

MANUAL FOR SERBIAN CIVIL SOCIETY ORGANISATIONS

PROCESSES OF DEVELOPMENT AND ADOPTION OF SPATIAL AND URBAN PLANS WITH SPECIAL FOCUS ON PROTECTED AREAS



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Targeting Natural Resource Corruption



About Targeting Natural Resource Corruption

The Targeting Natural Resource Corruption (TNRC) project is working to improve biodiversity outcomes by helping practitioners to address the threats posed by corruption to wildlife, fisheries and forests. TNRC harnesses existing knowledge, generates new evidence, and supports innovative policy and practice for more effective anti-corruption programming. Learn more at tnrcproject.org.

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Abbreviations

RERI	Renewables and Environmental Regulatory Institute
RS	Republic of Serbia
SPRS	Spatial Plan of the Republic of Serbia
RSP	Regional Spatial Plan
LSGSP	Local self-government Spatial Plan
SPASP	Special Purpose Area Spatial Plan
GUP	General Urban Plan
GRP	General Regulation Plan
DRP	Detailed Regulation Plan
MEP	Ministry of Environmental Protection
MCTI	Ministry of Construction, Transport and Infrastructure
CRUPIB	Central Record of Unified Procedures for Issuing Building Permits
PE	Public Enterprise
PI	Public institution
TO	Touristic organization
LGU	Local government unit

Manual for civil society organisations in Serbia

Processes of development and adoption of spatial and urban plans with special focus on protected areas

Main goals of this manual are:

- » To help understand the basic rules of spatial and urban planning, as well as to present opportunities for efficient and effective public participation in preparing these documents;
- » To point out key illegal practices in the management and implementation of activities within protected areas on the territory of the Republic of Serbia;
- » To help understand the legal procedures and possibilities for institutional action by civil society organizations; and
- » To present conclusions and set guidelines for improving citizen participation as a basic mechanism for combating corruption.

Introduction

Despite numerous international commitments, positive regulations of the Republic of Serbia, public policy and development planning documents which are supposed to guarantee the appropriate and sustainable preservation and management of territories assigned the status of "protected natural asset", the state of these areas is, to put it mildly, troubling. Unfortunately, frequent examples of illegal construction on the one hand, as well as the planning of large capital projects on the other hand, have resulted in the epithet "protected" becoming easily replaceable with "endangered" property.

Limited opportunities for management, as well as insufficiently up-to-date and sporadic action by state and local self-governments (primarily inspections) lead to frequent violations of regulations by investors in protected areas, which most often go unsanctioned. Even when decisions by competent authorities ordering investors to perform certain activities (such as removing illegally constructed facilities) become

legally binding, such decisions are most often not implemented in practice, based on a range of justifications and explanations.

On the other hand, civil society organizations which have the capacity to deal with these problems most often have no standing to act in procedures of this type, i.e., they are not recognized as party to the procedures, which prevents them from actively participating.

2. Methodology

2.1. Forming an information base for understanding the procedures

Many research papers and analyses indicate that there are numerous and serious examples of illegal construction within protected areas, and that it is impossible to generalize them and set out a single correct pattern of action. However, much more serious problems regarding construction within protected areas are created by legal gaps within regulations, ill-conceived development strategies, programs and planning documents that prioritize economic aspects at the expense of sociological and ecological values within protected areas.

Spatial and urban planning documents cover much larger areas than individual projects, and are actually the foundation the latter are built upon, therefore being the most important

mechanism for construction control and sustainable development incentives.

This manual will present a simplified overview of the procedures for creating and adopting spatial and urban plans, with a special focus on opportunities for institutional action and public participation in the process of adopting these documents and implementing projects.

The Law on the Spatial Plan of the Republic of Serbia from 2010 to 2020¹ set the strategic goal of increasing the total area under natural heritage protection to 12% of the territory. The Republic of Serbia, as a signatory to the UN Convention on Biological Diversity in 2011, undertook to place **at least 17% of its territory under some nature protection regime by 2020.**

On December 14, 2021, at the Thirteenth International Conference in Brussels, a decision was made to open cluster 4 within the process of negotiations

on Serbia's accession to the European Union under the name "Green agenda and sustainable connectivity". Part of the aforementioned cluster also includes Chapter 27 - Environment and Climate Change, where compliance with international directives, efficient management and an increase in the number of protected areas are highlighted as priorities.

In the Republic of Serbia, there are 66 strict and special nature reserves, 5 national parks, 311 natural monuments, 6 protected habitats, 23 protected landscapes and 18 nature parks that cover a total area of approximately 691,433 hectares.

