



WP3 Inception

Output 3.5 Institutional and Informal Framework: Policies, Plans and Initiatives Background

ANNEX 09 Municipality of Herceg Novi (MNE)

Final Version

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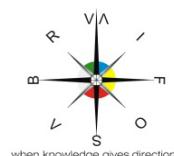


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D3.5 Institutional and Informal Framework:
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 ANNEX 09 Municipality of Herceg Novi (MNE)



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Institutional and Informal Framework: Policies, Plans and Initiatives Background
ANNEX 09 – Municipality of Herceg Novi (MNE)

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Short Description:

This activity will mainly focus on major planning instruments that are plans and policies. An in depth analysis of the current working tools, at different institutional level from national planning acts until local urban policies, when present, and regulative instruments are going to be done. It will be a proper screening of policies and plans generating effects on involved territories. Level of integration and capability of making synergy of these different tools is going to be investigated and even the link between policy design and decision makers are going to be examined. This report discuss the incipient stage of policies and plans used in the target area for the Strategic Territorial Agenda.

Keywords:

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Abbreviation List

CKP - cities knowledge platform

ST/UA - Strategic Territorial/ Urban Agendas

TP – Territorial Partner

SEE – South Eastern Europe

SWOT - Strengths, Weaknesses, Opportunities and Threats

UC – Urban Centers

1 Administrative Structure of the TPs State

Montenegro is a Republic, organized as a civic and democratic state governed by the rule of law. The country has declared to be the ecological state as its main objective is to keep the state of the art of its natural and eco heritage, and base its further development governed by the eco-responsible development philosophy. In terms of its institutional arrangement, Montenegro recognizes the state government, and local governments. There is no district or regional authorities. Montenegro has 21 municipalities, including the capital city of Podgorica (the Capital) with 185937 inhabitants (also the largest local government) , capital of Cetinje (the Old Capital) with 16657 inhabitants, and other municipalities, including the Municipality of Šavnik with 2070 inhabitants, which is the smallest municipality measured by the population size.

1.1 State Government

As for the system of authority at the central level, the Constitution provides that the Government of Montenegro exercises the executive power, the President who is elected in the public elections for a term of 5 years mostly represents the State, the legislative power is exercised by the Parliament of Montenegro, whose representatives are elected for a 4 year period and an independent judiciary. Government is accountable to Parliament for the conduct of domestic and foreign policy, the enforcement of law and state administration. The Government of Montenegro consists of the Prime Minister, Deputy Minister, Secretary General of the Government and Ministers. The organization of public administration is held by the Government and it is composed of the ministries and other state administrative bodies which are supervised by the respective ministries. Ministries consist of different secretariats, departments, boards and agencies.

The state administration is in charge of developing and executing internal and external policies, legislative activities, enforcement of laws and regulations, administrative supervision, decision-making in the administrative proceedings on the rights and duties of citizens and legal entities, and ensuring the deployment of public interest in all state led affairs.

There are the specific tasks which are the responsibility of the state administration, which state government may transfer to local governments for the more efficient and cost-effective execution .

1.2 Local Government Organization and responsibilities

The role, position and responsibilities of local governments are defined and guaranteed by Constitution. The organization of local government represents an expression of the basic civil right, provided and guaranteed to all citizens, to organize their local communities with a mandate and in such way so that all the public and communal affairs are managed in the best interests of their population, and in accordance with the law. Their organization is based on the principles of

democracy, decentralization, autonomy, efficiency and mutual cooperation between the state and local municipalities.

The municipalities have two authorities, the Assembly and the Mayor. Municipal Assembly is elected for a period of 4 years and the same is the representative body consisting of 30 members plus one for every 5,000 voters. President of the Assembly is elected by the Assembly. The Mayor is the executive body elected by the Assembly for a period of 4 years. Mayor’s role is to manage, coordinate the work of the municipality, implement decisions, ensure the execution of the delegated and assigned tasks, and supervise the work of local government.

Local government responsibilities and duties guarantee the deployment of public interests, as defined and in accordance with the way they are entrusted by the Government of Montenegro. The matters of local interest are defined by the Law on local self- government (Article 31 , 32 and 33), and relate to providing and maintaining different utilities and services, local transportation, construction, local development, support to entrepreneurship, environmental protection, water management, culture, tourism and other activities which are considered important to local community.

