of settlements and territories of smaller scale, such as towns or urban agglomerations. Thus, "urban planning" goes beyond the literal understanding of the word "city," encompassing wider aspects of territorial planning and organisation.

N. Bondarieva (2008), analysing the concept of construction, offers a comprehensive definition: construction is the process of erecting buildings and structures, which includes the creation of new facilities as well as the expansion, reconstruction, and technical re-equipment of existing enterprises and structures in both the industrial and non-industrial sectors. It encompasses the entire cycle of construction works – from design and site preparation to the commissioning of the facility. Construction is also an economic activity involving forecasting, planning, the building of urban development projects, land improvement, and the modernisation of enterprises, ensuring the erection and reconstruction of residential, public, and industrial facilities. At the same time, it provides the foundation for the development of all other sectors of the national economy.

Equally important is the distinction between the concepts of “urban planning activity” and “construction activity”. The latter, in administrative and legal science, is regarded as a complex branch of economic activity aimed at ensuring the erection of new, and the reconstruction and repair of existing, industrial facilities, residential buildings, cultural, domestic, and administrative buildings and structures (Okolovich, 2018).

According to Article 1 of the Law of Ukraine No. 2780-XII (1992), the term “urban planning activity” is equated with “urban planning” and is defined as a purposeful activity aimed at creating and maintaining a comfortable living environment. This activity is carried out by state bodies, local self-government authorities, enterprises, institutions, organisations, citizens, and their associations. The main aspects of urban planning activity include: forecasting the development of settlements and territories; planning, development, and other uses of land resources; designing and constructing urban planning facilities; erecting other buildings and structures; reconstructing historic settlements while preserving their

traditional appearance; restoring and rehabilitating cultural heritage sites; and creating and developing engineering and transport infrastructure. This set of measures is aimed at ensuring the harmonious development of territories, taking into account their historical and cultural value as well as the contemporary needs of society. Thus, urban planning activity encompasses a comprehensive range of actions focused on ensuring the balanced development of territories and comfortable living conditions for the population (Law of Ukraine No. 2780-XII, 1992).

Local self-government bodies play a key role in ensuring the well-being of the population and in implementing urban planning activities. According to an analysis of Parts 1 and 2 of Article 10 of the Law of Ukraine No. 280/97-BP (1997), two main groups of local self-government bodies can be identified. The primary groups of local self-government bodies in Ukraine are rural, settlement, and city councils, as well as regional and district councils. Rural, settlement, and city councils represent their respective territorial communities, performing local self-government functions on their behalf and in their interests. They operate on the basis of the Constitution of Ukraine, laws, and other regulatory legal acts. Regional and district councils, in turn, represent the common interests of territorial communities of villages, settlements, and cities within their powers. Additionally, they exercise powers delegated to them by rural, settlement, and city councils.

As key subjects of authority at the territorial community level under the principle of decentralisation, local self-government bodies develop local policy and organise its implementation to promote the development of the local socio-economic sphere. Since the onset of the full-scale Russian invasion, local self-government bodies have faced increased burdens, both in the form of additional responsibilities previously not assigned to them and in terms of increased financial costs (Munko *et al.*, 2024).

Thus, local self-government bodies ensure effective territorial management, promote sustainable socio-economic development and are responsible for creating a comfortable, safe, and favourable living environment for citizens. As the public authority closest to the population, they are the first to respond to the immediate needs of residents, addressing issues such as public amenities, utilities, education, healthcare, social protection, and more. The presence of financial autonomy, elected bodies, and legislatively defined powers enables them to implement their own development strategies, taking local specificities into account. In this context, local self-government serves not only as a management tool but also as an important form of civic participation, contributing to the strengthening of democracy at the grassroots level (Law of Ukraine No. 280/97-BP, 1997).

Executive bodies of local councils play a distinct role within the system of local self-government, handling the majority of issues arising in the daily functioning of territorial communities. Their activities focus on managing key areas that require continuous and professional oversight. The main areas of work for executive bodies include: 1) social and welfare support – assisting vulnerable groups and organising social services; 2) housing and communal services – managing infrastructure, maintaining public amenities, water supply, and energy provision; 3) education – developing pre-school, general education, and extra-curricular institutions; 4) healthcare – organising medical services and supporting hospitals and clinics; 5) other sectors, including those related to urban planning activity, spatial planning, and territorial growth. Thus, the executive bodies of local councils play a crucial role in ensuring the stable functioning of communities and creating favourable conditions for their development.

