MONTENEGRO
Ministry for Spatial Planning and Environment
REPORT on Status of Spatial Development for 2009

Podgorica, December 2009
Image 1. Map of Montenegro – territory of local self-governments
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On the base of the article 15 of the Law on spatial development and construction of structures (Official Gazette no. 51/08), the Ministry for spatial planning and environment submits to the Government of Montenegro

REPORT

ON THE STATUS OF SPATIAL DEVELOPMENT FOR THE YEAR 2009

INTRODUCTION

The report on hand is the report on the status of spatial development conducted on new foundations – since complete implementation of the framework began in the end of the year 2008, after enactment of the Law on spatial development and construction of structures (Official Gazette no. 51/08).

Having in mind the responsibility of the state, enacting the Spatial Plan of Montenegro, a planning document which represents integrated, strategic document and general foundation for the spatial organization and development, for the overall condition of the spatial development and a fact that the Report refers to the field that can not be separately considered – the same contains also the local level of spatial development.

The Report on the status of spatial development, according to the legal provisions, contains the following: analyses of implementation of planning documents, evaluation of measures conducted and their impact on spatial management, appraisal of protection of environment, data on constructed structures including the objects constructed contrary to the law, as well as other elements of importance for the space, the report is to be made for.

In the scope of creating optimal institutional frameworks for conducting activities of the state administration in the respective field, newly established Government of Montenegro established the Ministry for spatial planning and environment in May 2009 for conducting the strategic spatial planning, integrated planning, valorization of the space and environmental protection on the state level.

The Report on the status of spatial development for the year 2009 was prepared by the Sector for spatial management within the Ministry for spatial planning and environment.
on the basis of information collected from local self-governments, state institutions immediately responsible i.e. involved in the implementation of certain segments of spatial development, and on the basis of information and data collected within the Ministry itself. For this purpose, the Minister addressed adequate requests – to which feedbacks were acquired. Received reports, in a number of cases, were not adequate while, for example, the Report of Podgorica Capital was analytical and comprehensive. Data and information gained from local self-governments are given in the annex to the Report as well as the summary. (Data are for the 9 months).

1. SPATIAL DEVELOPMENT POLICY

1.1. General objectives

Long term policy of spatial development implies treatment of the space as fundamental assets of the State, in particular considering three general attributes of the space: that it is given and limited, that it is non-renewable and that it is sharable among large number of users.

The change of the legal status of Montenegrin state was followed by radical changes in the system of property relations, economy, investments, fiscal instruments, concessions etc. all of which reflected i.e. were in correlation to changes of the spatial development policy, planning documents enacted and mechanisms for their implementation.

Spatial development policy provides conditions for spatial development of Montenegro defined as change of space by human actions in the aim of its protection, improvement, use and management. The state has realized that without a long term policy of national spatial development, strategic development objectives, which are necessary precondition for conducting the tourism and agriculture oriented, can not be achieved.

Spatial development policy is an important segment of the entire development policy of Montenegro and its objectives are the following:

a) empowering spatial development of the state;
b) rational use and protection of public resources;
c) respecting sustainable development principles;
d) respecting joint attributes and particularities of the space;
e) development of infrastructural systems;
f) enabling effectiveness and efficiency of the planning system;
g) creating conditions for investments of high, sustainable standards;
h) networking of the state with other European spatial units.
Achievement of the objectives of the spatial development policy, as a process, provides improvement of the assets of the environment and the space and as a final outcome, improvement of the quality of life of the population in general.

In the scope of implementation of this policy, it is necessary to create conditions to cover the entire state territory by spatial planning documents that, generally speaking, lead to the order in space, aiming at improvement of the quality of those documents and thus, creating conditions for improvement of the status of the space.

Qualitative and professionally established legislation, and planning documents enacted on that basis, represent the basic national framework of this segment of spatial development policy and have crucial impact on the improvement of the status of spatial development. That is certainly the process in which Montenegrin legislation and planning documents are being enacted and harmonized within the ongoing activities and policy of the state towards EU accession.

1.2. Policy principles

Spatial development policy is based on defined objectives, institutionally and legally set, via monitoring of the status of the space, and determining the purpose, conditions and the way of use of the space, through elaboration and enactment of planning documents, the implementation of planning documents and development of the construction land.

All segments of procedures of spatial development are based on the following principles: harmonized economic, social, ecological, energy, cultural development, sustainable development, protection and improvement of the status of environment, encouraging balanced economic development, rational use and protection of the space and natural resources, harmonization with European standards and norms, protection of integrated assets of the space, polycentricity, competitiveness and cohesion, decentralization, protection of cultural heritage, harmonization of interests of users of space, and priorities of actions in the space, public interest, transparency in the process of spatial development, establishment of the information system on space, seismic planning.

1.3. Sustainable development and spatial development

The constitutional definition of Montenegro as the ecological state resulted in an adequate national policy that set the commitment to the development based on sustainability principles through laws, strategic documents, international acts, establishment of international frameworks etc.

Considering the sustainable development concept, implying the balance of economic, social and ecological requirements, it is clear that those requirements and respective principles, have to be the integrated part of the spatial development policy.
One of the basic principles of the national strategic documents, the Spatial Plan of Montenegro and Sustainable Development Strategy of Montenegro, is the integration of the environment into the development policy, meaning into the spatial development policy. The Strategy identified the problems and challenges, priority measures and tasks in the field of spatial planning that was the starting point used in the time of adopting the Strategy in the year 2007.

The Strategy’s findings are that in general, despite the long and significant tradition of spatial planning, the system showed numerous weaknesses that resulted in negative trend in spatial management, manifested in the changes of the purpose of land, illegal construction, so called dotted planning, uncontrolled urbanization. Those occurrences have endangered and devastated some of the most significant natural resources, natural assets and landscape units that are the heritage of Montenegro and its unique feature as ecological state and tourist destination. At the same time, the quality of life is being deteriorated (particularly in urban areas) due to overcrowded settlements and inaccessibility of the infrastructure and so called auxiliary contents, the risk from natural disasters is being increased (in particular from earthquakes and floods), the value is being reduced etc.

The problems in the planning system were addressed, as well as the need for developing the land management policy, necessity of capacity development in particular on local level and in municipalities in the northern region, establishment of institutions, provision of adequate public participation, establishment of integrated information system.

62% of total population of Montenegro lives in the urban areas and the quality of their life is under the pressure of numerous problems of urban development. On the other hand, uncontrolled urbanization and lack of application of standards of sustainable construction have negative impact on the space and the quality of the environment in general.

Priority tasks, in the aim of overcoming the problem of urban development, refer to clear definition of the policy of urban development, stopping illegal construction in line with Vienna Declaration, improvement of the quality of life and safety in urban areas, with particular review of living conditions of specific target groups and establishment of responsible relation of citizens towards urban environment.

However, it should be bared in mind that qualitative sustainable planning and construction of structures with the quality that respects tradition and adopts new ecological and energy technologies, increases the quality of life and creates conditions for new investments.

1.3.1. Integrated coastal area management

Spatial Plan of Montenegro is one of strategically the most important documents for the entire development of the country, which defines interactions of key development
guidelines and spatial resources of Montenegro, by all vital parameters, including coastal area.

Furthermore, the Sustainable Development Strategy refers to the issues of the sea and coastal area, and according to that, it concluded that the coastal area has been “consumed” to the high extent for various economic and other activities, as it suffered significant changes of natural and landscape assets. In order to overcome problems identified, and in order to enable sustainable management of the sea and coastal area, fundamental changes of the current situation need to be undertaken. One of priority tasks is implementation of integrated coastal area management and implementation of the Convention of protection of marine environment and coastal area (Barcelona Convention) together with its protocols.

By signing the Stabilization and Association Agreement, Montenegro has taken over the responsibility to harmonize Montenegrin legislation with the legislation of the Community, and its effective implementation. Montenegro has committed to create special program for implementation of the Stabilization and Association Agreement, which is stipulated in the article 72 of the Agreement.

In this regard, the National Integration Program of Montenegro for integration into EU was prepared for the period 2008 – 2012 that treated, among others, the issue of the sea and the coastal area and it foreseen the adoption of new legislation. When the space is considered, that means the Law on ratification of the Protocol on Integrated Coastal Area Management of the Mediterranean and the change of the actual Law on coastal zone, in line with Barcelona Convention and its protocols.

When treating the issue of coastal area, the most important subject is the coastal zone, and not just for its economic valorization.

The coastal zone – public asset of Montenegro, is an extremely complex issue for which adequate institutional and legal frameworks need to be provided.

Complete and comprehensive management and use of the coastal area, should be considered not just from the perspective of the elementary regulation on the coastal zone, but other regulations on spatial development, construction, ports, sea, environmental protection, sea fishing, protection of nature, monuments of culture, waters etc.

Issues particularly relevant for the coastal zone refers to the borders of the coastal zone, manner of planning, management and use of the coastal zone, “involvement” of local self-government (management issue) etc. Hence, it is recommended to review the justification of the previous definition of the coastal zone, in a sense of establishing criteria (built up area, configuration of the land that impacts the depth of the coastal zone etc.)

It is worthwhile saying that the terrestrial part of the coastal zone has a surface area of 58 km². Territorial sea extends 12 Nautical miles (18.520m) from the base line towards
the open sea. Surface of the territorial sea is about 2.172 km², while the surface of inner sea waters is about 368 km². Montenegro disposes of the sea area of about 2540 km². Epicontinental belt (on the basis of the Convention on Epicontinental Belt) comprise the seabed and underground submarine space outside the border of the territorial sea to a depth of 200 m over the border to the line where the water depth over the seabed allows exploitation of natural resources, seabed and its underworld. The surface of that strip is 3.886 km².

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>Surface area of coastal zone</th>
<th>Share of coastal zone</th>
<th>Share of coastal zone in municipalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Herceg Novi</td>
<td>491.7 ha</td>
<td>8.49%</td>
<td>2.10%</td>
</tr>
<tr>
<td>Tivat</td>
<td>746.3 ha</td>
<td>12.89%</td>
<td>16.20%</td>
</tr>
<tr>
<td>Kotor</td>
<td>215.9 ha</td>
<td>3.73%</td>
<td>0.60%</td>
</tr>
<tr>
<td>Budva</td>
<td>220.6 ha</td>
<td>3.81%</td>
<td>1.80%</td>
</tr>
<tr>
<td>Bar</td>
<td>796.5 ha</td>
<td>13.76%</td>
<td>1.30%</td>
</tr>
<tr>
<td>Ulcinj</td>
<td>3318.4 ha</td>
<td>57.32%</td>
<td>13.00%</td>
</tr>
</tbody>
</table>

The surface of territorial parts in the sea is 565,17 ha or 5,65 km². Total coastline consists of: ground parts of the coast in the sea (islands, skolj and reefs); coast on the mainland coast and the River Bojana. The length of the ground sea coast of Montenegro is 288.2 km (of which 105.5 km in the Bay), the length of the coast of island forms is 25.61 km and the total length of the sea 313.82 km. The length of the coastal part of the Bojana River, which belongs to Montenegro is 22.8 km, which means that the total length of the coastal zone coastline is 336.60 km.

1.4. High standards and quality of planning documents

To improve situation in space is not sufficient to have planning coverage and building and use permits issued on the base of plans, but at the same time, important is the quality of adopted planning documents in terms of high standards or urbanism and architecture profession, the quality of technical documentation and legal implementation of the revision of the technical documentation, qualitative construction of structures, professionally skilled legal and private entities dealing with the activity of spatial planning and construction of structure, regular and consistent administrative and inspection supervision and professional human resources.
1.5. Legislation – concept

Conflicts and restrictions that existed in the previous, rather long period in the spatial development sector were resolved to a significant extent by introduction of the new framework for spatial development. Procedures have been simplified and are relatively fast, relieved from administering that was a characteristic of the previous framework.

New spatial development system regulated by the Law on spatial development and construction of structures (that came into force in September 2008, and the Law on conduction of inspection supervision in October the same year), has been established in a manner that provided permanent, and comprehensive insight and monitoring of the state in the space, via submission of reports and adoption of spatial development programs, in the aim of its protection, improvement and use. That is a significant precondition for adoption of qualitative, sustainable planning documents. Previous implementation of this regulation indicates that a series of instruments necessary for implementation of planning documents were missing, which is basically an important segment of land management policy.

Elaboration of planning documents is done in a way that contains comprehensive involvement of all authorities, economic entities, institutions and other legal entities in the process of elaboration, determining the obligation of the responsible state authority to control the entire process of elaboration – from its initial phase towards submission of a planning document to the adopting authority – thus controlling harmonization with the law. Local planning documents are controlled by a responsible state authority both in phase of determining the draft planning document and in phase of determining proposal planning document.

For the purpose of elaboration of qualitative planning documents, prescribing of detailed contents and form, criteria for intended purpose of land, special marking of zones for tourism, industry, agriculture, housing construction etc., elements of urban regulation, unified graphic symbols is foreseen. This regulation, enacted by the Ministry for Spatial Planning and Environment is in a final stage of preparation.

As it was not possible to stipulate all implementation issues of such a complex matter as it is spatial planning and construction of objects by the Law on spatial development and construction of structures – the obligation to adopt 16 bylaws was determined, one of them is under the responsibility of the Government and the rest are the responsibility of the Ministry.

However, putting the new concept of spatial development into practice is conditioned with the inherited status of the system and its implementation (outdated planning documents, certain dilatation in following prescribed deadlines for elaboration of planning documentation, institutional and administrative capacities, routine practice, information system). Not without significance is the fact that no illegal construction started in the period when the planning system was not at the necessary level, and it did not provide adequate protection of the space.
1.6. Development of the construction land

Implementation of planning documents is enabled by adequate ‘instruments’ of land management policy that is a principle precondition for urban policy in general.

By the Law on property-legal relations, the social property was eliminated from the legal system. For the institutes of use and permanent use of land, that represented quasi ownership category, transformation of the rights from the social ownership into the property right was enabled in a sense of registering of real owners.

Such and orientation provided conditions for overall implementation of the spatial development system, where there is a completely new status of the construction land as a constitutive element of the new system that is the foundation of each spatial development.

Starting from the fact that all planning documents are “operational”, from the Spatial Plan of Montenegro downwards the local location study – in a planning document, construction land is treated as a land that is predetermined for construction of structures.

Development of construction land implies preparation of construction land for communal equipping. An investor pays a fee for communal equipping of construction land. Conditions, manner, deadlines are stipulated by local self-government – depending on the level of equipping, share of the investor in communal equipping and so on.

Although deadline for enactment of bylaws expired in the beginning of March 2009 (until when previous regulations were implemented), the following municipalities fulfilled the obligation of adoption of regulations – decisions: Nikšić, Danilovgrad, Kotor, Ulcinj, Herceg Novi, Žabljak, Tivat, Kolašin and Bar, as well as the Capital and Historical Capital.

It is important to point out that the decisions of the Historical Capital, Kotor, Ulcinj, Žabljak, Tivat and Kolašin deviated from the legal stipulation that the proof on defining the relation in term of payment of the fee for communal equipping has to be submitted during the proceedings of use permit. Instead, they anticipated payment of the fee in the course of the procedure of issuing of building permit. This inconsistency has to be eliminated by local self-governments, and the other local self-governments have to adopt their regulations – in particular in light of the need of putting out of force all regulations implemented on the basis of the old Law within six months.

In large number of cases, previous regulation that stipulated providing evidences on determined relation in terms of paying the construction fee during the course of the procedure of issuing building permit, in its practical implementation was not proved as appropriate and justified, as local self-governments did not, to the necessary extent, conduct their own responsibilities to this matter. Beside, when preparing the new
legislation referring to construction land i.e. fee for use of construction land, the fact that funds are being collected via real estate tax for the same purpose was taken in consideration – thus the double ‘taxation’ should not be the case.

1.7. Public participation

Public participation in the decision making process is one of the basic forms of citizens’ participation in decision making processes of importance for spatial development.

Public participation instrument is an inevitable segment of spatial development policy that at the same time represents the reflection of the spatial development system, democratization of the system and society in general.

This instrument was incorporated into our system via legally stipulated principle that everyone has the right to, in accordance with the law, be informed on spatial development affairs, to give initiatives, opinions or at any other way participate in those matters.

This principle is elaborated in a suitable manner via: the report on the status of the spatial development; spatial development program; manner and proceedings of enactment of planning documents; announcement of the decision on elaboration of planning document, urban-technical requirements, administrative and other acts (including acts of inspection supervision) issued in the process of construction of structures, licenses – on the web site if the authority of the state or local administration.