Local self-government is exercised by local government and public utility (services) agencies.

Picture 1: Diagram 1: Administrative structure of Montenegro

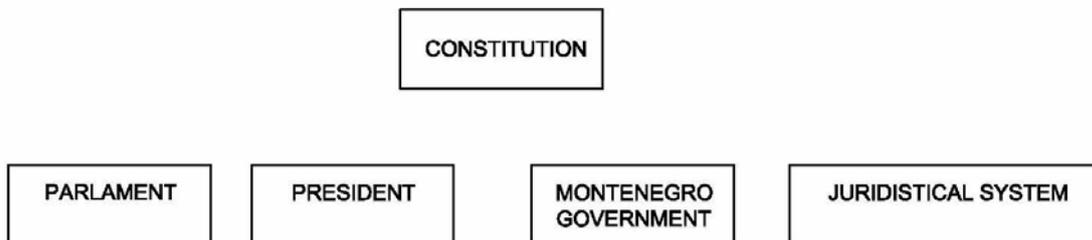
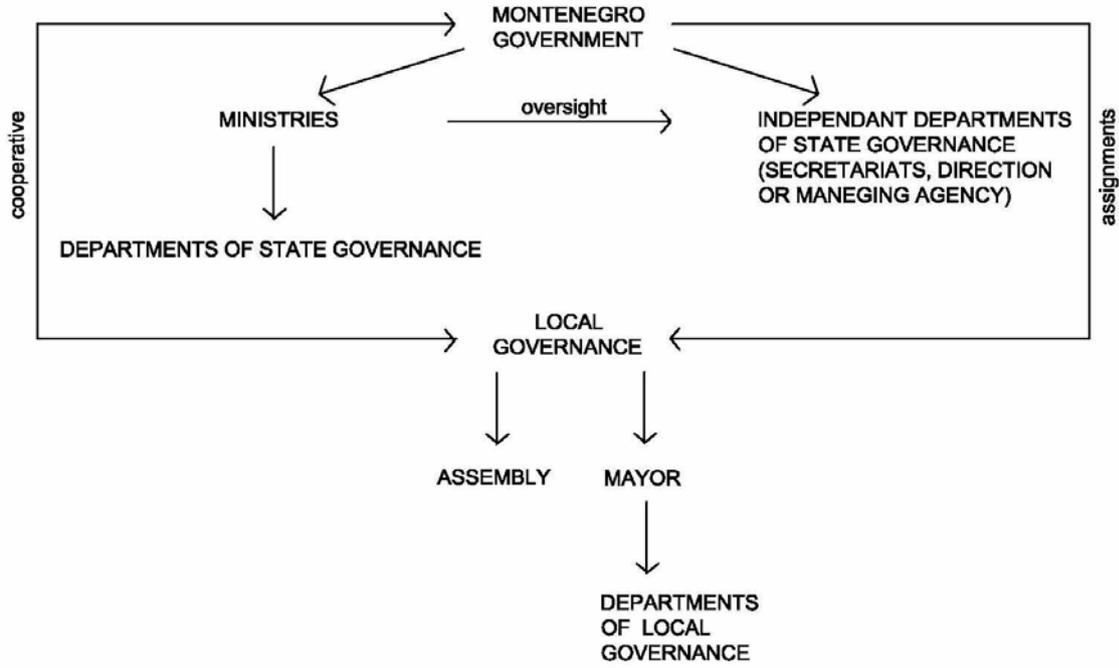


Diagram 2: Montenegro government



2 Planning System of the TPs State

The current planning system in Montenegro, which has been enforced since 2008 (after the adoption of Law on Spatial Development and Construction of Structures), identifies two levels of planning: national and local. The umbrella document is **The Spatial Plan of Montenegro**, which means that all other planning documents at the state and local level for their decisions must rely on this document. Therefore, the Spatial Plan of Montenegro shall be the starting point for the coordinating development documents for certain areas and activities, as well as their measures relevant to space, that may not contravene this planning document. It also includes guidelines referring to: drawing up sector-level studies, analyses, programs and project, development of Spatial Information System and also legislative initiatives.