According to Part 1 of Article 1 of the Law of Ukraine No. 280/97-BP (1997), executive bodies

of local self-government are entities established by village, settlement, and city councils, as well as district councils within cities (where established), to carry out the executive functions and powers of local self-government. Their activities are governed by the Constitution of Ukraine, the relevant law, and other regulatory legal acts. Executive bodies play a key role in ensuring the functioning of territorial communities, as they are responsible for implementing the decisions of local councils and executing policies aimed at meeting the needs of community residents.

Thus, urban planning activities of local government bodies constitute a set of interconnected actions and decisions undertaken by authorised entities in forms prescribed by legislation. These activities are carried out using specialised methods and legal instruments, aimed at creating a comfortable and functional living environment. The primary goal of this activity is to ensure the effective organisation of urban planning processes and the coordination of all participants in urban planning legal relations. The main characteristics of urban planning activities by local self-government bodies are: systematic nature – involving a complex of interconnected operations and actions; formalisation – implemented in prescribed forms and through specified methods; purposefulness – involving the use of means and methods to achieve specific objectives such as design, development, and regulation of territories; social utility – focused on creating a comfortable and safe environment for living, working, and recreation. This activity is an integral part of the functions of local self-government bodies and plays a crucial role in ensuring the harmonious development of territorial communities.

Administrative documents defining the urban planning activity of local government bodies. It is important to emphasise that administrative law, as a branch of public law, regulates social relations that arise exclusively between

people, as these interactions form the basis of social life. Such relations may have either a public or a private legal nature. Public law is a component of the legal system aimed at protecting the common good and state interests. It defines the powers of authorities, regulates their organisational and executive activities, and ensures the implementation of socially significant goals and objectives. In the field of construction, public law encompasses a wide range of social relations subject to administrative and legal regulation. This includes management of territorial planning, control over compliance with building regulations, issuance of permits, and other aspects that ensure the effective development of urban and infrastructure policy. This is due to: 1) the social importance of construction as a sector affecting people's living, working, and safety conditions; 2) the risks of harm to the rights and legitimate interests of individuals and legal entities during construction activities. The public aspect of construction activities is extremely important, as it is through administrative

and legal mechanisms that compliance with norms and standards protecting society's interests is ensured (Rudanetska & Berezhnytska, 2024).

The tasks of administrative and legal regulation in the field of construction involve achieving a balance between private and public interests. This requires establishing clear rules that, on the one hand, ensure the efficiency and safety of construction, and on the other, guarantee the protection of the rights and freedoms of participants in construction legal relations.

In this context, urban planning documentation falls under the category of administrative documents of local government bodies in the field of urban planning. It consists of approved textual and graphical materials that regulate the rational use of territories, including: - establishing the boundaries of settlements; - planning and development of territories; - resolving issues related to the transfer of land plots into ownership or use. Urban planning documentation is developed at various levels, which can be presented in Table 1.

Table 1. Levels of urban planning documentation and their functional characteristics

Level of urban planning documentation	Characteristics
State level	Concerns issues of national significance, such as strategic territorial planning
Regional level	Covers territorial planning at the level of regions or districts
Local level	Includes general plans of settlements, which define the strategy for territorial development; zoning plans, which regulate the functional use of land; detailed territorial plans, which set building parameters for specific areas; as well as urban planning documentation of amalgamated territorial communities, which ensures comprehensive territorial development considering socio-economic and infrastructure needs