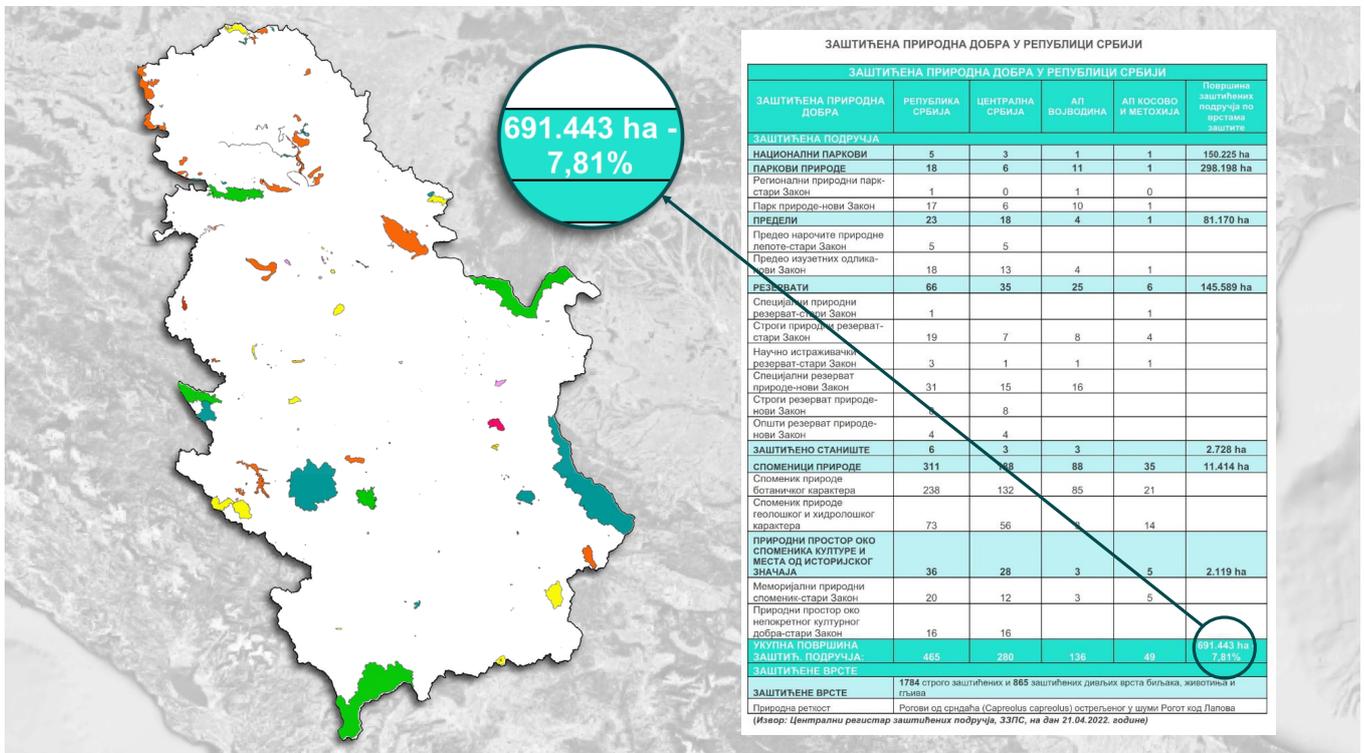
What is the state of protected areas in Serbia today at the end of 2022?

Regarding the type and status of protected areas, the Law on Nature Protection defines seven categories, which are:

- Strict nature reserve,
- Special nature reserve,
- National park,
- Natural monument,
- Protected habitat,
- Landscape of outstanding features,
- and Nature park.

1 Official Gazette of RS 88/10

Although these numbers seem encouraging, they are far from the projections that Serbia was aiming for decades ago, since this figure amounts to **only 7.81% of the territory of the Republic of Serbia in total.**



Why is it so difficult for a country which, in the opinion of the majority of its population, is extremely rich in natural values, to increase the share of protected areas on its territory? What are the threats, limitations and conflicts in managing, organizing and planning the territory that are standing in the way of protecting natural assets?

In cooperation with the World Nature Organization WWF Adria Serbia, and within the project "Suppressing corruption in spatial planning through systemic and early public involvement (TNRC)", RERI conducted research on a sample of 10 protected areas in the period from March to December 2022 on the territory of the Republic of Serbia, with the aim of recording key problems and illegalities threatening their fundamental value and the status they enjoy. The following protected areas were subjects for said research:

2. National Park "Kučaj-Beljanica" (in the process of establishing protection category)
3. National Park "Đerdap"
4. Landscape of outstanding features "Mačjen"
5. National Park "Tara"
6. Special nature reserve "Uvac"
7. Nature Park "Golija"
8. National Park "Stara planina" (in the process of establishing protection category)
9. Nature Park "Zlatibor"
10. Nature monument "Parkovi Vrnjačke Banje"

2.2. Limitations

The key limitations for conducting research are primarily reflected in the difficulties in accessing documentation and information of public importance. Although it will soon be 25 years since the Republic of Serbia became a signatory to the Aarhus Convention², the non-transparency of decision-making procedures, restrictions on public participation, closed institutions and inefficiency in handling requests for access to information of public importance are still "at the top of the pyramid" of problems faced by civil society organizations in the fight against illegality and corruption within protected areas.