On the national level, the Act points out and define additional three types of planning documents: special purpose spatial plan, detailed spatial plan and national study of location.

A special purpose spatial plan shall be approved for those spatial units and contact areas the specificities of which are being ascertained by one or more particular purposes or activities or functions of national interest to be practiced in space such as national park, nature reserve, coastal zone, shore zone etc. It may be approved for the territories of two or several municipalities of same regional characteristics (geographic features, natural resources, protected areas, and alike).

A detailed spatial plan shall be approved particularly for: public/government building of general importance; capital project; concession areas; industrial, warehouses and free zones; recreation, health and similar facilities; riparian zone adjacent to lakes, rivers and other watercourses.

National study of location shall be approved for the foreseen areas within the area covered by a special purpose spatial plan and that are not governed in details under such plan. Therefore, The National study of location and detailed spatial plan in a case of dealing with the area of the spatial plan for special purposes must respect the decision of the Spatial Plan for special purposes.

The highest local planning document as per the present lawmaking is **Spatial and urban plan of a local self-government unit** (as per the old lawmaking the plan of highest level was Spacious plan of the municipality). This document must be drafted and approved for the territory of a local self-government unit (municipality).

A Spatial and urban plan of a local self-government unit shall govern the basic spatial units as being spatial and functional units identified by the same or similar features of the status of organization, planning and use of space or by the same or related or mutually complementary spatial potentials and, according thereto, by the planned land use. It shall comprise the rules of development and the rules of construction for the entire local self-government area. A Spatial and urban plan of a local self-government unit shall be harmonized with the special purpose spatial plans defining parts of local self-government areas.

Note: At the time when the last law (Law on Spatial Development and Construction of Structures, 2008) The Municipality of Herceg Novi was in the final stages of drafting a new municipal spatial plan, and was completed in early 2009th. This was achieved by the procedure of the previous law, and this plan is to be used as the highest local planning document until the creation and approval of the new spatial and urban plan of the Municipality of Herceg Novi in the law given time.

Local planning documents of lower order are: Detailed urban plan, urban design and a local study of location.

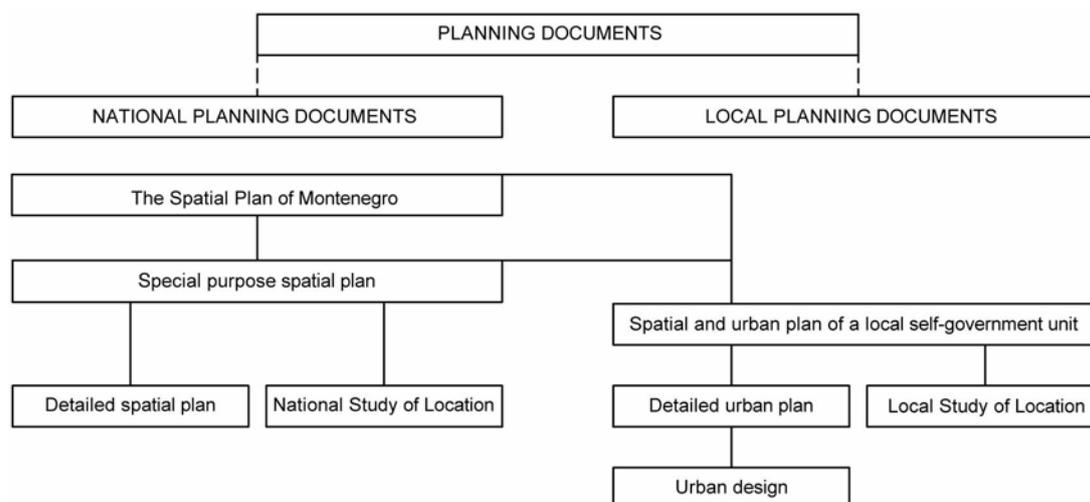
A Detailed urban plan shall be mandatory approved for the all settlements and parts of settlements for which it has been provided for under a spatial and urban plan of a local self-government unit.

Urban design may be approved, if it has been provided for under a spatial and urban plan of a local self-government unit, for a smaller area that will be subject to a significant and more complex development, i.e. that represents particularly specific units.