Source: developed by the authors

Requirements for the preparation of General Plans for settlements are set out in the State Building Regulations (DBN) B.1.1-15:2012 "Composition and Content of the General Plan of a Settlement" (Order of the Ministry of Regional Development, 2012). According to Clause 4.3 of this DBN, the general plan of a settlement is a key urban planning document that defines the

main principles and directions for territorial development. It covers the following aspects: 1) territorial planning and functional designation – zones are established based on community needs and strategic development priorities; 2) public service system – development of social infrastructure facilities such as schools, hospitals, cultural institutions, and others is

ensured; 3) organisation of street, road, and transport networks – designed to optimise the movement of vehicles and pedestrians; 4) engineering infrastructure and site preparation – includes the development of communications, water supply, sewage, electricity and gas supply, as well as landscaping measures; 5) civil protection – measures are developed to safeguard the territory and population from natural and man-made hazards; 6) environmental protection – measures are defined for the preservation and restoration of natural resources; 7) cultural heritage protection – includes the preservation of historical and cultural sites and the traditional character of the environment in historic settlements; 8) implementation sequence – the order and phases of territorial development are established to ensure gradual progress.

The general plan is a strategic document that ensures the harmonious and balanced development of a settlement, taking into account both the current needs of the community and future development prospects (Moroz, 2019). Most Ukrainian cities have general plans; however, only around 25% of these were developed after 2011, making them currently relevant. The situation with general plans for villages and settlements is even more challenging: only 72% of these settlements have approved general plans, and just 7.5% of them were created after 2011 (Draft Law of Ukraine No. 6540, 2017).

For example, the existing General Plan for Kyiv (Kyiv City Council Decision No. 370/1804, 2002) was extended until 2020 from 2010. However, the development and presentation of a new General Plan for Kyiv have been delayed due to a range of objective and subjective factors. Objective factors include the consequences of the COVID-19 pandemic and the ongoing martial law across Ukraine. Subjective factors relate to organisational and technical difficulties, particularly the need to address new urban planning

challenges arising from changing socio-economic conditions. Updating general plans is crucial for the balanced development of territories, rational resource use, and meeting the current needs of communities. This issue has become especially important given the contemporary challenges facing Ukraine.

An important administrative document is the detailed territorial plan – an urban planning documentation that defines the spatial organisation and development of an area on a detailed scale, allowing for the precise location of individual buildings and structures. The preparation of such plans is provided for in Article 19 of Law of Ukraine No. 3038-VI (2011).

The demand for detailed territorial plans in Ukraine arises from the fact that, according to Article 24 of the same Law, it is impossible to transfer state or municipal land plots into ownership or use by individuals or legal entities for urban development purposes without an approved zoning plan or detailed territorial plan (Law of Ukraine No. 3038-VI, 2011). These requirements have resulted in the practice of preparing detailed plans solely for those areas where land plots are planned to be allocated from state or municipal lands.

Another important document is the zoning plan – urban planning documentation that establishes conditions and restrictions for land use within defined zones of settlements for urban development purposes. The preparation of such plans is stipulated by Article 18 of Law of Ukraine No. 3038-VI (2011). As of 2025, only around 20% of cities in Ukraine have zoning plans, indicating considerable potential for improving urban planning and the rational use of territories.

According to Laws of Ukraine No. 3038-VI (2011), No. 280/97-BP (1997), and No. 2780-XII (1992), the procedure for developing urban planning documentation commissioned by local authorities and self-government bodies involves several key stages. Initially, a decision is made regarding

the necessity of preparing the documentation, and the commissioning parties are identified. Following this, a public announcement is made about the commencement of development or amendments, and the developer is provided with an updated cartographic base along with initial data concerning the location of objects of state and regional significance. A crucial part of the process is the public hearings, which ensure the consideration of residents' interests. Subsequently, the project is coordinated with the local self-government bodies representing adjacent territorial communities, submitted for review to the architectural and urban planning council, and undergoes an expert examination by a specialised organisation. The final stage is the approval of the urban planning documentation. Moreover, the development of urban planning documentation at all levels is the responsibility of the relevant executive authorities and local self-government bodies, who are accountable for effective and balanced territorial planning. This process facilitates the rational use of land resources, infrastructure development, and the creation of a comfortable environment for residents.

In conclusion, administrative documents regulating the urban planning activities of local government bodies consist of approved textual and graphical materials related to the rational use of territories within a specific settlement where the respective local authority operates. Such documents include the general plan of the settlement, the detailed territorial plan, the zoning plan, the comprehensive spatial development plan of the territorial community, and others. It is also important to note that the post-war reconstruction of Ukraine will be accompanied by a reassessment and revision of the forecasts and prospects set out in the current General Scheme for Territorial Planning of Ukraine. This will be driven by factors such as population migration, the relocation of industrial enterprises, and the need to implement new approaches to urban

infrastructure in the post-war period. These circumstances will necessitate the updating of all types of urban planning documentation across various levels of administrative and planning activities, including the development of modern solutions aimed at ensuring the sustainable development of territories and their adaptation to new conditions.