Available databases, such as the Central Register of Planning Documents and the local information system, are opaque, incomplete and often completely non-functional³. The situation is even more unfavorable when it comes to publishing the "basic documentation" for planning documents, which is rarely attached to the elaboration or draft document, while the documentation that served as the basis for the preparation of planning documents is often not even mentioned in the text. All of the above significantly complicates checking and reviewing planning documents in the limited period provided for public participation. In addition to the above, frequent attempts to dispute the standing of RERI, i.e. attempting to exclude it as a party to the proceedings was a significant threat to the implementation of activities as part of this research, as it significantly limits the ability to report and take legal action to combat the observed illegalities.

2.3. Results

The present analysis within each of the analysed protected areas has recorded a number of illegalities and cases of negligence in planning, organizing and using those spatial entities. In addition to the staggering level of inefficiency of managers and competent inspection bodies, a very low level of public participation in key decision-making procedures was also noted. All of the above is fertile ground for corruption, which is recognized as the common denominator for almost all the topics covered. Through institutional action, initiating procedures and taking legal action, RERI contributed to improving the existing situation within the covered protected areas with a varying degree of success. Unfortunately, in a certain number of cases, the results were insignificant.

This manual will present a detailed analysis of three selected cases of protected areas where an analogy applicable in almost all protected areas can be observed from different levels of jurisdiction, as well as types and extent of illegality.

Those areas are:

- National Park "Kučaj Beljanica" (in the process of establishing protection category)
- Landscape of outstanding features "Ovčarsko-Kablariska klisura"
- Nature monument "Parkovi of Vrnjačke Banje"

The method for systematizing the observed problems on a selected sample of three protected areas will contain an explanation of procedures, how to initiate legal remedies, and recommendations for monitoring and conducting procedures where

² Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (June 25 1988, Aarhus, Denmark)

³ The website of the Republic Geodetic Authority with which the Central Register of Planning Documents is linked was taken down in May 2022 due to a hacker attack. Although the site has recovered along with the national geospatial data infrastructure, this has not been the case with the central register of planning documents, which is still defunct at the time of writing.

the same or similar irregularities were observed, which should serve as a set of guidelines for civil society organizations on how to use available mechanisms.

3. Simplified procedures for the development and adoption of spatial and urban plans

Procedures for making and adopting plans are based on the following regulations:

- Law on the Planning System ("Official Gazette of the RS", no. 72/2009, 81/2009, 64/2010, 24/2011, 121/2012, 42/2013, 50/2013, 98/2013, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019, 9/2020 and 52/2021);
- Law on Planning and Construction ("Official Gazette of RS", no. 72/2009, 81/2009, 64/2010, 24/2011, 121/2012, 42/2013, 50/2013, 98/2013, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019, 9/2020 and 52/2021);
- Law on Strategic Environmental Impact Assessment ("Official Gazette of RS", No. 135/2004 and 88/2010);
- Rulebook on the Content, Manner and Procedure for Creating Spatial and Urban Planning Documents ("Official Gazette of RS", No. 32/2019).

The following is a simplified presentation of the procedures based on the provisions of the above regulations.

3.1. Differences between spatial and urban plans

Although there are exceptions, the basic difference between **spatial** and **urban** plans is that spatial plans most often refer to geographically wider areas, while urban plans mainly refer to the regulation of populated areas. As planning acts provide the basis for the implementation of specific projects, they must be set up in such a way as to provide sufficient information on the conditions, restrictions and rules for planning and construction, so that the technical documentation necessary for issuing building permits can be drawn up based on that data.

In proportion to the size of the territory regulated by the planning act, the level of detail will also vary, and thus the ability to construct a project based on them. In that regard, planning acts may be divided into strategic (implemented indirectly, these define guidelines for the preparation of other planning acts) and operational (implemented directly, they contain a sufficient level of detail to define the conditions, restrictions and rules for planning and construction).

3.2. Types and scope

3.2.1. Spatial plans

The Law on Planning and Construction⁴ recognizes the following types of spatial plans:

The Spatial Plan of the Republic of Serbia

The Spatial Plan of the Republic of Serbia is the basic and most general spatial planning document in the Republic of Serbia. It is the only spatial plan that covers the entire territory of the Republic of Serbia and is adopted by the National Assembly.

4 Art. 11 Par. 1 of the Law on Planning and Construction

The role of this document is to provide an assessment of the current situation within the relevant sectors (energy, transport infrastructure, industrial development, use of natural resources, climate change mitigation), and then, based on the observed problems and development potential, define the principles, strategic goals and measures which subordinate planning documents must comply with.

It serves as a strategic and developmental as well as a general regulatory document, and is the foundation for adopting all other planning documents, which must be harmonized with it. The fact that it is part of the Law on Spatial Planning of the Republic of Serbia⁵ speaks to the importance of this planning document.