1.8. Elaboration of planning documents

One of the barriers in the process of elaboration of planning documents was relatively strict requirements that planning offices had to fulfill in order to be able to perform this activity, that resulted in drafting new, rather liberal regulations. Hence, currently a planning document can be elaborated by a legal entity, registered in the Central Register of the Court of Economics, for conducting elaboration of planning documents and which fulfills requirements stipulated by the law – to have responsible planner. When considering private entities, they have the status of responsible planner or planner, while the Rulebook on the Manner and Proceedings of Issuing and Withdrawal of the License and Manner of Maintenance of the License Registry (Official Gazette of Montenegro no. 68/08) stipulated the manner and proceedings of issuing and withdrawal of the license.

Foreign entities, legal and private, have national treatment in a sense of stipulation of requirements for conducting spatial development and construction of structures activities. To be precise, completely the same conditions are given as to the national legal and private entities. In addition, the Law provides the possibility of “using” the license issued to a foreign entity in the home land, where such a license needs a prior check in accordance with provisions of the Law on requirements and manner of
verification and withdrawal of license of a foreign entity ("Official Gazette of Montenegro", no. 68/08).

Procedures of license issuing are fast and effective. Up to date, for the activity of elaboration of planning documents, 37 licenses for legal entities and 111 licenses for private entities have been issued. 1722 license for private entities and 586 licenses for legal entities have been issued in the field of construction of structures. Thus, together with already issued licenses according to previous regulations, a proper institutional and personnel base in the field of spatial development and construction of structures have been made.

Requirements for conducting the activity of elaboration of planning documents and the manner of their enactment have to be such that they primarily provide elaboration of qualitative planning documents, in accordance with stipulated procedures, hence requiring review of actual legal regulations. There is a need for determining liabilities for damage, and liability insurance, coming out of conducting the activity of elaboration of planning documents and contractual obligations.

In addition, effective and energetic control of fulfillment of requirements for elaboration of planning documents and construction of structures is necessary, and realization of measures for withdrawal of licenses from legal and private entities not fulfilling prescribed requirements.

1.9. Harmonization of legislation and work of state and local administration

The field of spatial development has to be harmonized with specific regulations in the field of environmental protection, protection of natural and cultural heritage, rational use of energy and energy efficiency, cultural-historical development, created and natural heritage, soil, air, forests, waters, health and protection from natural-technical accidents, infrastructural network structures, sports, tourism and objects of special purpose and their infrastructure.

Authorities, business entities, institutions and other legal entities are participants in the process of spatial development – starting from mandatory data supply, proposals and opinions, then the procedure of elaboration of planning document itself, towards the implementation – according to prescribed legislation in respective fields.

Responsible local administration authorities, in the process of elaboration of draft planning document, acquire opinions from responsible authorities, institutions and public enterprises of local self-government.

In correlation with above mentioned, mandatory phase of elaboration of a planning document is its submission for an opinion to local administration authorities, business entities and other legal entities responsible for the affairs of: environmental protection, protection of cultural and natural heritage, agriculture, water management, forestry, health, energy, mining, industry, tourism, prevention and protection from industrial
accidents, traffic, maritime affairs, telecommunications, broadcasting, defense, projection of development, seismic.

Foreseen sectoral policies harmonization implies the commitment to mutual harmonization of legislation and complete coordination, communication in implementation of regulations, both on the national and local level, in the field of spatial management. This in particular refers to authorities conducting activities in the field of tourism, culture, agriculture, energy, transport.

1.10 Information system

Monitoring of the status in space includes preparation and keeping of documentation base on space, preparation of report on spatial development, elaboration and enactment of spatial development program, and establishment and maintenance of the information system.

Preparation and maintenance of documentation base and information system on space is initial, basic segment of spatial development and represents important operational precondition for enactment of qualitative, sustainable planning documents. It is important to point out that here is about preparation and maintenance of documentation base and information system for the need of elaboration of planning documents, while there are several such other systems depending on line area.

Established documentation base and information system are starting position in the field of spatial development activities. The Government of Montenegro stipulates the contents and manner of maintenance of documentation base and the contents and manner of maintenance of information system. This regulation, dealing with the documentation base and information system uniform for the entire state – for responsible state authority and for local government authorities, has been submitted by the Ministry to the Government for the enactment.

2. ANALYSES OF IMPLEMENTATION OF PLANNING DOCUMENTS

2.1. General part

2.1.1. Position and border

Montenegro is the Adriatic-Mediterranean, Dinaric SEE country, located between 41° 39' and 43° 32' North latitude and 18° 26' and 20° 21' longitude east. The west side of the border is with Croatia and Bosnia and Herzegovina, on the north and northeast, with Serbia, on the southeast and east with Albania and in the southwest it is open to the Adriatic Sea.

Greatest comparative advantage of the position of Montenegro is its maritime-Mediterranean position that marked its historical trends and cultural development. Through its coastal position it has established immediate relations with other countries of the Mediterranean and other maritime countries. This position provides numerous
advantages, primarily for the development of tourism and maritime economy. Another important feature of the geographical position of Montenegro is its connection to the wider hinterland of the Balkan peninsula and the main European transport corridors. In fact, Montenegro is in its position relative to the side of the terrestrial hinterland of the Balkan peninsula, because it is not directly on the main directions of main European corridors (IX). However, by the construction of the Adriatic highway, especially railway Bar - Belgrade and the Port of Bar, the relative peripheral traffic position of Montenegro in relation to the European mainstream is alleviated. Its position is rather improved by reconstruction of the existing Adriatic road, ongoing rehabilitation of the railway Bar - Belgrade, as well as the modernization of the airports in Podgorica and Tivat.

2.1.2. Area

The area of Montenegro is 13.812 km², the sea surface is about 2540 km². According to the census from 2003, Montenegro had 620,145 inhabitants, which gives the density of 44.8 inhabitants per 1 km² area.

In the administrative sense, Montenegro is divided into 21 municipalities: Nikšić 2065 km²; Podgorica 1441 km²; Pljevlja 1346 km²; Bijelo Polje 924 km²; Cetinje 910 km²; Kolašin 897 km²; Plužine 854 km²; Berane 717 km²; Bar 598 km²; Šavnik 553 km²; Danilovgrad 501 km²; Plav 486 km²; Žabljak 445 km²; Rožaje 432 km²; Mojkovac 367 km²; Kotor 335 km²; Andrijevica 283 km²; Ulcinj 255 km²; Herceg Novi 235 km²; Budva 122 km²; Tivat 46 km².

Density network of settlements in three regions of Montenegro is rather unbalanced (depending on the density and area of the territory). The highest density of network of settlements is in the coastal area with an average of 15 settlements per 100 km², and especially in Budva (27 settlements in the 100 km²) and Tivat (26 settlements in the 100 km²). The lowest density of settlement networks is in the northern part with an average of 7.8 settlements per 100 km², and especially low in the municipalities of Mojkovac, Plav and Savnik. One important feature of the network centers on the territory of Montenegro is that Podgorica and Niksic, as the state as a regional center, within its urban areas include 32% of the total population of Montenegro.

2.2. State level

Planning documents on the state level are the following: Spatial Plan of Montenegro, Spatial plan of special purpose area, detailed spatial plan, and state location study. Enactment on the Spatial Plan of Montenegro and Spatial plan of special purpose area is mandatory. Spatial Plan of Montenegro was adopted in 2008, and the Spatial Plan of Special Purpose Area for the Coastal Zone was adopted in 2007.

Strategic orientation in a sense of quality of planning documents, their number and complexity, enactment of new legislation, then certain untimely execution of obligations by responsible entities etc. – resulted is some delays in enactment of state planning documents. To be precise, elaboration of state location studies was initiated under
derogated Law on spatial planning and development (“Official Gazette of Montenegro“, no. 28/05). During the process of their elaboration, new, actual Law on spatial development and construction of structures was enacted. It was concluded purposeful and of general interest - to make compliance with the new law, that provides higher quality level of plans. In addition, dynamics of elaboration of planning documents was influenced by their large number, complexity, delays in the procedure of acquiring opinions from responsible institutions, in various phases of elaboration, certain inaccuracy of contractors of plans, provision of additional financial funds and conclusion of new contracts, insufficient administrative capacities, economic crises.

Important contribution to the elaboration of state planning documents as well as to the improvement of the entire status of spatial development was given by the Council for Spatial Development. Successful work, in particular in the domain of reviewing and analyzing in the line area, has recommended the Council for further and wider engagement in the future.

2.2.1 Planning documents enacted

In the procedure of drafting and enactment, the state planning documents, after acquired data, opinions and proposals – are to be delivered to the competent state authorities, business companies, institutions and other entities that are obliged to give its opinion within 15 days (that deadline is not respect).

The content of the state (and local) planning documents is provided, according to the new concept, in a way that will ensure the planned examination of differentiated areas, both for its subject matter and meaning, and by area - coverage, and thus contribute to their quality and sustainability. For this purpose, required, additional elements of the content of planning documents are, inter alia,: the economic - demographic analysis, guidelines of urban and architectural shaping of the space, urban - technical requirements, guidelines for increasing energy efficiency and renewable energy sources, economic - market projections, strategic environmental impact assessment etc.
REPORT on Status of Spatial Development for 2009

STATE LOCATION STUDY "SECTOR 32" - HERCEG NOVI
Contractor of the plan: "MonteCEP, Kotor.
Area covered by the location study: 66.91 ha.
Territory of the Location study contains six spatial - urban and tourism zones, which are elaborated in detail as follows: Malo Rose, Rose coast, a tourist resort Kabala for, Tourist center Oskoruša for, Tourist resort Lustica and hotel Lazine for.
The plan envisages the construction of 4 hotel complexes, villas and groups of sports facilities, large marina/dock and the promenade along the entire coast.

STATE STUDT OF LOCATION "STARI GRAD ULCINJ" – SECTOR 63 – ULCINJ
Contractor of the plan: "MonteCEP, Kotor.
Area covered by the location study: 6.63 ha.
Having in mind that the area covered by this plan and its hinterland has been to the greatest extent built up and as such represents a resource of economic development of the local community, its improvement for the exclusive tourism is based on the valorization of the natural environment and construction characteristics of the landscape.
It is envisaged that at the site of the former hotel "Jadran" tourist complex is to be established with all the necessary auxiliary facilities. Announcement of the competition with the aim of obtaining optimal quality solutions is planned.

STATE LOCATION STUDY "ČANJ" - SECTOR 51 – BAR
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica.
Area covered by the plan: 65 ha.
Planning concept is based on improving existing and introducing new forms of tourism, with significant expansion of the tourist season. Reconstruction and modernization of existing tourist and catering facilities is planned with the aim of raising the categories of facilities to international standards of services, increasing the degree of utilization and efficiency of the economy.
Construction of high category hotel complex with associated facilities that is required for such types and categories of objects is envisaged.

STATE LOCATION STUDY "RATAC – ZELENI POJAS" - SECTOR 54 – BAR
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica.
Area covered by the plan: 17,37 ha.
The proposed concept of the tourist activities high class hotels and villas, and additional service facilities are planned. For the protection zone Ratac with the monastery from the XI century, it is proposed to publish the International Competition with the aim of obtaining optimal quality solutions because of its importance.

STATE LOCATION STUDY "SECTOR 29" – TIVAT
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica
Area covered by the plan: 16,56 ha.
Rehabilitation of existing settlement structure with limited densification, the tourist complex with the special relation to the landscape unit of Stari Krasici is foreseen by the plan.
2.2.2. Planning documents under elaboration
One of the fundamental development orientations of Montenegro is a balanced regional development, with special support to be given to the Northern region primarily based on better transport networking with central and southern part of Montenegro and activation
of natural resources of the area. In line with this orientation, elaboration of the Spatial plans of special purpose area for Bjelasica, Komovi and Durmitor have been initiated.

Having in mind attractive areas treated by those planning documents, particular attention will be given to architectural shaping of planned structures.

Relationship of traditional and historic on one hand, modern and contemporary on the other hand, is an integral subject of the discourses on the development of society and space. This relationship should be particularly emphasized in the process of designing of structures. In this regard, special attention is paid to core principles of the architecture of the Montenegrin region that is reflected in the simplicity of form and proportion, adaptation of objects’ form to the topography of the terrain and climatic conditions, as well as the use of indigenous materials and vegetation.

The planning documents will create preconditions that at least 20% of the necessary energy will be provided from alternative sources of energy, where special attention will be given to the environmental and landscape characteristics of the environment for future facilities.

**SPATIAL PLAN OF SPECIAL PURPOSE AREA "BJELASICA I KOMOVI"**

Contractor of the plan: RZUP – Republic Institute for urbanism and design, Podgorica in cooperation with Ecosign Mountain Resort Planners Ltd from Canada and Horwat i Horwat from Zagreb.

Drfat Plan is currently being elaborated.

Deadline for completion of elaboration is eight months after signing the contract.

The plan covers the surface of app. 860 km2 and includes parts of the territory of municipalities of Kolasin, Mojkovac, Bijelo Polje, Berane, Andrijevica and Podgorica. The main objective of elaboration of this plan is to create formal and planning preconditions for sophisticated development, organization and arrangement of space of Bjelasica and Komovi in accordance with the basic development commitments and the principles of sustainable development. The plan will be a revision of the actual PPPPN NP Biogradska gora and the existing PPO's, whose parts are included in the capture of this Plan, in terms of their compliance with current regulations and standards and orientations of the new Spatial Plan of Montenegro, which were also the orientations of this plan.

The plan will contain detailed elaborations of certain zones and localities, which will create the preconditions for the realization of investment projects in the area. The main carrier of the development of tourism will be the construction of modern ski resorts with all the appropriate tourist infrastructure facilities in accordance with relevant international standards of planning.

In parallel to elaboration of the Plan, and in accordance with the Law, Strategic Environmental Impact Assessment is under elaboration. Cooperation with all municipalities the territory of which is covered by the Plan, in the previous procedures has been at the satisfactory level.
SPATIAL PLAN OF SPECIAL PURPOSE AREA FOR DURMITOR AREA
Contractor of the plan: JOINT VENTURE «IBI Group» Toronto, Canada and «CAU» – Centar za arhitekturu i urbanizam d.o.o. Podgorica.
Draft Plan is under elaboration.
Deadline for completion of elaboration is twelve months after signing the contract.

Area covered by the Plan is 1118.2 km² and includes parts of the territories of five municipalities: Zabljak, Pljevlja, Plužine, Šavnik and Mojkovac. The Plan covers the area of National Park “Durmitor” of 338.95 km² and the two planned regional parks Maglic, Bioce and Volujak and Sinjajevina with Šaranci. Development priorities of Durmitor area on the basis of the Spatial Plan of Montenegro is tourism (including specific offers of rural tourism), agriculture (oriented towards the development of livestock) and industry (wood processing). The main reason for the development and adoption of the Plan is to create conditions for the development of Durmitor area, protection and conservation of natural resources of great national importance, other significant natural resources and special natural values, cultural and historical resources and other values, as well as their arrangement and utilization based on the principles of sustainable development. By this Plan, a revision of the actual PPPPN NP "Durmitor" will be carried out, since from its adoption in 1987, significant changes have happened in the space, pressure on the most valuable parts of natural assets has increased and changes in the legislation in the field of planning, construction and environmental protection took place. This is for a particular reason that NP "Durmitor" is the only National Park in Montenegro under double international protection.

In parallel to elaboration of the Plan, and in accordance with the Law, Strategic Environmental Impact Assessment is under elaboration. In the scope of the project “Support to spatial planning” UNDP participates in financing of elaboration of this plan in the amount of 50,000 €.

DETAILED SPATIAL PLAN FOR THE AREA OF MULTIPURPOSE ACCUMULATIONS ON MORACA RIVER
Draft Plan is under elaboration.
Deadline for completion of elaboration is twelve months after signing the contract.

Detailed spatial plan for the multipurpose accumulations on the river Moraca is under elaboration for the central flow of the river Moraca, which is planned for the construction of four hydro-power stations (Andrijevo, Raslovići, Milunović and Zlatica), multipurpose accumulations, including the area around the accumulations, which is necessary for the construction of other infrastructure (road, electrical, water-supply, sewage). Accumulations are spread from Zlatica (about 1.5 km upstream from the bridge on Smokovac) to the Grlo bridge (about 2.5 km upstream from the monastery Moraca). The length of Moraca flow is 113.4 km, and the surface of the Moraca basin to HS (hydrological station) Podgorica is 2628 km².
The aim of the Detailed spatial plan for the area of multipurpose accumulations on the river Moraca is to create conditions for building of multipurpose accumulations through the elaboration of relevant study, analytical and planning documentation, which will integrally review and analyze all elements of the organization and use of space, in order to protect and encourage further overall development of this area. The plan will determine the optimal deployment activities, physical structures and population in the area of influence of the future multipurpose hydro-accumulations, with respect of economic, technical and technological, spatial-functional criteria and the principles of sustainable development.