The impact of urban planning activities by local self-government bodies on the natural environment and the importance of applying strategic environmental assessment. Any changes in the field of urban planning inevitably affect the surrounding natural environment. Under the current economic policies of Ukraine and developed countries worldwide, participants in urban planning activities must have comprehensive information about the potential environmental consequences of their activities. An environmentally unoptimised project can cause significant socio-economic and ecological damage. Construction and urban planning are clear examples of human activities that often have a serious negative impact not only on individual components of the natural environment and their preservation but also on the overall resilience of ecosystems.

In recent years, Ukraine's environmental challenges have reached unprecedented levels due to the armed aggression of the Russian Federation. Military actions, the use of weapons prohibited by international law, and large-scale destruction, including the demolition of the Kakhovka Hydroelectric Power Plant, have led to a severe ecological crisis and ecocide across extensive areas of the country. The consequences of these events remain insufficiently studied, while their impact on the environment and public health continues to deepen (Ruvyn *et al.*, 2024).

Among the main factors contributing to environmental problems are insufficient public awareness of the importance of preserving the

natural environment and the benefits of balanced territorial and facility development, an imperfect system of environmental education and outreach, as well as a low level of local community engagement in addressing environmental issues and a lack of understanding of the potential role of local self-government bodies in ensuring environmental safety (Bespalova *et al.*, 2022).

In the current context, particular attention must be given to strategic environmental assessment (SEA), which should be integrated at all stages of urban planning documentation development. The Law of Ukraine No. 2354-VIII (2018) introduced the mechanism of strategic environmental assessment in Ukraine, a system that has long been successfully implemented in European Union countries. According to its provisions, all key documents, such as national programmes, urban planning documentation, and others, must undergo strategic environmental assessment. The purpose of this process is to consider potential environmental risks that may arise as a result of implementing specific decisions.

Strategic environmental assessment serves as a crucial tool for implementing the principles of sustainable development, as it allows environmental factors and risks to public health to be considered during the formation of state planning documents. This is particularly relevant for newly established territorial communities under decentralisation, as they have been granted extensive powers in spatial development and urban planning, necessitating the integration of environmental requirements at the early stages of decision-making (Reshetchenko & Shapovalov, 2022).

The law requires developers of urban planning and land management documentation to assess environmental impacts, including risks to public health. Special attention must be given to areas with protected status, where project implementation could have a significant environmental impact. This approach promotes the integration

of environmental considerations into state planning, ensuring sustainable development and the protection of the natural environment.

Ukrainian legislation requires developers of urban planning and land management documentation to consider the environmental consequences of project implementation, including assessing risks to public health and the state of the environment. Particular attention should be paid to areas with protected status, where any intervention may cause significant adverse environmental changes. This approach supports the integration of environmental requirements into state planning, which is a vital component of sustainable development.

The assessment of the environmental impact of urban planning activities is comprehensively regulated by Law of Ukraine No. 3038-VI (2011) and Law of Ukraine No. 858-IV (2003). According to these laws, land management documents include land-use schemes and technical-economic justifications for land use, projects for the organisation of protected natural areas, health, recreational, historical and cultural zones, water fund lands, and other environmentally significant territories.

Contemporary urban planning practice has several shortcomings that hinder the implementation of environmentally safe solutions. One of the main issues is the fragmentation and inconsistency of legislation, which often contains declarative provisions without mechanisms for their enforcement. The lack of adequate oversight in enforcing environmental requirements leads to violations and the lobbying of commercial interests, contradicting the principles of sustainable development. The procedure for strategic environmental assessment (SEA) is frequently carried out formally, without genuinely influencing decision-making. The situation is further complicated by a low level of environmental awareness among urban planning developers, as well as weak public oversight, which limits the ability of local residents to influence the adoption of environmentally safe decisions.