Regional Spatial Plan

The entire territory of the Republic of Serbia is covered by Regional Spatial Plans (RSP). Regional spatial plans are adopted **for larger spatial entities of an administrative, functional, geographical or statistical character**, directed towards common goals and projects of regional development.⁶ There are 9 different RSPs that cover one or several administrative districts, and their scope is defined by the SPRS

The RSP functions in a similar way as the SPRS, but it applies exclusively to the territory it covers, and therefore, focuses on **considering specific needs arising from regional peculiarities at a higher level of detail**. Like SPRS, it is a strategic document that cannot be implemented directly, but sets binding guidelines for subordinate planning documents.

Local self-government Spatial Plan

Spatial plans of local self-government units⁷ (LSGSP), of which, in accordance with the Law on Territorial Organization of the Republic of Serbia⁸, there are 145, determine the guidelines for the development and use of plots, as well as the conditions for sustainable and even development on the territory of the local self-government unit.

In addition to the above, the LSGSP includes the scope of construction areas, the spatial development of traffic and infrastructure systems, parts of the territory for which the development of an urban plan or urban project is planned, the planned protection, regulation, use and development of natural and cultural assets and the environment, measures for even territorial development of the local self-government unit, etc.

LSGSP also necessarily contains the "village regulation foundation" and this makes this type of planning document crucial for the development of rural areas, for which urban plans are rarely adopted (although there are exceptions).

Unlike SPRS and RSP, which are entirely strategic in nature, LSGSP can be directly implemented, which means that it can define construction conditions and restrictions in sufficient detail.

Special purpose area spatial plan

A special purpose area spatial plan (SPASP) is adopted *for areas that require a special regime of spatial organization and regulation, projects of importance for the Republic of Serbia or for areas determined by a superordinate spatial plan*⁹. They are adopted by the Government of the Republic of Serbia (or the Assembly of the Autonomous Province of Vojvodina).

5 Official Gazette of RS 88/10

6 Art .17 Par 1 of the Law on Planning and Construction

7 Local self-government shall be ensured at the level of municipality, city and the city of Belgrade - Art .3 Par. 1 of the Law on Local Self-Government (Official Gazette of RS no. 129/2007, 83/2014, 101/2016, 47/2018 i 111/2021)

8 Official Gazette of RS no. 129/2007, 18/2016, 47/2018 i 9/2020 - state law)

9 Art 21 Par. 1 of the Law on Planning and Construction



There is a reason that the term "special" is used in the name of this type of planning document. The main reason is that this type of planning document is allowed to "bypass the rules".

Unlike all other types of simple plans, these are adopted for specific projects (e.g. highway, waterway, national park, mine, hydroelectric power plant...) and therefore are not strictly related to administrative division (territory of the state,

region, city or municipality) and may spatially overlap with other plans.

However, the main difference that distinguishes SPASP from urban plans is the omission of "even sustainable development" and the complete prioritization of a single aspect. While other planning documents, as a rule, strive for an even and sustainable development of all sectors (health, housing, education, tourism, industry, energy, environmental protection...) SPASP almost exclusively encourages the development of one or several sectors. Thus, the SPASP of a national park, even at the cost of neglecting economic development, will not consider the opening of mines, settlements or factories in a zone that is "special" due to distinct natural values, just as the SPASP for a coal exploitation area will, for example, marginalize environmental protection and other aspects of sustainable development.

SPASP, like LSGSP, can be directly implemented, and most often contains a sufficient level of detail to serve as the basis for issuing location conditions.

This is a particularly important instance of spatial planning, since the planning and regulation of protected areas are most often carried out through SPASPs, and they are most often adopted for *areas with natural, cultural and historical or environmental values*¹⁰.

3.2.2. Urban plans

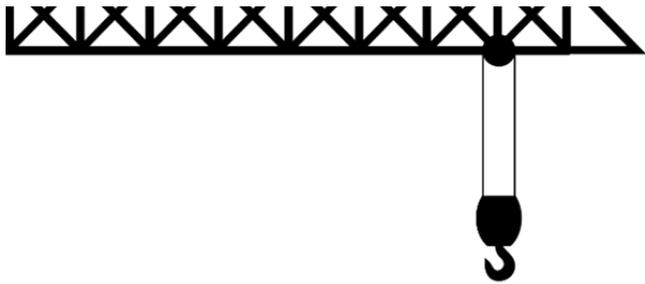
The Law on Planning and Construction recognizes the following types of urban plans:

General urban plan

The general urban plan is adopted for inhabited places classified as cities (including the City of Belgrade¹¹) in accordance with the Law on the

¹⁰ Art. 11. Par. 1. Point 1 of the Law on Planning and Construction

¹¹ Art. 23 Par. 2 of the Law on Planning and Construction



Territorial Organization of the Republic of Serbia. The general urban plan (GUP) is the only type of urban plan not implemented directly. The reason this type of urban plan exists is that cities are viewed as very complex systems whose strategic development cannot be adequately defined at the level of the republic (through SPRS or RSP), so before more detailed and operational plans providing a basis for construction are adopted, it is necessary to set strategic goals and guidelines for their adoption.