A local study of location may be approved for the areas within the coverage of spatial and urban plan of local self-government unit for which drafting of the detailed urban plan and urban design has not been planned.

A Detailed urban plan, urban design and local study of location shall not deviate from the rules of development and construction defined by the Spatial and urban plan of a local self-government unit. Also, if the urban design process area within a detailed urban plan, then it must comply with the detailed urban plan solutions.

Diagram 3: Planning Scheme in Montenegro



3 History of Planning Instruments, Policies and Plans on Different Administrative Levels

Chronological review of planning documents in Herceg Novi

The beginnings of urban planning in Herceg Novi are primarily linked to the development and adoption of the **Regional Plan of South Adriatic region**. This plan was made in the **1960's** and was one of the major achievements in the field of spatial and urban planning of the Socialistic Federal Republic of Yugoslavia (SFRY). The plan covered three republics: Republic of Montenegro, Croatia, and Bosnia and Herzegovina.

South Adriatic region was defined as one of the axes of the overall development of the SFRY in the direction along the Adriatic coast linking and connecting the southernmost areas with the interior of the country. Climate, landscape and environmental values of the area provided an opportunity to connect the area with the distinctive Mediterranean region. Planned development axis or areas for development represented the spatial concentration of the functions of individual factors of development, infrastructure, urban agglomerations and services. Their connection required strong interventions in the area of transport infrastructure. Strong highways of European and national importance in the immediate hinterland coast were planned to have a jugular that would act as a factor of development in this area and as well as a link between the main areas of the development. Later, in **1970**, **The Master Plan of the Boka Bay** covered the coast of the Boka Bay (combines three municipalities: Herceg Novi , Kotor and Tivat). This plan specified the spatial development guidelines for the municipal centers and intended uses for the areas of the coastal belt of Kotor. As for the transportation and road network, it proposed the traffic lifts, an expansion of the Tivat airport, which all together were to create a sound basis for the tourism development in the region. Immediately after the 1979 earthquake, began a very intensive planning activities in the area of spatial and urban planning commenced, within which the following have been recognized as the major ones:

- Preparation of the detailed urban plans and projects, required by the urgency in decision-making, aimed at providing housing for the population affected by the earthquake;
- Within the framework and with the support of the United Nations Development Program and the Government of Yugoslavia, Project YUG/79/104 was commenced, which consisted of the Plan of the Republic of Montenegro and the master plans of municipal centers, and spatial plans of municipalities of Montenegro. Based on these plans the spatial and urban development of the Montenegrin coast, as well as of Herceg Novi, was executed for the next twenty years. Unfortunately there were no coordinated actions nor were the limits of growth defined. In addition, evident there was the neglect of the sea.

Spatial Plan of the Republic of Montenegro from **1985**, from the aspect of spatial planning, divides the territory of Montenegro into three clearly separate regional areas: Coastal, Central and Northern

Region. Specific resources are directed mainly to the development of tourism, the maritime industry, shipbuilding industry, production of salt industry, as well as the development of the naval ports and harbors. Tourism and shipbuilding have been identified in the area of Herceg Novi. Subsequent amendments to this plan from 1996, concluded that the disintegration of the former Yugoslavia, among other things, resulted with market shrinking and significant falls in flows of goods and passengers, with recommendation to redirect, intensify and focus the flows of capital and economy to the Montenegrin coastal area. The plan primarily expected that the major redistribution of the tourist flows will happen along the Montenegrin coast, including in Herceg Novi, as one of the biggest tourist centers in the Montenegrin coast. The main influx of tourists on the Montenegrin coast is expected from Serbia. Since the mid eighties, Serbian tourists represent the main tourist group in Montenegro, with approximately 4 million nights per a year.

Spatial Plan for the Municipality of Herceg Novi from 1989 as well as the Master Plan of the Municipality of Herceg Novi from the same year has predicted that by the year of 2001 a construction zone of urban character with size of 1,000 hectares will be formed. We can note that their predictions were not completely achieved, as a total of 800 acres of occupied urban area was formed, with the higher density that projected.