In parallel to elaboration of the DPP, and in accordance with the Law, Strategic Environmental Impact Assessment is being elaborated. Elaboration of this study is donated by the Government of Norway. On behalf of the Ministry of Exterior of Norway – NVE / Norwegian Directorate for Waters signed the contract with the Norwegian company COWI for elaboration of this document.

STATE STUDIES OF LOCATION IN THE SCOPE OF THE SPATIAL PLAN OF SPECIAL PURPOSE AREA FOR THE COASTAL ZONE (PPPPN MD)

In accordance with the Spatial plan of the coastal zone of Montenegro, elaboration of state location studies has been initiated. The contents of those studies are planning elaborations of Sectors – smaller units (with the length of several kilometers). They cover the area both in inland and in the sea. By the elaboration of state location studies, long-term bases for organization, use, development and protection of space shall be determined.

STATE LOCATION STUDY "SECTOR 15" - KOTOR
Contractor of the plan: „Juginus“, Beograd

Area covered by the plan: 10,17 ha.
The location study plans the construction of hotel facilities that will contribute to the development of tourism in the area of Kotor, in accordance with the principles of construction and valuation of space which is under a special regime of protection and control by UNESCO and the Institute for the Protection of Cultural Monuments. Bearing in mind the importance of this area, priority in the further elaboration of the location study is finding the optimal urban - architectural solutions for the construction of new hotel capacity, which should be modern and functional with no pretensions to compete with traditional architecture and natural environment. Proposal Plan is under elaboration. After passing the location study by the Government, international competition for urban and architectural solution of the former Hotel URC will be published.

STATE LOCATION STUDY "SECTOR 16" – KOTOR
Contractor of the plan : „Juginus“, Beograd.

Area covered by the plan: 7,42 ha.
The location study plans the construction of hotel facilities which will contribute to the development of tourism in the area of Kotor, in accordance with the principles of
construction and valuation of space which is under a special regime of protection and control by UNESCO and the Institute for the Protection of Cultural Monuments. Proposal Plan is under elaboration. International competition for urban and architectural solution of the Hotel Fjord will be published.

**STATE LOCATION STUDY "LEPETANI" – SECTOR 20 – TIVAT**
Contractor of the plan: „DEL Projekt“, Budva.
Area covered by the plan: app. 3 ha.
Location study Lepetani shall plan zones for development of tourism, with new capacities and contents. Draft Plan is under elaboration.

**STATE LOCATION STUDY "DIO SECTORA 22 I SECTOR 23" – TIVAT**
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica
Area covered by the plan: 68 ha.
Location study plans construction of new four and five star hotels, small hotels and three star tourist villages and restoration of palaces. Particular attention is paid to facilities of nautical tourism. Proposal Plan is under elaboration.

**STATE LOCATION STUDY "KALARDOVO-OSTRVO CVIJEĆA-BRDIŠTA" – SECTOR 25 – TIVAT**
Contractor of the plan: „Urbi Montenegro“, Podgorica.
Area covered by the plan: 146,24 ha.
Location study plans reconstruction of Ostrvo cvijeca for tourism purposes, revitalization of existing facilities of cultural heritage, village villas Dančulovina and Grgurovina for business – tourism purposes, construction of tourism complex with health centre in the Kalaradovo ravine (sports playgrounds, aqua park). Proposal Plan is under elaboration.

**STATE LOCATION STUDY "OSTRVO SVETI MARKO" - SECTOR 26 – TIVAT**
Contractor of the plan: „Urbi Montenegro“, Podgorica.
Area covered by the plan: 34,4 ha.
Location study of the island plans tourism complex with supplementary facilities that will be in function of exclusive tourism. Proposal Plan has been delivered to the Government for passing.

**STATE LOCATION STUDY "DIO SECTORA 27 I SECTOR 28" – TIVAT**
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica.
Area covered by the plan: 115,96 ha.
The location study plans renovation of existing settlement structures with limited densification, a tourist complex on the site Kričkovina. Special attention is paid to the ambience and cultural whole Bjelila - Kakrc zone and Solila, which is a remarkable natural phenomenon, significant on the national and international level and is
Proposal Plan has been delivered to the Government for passing.
Predlog plana upućen je Vladi, radi donošenja.

STATE LOCATION STUDY "SECTOR 34" - HERCEG NOVI
Contractor of the plan: RZUP – Republički zavod za urbanizam i projektovanje, Podgorica.

Area covered by the plan: cca 50 ha.
Location study plans tourist complexes in the hinterland of beaches Žanjic and Mirišta, on Mamula island and on slopes of Arza.
Draft Plan is under elaboration.

STATE LOCATION STUDY "SUTOMORE" - SECTOR 53 – BAR
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica.

Area covered by the plan: 16,05 ha.
The location study plans renovation of existing settlement structures with limited densification, a tourist complex "Zlatna obala" (rehabilitation or new construction) and a hotel on the far northwest part of the zone along the dock.
The study foresees publishing of the Competition for coastal promenade and the zone of functional hinterland of the beach with service activities that continues to the promenade.
Proposal Plan is under elaboration.

STATE LOCATION STUDY "VALDANOS" - SECTOR 61 – ULCINJ
Contractor of the plan: RZUP – Republički zavod za urbanizam i projektovanje, Podgorica.

Area covered by the plan: 346 ha.
Location study plans a tourist complex. Special attention is paid to conservation of the Olive yard zone.
Proposal Plan is under elaboration.

STATE LOCATION STUDY "RT ĐERAN – PORT MILENA" - SECTOR 65 – ULCINJ
Contractor of the plan: „CAU“ – Centar za arhitekturu i urbanizam, Podgorica.

Area covered by the plan: 121,46 ha.
Location study plans rehabilitation of the existing settlement structure with limited densification and a tourist complex on Cape Đeran. Particular attention is given to conservation of authentic landscape of the Cape and channels with kalimeras.
Proposal Plan is under elaboration.

STATE LOCATION STUDY "TOURIST COMPLEX ON VELIKA PLAZA – EXISTING HOTEL GROUP, SETTLEMENT STRUCTURE, COMMUNAL SERVICE AND SPORTS – RECREATIONAL ZONE" – PART OF SECTOR 66 – ULCINJ
Contractor of the plan: „CAU“ - Centar za arhitekturu i urbanizam, Podgorica.

Area covered by the plan: 122,44 ha.
Location study plans reconstruction with upgrade and extension of existing hotel facilities with the aim to increase their comfort and spatial standards and construction of new hotel capacities of high category, as well as rehabilitation of existing settlement structure with limited densification.
Proposal Plan is under elaboration.

STATE LOCATION STUDY "SECTOR 38 - BICOVA"
Contractor of the plan: „MonteCEP“, Kotor.

Area covered by the plan: 94,94 ha.
According to orientations of the PPPPN MD, among other, tourist complex on Cape Trašte, settlement structure Bicova with limited densification, a dock and marina should be planned.
Draft Plan is under elaboration.

STATE LOCATION STUDY FOR PARTS OF SECTORS 43 and 45
Contractor of the plan: „BarProjekt“, Bar

Area covered by the plan: 12 ha
According to the orientations of the PPPPN MD, the existing hotel complex “Park”, functional hinterland of the swimming area and supplementary facilities in the function of tourist settlement of Cape Zavala should be further elaborated.
Draft Plan is under elaboration.

STATE LOCATION STUDY FOR PARTS OF SECTORS 47 AND 48
Contractor of the plan: „Bar Projekt“, Bar

Area covered by the plan: 16 ha
According to orientations of PPPPN MD, public swimming areas, non-built up coastline and auxiliary contents need to be further elaborated in function of tourism settlements in the hinterland (defined by local planning document).
Draft Plan is under elaboration.

Tabular overview of studies of location in the Coastal Zone:

<table>
<thead>
<tr>
<th>Name of location study</th>
<th>Contractual value</th>
<th>Coverage</th>
<th>Structural purpose</th>
<th>Faza</th>
<th>Passing decision</th>
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<tr>
<td>„Sector 15“- Juginus</td>
<td>24.450 10.17 ha</td>
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<tr>
<td>Housing</td>
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<tr>
<td>Housing with activities</td>
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<td></td>
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<tr>
<td>Hotel tourism facilities</td>
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<td>7.670 m²</td>
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<tr>
<td>Sports and recreation</td>
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<td>2.900 m²</td>
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<td></td>
</tr>
<tr>
<td>Sector</td>
<td>Area (ha)</td>
<td>Urban Area (ha)</td>
<td>Housing</td>
<td>Business and central activities</td>
<td>Hotel tourism facilities</td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
<td>-----------------</td>
<td>---------</td>
<td>---------------------------------</td>
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</tr>
<tr>
<td>16 - 16</td>
<td>17.450</td>
<td>7.42</td>
<td>8.700 m²</td>
<td>8.100 m²</td>
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<td>20 - 20</td>
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<td>5.3</td>
<td>8.200 m²</td>
<td>-</td>
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<td>22 - 22</td>
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<td>68</td>
<td>18.524 m²</td>
<td>108.838 m²</td>
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<td>23 - 23</td>
<td>120.000</td>
<td>146.24</td>
<td>7.500 m²</td>
<td>-</td>
<td>17.500 m²</td>
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<td>24 - 24</td>
<td>85.000</td>
<td>34.4</td>
<td>14.645 m²</td>
<td>-</td>
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<td>25 - 25</td>
<td>100.000</td>
<td>115.96</td>
<td>30.887 m²</td>
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<td>26 - 26</td>
<td>35.000</td>
<td>16.56</td>
<td>14.645 m²</td>
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<tr>
<td>27 - 27</td>
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<tr>
<td>28 - 28</td>
<td>65.000</td>
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<td>14.645 m²</td>
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<td>22.716 m²</td>
<td>95.820 m²</td>
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<td>30 - 30</td>
<td>40.000</td>
<td>16.05</td>
<td>14.645 m²</td>
<td>21.644 m²</td>
<td>138.072 m²</td>
</tr>
</tbody>
</table>

MONTENEGRO, Ministry for Spatial Planning and Environment 27
### Land use structure

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Planned</th>
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</thead>
<tbody>
<tr>
<td>Housing</td>
<td>133.023 m²</td>
<td>226.133 m²</td>
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<tr>
<td>Housing with activities</td>
<td>1.825 m²</td>
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<tr>
<td>Hotel – tourism facilities</td>
<td>147.867 m²</td>
<td>1,212.771 m²</td>
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<tr>
<td>Sports and recreation</td>
<td>5.598 m²</td>
<td>93.828 m²</td>
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<td>Business and central activities</td>
<td>11.227 m²</td>
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<td>Business-communal activities</td>
<td>6.689 m²</td>
<td>151.109 m²</td>
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<tr>
<td>Private accommodation-apartments</td>
<td>2.796 m²</td>
<td>18.714 m²</td>
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<td>Seasonal service activities</td>
<td>178 m²</td>
<td>10.623 m²</td>
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<td>Public service activities</td>
<td>6.839 m²</td>
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<tr>
<td>Fortress and old barrack</td>
<td>20.821 m²</td>
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<tr>
<td>Marina</td>
<td>29.980 m²</td>
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<tr>
<td><strong>UKUPNO</strong></td>
<td><strong>330.024 m²</strong></td>
<td><strong>2,029.467 m²</strong></td>
</tr>
</tbody>
</table>
STATE LOCATION STUDIES IN SCOPE OF SPATIAL PLAN FOR SPECIAL PURPOSE AREA FOR NATIONAL PARK SKADAR LAKE

LOCATION STUDY “VRANJINA WITH LESENDRO”
Contractor: RZUP – Republic Institute for Urbanism and Designing, Podgorica

Area covered by the Location Study: 289 ha.
Form of interventions applied as a base for development of this area is urban revitalization which would provide further development of basic functions, living, tourism, central functions of rural settlement (craft, trade, education, health) of this area and would restore the role of an important tourist center which belongs to the place.
Location of Vranjina on the island with the same name, with interesting settlement structure directly located on the Lake, with relaxing traffic corridor, is planned to be one of the entrance points into the Park from direction of Podgorica by the Spatial Plan for Special Purpose Area for the National Park Skadar Lake. Beside the settlement itself, Monastery complex, National Park building and island fortification Lesendro have specific values as well.
Proposal Plan is currently in process of elaboration.

LOCATION STUDY ”ŽABLJAK CRNOJEVIĆA”
Contractor: Faculty of Architecture, Podgorica

Area covered by the Location Study: 12 ha
The main program orientation is tourism valorization of Žabljak Crnojevića, according to its distinction as being a cultural monument with particular historical meaning, under condition that constructive sanation of fortification and reconstruction of structures within the fortification with adequate infrastructural equipping is done.
Second direction and segment of tourism valorization is tourism contents originating from attractions of natural base of contact zones providing possibilities for organizing tourist activities related to forms of eco-tourism (hiking, bird watching and use of horses on swamp meadows), together with revitalization of traditional economy (fishing and production of healthy food) which would have complementary role in development of a unique character tourism.

LOCATION STUDY ”DONJI MURIĆI”
Contractor: Faculty of Architecture, Podgorica

Area covered by the Location Study: 108,8 ha
The Plan will provide tourism valorization of the settlement “Donji Murići”, with activation of different types of tourism, where the planned scope of construction will be anticipated in a manner so as to subordinate the development model to strict requirements of preservation of natural and created ambience values of this site as much as possible. The Study will plan development of recreation – bathing tourism, since the settlement has the biggest sand beach on the Lake (4500 m2), also it will anticipate reconstruction of the existing bathing place, construction of small hotels, motels and eco settlements, activation domestic handicraft, etc.
Working version of the Draft Plan has been elaborated suggesting that the scope of the area covered by the Location Study is extended.

2.2.3. Enactment of local planning documents by the Government

A local planning document is, as a rule, enacted by the Parliament of local self-government. Exceptionally, Government of Montenegro may enact local planning document, among other – also in case if it agrees with local self-government, and this possibility has so far been used with four local planning documents, which are in procedure.

LOCAL LOCATION STUDY "TRAŠTE"
Contractor: “MonteCEP”, Kotor

Area covered by the Location Study: 54,90 ha.
According to the orientation of the Spatial Plan for Special Purpose Area for Coastal Zone a tourism settlement on the cape Trašte should be elaborated as a new urban whole.
The Draft Plan is in the under elaboration.

LOCAL LOCATION STUDY “DUBOVICA I”
Area covered by the Location Study: 23,5 ha
Within the area covered by the Location Study defined by the Decision on Elaboration of the Plan and by the Terms of Reference, having in mind exceptional location of Dubovica in hinterland of the Kraljičina plaža (Queen Beach) in the bay Perčin, an exclusive tourist settlement will be planned as new urban whole.

SPATIAL URBAN PLAN OF THE MUNICIPALITY ULCINJ
Area covered by the PUP (Spatial Urban Plan): 25654,46 ha

All elements of purpose and organization of space use will be considered and analyzed integrally by the Spatial Urban Plan of the municipality Ulcinj, in order to protect and stimulate further overall development of this area. Optimal disposition of activities, physical structures and population will be determined through the plan, respecting thereat economic, spatial-functional, urban criteria, with special regard to cultural heritage and environment.
Open public procurement procedure for selection of the advantageous bid for the elaboration of this plan is ongoing.

LOCAL LOCATION STUDY „ TREŠANJSKI MLIN”

Area covered by the Location Study: 8,145 ha.

LSL (Local Location Study) ”Trešanjski mlin” is elaborated for the area on which construction of regional sanitary landfill for disposal of communal waste from municipalities Kotor, Budva and Tivat - with possible inclusion of Herceg Novi is
planned. Strategic Environmental Impact Assessment is done at the same time as the LSL. Preparation activities related to open public procurement procedure for selection of the most advantageous bid for elaboration of this planning document are ongoing.

2.2.4. Elaborated Studies

STUDY OF IMPLEMENTATION OF THE SPATIAL PLAN OF MONTENEGRO TILL 2020

Main objective of this Study is to systematize scientific and professional base, according to which a programmed fulfillment of condition for effective and efficient implementation of the Spatial Plan of Montenegro may be initiated.

Action Plan for implementation of measures for harmonization of positive legislation of Montenegro related to spatial development, for purposes of consistent implementation of the Spatial Plan of Montenegro, defines measures and activities which must be undertaken in field of introduction of public, legislation, strengthening of capacities, institutional construction, financing, gender equality and international cooperation in field of legislation – in order to make the legislative reform of spatial development harmonic with implementation of the Spatial Plan of Montenegro.