One characteristic of the GUP is that it is adopted for a certain period of time (which is most often a feature of strategies). This planning document contains *the boundaries of the plan and scope*

of the construction area; general urban planning solutions with planned predominant uses in the construction area; general directions and corridors for traffic, energy, water management, communal and other infrastructure and division into units for further planning development with general regulation plans for the entire construction area¹².

General regulation plan

According to the Law on Planning and Construction, the general regulation plan (GRP) *must be adopted for settlements that are the seat of a local self-government unit, and can also be adopted for other settlements.*

Unlike the GUP, which must be adopted for areas classified as cities, the adoption of a GRP is a legal obligation for all cities and municipalities in the Republic of Serbia.

As a rule, this is a planning document that covers the entire construction area¹³, although there are frequent cases where several GRPs are adopted for one construction area.

The GRP is a planning document that is drawn up on a cadastral basis and therefore, includes a high level of detail, defines the predominant use of land, infrastructure corridors and capacities, as well as measures to protect natural and cultural assets. GRPs can be adopted separately for networks of buildings and areas of public use, such as systems of green areas, networks of public garages, rail systems, networks of fire stations, networks of markets, etc.

Detailed regulation plan

A detailed regulation plan (DRP) is adopted for parts of a settlement, to regulate informal settlements, infrastructural corridors as well as facilities and

¹² Art. 24 of the Law on Planning and Construction

¹³ A construction area is defined as a territory inside an inhabited place where construction land is predominant in comparison to water, forest or agricultural land.

areas for which there is an obligation to compile such a plan¹⁴.

The DRP is the most detailed and consequently the most operational document of spatial and urban planning, and location conditions are therefore most often issued based on this type of planning document. In particular, it contains data on the boundaries of the plan and the scope of the construction area, the purpose of the land, the list of plots and the description of locations for public areas, contents and facilities, corridors and capacities for traffic, energy, communal and other infrastructure, measures to protect cultural and historical monuments and protected natural entities, layout and construction rules by units and zones.

3.3. Harmonization of planning documents

The Law on the Planning System prescribes that **the principles of consistency and harmonization** must be respected during the preparation and implementation of planning documents, which implies the mutual harmonization of public policies and planning documents in terms of form, content and terminology, as well as **the compliance of hierarchically subordinate planning documents with hierarchically superordinate planning documents**¹⁵.

The Law on Planning and Construction more closely regulates the manner of harmonizing spatial and urban plans through the principle of **horizontal and vertical coordination**.

- **Horizontal coordination** means **connecting with neighboring territories during planning in order to regulate common functions and interests**, *as*

*well as connecting and including all participants in spatial development, the public and civil sectors, as well as citizens*¹⁶. This principle highlights the need to consider existing “neighboring” planning documents when drafting new ones (DRP will consider what is planned for neighboring DRPs, RSP what is planned for neighboring RSPs and other planning acts, regardless of whether they include overlap).

- **Vertical coordination** means **establishing connections at all levels of spatial and urban planning and spatial arrangement, from national to regional and further to the local level, as well as providing information, cooperation and coordination between local initiatives, plans and projects with regional and national plans and actions**¹⁷. This principle highlights the need for hierarchical alignment according to the planning document with a wider scope.

Vertical coordination is also defined by Article 33, Paragraph 1 of the Law on Planning and Construction, which prescribes **that spatial and urban planning documents must be harmonized, so that the document of a narrower area must be in accordance with the document of a wider area**.

This is very important to remember. Namely, if the planning act of a narrower area (e.g. DRP or GRP) is not harmonized with the planning act of a wider area (e.g. LSGSP or SPASP), the part of the plan not harmonized with a superordinate plan can be considered illegal.

Unfortunately, this does not apply to horizontal coordination, which, unlike vertical coordination, remains only in principle. The consequence is that, in practice, the immediate environment is very rarely considered when creating or adopting a plan.

14 Art. 27 Par. 1 of the Law on Planning and Construction

15 Art. 3 Par. 1 Point 5) of the Law on the Planning System

16 Art. 3 Par. of the Law on Planning and Construction

17 Art. 3 Par. 4 of the Law on Planning and Construction

3.4. Summary of the procedures for drafting and adopting planning documents

An initiative to develop a plan

The drafting of a planning act is initiated by submitting an initiative to a body competent for spatial or urban planning. The most common initiatives for the preparation of a planning act come from the public sector, however, there are cases (especially when it comes to specific projects for which the preparation of a SPASP or DRP is required) where plans are prepared based on initiatives from the private sector. An initiative for drafting (or amending) a planning act can also be submitted by a natural person.