These plans were made on the basis of development and social assumptions and they significantly differ from the present reality. At the time of making of these plans, the economic and social development was based on the socialistic self-management concept of society, which was the reality at that time. All development plans were connected to very large scale social enterprises such as shipyards, spas, " Boka ", " Mixed " PKBa , nationally owned "Prvoborac" construction company, etc. Since that time, the reality has substantially changed; therefore these plans as well as their recommendations are no longer suitable for the actual needs.

Inadequate planning documents of this period are still in use in the present time, and together with frequent changes in the legal framework have produced many problems in the area during this transitional period.

Chronological review of planning instruments

Frequent amendments in the transition period, from the early 90's until today have not significantly affected the content of planning Documents. What was effected were the procedures and responsibilities in actions and decision- making. Major changes are defined by the new Law of the 2008th which abolished the level of the Master Plan at the local level, and the function of the then Municipality Spatial Plan and the Master Plan of the Municipality merged in a document called the spatial and urban plan of the local government.

Change was in the regulation of the detailed urban plans in terms of the precision of defining parcels, ie . flexibility of their formation, as well as the labeling of the planned facilities that now come to be a requirement of the exact definition of urban land (marked with a number , the boundaries defining the coordinate points and entered the urban area of the plot). Also, the dimensions of the newly planned facilities in urban parcels graphic does not indicate already give descriptive guidelines for

their installation. In contrast to this, the 1990's were made in the zoning plans which are not precisely defined or urban lots are commemorating the position and dimensions of the planned facilities until the late '90s and early 2000s all newly planned buildings are marked with planning stamps.



Picture 1: Examples of different detailed urban plans - DUP (left is DUP Njivice created in the early 1990s, in the middle is DUP Topla from 2003. And to the right is DUP Srbina adopted in 2010)

Table 1: Chronology of development of planning documents with detailed elaboration

Time period:	Number of planing documents with detailed elaboration:
1970s	23 including amendments
1980s	18 including amendments
1990s	31 including amendments
After 2000	24 including amendments
After 2009 and after approval of the new Spatial plan	30 including amendments

4 Current Planning Instruments, Policies and Plans on Different Administrative Levels

4.1 National level

4.1.1 Spatial Plan of Montenegro until 2020

This is the most important state planning document that provides input to all other planning and development documents at the state and local levels.

According to PPCG development priorities of the Municipality of Herceg Novi are : the function of tourism with a health component and intensive agriculture (located in Baska, IGALO, Sutorinsko field), the function of cultural and service center and year-round tourism, health tourism and rehabilitation functions of hospital and medical center (Herceg Novi), manufacturing functions in connection with the shipyard , manufacturing handicrafts and housing, boating and tourist facilities in populated areas along the Riviera (from Zelenika to Bijela), tourism and specialized agriculture (Coastal zone, Lustica peninsula and mountainous hinterland) .

4.1.2 Special Purpose Spatial Plan of the Coastal Zone (PPPNMD)

from 2007 includes coastal parts of all six coastal municipalities in Montenegro, including the Municipality of Herceg Novi. The area covered by this planning document is divided into 68 sectors - areas affected, 13 of which are located in the Municipality of Herceg Novi. The plan indicated that the achieved level of conservation areas and the achieved level of development require a qualitatively different relationship to the Coastal Management. Specifically was requested that better practices needs to be conducted, better organization, better spatial planning, better equipment and adequate protection of the area on the mainland. Montenegrin coast is defined as a part of the Mediterranean basin. At the same time, directly or indirectly (through government study sites for specific sectors) the plan has produced several solutions which have allowed for the practice of man-made concrete beaches along the coast.

4.1.3 Rulebook on detailed contents and format of planning documents from 2010

The Rulebook shall govern detailed contents and format of planning documents, as well as categories of and criteria for land use; elements of urban regulation; standardized graphical symbols; and other components of national and local planning documents.

4.2 Local level

Given the higher level of development, Master Plan of the Municipality of Herceg Novi of 1989 is still only partially implemented although relying on the old spatial plan and has overcome many solutions. Until the adoption of the Spatial and urban plan of the Municipality in accordance with applicable law, the plan document will apply to those parts which are not inconsistent with the new Spatial Plan from 2009.