The action plan defines also institutions competent for implementation, whereat in many cases several institutions are in charge for implementation of the same measure. The Government of Montenegro should adopt the Action Plan and oblige competent Ministry for Spatial Planning to coordinate its execution.

STUDY OF INFORMATION SUPPORT TO THE SPATIAL PLAN OF MONTENEGRO

The Study “Information Support to the Spatial Plan of Montenegro (PPCG)” provides definition of data classes, first of all indicator systems for preparation, enactment and monitoring of realization of implementation of PPCG. Also, the Study determines strategic directions in implementation of information technologies in spatial management, use of natural resources and environment protection in Montenegro, within the information system of the Electronic Government.

Subject of research of the Study is primarily research of the “Strategy for Information Society Development - road to knowledge society” with subproject “Strategy for E-Government Development” (electronic state government) in the part of the subsystem referring to spatial management.

This Study defines IS concept which provides gradual and harmonic transfer from classic way of work to work based on principles of electronic business and digital management (e – Government). This IS concept should also enable, on one hand, free and efficient information flow within the Ministry and with the surrounding (other state bodies, organizations and citizens), and on the other hand, provide efficient
conducting, management and monitoring of all affairs of the Ministry related to spatial management.

2.2.5. Participation of users of the space

During elaboration of a planning document all interested space users are enabled to submit initiatives for planning of contents on certain locations, in form of request to the Ministry, through survey of space users or during public hearing.

Need for elaboration of new and revision of existing planning documents, are apparent particularly on the area of coastal municipalities, as well as in several northern municipalities which relate their development to development of mountain tourism and which are basically consequences of land trade.

In relation to this, it may be stated that the citizens are becoming aware that by their active participation in public hearings, by giving their remarks and stating their opinions, they are becoming active participants in the process of elaboration of planning documents – thus contributing to solving of issues they are interested in.

Within the area covered by the location studies, and almost totally in the areas planned for construction of tourist settlements, owners – space users which showed interest for realization of planned contents are identified; there were 35 such initiatives.

Public Enterprise for Coastal Zone Management has requested that free access to the coast is provided by future urban solutions, first of all to bathing places, and in particular to zones with settlement structure.

2.2.6 Public participation

In elaboration of planning documentation public participation contributes to the quality of documentation and, at the same time, contributes to rising of the awareness level regarding importance of spatial development activities.

Public participation is more and more prominent during process of elaboration of planning documents. Citizens are becoming aware that through their active participation on public hearings, by giving comments and stating their opinions, they become active participants in the process of elaboration of planning documents, by what they contribute to solving issues having personal but also public interest.

Public hearings for public state planning documents last 30 days; they are published in printed media; insight in draft plan with strategic evaluation is done; insight into electronic version of the plan through the web site of the Ministry is provided; round tables are organized.
Also, insight into the draft plan is done in the premises of the municipality, the territory of which is covered by the plan, and citizens and all stakeholders are submitting all their comments and suggestion to the Ministry till the public hearing is finished.

For example, after defining the draft state location studies for 17 locations (15 within Spatial Plan for Special Purpose Area for Coastal zone (PPPPN) and 2 within Spatial Plan for Special Purpose Area for National Park “Skadar Lake”) public hearings were held simultaneously for strategic environmental impact assessment.

2.2.7. Contribution of international institutions

Significant contribution in elaboration and financing of planning documentation, studies and master plans, terms of references for planning documents, standards – have been provided by German Technical Cooperation – GTZ, United National Development Program – UNDP, World Bank through LAMP Project. Cooperation with these organizations is successful and has multi-annual continuity.

Multi-annual presence of GTZ in Montenegro is a result of a qualitative bilateral cooperation of the Government of Federal Republic of Germany and the Government of Montenegro; based on that GTZ, through its projects, supports promotion of economy, vocational training, tourism, financial sector as well as energy sector through the Energy Efficiency Project.

Within joint activities of the Ministry for Spatial Planning and Environment and GTZ on elaboration of planning documentation within PPPPN NP Skadar Lake, GTZ financed elaboration of state location studies for sites of Vranjina with Lesendrom, Žabljak Crnojevića and Donji Murići.

Also, GTZ organized workshops for improvement of efficiency and quality of assessment of spatial planning documentation, in cooperation with Sector for Spatial Management and Agency for Environmental Protection.

Particularly important form of foreign participation - is Land Administration and Management Project – LAMP directed to improvement of efficiency in spatial planning process, issuing of building permits and registering of real estates.

LAMP Project is partially financed from the World Bank loan (IBRD), and the other part is financed by the Government of Montenegro, from the position of the Ministry for Spatial Planning and Environment – Program for spatial development, construction and housing development. The loan agreement has been signed on 31st December 2008. Total amount of the means for realization of the project will be 22.491.000,00 €, wherefrom the Government of Montenegro will participate with 11.491.000 €, and the Loan Contract for the Project anticipates that IBRD participates with 11.000.000,00 €.

The Project became effective on the 24th of February 2009. The institutions being carriers of the activities are: Ministry for Spatial Planning and Environment and Real
Estate Directorate (Ministry of Finances). Duration of the Project is 5 years. The loan is defined in a way that there is 5 year grace period and 5 year repayment period for the loan.

The project has three components:
- Component A: Real Estate Directorate, Ministry of Finances (approximately 71% of the total budget of the Project). This component focuses on improvement of services or real estate registering for citizens, through improvement of branch office capacities.
- Component B: Improvement of plans elaboration processes and issuing permits. Ministry of Spatial Planning and Environment (approximately 24% of total Project’s budget).
- Component C: Project management (approximately 5% of total Project’s budget)

LAMP project will finance elaboration of spatial-urban plans (PUP) in the municipalities having limited financial and human resources, those being all municipalities of the North region, as well as Danilovgrad and Cetinje in the Central region.

However, several municipalities (Pljevlja, Žabljak, Plužine, Mojkovac, Berane, Rožaje and Andrijevica) have initiated elaboration of PUPs, and are therefore not suitable to be beneficiaries of the Project. This was caused by long procedures of negotiation and signing of the Contract with the World Bank and technical problems in preliminary phases of the Project implementation.

Municipalities determined by the Ministry of Spatial Planning and Environment together with the World Bank, as the Project beneficiaries for elaboration of the PUPs are: Danilovgrad, Cetinje, Bijelo Polje, Plav, Kolašin, Šavnik, and Nikšić. Terms of Reference have been made, and preparation of tender for elaboration of plans is in the process.

In addition, the World Bank approved continuation of financing of PUPs elaboration for municipalities Pljevlja and Andrijevica out of the Project means. Condition for payment is adoption and signing of the Memorandum of Understanding between the Ministry for Spatial Planning and Environment and the municipalities.

Namely, by the Loan Agreement between the World Bank and the Government of Montenegro certain obligation have been undertaken, and one of them refers to signing of the Memorandum of Understanding between the Ministry for Spatial Planning and Environment and the municipalities – beneficiaries. The Memorandum anticipates moratorium on destruction of structures, without building permits, constructed before the Law on Spatial Development and Construction of Structures entered into force, on 01st September 2008. The Memorandum is in the status of procedure at the Government of Montenegro, after that adoption and approval follows (Government and World Bank), as well as signing of the document with municipalities, LAMP beneficiaries.
2.2.8. Financing of elaboration

Financing resources for elaboration of state planning documents, as well as local planning documents elaborated and adopted by the Government of Montenegro (according the Article 48 of the Law) are provided from the Budget.

2.2.9. UTU, building permits and use permit

In order to create conditions for implementation of a planning document, an obligation (for state and local bodies) to make an offprint with urban – technical requirements, necessary for elaboration of technical documentation, which actually is information on planned space use, has been established.

For planning documents enacted pursuant to the Law a web site for UTU is created where these requirements will be available to interested persons, while for “old” planning documents UTU is issued together with documents proscribed by the Law.

The Ministry, as the competent body, issues urban – technical requirements for elaboration of technical documentation for objects planned by state planning documents and UTU for certain, significant structures specified in Article 91 paragraph 4 of the Law, which are planned in local planning documents – and based on this has issued 184 UTU.

Shortened administrative procedures of issuing building permits and use permits (only two administrative acts are issued) are free from unnecessary administration (with 7 phases), which was present in previous period. Building permit is issued based on only three “papers”: conceptual, that is main project, revision report and evidence on the right on land. Future investor independently decides whether the building permit will be acquired based on the conceptual or based on the main project.

Regarding the use permit (evidence on management of relation regarding utility fees is submitted in this procedure) – it is important to emphasize that use of a structure is allowed only after obtaining the use permit, and only objects for which this certificate has been issued may be registered into the real estate cadastre. This solution, among other things, contributes to establishing order in field of spatial development and construction of structures, thus influencing suppression of illegal construction.

The Ministry has issued 104 building permits and 65 use permits:

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>BUILDING PERMITS</th>
<th>USE PERMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrijevica</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bar</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Berane</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Bijelo Polje</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Budva</td>
<td>13</td>
</tr>
<tr>
<td>----------</td>
<td>-------</td>
<td>----</td>
</tr>
<tr>
<td></td>
<td>Cetinje</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Danilovgrad</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Herceg Novi</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Kolašin</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Kotor</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Mojkovac</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Nikšić</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Plav</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Pljevlja</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Plužine</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Podgorica</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>Rožaje</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Šavnik</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Tivat</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Ulcinj</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Žabljak</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>104</td>
</tr>
</tbody>
</table>

### 2.3. Activities of public enterprises entrusted with tasks of the state administration

The Public Enterprise for Coastal Zone Management of Montenegro and to the Public Enterprise for National Parks of Montenegro have been entrusted with the tasks within the competency of the Ministry for Economic Development by an ordinance to (“Official Gazette MN”, No. 22/09). The entrusted tasks of state administration refer to issuing of approvals and urban – technical conditions for structures determined by a plan for structures of temporary character for the area of the Spatial Plan for Special Purpose Area for Coastal Zone and Spatial Plan of Special Purpose Area for National Parks. The Public Enterprise for Coastal Zone Management is entrusted also with the tasks related to issuing of urban-technical requirements and building permits for reconstruction of structures (terraces, ponte, mandraci, fish ponds, objects of aquaculture, bathing places, docks, promenades, pavements and embankment
structures), which are located within the area of the Spatial Plan for Special Purpose Area for Coastal Zone.

2.3.1. Public Enterprise for National Parks of Montenegro
Public Enterprise for National Parks of Montenegro has approved placing of structures for providing tourist – hospitality services: 12 structures in the NP “Skadar Lake”, 2 structures in the NP “Durmitor”, 1 structure in NP “Lovćen” and 1 structure in the NP “Biogradska gora”.
Placing of 4 stilt houses in Donji Murići and 4 in Rijeka Crnojevića, has been approved; their construction is financed from donors’ funds and are property of the Enterprise.

Activities of PE on spatial development:

a) NP “Skadar Lake”: construction of the Visitors Center in Virpazar; maintenance of the educational path Lipovik; maintenance of 9 hiking paths in the hinterland of the Lake and placing inventory and sign posts; development of Expo center by placing of info-boards and painting of inventory;
b) NP “Lovćen”: adaptation and reconstruction of the Visitors center on Ivanova korita within which room for accommodation for physical protection service, souvenir shop, garage were created; Visitors Center and area around the Center has been enriched with new education contents, educational path Centar-Trestenik-Dolovi has been developed, info and panoramic boards have been placed as well as benches, all hiking and biking paths in the park have been marked and developed, signaling (170 panels) has been placed in the park and contact zone. Containers and trashcans are placed, area for camping has been developed (tent plateau has been cleared, parking and fence have been made, water has been supplied, benches placed);
c) NP “Biogradska gora”: an education station has been equipped in the hatchery with aquarium with necessary equipment having capacity of 400 liters, info-boards and interactive inventory; watch tower has been finished on the place called Lazovi, 20 m high, and capacity on the top is 10 persons; new road signalization in the high-mountain part of the Park; 10 wooden signs were made and placed in the Park; qualitative cleaning and maintaining of the roads and paths in the Park.
d) NP “Durmitor”: placed new inventory on the path from the settlement Žabljak to the Crno Jezero (Black Lake); big number of classical wooden panels with NP “Durmitor” sign or with information messages about allowed or not allowed activities; cleaning and development with placing of inventory on the shore of Zminje Lake; repair of the inventory has been done on the Second Camp i.e. Splavište as well as development and cleaning of that location; reconstruction of Visitors Center has been partially finished by replacing the tin roof and work on sanation of the terrace part at the entrance of the Visitors Center; subproject for “Mrijestilište” located along the path going around the Black Lake has been elaborated.

2.3.2. Public Enterprise for Coastal Zone Management

Public Enterprise for Coastal Zone Management has issued:
a) approval for reconstruction of the dock in Lepetani for the need of dockage of ferryboat from Kamenari to Lepetani (1).
b) 59 decisions for assigning of terraces of hospitality facilities (Herceg Novi 20, Kotor 5, Tivat 1, Budva 33); 210 decisions for assigning of temporary locations (Kotor 18, Tivat 15, Herceg Novi 38, Ulcinj 34, Budva 105); 806 decisions - for structures 491 and 315 for inventory (Kotor 43, Tivat 45, Budva 247, Herceg Novi 184, Ulcinj 133, Bar 154).

During 2009 the Enterprise realized: landscape design of the first phase of the promenade in the center of Tivat, 270m long; initiation of work on small port Kacema – pouring of concrete crates; development of the access road to Velika Plaža; reconstruction of public lighting in Ulcinj; realization of the first phase of the project Žukotrlica in Bar; construction of the shore in Petrovac; reconstruction of the promenade in Budva; sanation of dock on Slovenska Plaža in Budva; reconstruction of public lighting in Budva; sanation of shore in Dobrota; reconstruction of public lighting in Kotor and reconstruction of public lighting in Herceg Novi.

Activities of the PE which are in process: construction of small port Kacema in Ulcinj first phase – construction work; opening of tender procedure for: development of the promenade “PET DANICA” in Herceg Novi 420m long; tender procedure for construction of promenade from Risan to settlement Vitoglav 412m long; elaboration of project documentation for construction of ten new beaches; tender procedure for realization of project for development of promenade in the center of Tivat – second phase 150 meters long; work on landscape design of the coastal zone in Petrovac; preparation of tender for realization of project for landscape development of hinterland of the beach Zukotrlica in Bar 450 meters long.

Control of the Coastal Area:
Until September 30, 2009 there has been 165 reports: to the Inspection for Spatial Protection 55, to Republic Water Management Inspection 7, to Republic Construction Inspection 18, to Republic Urban Inspection 1, to Republic Inspection for Roads 3, to Republic Tourism Inspection 7, to Communal police 65, to Main Administration 9 (Municipality Tivat 1, Municipality Budva 8).

2.4. Local Level

2.4.1. Realization of responsibilities of local self-governments

According to the Law on Spatial Development and Construction of Structures, competent local self-government authorities shall be obliged to harmonize the local planning documents with this Law, within one year from the day this Law comes into effect. Also there is possibility that elaboration and adoption of a planning document started before this Law came into effect is continued according to regulations which were valid at the time the decision on elaboration of the planning documents was made, that is in accordance with this Law.

Necessity for proscribing of these solutions was affected by new legal solutions, regarding:
1) types of local planning documents, by which a spatial – urban plan of local self-government has been established, which determines objectives and measures of spatial and urban development of local self-government, according to planned economic, social, ecologic and cultural-historical development. This planning document sublimates solution from previous spatial plan of local self-government and general urban plan;

2) content of local planning documents, which is in correlation to new system of spatial development;

3) manner and procedure of elaboration of planning documents;

Local self-governments are also obliged to (Article 169) adopted regulations based on the authorizations from this Law within six months from the day this Law comes into force and to complete the proceedings initiated prior the day of coming into effect of this Law which were not subject to non-appealable decision, in accordance with the provisions of the law which was valid at the time of imitating of the proceeding (Article 170).
Local self-governments have, according to the defined responsibilities, undertaken certain activities presented in annex of this report. Therefore, it may be stated that local self-governments have not respected legal obligations, first of all related to enactment of spatial – urban plans and, big number of them has not enacted subordinate legislation.