After accepting the initiative, a proposal for a decision to prepare it is forwarded to the authority responsible for adopting the planning act.

Decision on making a plan

The decision on preparing a planning document is made by the authority responsible for its adoption, based on a previously obtained opinion by the authority responsible for professional control, i.e. the planning commission. The decision from Paragraph 1 of this article contains in particular:

- 1) the name of the planning document;
- 2) the outline of the boundaries of the planning document with a description;
- 3) **the conditions and guidelines from superior planning documents and development strategies;**
- 4) the principles for planning, use, regulation and protection of space;
- 5) the vision and goals of planning, use, regulation and protection of the planning area;
- 6) the conceptual framework for planning, use, regulation and protection of the planning area

- with a structure of the basic space and land use;
- 7) **a deadline for the preparation of the planning document;**
- 8) **the method of financing the preparation of the planning document;**
- 9) **the place and method of public inspection;**
- 10) **the decision to prepare or not to prepare a strategic impact assessment¹⁸.**

Concept plan (early public inspection)

Although certain conclusions about what a planning solution may look like can be gleaned from the decision on preparing the planning document, the earliest stage at which the public can become familiar with the concept of the plan is **the early public inspection**.

After a decision on drafting is adopted, the author of the planning document, based on the available documents and data, prepares an elaboration that contains basic conceptual planning development solutions, which do not include the conditions, possibilities and limitations for construction on individual cadastral or building plots.

Early public inspection is advertised in the media and in electronic form on the website of the local self-government unit and on the website of the authority making the plan, and lasts for 15 days. Early public inspection begins on the day of the announcement. During the early public inspection, conditions and other important data for the preparation of the planning document are obtained from authorities, special organizations, public authorities and other institutions¹⁹.

The Law on Planning and Construction also stipulates that **the public must have the opportunity to express its views, as well as that objections received may affect the final planning solutions**. This is a very significant opportunity for civic participation, since objections can indicate potential problems that may follow (especially in terms of possible environmental

18 Art. 46 Par. 1 and 2 of the Law on Planning and Construction

19 Art. 45a of the Law on Planning and Construction

degradation). Remarks and suggestions on the elaboration put up for early public inspection can be sent by anyone, regardless of whether they have special knowledge, their degree of education, license, accreditation or any form that proves their legitimacy to deal with certain issues. There is no regulation that governs the way in which objections are written, nor is there an obligation for the applicant to have a place of residence within the scope of the plan being prepared.

Unfortunately, the competent authorities often simply adhere to the legal minimum of 15 days, regardless of the volume and complexity of the presented work, so it is very important to follow the instructions from the notice on holding an early public inspection and send objections to the designated address of the competent authority in a timely manner.

In this phase, institutions and public authorities send the competent authority the conditions that must be met when drafting the planning act. The conditions set by public authorities will be verified in the public inspection stage, when the subject of discussion is a draft planning document.

Daft plan

After collecting the studies, bases, conditions, as well as recording public objections, the author of the planning document proceeds to draft it. The draft planning document is a proposal for the final version of the graphic and text portions of the plan, **whose content fulfills all elements prescribed by law** and for which (if this obligation is prescribed) a report on the strategic environmental impact assessment has been drawn up.

The document that regulates the mandatory content of planning acts at the most detailed level is **the Rulebook on the Content, Method and Procedure for Drafting Spatial and Urban Planning Documents**.

- The content of SPRS is prescribed in Articles 2 and 3.
- The content of the RSP is prescribed in Articles 4 and 5.
- The content of LSGSP is prescribed in articles 6-11.
- The content of SPASP is prescribed in articles 12-20.
- The content of GUP is prescribed in Articles 21 and 22.
- The content of the GRP is prescribed in Articles 23 and 24.
- The content of the DRP is prescribed in Articles 25 and 26.

Expert control

A draft planning document can be considered completed only when the competent professional body issues a positive opinion, including that its content meets the prescribed conditions.

Expert control of the draft planning document is carried out by the competent planning commission.

- For plans adopted at the national level (SPRS, RSP, SPASP), the commission is established by the Ministry of Construction, Transport and Infrastructure.
- For the territory of AP Vojvodina (RSP Vojvodina, SPASP on the territory of AP Vojvodina), the commission is established by the Assembly of AP Vojvodina (a third of the members of the commission are appointed by the Ministry of Construction, Traffic, and Infrastructure).
- For LSGSP as well as urban plans within the territories of local self-government units (GUP, GRP, DRP), commissions are formed by the Assembly of the local government unit in question.

Expert control checks **the compliance of the draft with the planning documents for the wider area, the decision to draft, the Law on Planning and Construction, standards and norms, as well as the justification of the planning solution**²⁰. A report is drawn up on the expert control procedure, which is not a publicly available document, but can be obtained by sending a request for access to information of public importance.

