

Access to justice in cases related to spatial planning

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*Ministry of Environmental Protection and Agriculture of
Georgia*

Guarantees of access to justice in the spatial planning

- *Constitution of Georgia (1995);*
- *Spatial Planning, Architectural and Construction Code (2018);*
- *Resolution N260 on the Rules of Spatial Planning and Urban Development Plans(2019);*
- *Resolution N261 on the Basic Provisions of Territorial Use and Development Regulation (2019);*
- *Local Self-Government Code (2014);*
- *Environmental Assessment Code (2017);*
- *Law on Environmental Protection (1996);*
- *General Administrative Code (1999);*
- *Administrative Procedure Code (1999);*
- *Civil Procedure Code (1997);*
- *etc.*



Brief overview of spatial planning field

- ▶ *Spatial planning - is a geographical reflection of the economic (including agrarian, industrial, transport, etc.), social, cultural and ecological policies of a society, which develops within a multifaceted and multidisciplinary approach and ensures balanced development and physical organization of space in accordance with overall strategy.*

- ▶ *Spatial planning and urban planning hierarchy in Georgia:*
- ▶ *A) spatial planning plans and b) urban planning plans.*

- ▶ *Spatial planning and urban planning are carried out through:*
- ▶ *A) Integrated plans and B) sectoral plans.*

The initiating authorities for the development of planning plans

- *Spatial planning plan and / or a plan identified by a historical-cultural and / or an economic characters*
 - *Ministry of Regional Development and Infrastructure.*
- *Spatial planning plan of the Autonomous Republics*
 - *Responsible body / ministry of relevant Autonomous Republic.*
- *Spatial planning plan of the municipality*
 - *Executive body of respective municipality.*
- *Multi-municipal spatial planning plan*
 - *Executive bodies of the relevant municipalities.*



Georgian Spatial Planning Plan - Review and approval

Stage I - review and approval of the concept of spatial planning and general plans.

Stage II - review of the draft spatial planning and general plans and approval of the plans.

Only after the positive decisions made in the first stage of the development of spatial planning plans /urban development plans, it is possible to move to the second stage

Procedural issues of appeal

Every interested party/person has the right to appeal:

✓ *To a higher administrative body/senior official:*

An administrative complaint must be filed within 1 month from the date of publication of the administrative-legal act or official notification, unless otherwise provided by law (Administrative Procedure Code of Georgia, Article 180).

✓ *To a court:*

1/3 months time period for appeal to a court (Administrative Procedure Code of Georgia, Article 22).



Case law – main findings

- ▶ *Cases of appeal are rare*
- ▶ *Litigation process and decision-making often take a long time*
- ▶ *Insufficient number of judges*
- ▶ *Absence of the parties*

Ongoing Activities & Current Plans

- ❑ *Electronic environmental assessment system - is being developed;*
- ❑ *Delegation of spatial and urban development directions to the Ministry of Economy and Sustainable Development – is planned.*





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