4.2.1 Spatial Plan of the Municipality of Herceg Novi until 2020 (PPO)

approved in February 2009 has provided a strategic framework for the general physical development of the municipality until the year of 2020. In comparison with the previous planning solutions in terms of housing and other purposes, PPO has defined a new categorizations and instead of the previous division into individual and collective housing, in accordance with the real situation on the ground has set up the following categorizations: singled low density housing (family housing), medium density housing (mixed residential) and high- density housing (urban residential). The plan has defined areas for different types of development, such as urban areas, rural areas, areas for the development of tourism, etc. The plan tends to propose the ideal proportion of the projections of population in comparison to tourist facilities. This plan has open up new space for investments in the territory of the municipality, especially in the sphere of tourism and infrastructure. It also offers solutions to infrastructure problems such as planned sanitary landfill and cannery wastewater.

Many of the 90 local planning documents (including: Detailed Urban Plans , urban design projects and Local Studies of Locations)

These documents describe the laws and regulations regarding the construction of buildings and landscaping, particularly in the urban areas (on area from Igalo to Herceg - Novi) as well as along the the Herceg Novi Riviera. They form the basis for numerous infrastructural projects, such as vehicle and pedestrian transport, water supply infrastructure, sewer and power grids. A very small number of the documents governing the territory peninsula Lustice and urban hinterlands. A significant number of plans elaborated on touristic zone planned and described within the municipality's spatial plan.

For a large number of valid detailed urban plans and urban projects that apply in our municipality, can be said that they are dated and need serious updates. Problems in the implementation of planning documents are numerous. The reasons for this are they were created in different social conditions and realities (from 1980s to the present) , as well because of the frequent changes in the legal framework.