20 RERI has not yet encountered a protocol on expert control that included a discussion on the justification of the planning solution.

Public inspection

Public inspection occurs after the draft of the planning act has passed the expert control of the competent planning commission. This is the last phase in which the planned solutions are reviewed.

The presentation of the planning document for public inspection is advertised in the daily and local newspapers and lasts for 30 days from the day of the announcement.

*The ministry responsible for spatial planning, i.e. the body of the local self-government unit responsible for spatial and urban planning, ensures that the planning document is presented for public inspection²¹. The draft, which is put up for public inspection from the point of view of the author, as well as the competent planning commission that performed the expert control, is complete and **ready to be referred to the adoption procedure**. However, the purpose of the public inspection procedure is to review, reduce, supplement, and correct the content or to abandon further adoption if serious problems or illegalities are noticed in the drafting process itself.*

The report on the strategic environmental impact assessment of the planning document (if there is an obligation to prepare it) is also subject to public inspection.

Public inspection is not only open to the public. Namely, in this phase, the public authorities which issued conditions during the early public inspection have the opportunity to submit **an opinion on the fulfillment of those conditions**. Citizens, on the other hand, participate by submitting remarks and comments on the presented draft.

In contrast to the early public inspection during which citizens' objections are only recorded, in the public inspection procedure, the drafting authority is obliged to state its position on each submitted objection, as well as to provide an explanation for the position.

The drafting authority of the planning document prepares its views on the objections to the draft planning document in written form and submits them to the competent ministry, the competent body of the autonomous province, or the LGU planning commission, in order to hold a public meeting of the commission and prepare a report on the public inspection²².

Planning Commission Public Session (Public Hearing)

*After the public inspection of the draft planning document, **the commission established by the competent authority, or the local self-government unit planning commission, holds a public meeting and prepares a report on the public inspection of the draft planning document**. The commission holds a public session at the time specified in the notice on the presentation of the planning document for public inspection, as a rule, at the headquarters of the local self-government unit²³.*

The public session of the planning commission is the only moment in the process of drafting the planning document which allows for the presence of representatives of the planners, the competent planning commission, the competent institutions, public authorities, as well as anyone who took part in the public inspection.

During the public session of the Planning Commission, the drafting authority publicly presents, i.e., reads the report on the public inspection, which contains a summary of each of the objections submitted, as well as the position on the objection in the following form:

21 Art. 50 Par. 1 of the Law on Planning and Construction

22 Art. 64 Par 2 of the Rulebook on the content, manner and procedure for drafting spatial and urban planning documents

23 Art 65 par. 1 of the Rulebook on the content, manner and procedure for drafting spatial and urban planning documents

- The objection is accepted (the draft will be amended in accordance with the objection);
- The objection is partially accepted (the draft will be amended)
- The Objection is not accepted (the objection was considered, but not accepted)
- The complaint is unfounded (the drafting authority takes the position that there is no basis for considering the complaint).

After an objection is summarized and the position presented, the drafting authority presents the argumentation for taking such a position. **If the objector is not satisfied with the drafting authority's explanation or considers it necessary to present additional arguments, they can do so during the session.**

It should be borne in mind that **the positions and explanations read by the drafting authority are not final**, but that it is the planning commission that will have the final say in a closed session on whether the submitted objections are accepted or not.

Minutes are kept of the public session of the commission, which contain basic information about the time and place of the commission session, a record of all those present at the commission session, as well as a list of participants in the discussion.

Unauthorized sound or video recordings are not allowed during the public session of the commission²⁴.

The draft planning document cannot be forwarded to the adoption procedure without the positive opinion of the planning commission, nor without the consent of the competent authority²⁵ on the report on the strategic environmental impact assessment.
Adoption and publication of planning acts

After the public inspection, the meeting of the Planning Commission, the adoption of amendments to the draft in accordance with the report on the public inspection, and once a positive opinion of the Planning Commission is obtained and the report on the strategic environmental impact assessment is approved, all the conditions for sending the draft for adoption to the competent authority are met.

Along with the draft planning document, which contains the textual and graphic parts, the authority responsible for the adoption of the planning document is also provided with mandatory attachments in the form of an explanation of the planning document.

