

Spatial Development Act

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PART ONE

FUNDAMENTAL PRINCIPLES OF SPATIAL DEVELOPMENT

Chapter One

GENERAL PROVISIONS

Article 1. (Amended, SG No. 65/2003) (1) The territory of the Republic of Bulgaria is a national asset. Spatial development shall guarantee sustainable development and favourable living, working and recreation conditions to the community.

(2) This Act regulates the social relations associated with spatial development, development-project designing and construction in the Republic of Bulgaria and determines the restrictions on ownership for spatial-development purposes.

Article 2. The Council of Ministers shall determine the principal guidelines and fundamental principles of spatial development policy and shall adopt decisions concerning the financing of spatial-development activities.

Article 3. (1) (Amended, SG No. 65/2003, amended and supplemented, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall direct the

implementation of the national spatial-development policy and shall coordinate the activities of the central and the local executive authorities, the activities of the bodies of local self-government and of the local administration, and shall provide methodological guidance and exercise control over the overall spatial-development practice.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall appoint a National Expert Board on Spatial Development and Regional Policy and shall organize the operation thereof.

(3) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015) Acting on a motion by the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency, the Minister of Regional Development and Public Works shall appoint specialized expert boards on spatial development which shall consider development-project designs for special-purpose installations related to national defence and security. The Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency shall organize the work of the said boards.

Article 4. (1) Regional Governors shall implement the national spatial-development policy within the territory of the administrative regions whereof they are in charge.

(2) Depending on the spatial-development objectives and tasks of administrative-regional and inter-municipality importance, the [competent] Regional Governor may appoint an administrative regional expert board on spatial development and shall organize the operation thereof for performance of the functions vested therein by this Act. The composition of such expert board shall be determined according to the character of the project under consideration.

(3) (New, SG No. 65/2003) The Regional Governor shall organize the keeping of records of the instruments issued thereby according to the powers vested therein under this Act.

Article 5. (1) (Supplemented, SG No. 65/2003) Acting within the competence vested therein, the Municipal Council and the municipality mayor shall determine the spatial-development policy and shall implement spatial-development activities within the territory of the relevant municipality.

(2) (Amended, SG No. 61/2007, supplemented, SG No. 101/2015) Chief architects shall be appointed under an employment or civil-service relationship in the municipalities and in the boroughs of Sofia Municipality and of the cities subdivided into boroughs on the basis of a competitive selection procedure, with representatives of the Chamber of Architects in Bulgaria and of the Union of Architects in Bulgaria participating in the competition commission gratuitously or at the expense of the organization which they represent. To be eligible for appointment as chief architect, a person must possess full licensed designer competence or have the length of service required for attainment of such competence.

(3) (Amended, SG No. 65/2003, SG No. 61/2007) The Chief Architect shall direct, coordinate and control the activities comprehended in spatial planning, design and construction within the relevant spatial-development area, shall coordinate and control the operation of the units referred to in Paragraph (6), and shall issue the administrative acts conforming to the powers conferred thereon under this Act. The Chief Architect of a municipality shall coordinate and control the activities of the chief architects of boroughs.

(4) (Supplemented, SG No. 101/2015) The municipality mayor (or borough mayor) shall appoint a municipal (or borough) expert board on spatial development, and representatives of the Chamber of Engineers in Investment Design, of the Chamber of Architects in Bulgaria and of the Union of Architects in Bulgaria shall mandatorily be invited.

(5) (New, SG No. 65/2003) The municipality mayor shall organize the keeping of records of the spatial-development plans as approved and the modifications thereof, records of the construction files as issued, a register of all resolutions on preparation of detailed plans and of any modifications thereof, a register of the building permits as issued, and a register of commissioned construction works.

(6) (New, SG No. 65/2003, amended, SG No. 61/2007) Units for performance of the functions and tasks under this Act shall be established within the structure of the municipal administration and of the borough administration.

(7) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015)

The Minister of Regional Development and Public Works and the regional governors shall transmit copies of the effective instruments issued thereby within the scope of the powers vested therein under this Act regarding works within the territory of the relevant municipality to the municipal records for custody. The Minister of Interior, the Minister of Defence, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency shall provide information to the municipalities regarding the special-purpose installations related to national defence and security according to the procedure established by the Classified Information Protection Act.

Article 6. (1) (Supplemented, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The National Expert Board on Spatial Development and Regional Policy, the regional and the municipal (or borough) expert boards on spatial development shall perform consulting and expert examination activities.

(2) (Supplemented, SG No. 101/2015) The expert boards referred to in Paragraph (1) may furthermore include experts other than employees of the administration wherewith the said boards have been established, as well as representatives of professional organisations in spatial planning, development-project designing and construction.

(3) Financial resources may be allocated under the appropriate budgets for the operation of the expert boards referred to in Paragraph (1).

(4) (Amended, SG No. 65/2003) The expert board shall furthermore include representatives of the specialized control and clearance authorities where the opinion, decision or authorization thereof is required by law.

(5) (Repealed, SG No. 65/2003, new, SG No. 66/2013, effective 26.07.2013, repealed, SG No. 98/2014, effective 28.11.2014).