To address these problems, it is necessary to improve legislation by harmonising it with European standards, introducing clear criteria for environmental assessment, and establishing accountability for non-compliance. Strengthening control over adherence to environmental requirements can be achieved through independent audits of urban planning documentation and the introduction of mandatory environmental inspections. Expanding the practice of strategic environmental assessment with the involvement of independent experts and the application of modern environmental forecasting methods is crucial. Promoting environmental knowledge among architects and developers, particularly through educational programmes and professional development courses, will encourage a more responsible approach to urban planning. At the same time, enhancing the role of the public by creating open online platforms for project discussions and involving environmental organisations in monitoring urban planning activities will increase the transparency of the process.

In the context of increasing urbanisation and escalating environmental challenges, the integration of ecological principles into urban planning is an urgent necessity. Implementing a comprehensive approach that combines legislative, administrative, and public mechanisms will support the sustainable development of cities and the preservation of the natural environment for future generations.

Thus, it can be concluded that any urban planning activity inevitably impacts the surrounding environment, making the mandatory strategic environmental assessment (SEA) a crucial stage in the planning process. This procedure involves the description, analysis, and forecasting of potential environmental consequences arising from the implementation of urban planning documentation, including its effects on the environment, natural resources, and public health. The assessment also considers alternative options for the planned

activity to minimise negative impacts. Conducting a strategic environmental assessment not only helps prevent potential ecological risks but also ensures more rational use of natural resources, supports ecosystem balance, and protects public health. Furthermore, this assessment promotes transparency and incorporates public opinion, which is an important factor in achieving sustainable territorial development and implementing effective solutions in the field of urban planning activities.

Discussion

The administration of urban planning activities by local self-government bodies is a subject of active research in both Ukrainian and international academic circles. For instance, O. Dovbnya (2020) highlights the shortcomings of the management structures within local self-government bodies in the urban planning sector, as well as the insufficient effectiveness of administrative services. The conclusions drawn by the author are entirely relevant, as they coincide with the findings of this study, which also identified systemic issues in the implementation of urban planning documentation, particularly regarding compliance with environmental requirements.

Meanwhile, the views of A. Bokolo (2024) on the importance of digital platforms and participatory governance in creating a sustainable urban environment partially align with this research's emphasis on public involvement in environmental monitoring. However, in the Ukrainian context, tools such as gamification and inclusive technologies remain sporadic, largely due to limited digital infrastructure at the local level and low environmental awareness among residents.

The conclusions of I. Lopushynskyyi *et al.* (2022) concerning the inability of many territorial communities to ensure effective self-governance are pertinent and consistent with the results of this study, especially in the context of weak implementation of strategic environmental assessment.

According to the authors of the current study, the cause of these discrepancies lies in the fragmented nature of legal regulation, as well as the absence of a proper mechanism for enforcing compliance with environmental requirements.

In this context, it is also appropriate to consider the conclusions of O.G. Kurchyn (2020), who emphasises the impact of decentralisation on the development of urban planning policy by local self-government bodies. He notes that the contemporary understanding of decentralisation encompasses not only the distribution of powers between central and local authorities but also the consideration of the vital interests of community members in spatial planning processes. Spatial planning understood as a broader concept compared to traditional urban planning, gains significant importance amid constitutional modernisation.

The approaches proposed by O. Zaiets *et al.* (2024) regarding environmental decentralisation are also worth supporting. Their findings confirm that the environmental component in urban planning requires deeper integration at the local government bodies' level. However, unlike the optimistic tone of the authors, this study found that in practice, environmental aspects are often overlooked due to weak public oversight and a formal approach to SEA.

In contrast, the findings of V.P. Leshchynsky (2024), who examines the legality of permitting activities, support conclusions about the need to improve legal mechanisms in the field of environmental control. Nevertheless, the author focuses primarily on the legal aspects of control and does not address the broader range of issues related to the actual impact of urban planning on the environment.

From an ecological perspective, the research of P.Yu. Mashika *et al.* (2024) is particularly noteworthy, as the authors argue for the necessity of introducing an "environmental imperative" into urban planning. These conclusions align fully with the results of this study, which also found

that environmental assessment should be a mandatory, rather than optional, component of urban planning documentation. The varying interpretations in current practice stem from the declarative nature of legislative provisions and the lack of effective enforcement.