For illustration, tabular review of the state of PUPs of local self-governments is presented, as well as other data which might be of significance for reviewing of the condition.
<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>PPO(size and year of adoption)</th>
<th>GUP(size and year of adoption)</th>
<th>Coverage of GUP with regulation plans</th>
<th>PUP (state)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANDRIJEVICA</td>
<td>None</td>
<td>735ha 2002</td>
<td>21ha (2.8%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>BAR</td>
<td>No PPO</td>
<td>61.20km² 2008</td>
<td>11.48km² (18.75%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>BERANE</td>
<td>660.49km² 1987</td>
<td>12.8km² (1.9%PPO)</td>
<td>159.64ha (12.46%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>BILELO POLJE</td>
<td>925km² 1989</td>
<td>95km² (10.27%PPO)</td>
<td>474.49ha (4.99%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>BUDVA</td>
<td>124km² 2007 changes 2009</td>
<td>GUP Budva-Begići, GUP KamenoVo</td>
<td>The Decision on Elaboration made</td>
<td></td>
</tr>
<tr>
<td>CETINJE</td>
<td>910km² 1992</td>
<td>15.87km² 1990</td>
<td>385.85ha (24.3%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>DANILOV GRAD</td>
<td>2008</td>
<td>735ha 1988</td>
<td>146.93ha (20%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>HERCEG NOVI</td>
<td>235km² 2008</td>
<td>77.63km² 1989</td>
<td>53.76ha (0.7%)</td>
<td>The Decision on Elaboration not made</td>
</tr>
<tr>
<td>KOLAŠIN</td>
<td>897km² 1988</td>
<td>9.24km² 1988</td>
<td>119.47ha (12.93%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>KOTOR</td>
<td>335km² 1987, amendments 1987, that is 1995</td>
<td>18km² 1987, amendment 1987 that is in 1995</td>
<td>11.86km² (65.88%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>MOJKOVAC</td>
<td>None</td>
<td>445.5ha 1985</td>
<td>143.9ha (32.3%)</td>
<td>Under elaboration, Draft elaborated, Public Hearing finished</td>
</tr>
<tr>
<td>Nikšić</td>
<td>1986</td>
<td>5600ha 1986</td>
<td>470ha (9%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>PLAV</td>
<td>486km² 1988</td>
<td>44.175km² 1988</td>
<td>224.97ha (79%)</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>PLJEVLJ A</td>
<td>1364km² 2000</td>
<td>1177ha (0.9%PPO)</td>
<td>139.29ha (11.8%)</td>
<td>Under elaboration, Draft elaborated</td>
</tr>
<tr>
<td>PLUZINE</td>
<td>858km² 1987</td>
<td>330ha 1990</td>
<td>55ha (16.7%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>PODGORICA</td>
<td>1441km² 1990</td>
<td>84.46km² 1990</td>
<td>43.70km² (51.7%)</td>
<td>The Decision on Elaboration made</td>
</tr>
<tr>
<td>ROŽAJE</td>
<td>431.4km² 1980</td>
<td>593.72 (1.4%PPO)</td>
<td>377.55ha (63.59%)</td>
<td>Under elaboration</td>
</tr>
<tr>
<td>Savnik</td>
<td>554.69km² 2006</td>
<td>109.18ha (0.2% of the municipality) 2006</td>
<td>0.00%</td>
<td>Elaboration through LAMP Project</td>
</tr>
<tr>
<td>TIVAT</td>
<td>46.09km² 1987 changes 2002.</td>
<td>37.04km² 1987 changes 2002</td>
<td>(13.5%)</td>
<td>Under elaboration, Draft elaborated, Public Hearing finished</td>
</tr>
<tr>
<td>ULCINJ</td>
<td>25.654,46ha 1999</td>
<td>9021ha 1969 and revised in 1985</td>
<td>900ha (10%)</td>
<td>Under elaboration – in competency of the Ministry</td>
</tr>
<tr>
<td>ZABLJAK</td>
<td>445km² 1988</td>
<td>2040ha (4.6%)</td>
<td>94ha (4.00%)</td>
<td>Under elaboration, Draft elaborated, Public Hearing finished</td>
</tr>
</tbody>
</table>

On local level, planning documents are: Spatial-urban plan of local self-government, Detailed urban plan, Urban project, Local location study. Adoption of the Spatial-urban plan is mandatory.
Local self-governments have adopted, during the year, 106 planning documents, out of which 49 are changes and amendments of the existing plans – and 286 documents are in process of elaboration.

Table review of local planning documents:

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>ADOPTED</th>
<th>IN PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrijevica</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Bar</td>
<td>14</td>
<td>25</td>
</tr>
<tr>
<td>Berane</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>Bijelo Polje</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Budva</td>
<td>21</td>
<td>53</td>
</tr>
<tr>
<td>Cetinje</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Danilovgrad</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Herceg Novi</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>Kolašin</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Kotor</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Nikšić</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Plav</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Pljevlja</td>
<td>4</td>
<td>13</td>
</tr>
<tr>
<td>Plužine</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Podgorica</td>
<td>18</td>
<td>39</td>
</tr>
<tr>
<td>Rožaje</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Šavnik</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tivat</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Ulcinj</td>
<td>1</td>
<td>37</td>
</tr>
<tr>
<td>Žabljak</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>106</strong></td>
<td><strong>286</strong></td>
</tr>
</tbody>
</table>
2.4.2. Opinions and approvals of local planning documents

Local planning documents are submitted to the Ministry for Spatial Planning and Environment for opinion, in order to verify its compliance with the decision on elaboration, with prescribed standards and regulations, verify justification of planning design, verify need to undertake public competition and well as to evaluate the harmonization with the planning document of broader territorial units and compliance with this Law.

Ministry is obliged to submit local planning document for opinion to competent (according to Law, explicitly specified) state administration bodies, business organizations and other legal entities, and in the second phase of elaboration, after the public hearing has been finished - to give approval to the document, and these bodies are obliged to respond in due time.

During the procedure of giving opinion on the planning document, the Ministry may return the planning document for modification to local self-government before the draft has been established and public hearing started – what has been done in certain number of cases.

When giving approval, the ministry verifies if the proposal of the planning document is harmonized with the opinion of the Ministry to the draft of the local planning documents, as well as with the Law.

Thereby, the Ministry has given 99 approvals (since adoption of the Law) of local planning documents:

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>APPROVALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANDRIJEVICA</td>
<td>-</td>
</tr>
<tr>
<td>BAR</td>
<td>14</td>
</tr>
<tr>
<td>BERANE</td>
<td>3</td>
</tr>
<tr>
<td>BJELO POLJE</td>
<td>3</td>
</tr>
<tr>
<td>BUDVA</td>
<td>10</td>
</tr>
<tr>
<td>CETINJE</td>
<td>2</td>
</tr>
<tr>
<td>DANILOVGRAD</td>
<td>2</td>
</tr>
<tr>
<td>HERCEG NOVI</td>
<td>11</td>
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<tr>
<td>KOLAŠIN</td>
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<tr>
<td>KOTOR</td>
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<tr>
<td>MOJKOVAC</td>
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<td>NIKŠIĆ</td>
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<td>PLAV</td>
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<tr>
<td>PLJEVLJA</td>
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<tr>
<td>PLUŽINE</td>
<td>2</td>
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<tr>
<td>PODGORICA</td>
<td>11</td>
</tr>
<tr>
<td>ROZAĐE</td>
<td>4</td>
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</tbody>
</table>
When giving opinions and approvals of local planning documents, the Ministry has in big number of cases, determined:

- disrespect of intended-use of space (zoning) from higher order plans/DUPs in relation to GUP/ with transformation of green areas or areas for recreation to areas for construction;
- excessive increase of number of users per zones planned by increase of floor area ratio;
- non-analytic and non-critic change of standards only for one zone or its part with formal calculative manipulation resulting in a plan with such standards, with disputable realization;
- Low percent or total absence of space intended for social services as well as sub-dimensional infrastructure, particularly in regard to education institutions, public areas, parking;
- Over-dimensioned business premise capacities;
- Transformation of already formed zones of individual construction into zones of group residential housing;
- Disrespect of decision on elaboration of planning document as well as terms of reference defining starting orientations, requests and needs of space users;
- Technical lacks of plans, with incomplete content such as undefined allotment, traffic solutions, etc.

It is disturbing that big number of “smaller” changes and amendments of planning documents, that local self-governments are making is such that original planning concept is actually partially changed with it. In case there is need for changes and amendments of the plan, it is necessary to consider complete plan and change in relation to all its relevant segments, what is not done in these cases.

Elaboration of big number of planning documents which change its basic content, in its essence and sense, is negation of planning system. Even more because the main reasons for these changes of planning documents are not results of spatial development orientation, resulting from monitoring and analyses of the spatial conditions, but usually they are generated, individual requests of space users, in order to valorize property on each lot, as much as possible.

One of the biggest problems in spatial development process of local self-governments is non-critical analyses of the existing condition of spatial development for strategic planning documents, with unreal orientations and guidelines in relation to lower order plans – having as a consequence possibility of construction of excessive BRGP (expressed in million m2), based on which planned number of population is multiplied.
3. MONITORING

3.1. Protection of space

Territory, that is space, is one of three constitutive elements (population and sovereign government) of each state and due to that fact, it is its most valuable “material” resource. Space of Montenegro, particularly having in mind its geographic position and natural resources.

Space is protected not only in relation to regulations on spatial development and construction of structures, but in relation to all regulations which might affect status of space, first of all regulations on environmental protection, nature protection, monuments of culture, traffic, energy, water, agriculture, etc.

Space is protected by integral implementation of these regulations, primarily by responsible, caring relation of citizens to their national assets.

One way of space protection is inspection supervision, which presents a significant phase of the spatial development system, since legal adoption and implementation of planning documents and construction of structures would be ensured by the supervision. Also, inspection supervision acts preventive on all space users, particularly on potential perpetrators of illegal acts.

Protection of this important resource required such organization of inspection services which would first of all stop illegal construction, and control legality of adoption and implementation of planning documents and construction of structures. Inspection supervision in field of spatial development and construction of structures according to legal authorizations, is within sole competence of state body.

In order to perform such a significant and responsible state task - beside the existing urban inspection and construction inspection, inspection for spatial protection has been established, where the inspection supervision in field of space development is done through inspectorate for urbanism and inspection supervision in field of construction of structures through inspectorate for construction.

Inspection supervision, according to the new system, is performed starting from 01st October 2008.

Regarding performing of inspection supervision in field of spatial development and construction of structures, on new bases, with established inspection for spatial protection and established State competence, the Minister of Spatial Development has addressed letters to all presidents of municipalities and mayors (Number 01-2237 dated 06.10.2008 and number 01-4266 dated 02.06.2009) asking and requesting from them to provide, having in mind provision of Article 170 paragraph 1 of the Law on Spatial Development and Construction of Structures and Ordinance on entrusting local self-government with part of tasks of the Ministry of Spatial Planning and Environment.
(“Official Gazette RMN”, No. 45/01) – that all the procedures related to inspection control in field of construction are ended, including administrative executions.

Local self-government units are, also obliged to (act of the Ministry number 01-4266 from 02.06.2009), for purposes of considering overall state in field of spatial development – make the report on spatial development for 2009 in a manner so as to include, beside the contents defined by the Law, include all objects constructed contrary to the law, in a form of offprint.

3.1.1. Spatial protection inspection

Inspector for spatial protection verifies whether a building permit has been issued for construction of structures on the territory of Montenegro, and when it determines that a construction is performed without a permit, orders demolition of such structure (Articles 149 and 150 of the Law).

a) Inspectors for spatial protection have made: 700 minutes, has made 210 decisions, performed demolition of 28 structures. 98 criminal charges have been filed.

The inspection for spatial protection has five inspectors employed.

b) The Inspection for spatial protection performs supervision on the whole territory of Montenegro, except for the territory of the Capital. By the Ordinance on entrusting the tasks of the Ministry for Spatial Planning and Environment to the Capital – Podgorica (“Official Gazette MN” number 61/08 71/09), task of state administration under competency of the Ministry for Spatial Planning and Environment, which refer to performing of inspection supervision in field of spatial protection (except for the areas covered by a Spatial Plan for Special Purpose Area ), are entrusted to the Capital – Podgorica for period of 24 months, with possibility of prolongation.

Based on the entrusted work, the Capital, through Inspectorate for spatial protection (period March – September 2009) has:

Performed 2019 inspections on structures constructed on the territory on the Capital – Podgorica and townships Tuzi and Golubovci. 171 inspection has been performed acting on citizens notices or 8,4%, and ex officio 1844 inspections or 91,6%.

For 183 investors it has been determined that they are constructing structures with building permits and in the same period 85 decisions have been made ordering demolition of structures constructed without building permit. Out of 85 decisions made, 61 refer to known investors, and 24 to unknown investors.

10 investors acted according to decisions of the inspectors, by starting to backfill fosse and foundation strips or by demolishing the illegally constructed structure, for one investor the procedure has been suspended since the building permit was issued. In case of 23 investors administrative executions has been undertaken through the executive company “Vinigrad Company” d.o.o., with which a contract has been made,
for 4 investors execution was initiated but could not have been performed due to presence of citizens and cousins.

Previous costs for execution are calculated in the amount of 14.360,57 €.

In the same period, 21 criminal charge have been filed against investors who constructed without permits. Also, 14 complaints have been filed, which were refused by second-instance body, and two administrative disputes are in process. According to the Article 145 paragraph 3 of the Law on Spatial Development and Construction of Structures, Inspection for construction of structures has been informed about 68 structures, and the Communal police of the Capital has been informed about 39 ancillary structures.

**3.1.2. Urban planning Inspection**

The Urban Planning Inspector conducts the inspection supervision in relation to all planning documents, as well as structures for which the building license is issued by competent state administration body and competent local self-government body.

174 inspection supervisions have been performed: 95 through regular activities, 46 upon initiatives of parties and 33 through control of proceeding according to order of inspector. The inspection supervision referred to: 73 controls of elaboration and adoption of planning documentation, 46 to request of parties, (with 22 notifications), 85 controls of UTU, 14 controls of decision on location, 40 controls of urban approvals, 59 controls of decision on construction, 18 controls of stalking protocol and 33 controls of acting according to minutes and decisions of the inspectors.

During the inspection supervision and based on noted irregularities, the inspection has submitted 5 suggestions for annulling of building permits and 2 for removing lacks (they have been performed willingly).

The urban planning inspection has in 2009 received 17 requests for submitting of information on cases from previous years, which referred to submitting information to Primary State Prosecutor in Kotor, Primary State Prosecutor in Ulcinj, Directorate of Police Herceg Novi, NGO Mans and natural persons.

The urban inspection has also received 17 initiatives for starting administrative procedure, in which the Inspection declared not competent. The Inspection was organized in a way that it has offices in: Bar, Podgorica and Bijelo Polje.

Problems in work:
In 2009 tasks of the Urban planning inspection were performed by main inspectors and two inspectors for urban planning with headquarters in Bijelo Polje, which were often engaged for inspection supervision in South and Central region, making the work
organization of the Inspection and efficient activities based on request of parties difficult.

For implementation of Article 147 point 7 of the Law on Spatial Development and Construction of Structures it is necessary to engage experts in geodesy, for purposes of proper assessment of factual state related to location of investor’s objects in relation to planning documentation and building permits issued.

3.1.3. Inspection for construction of structures

Inspector for construction performs supervision in field of construction of structures in relation to structures for which the building permit is issued by competent state administration body and competent local self-government body. This supervision is performed according to authorizations specified in Article 152, and administrative measures and activities are undertaken as proscribed by Article 153 of the Law on Spatial Development and Construction of Structures.

The inspectors for construction have: acted upon 301 initiative for starting of inspection supervision, have performed 149 inspection verification pointing to irregularities, i.e. made 678 minutes and made: 21 decisions on prohibition of construction, 9 decisions on demolition, 1 decision on forced closing – sealing of a structure. There were 4 administrative executions done.
72 requests for initiating of misdemeanor proceedings were submitted and 16 criminal charges were filed to competent primary prosecutors.

1100 application has been submitted to the Inspection for construction by: non-government organizations (212); Administrative inspection (32) referring to municipal inspections failure to act, and cases which were over 10 year old; state bodies and local self-government bodies (241) and among them competent prosecutors, Directorate of Police, public enterprises, other inspections; citizens’ initiative for performing of inspection supervision (273); investor’s report on beginning of construction of structure (178) and application for which the inspection was declared not competent (165).

It was acted upon the mentioned application according to legal regulations, inspection supervisions based on citizens’ notifications and other bodies where performed, other competent inspection were informed on changes on field which were not within competence of this inspection.

Problems in work:

a) Evident and long present problem of lack of competent professional personnel – inspectors for construction. Tasks of inspection supervision are performed by the Main Inspector and five construction inspectors which are distributed for regions of Montenegrin territory. Having in mind legal competences of the construction inspectors, number of inspectors is far below the minimum. This is
due to the reason that, for example, one inspector is covering three coastal municipalities and two inspectors are in charge for north of Montenegro.

b) Thou the Law defines obligation that the municipal construction inspections were obliged to finalize initiated administrative procedures, they have not done so, thou there are cases which are more than 10 years old.

c) The Inspection for construction of structures in its work has certain problems in implementation of the Law in part of decision making and enactment of concrete administrative acts (legalized objects, Article 93,90 paragraph 4 and in relation to Article 152, Article 166).