(6) (Amended, SG No. 65/2003) The specialized expert boards on spatial development related to national defence and security shall perform the following functions:

1. conduct an expert examination of development-project designs;

2. adopt development-project designs;

3. (amended and supplemented, SG No. 33/2008, SG No. 79/2015, effective 1.11.2015) perform other activities as shall be assigned thereto by the Minister of Defence, by the Minister of Interior, the Chairperson of the State Agency for National Security or by and the Chairperson of the National Intelligence Agency.

(7) (Amended, SG No. 65/2003) The terms and procedure for the work of the expert boards shall be regulated by an order of the appointing authority.

Chapter Two

ASSIGNED USE OF SPATIAL-DEVELOPMENT AREAS AND LOTS

Article 7. (1) (Redesignated from Article 7, amended, SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 28/2013) According to the basic assigned use thereof as determined by the concepts and schemes for space development and the master plans, there shall be the following types of spatial-development areas in Bulgaria: urbanized areas (nucleated settlements and dispersed settlements), agricultural areas, forest areas, protected areas, disturbed areas for rehabilitation, areas occupied by water and water bodies, and transport areas.

(2) (New, SG No. 82/2012, effective 26.11.2012) Spatial-development areas with an assigned use as agricultural, forest or urbanized areas may simultaneously be spatial-development areas with an assigned use as protected areas designated by a law.

Article 8. The specific assigned use of lots shall be determined by the relevant detailed plan and may be one of the following:

1. (amended, SG No. 65/2003, amended and supplemented, SG No. 65/2004) within urbanized areas or in detached lots outside the boundaries of such areas: for residential, public-services, manufacturing, storage, resort, country-house, sporting or recreational functions, for greenspaces and landscaped links between greenspaces and nature-conservation areas, for decorative water features (cascades, navigable canals and other such), for public access and transport, including bicycle paths and movement of persons with disabilities, for physical infrastructure, for special-purpose installations etc.;

2. within agricultural areas: for cropland (fields, orchards or vegetable gardens, vineyards, meadows etc.) or for uncropped

land (pastures, slopes, ravines, gullies etc.);

3. within forest areas: for forests (merchantable forests, protection forests, recreation forests etc.) or for woodland (glades, heaths, rocks etc.);

4. (amended, SG No. 88/2005) within protected areas: for nature conservation (nature reserves, national parks, natural monuments, managed reserves, natural parks, protected sites, coastal beaches, sand dunes, water sources with the sanitary protected areas thereof, aquatic areas, wetlands, protected water margins) and for protection of cultural and historical heritage sites (archaeological reserves, specific blocks or corporeal immovables within nucleated settlements of cultural and historic, ethnographic or architectural significance);

5. within disturbed areas: for rehabilitation and reclamation of quarries, ore mines, waste banks, tailings ponds, sanitary landfills, cave-ins etc;

6. (new, SG No. 28/2013) within areas occupied by water and water bodies: for the internal sea waters and the territorial sea, the Bulgarian section of the River Danube, the rivers, lakes and dam lakes;

7. (new, SG No. 28/2013) within transport areas: for national and local roads, the railway infrastructure, the maritime and river ports and the airports.

Article 9. (Supplemented, SG No. 65/2003, amended, SG No. 65/2004, SG No. 61/2007) (1) In spatial-development areas without spatial-development plans, until the entry into effect of the plans, the assigned use of the lots shall be determined by the actual use of the said lots, insofar as the said use does not conflict with a law.

(2) The assigned use of any spatial-development areas and lots shall be altered for the purpose of building development on the basis of an effective detailed plan under the terms and according to the procedure established by this Act.

(3) (Repealed, SG No. 82/2012, effective 26.11.2012).

Chapter Three

SPATIAL DEVELOPMENT OF SPATIAL-DEVELOPMENT AREAS AND LOTS

Section I

General Requirements to Spatial Development

Article 10. (1) (Amended, SG No. 82/2012, effective 26.11.2012) The requirements to spatial development shall be established by concepts and schemes for space development and spatial-development plans in accordance with the effective statutory framework.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) Special planning-protection areas, including areas of distinctive character designated according to the procedure established by separate laws, may acquire a special planning and control mode. The scope and the planning mode of such areas shall be determined by concepts and schemes for space development and spatial-development plans.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) A preventive planning-protection mode may be conferred on spatial-development areas and parts thereof, designated by concepts and schemes for space development and by spatial-development plans, whereby the actual use of the said areas and parts is preserved without degradation of the qualities thereof.

Article 11. (Supplemented, SG No. 65/2003) In order to ensure appropriate spatial development, lots may be grouped together into spatial-development areas and planning zones which shall be designated by the master plans and detailed plans and in accordance with the ordinance referred to in Article 13 (1) herein.

Article 12. (1) Within the meaning given by this Act, "building development" shall be the arrangement and construction of buildings, structures, networks and facilities in lots.

(2) Building development shall be permissible solely where projected by an effective detailed plan and after alteration of the assigned use of the land, where so required according to the procedure established by a special law.