The above confirms the existence of significant problems in the administration of urban planning activities by local self-government bodies, particularly concerning environmental control and the implementation of spatial planning. Insufficient effectiveness of legal mechanisms, a low level of digitalisation at the local level, and weak public engagement in monitoring environmental issues have been identified. Despite the presence of progressive approaches such as environmental decentralisation and the "environmental imperative", their implementation remains limited due to formalism and the declarative character of regulations. Therefore, improving the quality of urban planning requires the integration of ecological principles into local governance practices, strengthening control measures, and developing digital infrastructure.

Conclusions

The article examines the administrative and legal regulation of urban planning activities carried out by local self-government bodies in Ukraine. The primary aim was to identify the legal mechanisms that ensure effective management of urban planning processes at the local level, as well as to highlight shortcomings in the current regulatory framework and explore potential avenues for its improvement.

The study analysed the legislative foundation of urban planning regulation, with particular reference to the Laws of Ukraine "On the Regulation of Urban Development Activities" and "On Local Self-Government in Ukraine". It was found that local self-government authorities play a key role in territorial planning, construction control, and the

rational use of land. The stages of developing urban planning documentation and the procedure of strategic environmental assessment, which is a mandatory element of planning, were examined. Major issues in urban planning regulation were identified, including legislative fragmentation, insufficient public oversight, weak integration of environmental considerations into the planning process, and risks of corruption. Recommendations for improving regulation include harmonising national standards with European norms, strengthening control over urban planning documentation, and expanding public participation in decision-making.

The results obtained allow for the conceptualisation of the administrative and legal regulation of urban planning activities as a multi-level process encompassing regulatory frameworks, control mechanisms, public participation, and environmental considerations. The identified issues indicate the need for further legislative modernisation, particularly regarding the clear delineation of powers between state and local authorities in the field of urban planning.

References

- [1] Bespalova, O.V., Bespalov, S.I., & Prydanov, Y.O. (2022). The role of local self-government bodies in administrative and legal regulation of environmental safety. *Visnyk of V. N. Karazin Kharkiv National University. Series Ecology*, 26, 55-65. doi: 10.26565/1992-4259-2022-26-05.
- [2] Bokolo, A. (2024). The role of community engagement in urban innovation towards the co-creation of smart sustainable cities. *Journal of the Knowledge Economy*, 15, 1592-1624. doi: 10.1007/s13132-023-01176-1.
- [3] Bondarieva, N.D. (2008). Terminological study of the concept of "construction" in the economy of Ukraine. *Bulletin of Lviv University. Series of Economics*, 40, 47-50.
- [4] Brynzanska, O. (2024). Damage to the environment as a sign of genocide. *Scientific Journal of the National Academy of Internal Affairs*, 29(3), 42-52. doi: 10.56215/naia-herald/3.2024.42.
- [5] Convention concerning Safety and Health in Construction. (1988, June). Retrieved from <https://zakon.rada.gov.ua/laws/term/2199>.
- [6] Dictionary of the Ukrainian language. (n.d.). Retrieved from <http://sum.in.ua/>.
- [7] Dovbnaya, O.B. (2020). Challenges for the management of local self-government bodies in the context of urban planning reform. *Theory and Practice of Public Administration*, 2(69), 183-190. doi: 10.34213/tp.20.02.22.

The study also emphasises the importance of implementing effective monitoring and evaluation mechanisms for the execution of urban planning projects, which would help reduce the negative environmental impact of urban planning activities and support the sustainable development of territories.

Future research could focus on analysing international experiences in urban planning regulation and the potential for their implementation in Ukraine, examining legal mechanisms for the digitalisation of urban planning documentation, and developing methodologies to assess the effectiveness of urban planning governance by local self-government bodies.

Acknowledgements

None.

Funding

The study was not funded.

Conflict of Interest

None.