Provision of the Article 102 of the Law on Spatial Development and Construction of Structures, proscribes that the building permit is to be delivered to the building inspector within three days from the day of issuance. Competent state administration body and bodies of local self-government have delivered 1132 building permits to the building inspector – what is the total number of issued permits on the territory of the State, so the proscribed legal obligation of delivering building permits has been respected completely.

3.1.4. Inspections in other field of administration having authorizations and obligations in relation to spatial development and construction of structures

Other state bodies i.e. inspections also have obligations in relation to inspection supervision in construction of structures: Ecological inspection (Law on Environment), Inspection for Waters (Law on Waters), inspection for Railway traffic (Law on Railways), Inspection for roads (Law on Roads), Electric-energy inspection (Law on Energy), Agricultural inspection (Law on agricultural land).

a) Ecologic inspection

It has performed 1127 inspection supervisions (verbal notice for smaller irregularities in work, preventive notifications as to manner of waste disposal, etc.) and has delivered 53 notifications to other inspection bodies on undertaking of measures under their competency.
They made 619 resolutions referring to undertaking of certain measures and activities in order to eliminate determined irregularities, monitoring (measuring) of emission, disposal of industrial waste, deviation from proscribed production process and acquiring ecologic approvals for the structure.

3 criminal charges have been filed:

b) Inspection for waters

Mounding of material into the sea for construction of ponta on location Krašići – Tivat, a criminal charge has been filed against subject of supervision, a decision has been made on clearing of material from aquatorium.
Construction of ancillary objects on beach and construction of plateaus in the sea, of size 120 m², Guvance beach - Budva, filed criminal charge against subject of supervision. Construction of promenade on Riva, Town Beach – Petrovac, a subject of supervision has been delivered a decision on clearing of material from aquatorium.

Regarding problems created by application of natural terrain configuration and devastation of the shore, on location Lipci (municipality Kotor) – Inspector for waters has not introduced administrative acts, therefore measures of criminal liability have been undertaken.

c) Inspection for railway traffic

In relation to construction of structures in protective railway belt, the inspection has made 6 supervisions and made 5 decisions. 3 decisions have been executed and 2 have not been executed.

d) Inspection for roads

In part of usurpation of road land (illegal construction; illegal connection to state infrastructure) the Inspection for state roads has made 3 decisions, one of them was executed and one was executed partially.

e) Electro-energy Inspection

19 decisions were made prohibiting construction of structures in zone of electro-energy structures, and procedure for six structures in ongoing.

f) Agricultural inspection

1 criminal charge has been filed and 4 requests for starting infringement procedure were filed, since the subject of supervision has not returned the land into original state.

### 3.2. Condition of Environment

**Air**

Based on the results of researches of basic and specific polluting materials, systematic measurement of precipitation and monitoring of influence of polluted air on environment of Montenegro, it may be concluded that the air quality is of satisfying level, except for the immission concentration of global pollution indexes (sulfur dioxide and total azoth oxide) in bigger settled places in Montenegro (due to enormous increase of number of cars and bad quality of fuel). That leads to increase of the values for PAH and floating particles.
Waters
Waters in Montenegro are relatively of good ecological status, though certain indexes show individual digression in relation to the required classes A1, A2 and A3. Exceptions to generally good condition of waters are water of river Ćehotina and Vezišnica, as well as water of Morača and Ibar downstream from Podgorica and Bijelo Polje, at low water period. Also, aquifer of Zetska plain usually was out of the prescribed standards.

Land
Main land polluters are inadequate disposal of communal waste, having as a consequence increased content of pollutants (organic and/or inorganic) in ten municipalities. Inadequate disposal of industrial waste is reason for increased content of pollutants in Municipality Nikšic. Also, out of 15 samples of land near transformer stations tested for content of PCB, its presence was determined in one sample. Condition of land in relation to content of dangerous and harmful materials may be characterized as satisfying. Based on monitoring carried out on targeted locations, pollution has been determined in ten municipalities as a result of inadequate disposal of communal waste.

Biodiversity
Monitored parameters and results of biodiversity monitoring in Montenegro, show that regardless of high level of biodiversity, certain ecosystems in Montenegro are significantly threatened. Level of threat to certain ecosystems is not the same and depends on intensity of anthropogenic pressure.

Landfills
The Strategic Master Plan for Waste Management which is realized in two phases, anticipated that until 2014 approximately 120 million € is to be invested. In the first phase of the realization of the Strategic Master Plan for Waste Management construction of 8, i.e. 7 regional sanitary landfills (depending whether municipality of Herceg Novi is going to construct own landfill or together with municipalities Kotor and Tivat) is anticipated, as well as acquiring of communal equipment and means for better technical equipment of public communal enterprises, establishing recycling system, sanation of existing dumpsites and undeveloped dumps, solving issues of dangerous waste disposal, etc.

Evaluating that in Montenegro 250,000 t of communal waste is generated annually, and by organized collection 80% of total quantity produced is compassed, and it is assessed that at this moment for Montenegro it is the most acceptable that the waste is disposed on sanitary landfills, with previous separation of waste components which are recyclable.

According to this, the Government of Montenegro, has as a support to local self-government units, provided means in the amount of 1,6 million € for elaboration of project documentation (feasibility study, environmental impact assessment report and main projects) for construction of regional sanitary landfills in: Bar, on location of
“Možura” (for municipalities Bar and Ulcinj); Kotor, on location of “Trešanjjski mlina“ (for municipalities Kotor, Budva, Tivat and eventually Herceg Novi); Nikšić, on location of »Budoš« (for municipality of Nikšić, Šavnik and Plužine); Pljevlja, (for municipality Pljevlja and Žabljak); Bijelo Polje on location “Čelinska kosa” (for municipalities Bijelo Polje, Kolašin and Mojkovac) and Berane on location “Vasova voda” (for municipalities Berane, Andrijevica, Plav and Rožaje). Documentation has been made for location “Jelin potok”, but municipality Pljevlja give up the location and the study for selection of a new location is under elaboration.

In order to create spatial – planning assumptions for construction of these landfills, activities on elaboration of planning documentation are ongoing: for location »Možura« Proposal of the Urban Project has been made; for location »Trešanjjski mlina«, since the Government of Montenegro determined public interest and has taken over obligation of construction of this landfill, decision on elaboration has been made; for location of »Budoš« a local location study has been made, and its adoption in under competency of municipality Nikšić; location for landfill in Pljevlja has not been defined yet; for location »Čelinska kosa« Municipality Bijelo Polje has made the decision on location study; for location »Vasova voda« elaboration of local location study is ongoing.

In Podgorica in 2006 on location “Livade” sanitary landfill has been constructed for needs of disposing of waste collected on the territory of the Capital and municipalities Danilovgrad and Cetinje. In the realization of this project, the Capital invested 6.000.000 €. Activities related to construction of recycling center with capacity of 90.000 tones of nonselected waste per year and line for treatment of End Of Life vehicles are ongoing. Value of this investment is 6.200.000 million €.

3.3. Status of Natural Heritage

In Montenegro there are 53 objects under protection. According to national legislation 124 929 ha or 9.04% are protected, while based on obligations taken over from relevant international agreements there is 237.899 ha or 17.22% protected. Totally, on both bases, protected areas of nature cover 20,76% of the state territory, with areas protected on both bases (e.g. NP “Skadar Lake” as national park and wetland area according to RAMSAR convention, NP “Durmitor” as national park of nature and UNESCO protected World Natural Heritage area).

Bigger nationally protected areas are: National park” Durmitor”, National park „Skadar Lake”, National park „Biogradska gora”, National park „Lovćen” and National park „Prokletije”.

Internationally protected areas are: confluence of Tara River, M&B UNESCO Biosphere Reserve, including NP Durmitor with canyon of River Tara, area of 182.889 ha; National park “Skadar Lake” – Ramsar area (List of wetlands of international importance, especially as water birds habitat) area of 40.000 ha; Kotor – Risan Bay,
Municipality of Kotor area of 15,000 ha.

Natural heritage is still greatly preserved, despite the increasing trend of pressure on its values, through use of natural resources, conversion of natural habitats, pressures of development of tourism in protected zones as well as inadequate solution for waste and wastewaters.

3.4. Condition of Cultural Heritage

Spatial development and construction of structures are one of the most significant factors affecting preservation and protection of cultural heritage, that is its condition, considering the fact that each intervention in space, in certain manner, changes its characteristics, but also characteristics of narrow and broader environment.

Expert UNESCO Mission in period 2003 till today, have estimated that natural and culture-historical values of the World Heritage Site of Kotor is threatened with extensive and uncontrolled urbanization and unless certain measures for prevention of the mentioned risk are undertaken, this Site will lose outstanding universal value, which is the reason for its enlisting on the World Heritage List.

The Ministry of Culture, Sports and Media, together with the Republic and Regional Institute for protection of cultural monuments, during 2009 has been involved in elaboration of adequate studies of protection of architectural heritage, issuing of conservation guidelines and opinions on urban-planning documents. In period from 01.01. to 15.10.2009 they have issued guidelines and given opinions for 67 planning document. Except for PUP of municipality Tivat, for all planning documents from the territory of Tivat, Herceg Novi and Kotor, correction were asked for, that is their return for modification and reconsideration, since they have not guaranteed protection and promotion of cultural and natural heritage, and have not respected Studies of Architectonic Heritage, Guidelines for Protection of Cultural Heritage, as well as suggestions and comments provided through acts of the Ministry of Culture, Sports and Media and Regional Institute for Protection of Cultural Monuments.

For improvement of condition of cultural heritage, in relation to field of spatial development, adequate cooperation of all bodies, institution and organizations in the system of protection of cultural heritage is necessary. In that sense, it is necessary: to make cooperation between Ministry of Culture, Sports and Media, Ministry for Spatial Planning and Environment and local self-governments more efficient and effective; that Republic and Regional Institute for protection of cultural monuments submit opinions on planning documents in due time; that management plans for protected areas are adopted in due time; to establish valid record of cultural monuments.
3.5. Status of spatial data

In accordance with Middle-term Program for works on survey and elaboration of real estate cadastre for the period 2008 – 2013 and Annual Working Plan for 2009, the Real Estate Directorate has, in the aim of providing spatial data, continued already started (2008) activities on establishment of real estate cadastre, at the part of the territory of municipalities Podgorica, Bijelo Polje, Andrijevica and Berane, on the area of 52.141ha in total.

On the basis of requirements derived from the Strategy for Development of Transportation in Montenegro, in the part referring to construction of the Highway Podgorica – Andrijevica – Berane – Bijelo Polje (Boljari), activities in accordance to adopted Main Project are being realized, in line with determined priorities.

Data on real estates and related rights are provided by establishment of the real estate cadastre. At the same time, digital cadastral plans with elevation of the terrain and digital orthophoto plans are being elaborated, which are necessary as basic geometrical layer for elaboration of technical documentation in spatial planning.

Works on establishment of real estate cadastre at the territory of municipalities Niksic, Cetinje and Podgorica have been continued, on the area of 88.208 ha in total. The Project is realized in line with Terms of Reference and Main Project for the needs of construction of Adriatic-Ionic highway. Decoding of the terrain as well as data processing for all cadastral municipalities is on-going.

The works on expropriation for following road directions are on-going: Grahovo – Osječenica – Vilusi; Šavnik – Ivica – Žabljak; Highway Smokovac – Mateševo; crossroad Tivat; Border crossing Dračenovac – Rožaje; Border crossing Dobrakovo – Bijelo Polje.

The following is in the final phase: project on elaboration of transformation parameters for the entire territory of Montenegro, which is of special importance for execution of geodetic works; elaboration of digital topographic map (92 sheets) with scale 1:25000 for 70% of the territory of Montenegro; continuation of works on elaboration of the mentioned map for the rest of the territory, i.e. 30% (35 sheets of the map); elaboration of the first map of Montenegro in digital form. An orthophoto – pixel 0.5m, recording in 2007 – has been elaborated for the entire territory of Montenegro. The Main project of GIS WEB portal of the Real Estate Directorate has been prepared and its realization has started.

Project on elaboration of the record of spatial units in digital form has encompassed works on collecting data on spatial units from the competent state body in charge of affairs in the field of statistics, determining digital coordinates of
border lines for implementation of a special software solution for the record of spatial units, what has provided conditions for realization of many projects of Monstat.

3.6. Status in the field of natural and technical-technological accidents

The goal of the National strategy for civil emergency (adopted in 2006), as the most important legal document in the field of protection and rescue, is to establish an adequate national relation to civil emergency and organizing of state and other institutions for efficient action in civil emergency, caused by any type of natural disasters, technical-technological accidents and epidemics of infective diseases – in order to prevent their occurrence by preventive activities, mitigate consequences, as well as to prepare specific state capacities and entire social community, in case they happen in the future.

The field of rescue and preventive activities related to protection from natural disasters, technical-technological accidents, biological hazards and other civilization catastrophes has been defined by the Law on Protection and Rescue (2007). The Law defines the scope of responsibility, as well as rights and obligations of all participants in protection and rescue (citizens, legal entities, local self-government units and state administration bodies) within prevention, preparation in case of extraordinary situations, expert and professional protection and rescue of civil population, material and cultural assets, as well as rehabilitation of the status caused by a certain extraordinary situation.

In cooperation with International Atomic Energy Agency (MAAE - IAEA) from Vienna, the National plan for protection and rescue from nuclear/radiation accident is in the final phase of elaboration, and it will be submitted for revision to the experts of International Atomic Energy Agency (IAEA). Representatives of 21 relevant institution in Montenegro have participated in the elaboration of the plans and amongst them the representatives of state bodies and organizations, as well as individuals – experts, dealing with protection and rescue of population, material and cultural assets and environment.

3.7. Seismic hazard and seismic risk at the territory of Montenegro

Seismic activity in Montenegro is characterized by numerous autochthon seismogenic spots, located dominantly in the area of Montenegrin coast and undersea.

On the basis of all relevant long-term analyses of seismic activities in Montenegro and its immediate surrounding, there are three zones of the specific level of seismic hazard which could be separated, in which it is likely possible to expect following characterization of seismic hazard in the conditions of medium soil (mostly present in urban zones of Montenegro) as follows:
a) Southern, coastal region with Ulcinj-Skadar, Budva-and Bokakotorska zone, with possible maximum intensity of earthquake up to nine degrees of Mercalli scale.

b) Podgorica – Danilovgrad zone, together with isolated seismogenic zone of Berane, with possible maximum intensity of earthquake up to eight degrees of Mercalli scale.

c) Central part of Montenegro with Northern region – including Niksic, Kolasin, Zabljak and Pljevlja, is characterized by possible maximum intensity of earthquake up to seven degrees of Mercalli scale.

Geological hazards, conditioned by sudden and uncontrolled moves of large rock masses and ground, like huge landslides, large rock falls, ground liquefaction in dynamic conditions, as well as drastically changes in the level and abundance of ground and underground waters, represent significant component of danger during earthquake activities in Montenegro.

Valid appraisal of seismic risk, as a degree of expected losses in realization of a specific seismic hazard, implies previous, thorough catalogization of total fund of data on residential, economic and industrial structures, as well as typical migration patterns of population during a year, in order to determine functions of their total vulnerability in the conditions of future earthquakes.

4. ILLEGAL STRUCTURES

4.1. Impact of illegal construction on the status of spatial development

The issue of illegal construction is one of the most important issues in spatial protection.

In relation to illegal construction the questions referring to its causes are necessarily imposed – why is it present in such scope, what are the measures to be undertaken in order to prevent it, are the prescribed sanctions adequate, what is its impact on the status of spatial development? Illegal construction is in direct correlation with spatial development which is jeopardized by such a construction, since any permanent deterioration of space, especially coastal, causes irremovable harmful consequences, first of all economic.

According to data of the Real Estate Directorate, there are 39,922 illegally constructed structures within the territory of Montenegro, out of which the highest number is in the Capital - Podgorica, 16,430 structures.
Illegal structures, according to data of the Real Estate Directorate, table review:

<table>
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<th>Municipality</th>
<th>ILLEGAL STRUCTURES</th>
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<td>Bar</td>
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<td>Berane</td>
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<td>Šavnik</td>
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<td>Tivat</td>
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<td>166</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
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</table>

However, the number of illegal structures is significantly higher comparing to data provided by the body in charge of real estates, especially having in mind the fact that significant number of illegal structures is not registered in the Real Estate Cadastre (the new Law defines that only a structure for which use permit has been issued may be registered in the Real Estate Cadastre, what implies previously issued building
permit) – and the local self-governments have not fulfilled legal obligation regarding survey of illegal structures.

