

BABEȘ-BOLYAI UNIVERSITY, CLUJ-NAPOCA, ROMANIA
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THE DOCTORAL SCHOOL FOR GEOGRAPHY

Abstract

**Territorial Planning in the European Context: Protection Zones and
Approval Procedures of General Urban Plans.
Applications on Rupea Town, Brasov County**

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Keyword: spatial and urban planning, plans, protection zones, urban zoning, urban plans approval (in Romania), technical standards, legislation, procedures for drafting urban planning documents, framework contents

Abstract:

The research of this thesis focuses mainly on the complex background processes which substantiates and regulates the spatial planning of the territory in Romania. In this direction, the thesis touches a very current topic of the European spatial planning, a topic under constant debate among all actors involved in sustainable development of the territory, more exactly: *identifying ways to streamline and adapt the local spatial planning system, in regional and European context*. At present, at least at European level, there is an ongoing debate as to whether a uniform direction for spatial planning should be required at EU level, or just a master plan, to be applied in a nuanced way depending on the context of each member country (similar to the current situation). The thesis addresses both the European legislation relevant to the field and the national one, the later in a permanent adaptation to the strategies and directions established by the European Commission.

Faced with this uncertainty for the time being, Romania is at a disadvantage through a spatial planning system regulated by a non-unitary and derogatory legislation, following a long process of centralized and obtuse territorial systematization, specific to the socialist countries. Today, the approval and control process of the urban plans, although extremely cumbersome and complex, leads to the lack of a quality of life, based on a sustainable territorial development. The lack of an Urban Planning Code that resolves the contradiction between the various normative acts that regulate the planning process, leads to situations of paradox, confusion and subjective interpretation by planners, verifier and approvers. To these dysfunctions are added the poor quality of urban planning documents, prepared by various specialists, which include the minimum quantity of required parts (minimum contents) and even those parts without a real inclination on the territorial particularities and of the given situations, eliminating any possibility of finding and proposing qualitative solutions for real problems. All these dysfunctions in the process of producing reliable urban plans are reflected in the recent developments of the Romanian cities and towns, which are demonstrating a lack of vision and coherence in their medium and long term development directions.

In the presented context, one of the fundamental research questions of the thesis is: How can the process of verifying & approving the spatial planning documents be simplified without decreasing the quality of those documents? The answer to the question involves describing the full course of such documentation, from design to approval, from approval to gaining the full legality of a document made to coordinate the local development. This thesis meticulously describes the excessively bureaucratic approval procedures, which, however, in all their complexity, do not prove their usefulness, given that the urban planning documents passed through the dozens of approval procedures are often of poor or mediocre quality. The main objective of the thesis is to identify as completely as possible the existing situation and dysfunctions in the procedures of elaboration, verification and final approval of urban planning documents, in order to propose simplification and efficiency solutions, with a positive impact on the quality of these documents. Solutions exist and clear directions are to be followed in the future.

The usefulness of the thesis is indisputable, establishing to a great degree of detail the steps to be followed in order to achieve exemplary urban plans scientifically, technically and solidly anchored in relations with various actors who are in the same operational field of spatial and / or urban planning.

The thesis follows the structure and order of ideas from a memorandum related to a general urban plan (Romanian P.U.G.), but the information contained is not that of a general memorandum made for a particular case, but refers more to the elaboration procedure of spatial and urban planning documents, a behind-the-scenes approach, valid for the entire territory of Romania, as part of the EU.

Through this interdisciplinary approach, with a strong methodological part, the emphasis is put on the requirements related to the safety of citizens and on the requirements for obtaining dozens of approvals from different companies and state institutions necessary for the final approval and legalization of spatial and urban planning documents (more than 25 approvals are required from different institutes).

The information contained in this thesis shall comply with the relevant legislation in the field, for each involved party and for each approval process. Some of the issues presented can be surpassed in terms of scientific progress, but they have had to be deepened and included in this thesis, in order to achieve the overall objective, to set out in general the procedure for the full approval of these documents and thus the observation of the dysfunctions in the procedures. Only this way can be offered real solutions for the existing problems. (Currently the approval is one of the biggest problems in the Romanian urban planning, which is why this thesis is considered useful by geographers, urban planners and many other specialists in this interdisciplinary field).

This thesis is very much based on open access publications and some older publications, which offered more appropriate solutions and recommendations (which are realistically applicable) for Romania, on the principle that models borrowed from the West, without a rigorous adaptation, do not always represent a viable solution at national level. The urban planning in Romania has many elements of specificity and due to the great complexity of the procedures, it presents itself as a very rigid field and difficult to adapt to the latest available practices (without the cooperation of state institutions and especially of the government). However, this rigidity of the field didn't prevent the author from promoting successful models or case studies, with direct references to certain dysfunctions reported in the thesis.

The thesis is structured in four main parts. (1) The first part contains theoretical and evolutionary references of the spatial planning in Romania, with certain references to the past, in order to outline the specifics of the Romanian urban planning. (2) The second part focuses mainly on the geographical matrix of spatial and urban planning documentation, containing the methodology for drawing up the environmental aspects of the urban plans and the contents of special studies necessary to obtain the approvals for the urban documentations. (3) The third part focuses on the technical and anthropic matrix of the same documentation (technical-municipal and transport infrastructures) and (4) the last part refers to the stages of elaboration of the documentation in question, summarizing all the aspects from the previous parts, including the general conclusions of the thesis.