- [8] Draft Law of Ukraine No. 6540 “On Amendments to Certain Legislative Acts of Ukraine on Improving the Investment Climate in Ukraine”. (2017, June). Retrieved from <https://www.nssmc.gov.ua/documents/shtodo-projektu-zakonu-ukrani-pro-vnesennya-zmn-do-deyakih-zakonodavtchih-aktiv-ukrani-shtodo-polpshennya-nvestitsynogo-klmatu-v-u/>.
- [9] Hrybov, D.I. (2024). Development of regulatory and legal regulation of urban planning activities in Ukraine. *Legal Bulletin*, 2(12), 10-18. doi: 10.31732/2708-339X-2024-12-A1.
- [10] Kubejko-Polańska, E. (2019). The role of local self-government in stimulating urban development in the context of the construction of age-friendly cities and the concept of Silver Economy. *Nierówności Społeczne a Wzrost Gospodarczy*, 49(1), 216-267. doi: 10.15584/nsawg.2019.1.17.
- [11] Kurchyn, O.G. (2020). *Constitutional and legal support of local self-government bodies for urban planning activities: Problems of theory and practice*. (Doctoral dissertation, National Aviation University, Kyiv, Ukraine).
- [12] Kyiv City Council Decision No. 370/1804 “On Approval of the General Plan of the City of Kyiv and the Draft Planning of its Suburban Zone for the Period Until 2020”. (2002, March). Retrieved from <http://kyiv-landuse.com/sites/default/files/Про%20затвердження%20Генерального%20плану%20міста%20Києва%20та%20проекту%20планування%20його%20приміської%20зони%20на%20період%20до%202020%20року.pdf>
- [13] Law of Ukraine No. 2354-VIII “On Strategic Environmental Assessment”. (2018, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2354-19#Text>.
- [14] Law of Ukraine No. 2780-XII “On the Basics of Urban Planning”. (1992, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/2780-12#Text>.
- [15] Law of Ukraine No. 280/97-BP “On Local Self-government in Ukraine”. (1997, May). Retrieved from <http://zakon3.rada.gov.ua/laws/show/280/97-вп>.
- [16] Law of Ukraine No. 3038-VI “On the Regulation of Urban Development Activities”. (2011, February). Retrieved from <https://zakon.rada.gov.ua/go/3038-17>
- [17] Law of Ukraine No. 858-IV “On Land Management”. (2003, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/858-15>.
- [18] Leshchynsky, V.P. (2024). *Administrative and legal principles for ensuring the legality of permitting activities in the field of urban development*. (Doctoral dissertation, National Aviation University, Kyiv, Ukraine).
- [19] Lopushynskiy, I., Hryhorieva, L., Kazyuk, Ya., Rushchenko, R., & Yatsenko V. (2022). *Mechanisms of administrative and territorial reform during the power decentralisation process in Ukraine*. *Ad Alta. Journal of Interdisciplinary Research*, 12(26), 95-100.
- [20] Mashika, P.Yu., Petretska, N.I., & Kovach, V.V. (2024). *The ecological imperative in the functioning of urban planning councils*. *Scientific Bulletin of the Uzhhorod National University. Series: Law*, 3(86), 163-168.
- [21] Moroz, A.M. (2019). *Urban planning documentation: Legislative requirements in the context of the problem of mass housing construction and the deficit in the construction of social infrastructure*. *Legal Scientific Electronic Journal*, 3, 84-88.
- [22] Munko, A.Yu., Li, D.V., & Tagachin, M.K. (2024). Peculiarities of the organisation of interaction between local government bodies and citizens under martial law in Ukraine. *Problems of Modern Transformations. Series: Law, Public Management and Administration*, 14. doi: 10.54929/2786-5746-2024-14-02-07.