Causes for such a number of illegal structures are numerous, starting from demographic processes, economic status of the State and population, “non-coverage” by plans, inadequate supervision (national and local), administrative capacities, lack of responsibility of illegal constructors regarding national asset etc.

In relation to that, it could be stated that there are several categories of illegal constructors. Amongst them there are those who have constructed in order to solve residential issue (state of social need, improvement of conditions of housing), then there are illegal constructors of business premises which have provided economic security for them, as well as illegal constructors of residential, business and residential-business buildings, constructed in order to get profit (sale, rent).

Illegal construction is mostly present in central and coastal region, thus economically the most developed parts of the State, so the question of obligations of certain categories of illegal constructors in relation to State can be propound, and those obligations should be expressed fiscally.

4.2. Measures for suppression of illegal construction

The State makes great efforts in the aim of suppression of illegal construction and there is the broadest social consensus in relation to that issue. There are two main tasks regarding that plan: to stop illegal construction, by respecting principles of Vienna Declaration, as well as to execute, if possible, fitting of structures into a planning document.

Stopping illegal construction, i.e. its reduction to the lowest possible measure, depends on suppression of conditions by which it has been caused. In that direction, significant results have been achieved in relation to elaboration of planning documentation, strengthening of the inspection supervision system established by the new Law. There are also on-going activities on establishment of information system, which will contain all necessary data related to detection of illegal construction.

Evident lack of specialized personnel for execution of inspection supervision work in certain administrative fields, within which is of course the field of spatial development and construction of structures – has conditioned that solutions which refer to possibility of execution of those works are incorporated in the Law on Inspection Supervision, the changes and amendments of which have been adopted, over transfer i.e. assignment – also to legal entities. Those solutions represent an institutional step forward for provision of deficit inspection personnel.

One of important, undertaken measures for stopping illegal construction is statutory prescription of obligation that a structure for which the use permit has not be issued, which may be issued only for a structure or part of a structure for which the building
permit has been issued, may not be registered in the Real Estate Cadastre. This solution, actually, disables legal turnover of illegal structures, which has been significantly present in the previous period.

Having in mind the fact that for protection and improvement of space not only the measures were shown as adequate – sanctions which in the domain of illegal construction are undertaken by state administration bodies over their inspection departments and that the penalty sanctions have not, as obvious, contributed to expected effects – it has been estimated that normative prescription of penalty-legal protection of environment and spatial development is necessary.

Thus, the Criminal Code, with its Changes and Amendments in 2008, incorporates (Articles 326 and 326b) new criminal offences in the criminal-legal field – construction of structures without building permit (initiated without the permit, contrary to the permit and technical documentation or decision of a competent body on prohibition of construction) and illegal connection of construction site to technical infrastructure, and for those criminal offences imprisonment from six months to five years has been defined, i.e. from three months to three years. Processing and sanctioning criminal offences will also have impact on potential perpetrators of criminal offences related to illegal construction.

In order to improve activity of all state sectors, which are competent in relation to this issue, the Memorandum of Understanding regarding prevention, revealing and prosecution of persons who commit criminal offences related to environment, has been signed (25.09.2009) with a goal to protect space and environment from construction of structures without building permit and illegal connection to technical infrastructure. The Memorandum has been signed by the Minister for Spatial Planning and Environment, the Minister of Justice, Chief State Prosecutor and Director of Directorate for Police.

In certain cases, disharmonized activities of competent state bodies are evident, what also reflects to problematic of spatial development, concretely illegal construction, which has as a consequence devastation of the space of Montenegro. In the Law on Spatial Development and Construction of Structures this issue has been solved in the manner that it has been defined that the works of inspection supervision in the field of spatial development and construction are to be performed, within prescribed competencies, by inspector for urbanism, inspector for spatial protection and inspector for construction – as well as by other competent inspections in line with special regulations. All inspection bodies are obliged to inform each other on measures and actions undertaken within prescribed competencies (article 145 of the Law on Spatial Development and Construction of Structures).

Because of that, it is very important that the activities of state bodies in charge of the affairs of agriculture, traffic, energy, waters – which by their main regulations define building construction in certain zones, are coordinated. Since due to the subject matter of development, i.e. sector competence there is no so called hierarchy of superordination of state administration bodies, it seems advisable to
harmonize, in the aim of improvement of coordination of activities of bodies which by
the nature of work deal with “spatial” activities, the work of state bodies, upon the
activities of inspection services, so that those works are coordinated by at the level of
the government of Montenegro.

Ministry for Spatial Planning and Environment has, in order to improve effect and
efficient application of the law, improved organizational level of inspection
departments, in the manner that those works are performed within the Sector being
exclusively in charge of inspection supervision affairs which are not, as previously,
within the scope of other affairs of main Sectors.

4.2.1. Fitting of structures into a planning document

Numerous illegal structures at the level of the State was a reason for prescribing
provision referred to in the Article 167 of the Law on Spatial Development and
Construction of Structures, regarding fitting of structures constructed without building
permit before the day of coming into effect of this law – into a planning document. The
legislator had in mind, when prescribing this norm, first of all significant number of
settlements, within which also informal (with low level of housing standard) constructed
illegally, mostly on usurped land. Certain number of those settlements has been also
constructed on own land. Other, individual structures can be the subject matter of
fitting, too.

Fitting of structures into a planning document is only a previous, necessary pre-
condition in order to issue a construction permit to illegal constructor, after issuing
urban-technical requirements.

Obligation to revise a possibility of fitting structures into a planning document also
derives from the new spatial development system, which component, initial part – is
spatial development program. This program, beside other, also contains measures,
when needed, in line with accepted international obligations, related to structures
constructed contrary to law. The Vienna Declaration was considered here, which has
recognized the construction of illegal settlements in the countries of South-East Europe
as evident problem, and signatory states, amongst which Montenegro, have taken over
the obligation to undertake measures necessary for defining causes of illegal
construction and initiating and implementation of reforms in the field of sustainable
urban development and housing policy.

Actual legislation – The Law on Spatial Development and Construction of Structures
does not anticipate special proceeding, i.e. procedure in relation to elaboration of
planning documents with which fitting of structures constructed without building permit
is performed – since that issue has been solved systematically. That procedure
initiates even from the report on the status of spatial development which treats illegal
structures, then the spatial development program by which elaboration of planning
documents is planned, as well as decision on elaboration of a planning document,
which component part is terms of reference which defines both requirements and
needs of users of space expressed in the report.
However, when the word is about the very procedure of issuing building permit, the same has been significantly simplified for family residential buildings (up to 500m2 and maximum four separate units), which are the main subject matter of fitting. Namely, for such structures neither revision of technical documentation nor technical control is necessary. If the fact that the building permit is, in general, issued without more complicated procedures for all structures, is added to this – it seems that there are pre-conditions for additional issuing of a building permit for illegally constructed structures. But, when the word is about issuing building and use permits for illegal structures, it would be important to revise additional possibilities for making the procedures more efficient, by amendments of the Law.

Besides, it is necessary to consider a possibility of change of the Law on Administrative Fees, in the terms of determining the fee for status of illegal structure and its eventual fitting into a planning document.

When the word is about fitting of structures into a planning document, it is necessary to indicate situations, i.e. cases when illegal constructors whose structures have been fitted – do not obtain building permit, although the State has provided all pre-conditions, and in a certain sense, jeopardized own authority by the very fitting of the structure, since fitting of a structure and issuing of building permit afterwards represents a certain deviation from the rules and principles of spatial planning and represents an encouragement for illegal construction. Because of that it would be advisable to anticipate unambiguous instruments for illegal constructors whose structures have been fitted into a planning document.

In order to initiate fitting of structures into a planning document, in line with the Article 167 of the Law on Spatial Development and Construction of Structures, local self-governments, related to that, must have accurate list of such structures – from records, registers and other documentation, as well as from the terrain – which they, even after perennial legal obligation, have not done.

Survey of illegal structures and structures without use permit was a legal obligation of local self-governments established even in 2000 by the Law on Construction of Structures. Also, this act (Article 70) defined an obligation for local self-governments to undertake measures for initiation of appropriate procedures in order to determine possibilities for issuing building, i.e. use permit or for ruination of structure if issuing of those permits is impossible, after performed survey. Deadline for execution of those works was 3 years from the day of coming into effect of this law (2 years for survey and 1 year for measures). In line with the authorization referred to in this law, in the aim of facilitation of the work of local self-governments in relation to that, as well as to determine unique methodology - a Rulebook on the manner of survey of structures constructed without building permit, i.e. structures which are being used without use permit and contents of data has been also adopted (“Official Gazette of the Republic of Montenegro”, No 19/02).
At elaboration of this issue, it is necessary to remind on the Loan Agreement signed by the World Bank and the Government of Montenegro, with which certain obligations were taken over, and one of them refers to signing of the Memorandum of Understanding between the Ministry for Spatial Planning and Environment and municipalities – beneficiaries of the means (LAMP). The Memorandum (which is under procedure) anticipates moratorium on ruination of structures without building permit, constructed before coming into effect of the Law on Spatial Development and Construction of Structures on September 1st, 2008.

5. STATUS OF SPATIAL DEVELOPMENT

1. In order to consider actual status of spatial development it is necessary to have in mind goals which are intended to be achieved by the spatial development policy, and those are:
   a) strengthening of spatial development of the State;
   b) rational use and protection of public assets;
   c) respecting of sustainable development principles;
   d) consideration of joint features and particularities of space;
   e) development of infrastructural systems;
   f) provision of efficiency and effectiveness of the planning system;
   g) creation of conditions for investments of high, sustainable standards;
   h) connection of the State to European spatial units;

2. The State has, within last several years characterized by changed geo-political circumstances, initiated a process of reforms in relation to spatial development policy. Dedication to projected goals is a precondition of further development of Montenegro and its positioning on the global map, as a recognizable Mediterranean destination. Realization of the goals of spatial development policy provides improvement of the value of space and environment, and finally, improvement of the quality of life of population.

State of spatial development in Montenegro is based on several big challenges of total development. By the spatial development policy it is necessary to provide final answers to challenges of ecology and economy – having in mind also the basic characteristics of the space regarding limitation, non-renewability and the need that its benefits are shared by a larger number of users;

3. Starting from the contents of sustainable development concept, which implies balance of economic, social and ecological requirements – it is clear that those requirements, as well as principles established accordingly, should be a component part of spatial development policy. Strategic documents in that field are The Spatial Plan of Montenegro and the Sustainable Development Strategy of Montenegro – where one of the main principles is integration of environment into development policies, what means also in the spatial development policy;
4. Development of coastal area is a dominant challenge for spatial development policy. Present trends in urbanization reflected in plans and ambitions of local self-governments threaten to permanently and in a large scope use up that space for various economic and other human activities. In order to overcome identified problems and provide sustainable sea and coastal area management it is necessary to work on thorough changes of the present condition. One of the priority tasks in relation to that is introduction of integrated coastal area management, as well as implementation of the Convention for protection of Mediterranean Sea against pollution (Barcelona Convention), with accompanying protocols.

Having in mind that the coast makes an important part of Montenegrin identity it is clear that new construction on the coast must be an expression of a contemporary society that takes care of layers of historical values, and does not allow import of recycled projects of tourism resorts, which have already degraded coastal areas of the Mediterranean. By appropriate normative activities it is necessary to disable expansion of housing construction, especially within the zones reserved for development of tourism in the coastal belt;

5. In the field of spatial development a new legislation has been adopted (The Law on Spatial Development and Construction of Structures, Bylaws), new planning documents have been adopted, cooperation with local self-governments has been intensified, numerous foreign persons have been engaged in the process of elaboration of planning documents, significant financial means have been provided – and all this represents necessary preconditions for the process of reform.

Qualitative and expert legislation and planning documents adopted on the basis of it, represent a basic state framework of this development policy segment and have a crucial impact on improvement of the state of spatial development. It is, of course, a process in which Montenegrin legislation and planning documents are adopted and harmonized during on-going activities and policy of the State regarding accession to European Union;

6. Within the realization of spatial development policy, it is necessary to create conditions for coverage of the State with planning documents what, globally, introduces order in space, in order to improve the quality of those documents and with that to create conditions for improvement of the status of space;

7. 5 national planning documents have been adopted within 2009, and elaboration of 25 is under procedure (4 local self-governments). Strategic orientation regarding the quality of planning documents, as well as their number and complexity, new legislation, late actions of competent subjects, provision of additional financial means, economic crisis, insufficient administrative capacities – have conditioned certain delays in adoption of national planning documents.
Local self-governments have adopted 106 planning documents, out of which 49 are changes and amendments of existing, and elaboration of 286 planning documents is on-going.

Respectable number of adopted planning documents represents a significant contribution, one of the first steps towards improvement of the state of development in space. The next, even more significant step is improvement of the quality of spatial-planning documentation, what implies a higher degree of harmonization with sector policies, parameters of sustainability and fitting into the existing ambience. Future plans must be an adequate and expert response to spatial challenges and needs of Montenegrin towns.

It is estimated that adopted planning documents are going to attract a large number of domestic and foreign investors, especially in the field of tourism; that the number of employed is going to be increased by the planned construction; that direct national revenues are going to be increased and with that a total social-economic benefit. Beside direct effects a number of indirect economic and other effects which will have a positive reflection of GDP of the State;

8. Coverage by plan and issuing of building and use permits based on the adopted plans is not sufficient for improvement of the status in space, but also the quality of planning documents, in the sense of high standards of urban and architectural profession, then the quality of technical documentation and carrying out of revision of technical documentation in line with the law, qualitative construction of structures, professionally capable legal entities and natural persons dealing with spatial development and construction of structures, regular and consistent administrative and inspection supervision, and for execution of all that human resources.

There is a question of administrative capacities for execution of works in the field of spatial development and construction of structures, also when those works are executed by persons who do not have necessary professional capability – as in the case of evident, lacking personnel at all levels. In relation to that, it is necessary to work on creation of conditions for training and education of personnel, both at local and national level.

Education of personnel represents inevitable component in creation of professional, human resources, where cooperation of all institutions and subjects is necessary – the Government, Ministries, Universities, professional associations and international organizations.

Also, more often organization of seminars, workshops, consultants meetings, where domestic and foreign experiences and achievements are presented, contributes to education of all participants in the process of spatial development and construction of structures;
9 Space is a subject matter of market, through the turnover of land – where its utilization and market value, due to different interests of users, are often in conflict. Different interests of the users of space are created because of domination of individual over general interest, because of favoring short-term and not long-term values, because of the way of land use which is opposite to its predetermination, because of different approaches to sustainable development principles;

10. Spatial development system has shown numerous weaknesses, and results are negative trends in spatial management, manifested through the change of land use, illegal construction and uncontrolled urbanization. Such occurrences jeopardize and devastate some of the most precious natural resources, natural assets and landscape units which make the heritage of Montenegro and its unique feature as ecological state and tourist destination. At the same time, the quality of life decreases (especially in urban units) due to overcrowdedness of settlements and unavailability of infrastructure and so called accompanying contents, and the risk from natural disasters is increased too (especially earthquakes and floods);

11. Projected harmonization of sector policies, implies and obliges on international harmonization of legislation and full coordination, communication in implementation of regulations, in the part related to spatial management. This especially refers to bodies in charge of state administration affairs in the field of tourism, culture, finances, agriculture, energy, traffic, spatial development and construction of structures;

12. 62% of total population lives in urban areas of Montenegro, and the quality of their life is influenced by numerous problems of urban development. On the other hand, uncontrolled expansion of urban units as well as non-application of sustainable construction standards have negative impact on space and quality of environment in general.

Priority tasks, in the aim of overcoming the problems of urban development, refer to a clear definition of urban development policy, stopping of illegal construction with respecting of principles of Vienna Declaration, improvement of the quality of life and safety within urban environment, with special consideration of living conditions of specific target groups, as well as establishment of responsible relation towards architectural heritage and urban environment;

13. Illegally constructed structures represent an evident social problem, which has a direct impact on spatial development, which is being jeopardized by such construction, since any permanent deterioration of space, especially coastal, causes irremovable, harmful consequences, first of all economic ones.

The State makes great efforts in the aim of suppression of illegal construction and there is the broadest social consensus in relation to that issue. There are two main tasks regarding that: to stop illegal construction, with respecting of principles of Vienna Declaration, and to execute, if possible, fitting of structures into a planning document;
14. Implementation of regulations also implies carrying out of appropriate inspection supervision. Evident problems with personnel capability of inspections, high degree of disrespecting regulations by legal entities and natural persons, however, decrease huge efforts of the State regarding suppression of illegal construction. In relation to that, it should be emphasized that illegal construction in some local self-governments has been significantly reduced, e.g. in the Capital – Podgorica.