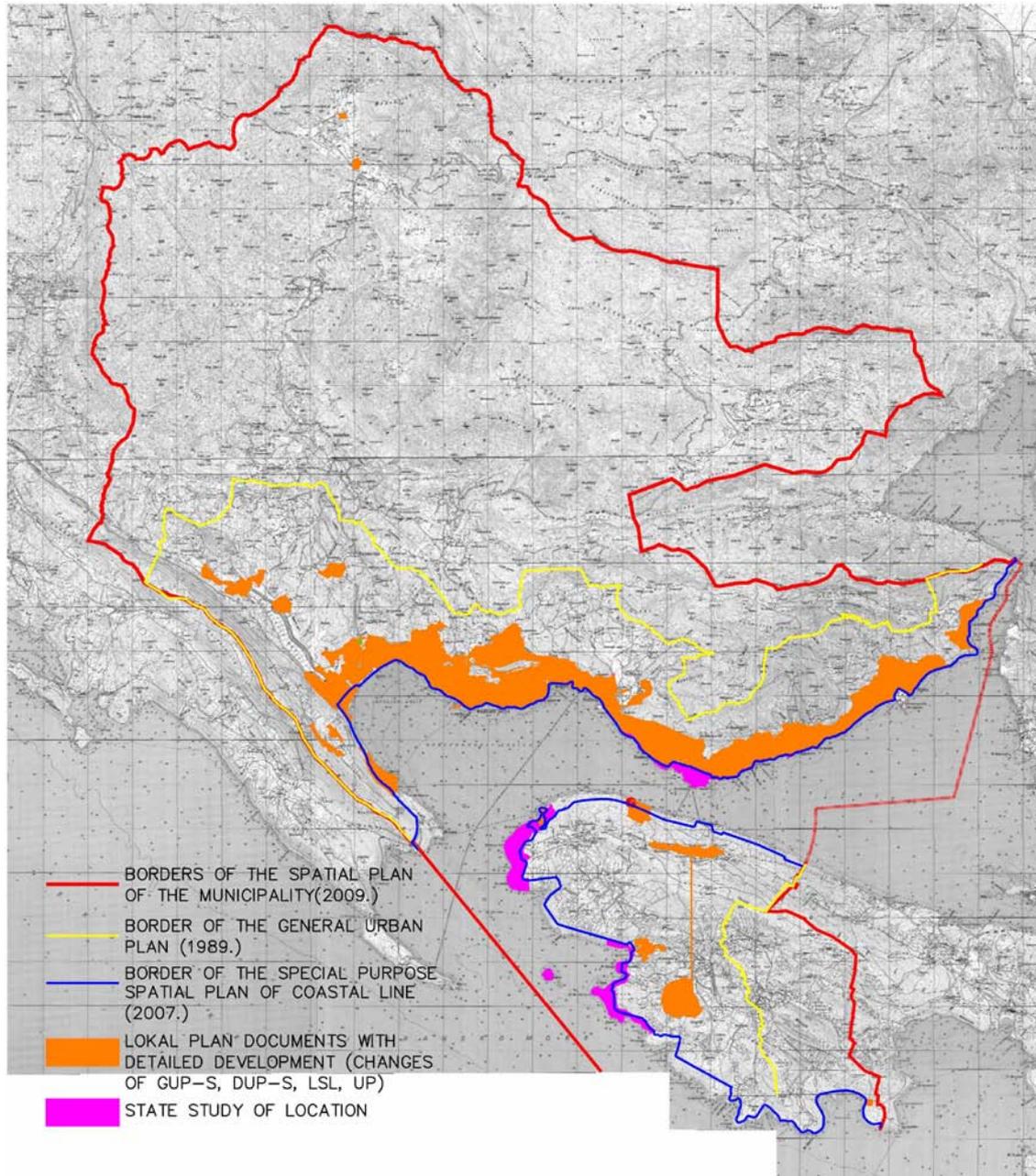


Figure 1: Official current planning documents in the area of Herceg Novi

5 Impact of the Most Important Plans, Planning Instruments and Policies on the Area of Intervention

Table 2: Detailed description of the impact of the most important plans, planning instruments and policies on the area of intervention

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
National level	Spatial Plan of Montenegro until 2020	formal	On Lustica area is planned the high class tourism development, also the plan restricts the construction of buildings and infrastructure which in any way endanger the high value of the natural and cultural landscape of this area	As for the area of Lustica, Increased development pressure may create numerous negative side effects like: endangered species, loss of natural heritage, pollution, threat to cultural heritage, etc. There is no possibility of direct application but is conditioned by the development of other national and local planning documents
	Special Purpose Spatial Plan of the Coastal Zone	formal	Plans new tourist zone in Lustica and contributes to the development of tourism Defines development of many marinas in	As for the area of Lustica, Increased development pressure may create numerous negative side effects like: endangered species, loss of

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
			<p>the bay area. This may have positive impact on economy development, job opportunities, and the overall raise of living standard in the area.</p>	<p>natural heritage, pollution, threat to cultural heritage, etc.</p> <p>As for their marinas, and having in mind all the specifics of the bay water, and bearing the mandate to preserve the high quality of the sea water and all the natural environment in the Bay as the national priority, development of marinas may negatively affect the quality of the sea water, and create congestion in the areas, where the bay passage is very narrow;</p> <p>Implementation of this plan is subject to the implementation of local plans in the area of infrastructure</p>
Municipal level	Spatial Plan of the Municipality of Herceg Novi until 2020	formal	Provides a framework for the eco-development, takes care of the natural and cultural heritage, regulates development which is to be	As tourism development which is to be a major development drive in HN is not precisely defined vis-a-vis the capacities and local

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
			eco-friendly and eco-responsible. Tourism development in Lustica may accelerate the development of infrastructure in the area. Plans new tourist area and contributes to the development of tourism. Allows for direct implementation in the area of infrastructure	characteristics for tourism development, an over-sized development may create a threat to particular areas of the high environmental and cultural values. Planned Tourist facilities are not precise location-related
	Master Plan of the Municipality of Herceg Novi	formal	Preserved, since this is a small percentage of the area planned for construction	Outdated solutions in terms of capacity and types of tourism facilities and infrastructure solutions

6 Do You Already Know If You Will Need to Change Existing or Prepare New Formal Documents? If So, Which Ones?

In the accordance with the statutory obligation, the municipality of Herceg Novi has decided to develop spatial and urban plan of the municipality.

Also, at the state level in the preparation is the Special Purpose Spatial Plan for the coastal area, which covers the whole territory of the six coastal municipalities in Montenegro, and will therefore have the character of a regional plan. This can be seen as a beginning of regional planning in Montenegro.

7 Additional Information You Feel You Need To Add To Clarify the Current Situation

No additional information provided.