The thesis is intended to be an original and useful approach to geographers and urban planners, containing dozens of tables and graphic organizers / flowcharts and maps, useful in clarifying the procedures.

The first chapter clarifies the theoretical and methodological aspects of spatial planning in Romania, such as the terms used by geographers and urban planners in spatial approaches, the correlations between geographical research and those in the fields of spatial planning and urbanism. Important aspects regarding definitions, differences between terms, principles, levels of approach, general strategies, trends and the specifics of Romanian urbanism are contained in this chapter.

The second chapter can be considered at first sight as additional, but it has the major objective to establish particular aspects in the formation of the spatial planning activity and especially, to emphasize the role of the public administration in the spatial planning activity in Romania. The first part of this chapter presents some evolutionary aspects of planning on the current territory of Romania, starting from Antiquity, from the Greek colonies on the Black Sea coast, to the Roman settlements and camps, with reflections on various influences from the Middle Ages, with consequences on the current landscape, often having, as case studies, Transylvania or the city of Cluj-Napoca, geographical spaces more deeply researched by the author. The second part of this chapter continues with a global analysis of the numerous administrative changes that took place in Romania, in a general context of instability, with sudden reversals of situation and ideologies, from strong centralization to decentralization, redrawing boundaries of seats, comitatases, counties, directorates, regions, rayons, districts and nets, either according to the Soviet model or the Western model, all with direct repercussions on spatial planning and national development in general. The chapter ends with specific conclusions, which show the negative effects of administrative and political instability in the field of long-term spatial planning.

Chapters III, IV, V and VI are the core of this thesis, containing specific aspects related to the content of the urban planning documents, with the elaboration process of the geographical and technical matrix parts of these documents, with direct references to the relevant legislation in force, to the standards, to the current procedures in the field and especially to the institutions which will verify the application of these laws and regulations, which will finally approve or reject the planning documents in question. These four chapters have a similar structure, following the same aspects: identifying the European legislation, identifying the national legislation and detailing the relevant ones, identifying the institutions responsible for approval and their operation and especially describing the minimum requirements for the preparation of spatial and urban planning documents (plans) in order to obtain all the required approvals. Each sub chapter includes a major aspect of spatial planning (natural hazards, protected natural areas, waste management, drinking water supply and protection of water sources, sewerage and wastewater treatment, electricity supply and related infrastructures, roads and railways etc. and the related norms which must be applied in order to obtain valid documents. Each of these sub chapters are concluded with the step by step procedure for obtaining the approvals from each authority or institution.

The important aspect of these chapters is the approach, which focuses on the protection and / or safety zones related to each infrastructure and each phenomenon or object, according to the law and standards, in order to effectively place many types of these objectives into harmonious coexistence, to increase the safety and well-being of the population and also for a better protection of the environment.

The seventh chapter is dedicated to the built heritage, more exactly to the importance and the contents of the history and archeology studies, which are made by specialists in the related fields, to be used in the process of elaboration of spatial and urban planning documents. These history and archeology studies are

a mandatory requirement for obtaining the necessary approvals from the Ministry of Culture. This chapter deals with the aspects of conservation and protection of the built heritage, the problem of neglected or abandoned monuments, protected built zones or special zones for the protection of monuments, archaeological sites and other heritage sites, all of which are problematic issues in Romania.

The eighth chapter focuses exclusively on the stages of elaboration of the spatial and urban planning documents (both written and drawn parts), detailing the mandatory contents of the written and drawn parts of these documentations, as well as a way of managing the whole process, involving the numerous specialized studies (of geomorphology, geology, hydrology, environmental sciences, sociology, demography, economy, history, archaeology, etc.). The approval conditions, the complex zoning and local urban planning regulations, as well as valid proposals for sustainable development, are all described as required by the regulations in this dedicated chapter.

The last chapter contains the general conclusions of the thesis, which shows the need for a major reform in the field and bringing to a common denominator the approval procedures in spatial and urban planning (through modernization, technology, transfer of the process to the virtual environment and especially reducing or eliminating bureaucracy). In other words, simplification of involved procedures with the aim of increasing the quality of the resulting documents. After all, these documents are coordinating the entire development of the local administrative units, and deserve all the attention.

This thesis focuses exactly on that legislative and normative part, necessary to obtain approvals for spatial and urban planning documents, which is not found holistically and completely in almost any specialized published book or article written by geographers or urban planners in Romania. For this reason, this thesis can be considered relevant for geographers interested or specialized in urban planning. This thesis contributes directly to the approach of urban planning to geography and to the formation of a symbiosis from which both parties have only to gain.

This thesis answers the questions raised and achieves its goals, through more than 600 pages, constituting a groundbreaking work, containing a constructive critique of the current situation in the fields of spatial and urban planning, and in the end, offering solutions and modernization recommendations, all with the goal of bringing efficiency and flexibility to the field.

The thesis contains 101 figures and 67 tables.