Lack of professional personnel for execution of the works related to inspection supervision imposes a need to assign those works to legal entities – certain public enterprises, established by the State, in line with new solutions defined in the Law on Inspection Supervision;

15. Documentation base and information system – are issues without which forming and keeping qualitative planning documents can not be elaborated. Moreover, unsystematic, inaccurately kept documentation base has influenced dynamic and the quality of a large number of adopted documents;

16. Local self-governments have not adopted, i.e. harmonized planning documents within the deadline of one year defined by law. The reasons for lateness could be found in the realization of the Land Administration and Management Project – LAMP, relatively short deadline defined for harmonization by the Law, but also because of insufficient dedication of local self-governments regarding problems and challenges of spatial development.

Beside that, local self-governments, in largest number, have not acted in line with their legal obligation regarding termination of processes referred to in the Article 170 of the Law on Spatial Development and Construction of Structures, although being warned on that obligation on time and actively;

17. A larger number of irregularities and trends which must be removed within the following period have been recognized in the process of elaboration and adoption of local planning documents. Some of them are: immoderate expansion of construction zones on the expense of agricultural land and as a consequence of that the loss of landscape and environmental values what is in direct opposition to strategic orientations, what is an approach to spatial resources which is not long-term sustainable and must be changed with strategic, systematic and integrated consideration of the use of space; disrespecting of the purpose of space (zoning) from the plans of higher rank/DUPs in relation to GUP/ with transformation of green or recreational areas into space for construction; excessive increase in the number of users by zones which are planned with increase in the floor area ratio; non-analytical and uncritical change of norms only for one zone or its part with formal calculation manipulation what has as a result a plan with such standards, which realization is brought to a question; low percentage or total lack of space for social services as well as sub-dimensioned infrastructure, especially in the part of parking; over-dimensioned capacities for business spaces; disrespecting of appropriate urbanization standards and criteria; transformation of already formed zones of individual construction into...
zones of group residential housing; disrespecting the decision on elaboration of a planning document as well as terms of reference which determines starting orientations, as well as requirements and needs of the users of space; technical lacks of plans with incomplete contents like undefined allotment, traffic solutions and similar.

The practice of unbalanced and partial changes of certain parts of planning documents represents a significant problem noticed in numerous local self-governments;

18. Timely provision of topographic maps and topographic-cadastral plans, necessary for elaboration of planning documentation, represents a problem which has impact on efficiency of planning documents, as well as on their quality;

19. Conditions for execution of activities related to elaboration of planning documents and the way of their determining, must be such that they provide, first of all, elaboration of qualitative planning documents, in line with determined procedures, and this starting point obliges to revision of actual legal solutions;

20. Lack of financial means for elaboration of documentation, represents, in a certain scope, limiting factor for their elaboration. The Land Administration and Management Project - LAMP which is partly financed by the loan from the World Bank, thus represents a significant contribution to improvement of the process;

21. Previous application of the Law on Spatial Development and Construction of Structures indicates that certain solutions need to be amended, i.e. revised (planning system, coastal area, instruments for implementation of a planning document, certain procedures, etc.).

The most important issue regarding coastal area is, not only because of its economic valorization, Coastal zone. Coastal zone – public asset of Montenegro, represents a very complex issue, a legal institute, for which it is necessary to provide adequate institutional and legal frameworks;

22. Valid appraisal of seismic risk, as a degree of expected losses in realization of specific seismic hazard, implies previous thorough categorization of total fund of data on residential, economic and industrial structures, as well as typical migration patterns of population during a year, in the aim of determining functions of their total vulnerability in conditions of future earthquakes activities.

6. PROPOSITION OF MEASURES

STARTING FROM THE APPRAISAL OF SPATIAL DEVELOPMENT STATUS THE MINISTRY FOR SPATIAL PLANNING AND ENVIRONMENT CONSIDERS AS NECESSARY:
1. That the space of Montenegro, its national asset, is protected and improved – by all subjects at national and local level. The Government will undertake activities for achieving general consensus on the need of conservation of spatial potentials and distinction of Montenegrin landscape. This is at the same time considered to be a foundation of the new spatial management policy;

2. That the process of spatial development policy reform is continued, in accordance to the goals and principles of spatial development policy, having first of all in mind the Spatial Plan of Montenegro, as well as strategic orientations of the State in relation to sustainable development, protection of coastal area and balanced regional development;

3. That all regulations which might have impact on protection and improvement of space are comprehensively and efficiently undertaken. The word is not only about application of regulations from the field of spatial development and construction of structures, but also other regulations which have impact on the status of space, first of all the regulations related to environmental protection, coastal zone, agriculture, protection of nature, cultural monuments, traffic, energy, etc.

In that aim, all competent bodies are obliged to undertake all available measures, actions and sanctions (administrative, penalty, criminal) towards all legal entities and natural persons, without exemptions, who do not act in line with obligations determined by regulations;

4. That national architecture policy is defined within the process of improvement of spatial management in Montenegro. That would open a space for systematic steps forward in the field of architecture and gradual forming and improvement of contemporary regional identity in relation to space. That implies implementation of construction principles regarding:

**Public**
The quality of impervious space is a right and obligation of any individual. The State and local self-government are obliged to provide implementation of those rights and obligations. Education system must strengthen awareness of society on the quality and importance of impervious space.

**Importance of architecture**
Architecture is a field of national interest, a part of identity and culture of a nation. Architecture and urbanism need to be recognized as a crucial element in shaping of space.

**Heritage**
Protection, care and improvement of architectural heritage, cultural landscape created during centuries, should support the awareness of general public on regional and local identity, as well as the quality of impervious and natural landscape. A qualitative and equal touch of historical and contemporary architectural expression is necessary for that.
Sustainable construction
Spatial Development Strategy, provided within the Spatial Plan of Montenegro, should respect principles of nature conservation and spatial potentials for future generations. Within the contexts of sustainable development, sustainable construction must provide durability, quality of shaping and constructions – with financial, economic and ecologic acceptability.

Public investments and public procurements
Public procurements and public investments system must function according to quality criteria, in shape, technical and economic sense. Public structures must be examples of qualitative architecture and institutions in charge of the processes of preparation of such investments must respect the quality principle in architecture.

Urban – architectural competitions
Diversity of ideas, as well as creativity and innovation is achieved by support of urban-architectural competitions, as democratic and transparent mean. Tradition of competition in European architecture, which lasts for centuries, proves that it is the most optimal way of selection which provides quality and as such it should be applied for especially important spaces and public investments.

Education and responsibility of architects and planners
Education and improvement of architects must be multidisciplinary and directed towards competent taking over of professional responsibility, what implies improved and comprehensive education system, capable to meet today’s challenges in a qualitative and comprehensive manner. The architects, who, in the scope of their responsibility, have to support professional organization, publication activities, normative activities, as well as affirmation of good examples from the practice, have special responsibility for the status of space. In such, new circumstances it is necessary to improve education in the field of urbanism and spatial planning, not only through secondary school education and basic studies, but also through master, specialist and PhD studies.

Culture of construction
Culture of construction represents a permanent process of public dialogue regarding creation of impervious space, and relates to everything what is constructed. It is necessary to initiate processes at all levels of society, in order to improve the quality of impervious space, which needs to achieve balanced relation between public and private, traditional and contemporary, old and new, big and small;

5. That the population is educated and directed towards responsible relation with space through all levels of education system, media and other types of communication;

6. That all necessary conditions for establishment and forming of documentation base and information system on space are provided;

7. That planning documents adopted both at local and national level meet high standards of urban and architectural profession, compatible to the best achievements in the world;
8. That the strategy for town construction is defined, with all consequences deriving from abandoning of rural space, new demographic image of towns and other settlements, as well as from the orientation for conservation of cultural heritage in such rural spaces.

Sudden growth of bigger towns as well as global occurrence of migration from rural areas to towns, with the aim of achieving higher living standard through employment, communal equipment and general education – has brought, in many medium and bigger towns, to inappropriate “expansion” of towns and accompanying consequences of a non-qualitative and illegal construction.

Thus, systematic research and elaboration of settlements problematic is necessary, through initiation of national project on strategies and concept of the system of settlements – process of urbanization, harmonious, human and sustainable development of towns, as well as revitalization of certain settlements and cultural heritage, as a pillar of spatial identity of an area;

9. That necessary measures are undertaken in order to decrease expansion of apartment construction in the scope or immediate surrounding of tourist zones of coastal belt, having in mind strategic orientation towards development of high-quality tourism, as well as capacities of space and infrastructure;

10. That competent bodies particularly have in mind, during programming elaboration and adoption of planning documents, necessity of operational measures for their implementation, and especially measures for communal equipping of construction land;

11. That local self-governments urgently and without delay adopt planning documents, first of all spatial-urban plans.

Local self-governments are obliged to adopt, i.e. harmonize bylaws with the law within the deadline of three months;

12. That local self-governments adopt planning documents with which a possibility of fitting of illegally constructed structures will be considered, in all cases when this is possible from the aspect of regulations related to spatial development and construction of structures.

Obligation of consideration of possibility of fitting of a structure into a planning document derives from the new system of spatial development, where Vienna Declaration has been taken into consideration related to illegal settlements, and by which construction of such settlements has been recognized as evident problem of the states of South-East Europe, and signatory states, amongst which Montenegro, have taken over the obligation to undertake measures necessary for definition of causes of illegal construction and initiation and implementation of reforms in the field of sustainable urban development and housing policy.
In that aim, it is necessary that the Ministry for Spatial Planning and Environment prepares a strategy for program of transformation of non-formal settlements into formal settlements, with a special stress on seismic risks;

13. That the Real Estate Directorate timely provides topographic maps and topographic-cadastral plans necessary for elaboration of planning documentation;

14. That coordination related to work of inspection departments regarding construction of structures is carried out at the level of the Government of Montenegro – having in mind the Memorandum of Understanding referring to prevention, reveal and prosecution of perpetrators of criminal offences against environment;

15. That measures for improvement of work conditions of inspection departments are undertaken further on, especially in relation to finding out possibilities for personnel strengthening of inspections. Here one should have in mind solutions contained in the new Law on Inspection Supervision, in the part referring to transfer, i.e. assignment of supervision works to legal entities;

16. That solutions from the Law on Spatial Development and Construction of Structures are revised and amended, in order to provide more significant level of integrality of planning documents, with respecting regional particularities and identities, instruments for implementation of a planning document, coastal area, certain procedures, etc.

It is also necessary to define in normative manner rules for construction, as well as criteria for: elaboration, implementation and monitoring of spatial-planning documentation, urban rehabilitation of illegal construction, planning and organization of residential settlements, tourism construction;

17. To initiate elaboration and enactment of a new Law on Coastal Zone, since the present law, enacted in 1992, needs to be harmonized with legal system of the State, as well as international acts;

18. To enact the Law on Ratification of Protocole on Integrated Mediterranean Coastal Area Management, accompanying protocol of Barcelona Convention – all in the aim to overcome identified problems and to provide sustainable sea and coastal area management. The Protocol was made in Madrid on 21st of January 2008;

19. That sector bodies and institutions, through organized, consistent and continuing activities, execute acquisition of relevant data, in order to create necessary database needed for analysis of seismic risk on the entire territory of Montenegro, having as a final goal its long-term decrease;

20. That sector policies of state administration are harmonized, in the aim of improvement of spatial development status, what obliges on mutual harmonization of legislation and strategic documents, as well as permanent coordination and communication during elaboration and implementation of regulations. This especially
refers to bodies in charge of the affairs of state administration in the field of economy, tourism, culture, agriculture, education and science, finance, transportation.

In relation to that, it is necessary that competent ministries consider and undertake measures, as follows:

**Ministry of Economy:**
- Harmonization of the Strategy for Energy, the Spatial Development Strategy (The Spatial Plan of Montenegro) and the Sustainable Development Strategy;
- Harmonization of Concession Agreements with spatial-planning assumptions;
- Establishment of cooperation between planners and experts for exploitation of mineral raw materials;
- Improvement of cooperation in projects on promotion of energy efficiency and projects based on renewable energy sources (wind, sun, water, biomass, biogas);
- Support measures for encouragement of traditional craftworks (stone-, wood-, metal-processing)

**Ministry of Tourism:**
- Harmonization of the Strategy for Tourism Development, the Spatial Development Strategy defined by the Plan and the Sustainable Development Strategy;
- Harmonization of possibilities and capacities of space with tourism offer;
- Tourist capacities of space should derive from environmental and landscape values of space, and only after that from patterns of capital and profit;
- Tourism must rely on identity, architectural and landscape;
- It is necessary to create assumptions for stronger development of continental tourism (health, eco-tourism, agro-tourism);
- Disable promotion and implementation of prepared urban “plug-in” solutions – of master plans for development of certain destinations. Such plans are, by a rule, of low quality and without necessary elements of fitting into the concrete environment, infrastructural assumptions and development perspectives of the concrete space;
- Identify tourist attractions and protect them by law through elaboration of appropriate plan or atlas of tourist attractions. Such a document would also encourage revitalization of villages and hamlets with outstanding environmental potentials and possibilities for development of tourism;
- Affirm and promote brown-field investments in the tourism sector, which would provide rehabilitation of degraded areas and their integration into integral urban or spatial system;
- Define and regulate by law elaboration of master plans for development of tourism (requirements, methodology of elaboration, procedure of adoption, harmonization with spatial-planning documentation, application and formal-legal validity of plans, revision procedure, etc.). Adoption of master plans should be under competencies of the State;
- Innovate criteria for categorization of tourist-hospitality facilities, especially in the sense of defining criteria for appraisal of landscape development of free space;
- Define primary and secondary hospitality activity, all in the aim of creation of assumptions for dislocating residential contents of apartment type from tourist zones anticipated by plan, what is entirely harmonized with the Strategy for Tourism Development and determined goals of spatial development.

Ministry of Culture, Sports and Media:
- Speed up the process of providing opinion on planning documents and innovate database;
- Elaborate the system of education in graduate and master studies, starting from the principle of interdisciplinarity in the field of cultural assets protection. Due to personnel deficit, it is necessary to educate and encourage authorized subjects for elaboration of conservation projects;
- Elaborate normative acts for construction of structures in historical and protected environments, as well as for renewal of historically important structures, so that the conditions for construction do not depend on conservators;
- Create preconditions for closer cooperation of elaborators of planning documents and conservation departments, so the conservators would act within the planning system and they would not be autonomous arbiters. It is recommendable to organize special departments for spatial-planning documentation, within conservation departments, what needs to be normatively defined;
- revise possibility of tax relieves for renewal of architectural heritage or some other, appropriate support measures.

Ministry of Agriculture, Forestry and Water Management:
- adopt strategy for agricultural development, for the needs of spatial planning and development. Development of agriculture on Adriatic coast, as a successful economic activity, has to be complementary with tourist economy and this orientation should be incorporated into spatial-planning documentation in appropriate manner;
- special attention should be paid to revitalization of agriculture in the function of renewal of cultural landscape – in some parts of Montenegro there is a need for revitalization of agricultural areas in order to approach to renewal of once recognizable cultural landscape, e.g. vineyards, olive yards. Revitalization needs to be carried out in cooperation with competent state body and in line with spatial-planning documentation, and special attention should be paid during providing opinion in relation to planning documents;
- urgently initiate elaboration of detailed map of land bonitet, especially for those spaces where the economic development is directed towards agricultural areas. Out-of-dated data on land bonitet from old studies are being used for elaboration of planning documents. This is a very important issue, which disables change of use of agricultural into construction land;
- establish obligation of renewal and afforestation of fire places and anticipate appropriate funds for realization of those obligations.

**Ministry of Education and Science**
- special attention to be paid to segments of secondary and university education in relation to the field of spatial development and construction of structures;
- improve education of experts in the field of architecture, urbanism and spatial planning;
- establish harmonized activity of university units (The Faculty of Architecture and other units);
- establish qualitative educational process which will, within secondary education, encompass urbanism, town construction, ecology, sustainable development and environmental protection.

**Ministry of Finance**
- fiscally strengthen certain instruments of land policy;
- consider possibility of tax relieves for renewal of cultural assets;
- anticipate appropriate fees for devastation of space caused by illegal construction;
- anticipate taxations in the case when the land is not brought to a planned purpose for years;
- contribute to higher engagement of the Real Estate Directorate in relation to topographic maps and topographic-cadastral plans necessary for elaboration of planning documentation, through administrative supervision.

**Ministry of Maritime Affairs, Transportation and Telecommunications**
- harmonization of the Strategy for Development of Transportation and strategic planning documents