- [23] Mykhalyova, M. (2023). Regulatory and legal regulation of establishing restrictions on land use in Ukraine. *Urban Planning and Territorial Planning*, 83, 211-218. doi: [10.32347/2076-815x.2023.83.211-218](https://doi.org/10.32347/2076-815x.2023.83.211-218).
- [24] Mykolaichuk, M. (2021). Strategic environmental assessment of the territory as a public management instruments for technological development. A case of Ukraine. *Environmental and Climate Technologies*, 25(1), 188-204. doi: [10.2478/rtuect-2021-0013](https://doi.org/10.2478/rtuect-2021-0013).
- [25] Okolovich, M.E. (2018). *Administrative and legal regulation of urban planning activities by local government bodies*. (Doctoral dissertation, Odesa, Odesa State University of Internal Affairs).
- [26] Order of the Cabinet of Ministers of Ukraine No. 333-P "Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/go/333-2014-p>.
- [27] Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine No. 358 "On Approval of DBN B.1.1-15:2012 "Composition and Content of the General Plan of a Settlement". (2012, July). Retrieved from <https://zakon.rada.gov.ua/rada/show/v0358858-12#Text>.
- [28] Reshetchenko, A.I., & Shapovalov, O.I. (2022). *Peculiarities of strategic ecological assessment of territories of settlement communities as a mechanism for promoting sustainable development. Geochemistry of Technogenesis*, 8, 52-58.
- [29] Rudanetska, O.S., & Berezhnytska, G.I. (2024). Administrative responsibility in the field of urban planning. *Analytical and Comparative Jurisprudence. Electronic Scientific Journal*, 1, 447-451. doi: [10.24144/2788-6018.2024.01.79](https://doi.org/10.24144/2788-6018.2024.01.79).
- [30] Ruvin, G., Dubova, O., & Snitko, M. (2024). Ensuring the environmental security of the state in the present conditions: Administrative and legal characteristics. *Legal Scientific Electronic Journal: Electronic Scientific Professional Journal*, 1, 300-303. doi: [10.32782/2524-0374/2024-1/66](https://doi.org/10.32782/2524-0374/2024-1/66).
- [31] Zaiets, O., Kovalenko, T., Shokha, T., Vlasenko, Y., & Pozniak, E. (2024). Ukrainian reform of state power decentralisation as a way to sustainable development: Ecological and legal aspects. In H. Arjjumend (Ed.), *Advances in environmental law* (pp. 425-470). Montreal, Vancouver: TGI Books. doi: [10.33002/enrlaw-333/c15](https://doi.org/10.33002/enrlaw-333/c15).
- [32] Zapara, S.I., Rohovenko, O., Tischenko, O., Kuznetsova, M., & Bondar, N. (2020). Problems of the exercise of powers by unified territorial communities under the decentralisation process in Ukraine. *International Journal of Management*, 11(6), 1569-1579. doi: [10.34218/IJM.11.6.2020.143](https://doi.org/10.34218/IJM.11.6.2020.143).

Адміністративно-правове регулювання містобудівної діяльності органів місцевого самоврядування

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Анотація

Актуальність обраної тематики полягає у тому, що органи місцевого самоврядування все більше наділяються власними та делегованими повноваженнями у сфері містопланувальної діяльності. Метою дослідження було здійснення комплексного правового аналізу містобудівної діяльності органів місцевого самоврядування та вплив такої діяльності на стан навколишнього природного середовища. У дослідженні були використані формально-логічний, прогностичний, системно-структурний методи. Отримані результати дослідження свідчать, що містобудівна діяльність органів місцевого самоврядування – це комплекс заходів і рішень, що здійснюються цими органами у визначених формах із застосуванням відповідних методів і правових інструментів. Вона спрямована на координацію діяльності учасників містобудівних правовідносин для створення найбільш комфортного та зручного середовища для життя людей. Ефективність містобудівної діяльності органів місцевого самоврядування значною мірою залежить від здатності цих органів інтегрувати екологічні пріоритети в управлінські процеси на всіх етапах планування та реалізації проєктів. Проведене дослідження підтверджує, що впровадження стратегічної екологічної оцінки (CEO) має не лише забезпечувати дотримання законодавчих вимог, але й виконувати прогностичну функцію щодо оцінки ризиків для навколишнього середовища та здоров'я населення. У сучасних умовах зростання антропогенного навантаження, урбанізаційного тиску та екологічних викликів, зумовлених наслідками війни, така оцінка є ключовим елементом у забезпеченні сталого розвитку територій. Вона дозволяє не тільки мінімізувати потенційні негативні наслідки містобудівної діяльності, а й сприяє формуванню відповідального підходу до природних ресурсів з боку органів місцевої влади, забудовників та громадськості. Матеріали цього дослідження можуть бути використані для опрацювання законодавчих актів у сфері містопланувальної та містобудівної діяльності

Ключові слова: місцева рада; повноваження; навколишнє природне середовища; адміністрування; екологічна оцінка