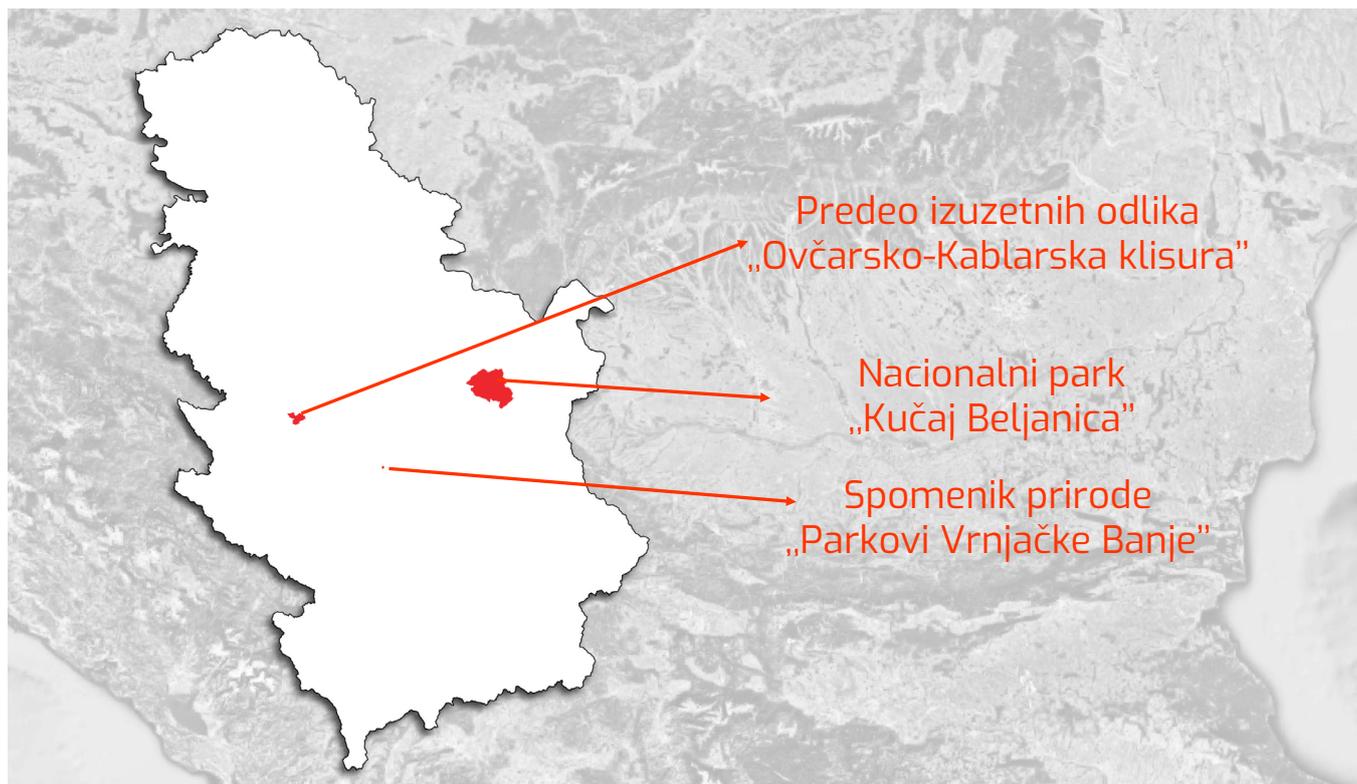
Upon adoption, all planning documents (textual part) are published in the official gazettes of the Republic of Serbia, autonomous provinces or local self-government units, depending on the type of document, and are also published in electronic form in the Central Register of Planning Documents and on the official website of the authority responsible for preparation and adoption of the planning document²⁶.

²⁴ Art. 66 Par. 4 and 5 of the Rulebook on the content, manner and procedure for drafting spatial and urban planning documents

²⁵ Authority competent for environmental protection (e.g. Ministry of Environmental Protection, Secretariat for Environmental Protection, etc.)

²⁶ Art. 70 of the Rulebook on the content, manner and procedure for drafting spatial and urban planning documents

4. Review of observed illegalities in the field of planning and construction within protected areas in the Republic of Serbia



The rest of this manual will use **concrete examples to present information on procedures and opportunities for the institutional action of civil society organizations** for each of the above-mentioned areas, in addition to providing a record of observed illegalities. **Conclusions about efficiency and possible improvements to the public participation process will also be drawn** based on the outcome of these procedures and legal actions.

4.1. National Park "Kučaj-Beljanica"

4.1.1. General information about the area

The Kučaj-Beljanica mountain area is located in eastern Serbia, bordered by the Žagubički basin in the north, the Bor - Zaječar valley in the east, while the mountain Rtanj and the Čestobrodica pass extend along its southern edge, and the Velika Morava river flows along its western edge.

This is a true gem of untouched nature and **the largest limestone massif and reservoir of drinking water** in the Republic of Serbia. This area is characterized by a large number of preserved natural sites and fascinating geomorphological forms such as canyons, gorges, arches, and caves. In addition to the authentic karst morphology and hydrogeology, this area also offers forests, rainforests, habitats of rare species of flora and fauna, and other values that indicate extremely rich biodiversity.

One of the possible reasons for such an intense presence of distinct natural values may be because this is **the largest uninhabited area on the territory of the Republic of Serbia**, i.e., an area where the anthropogenic factor has minimally influenced its appearance.

Back in 1949, the first natural monuments were declared in the Kučaj-Beljanica area, however, until 2013, this area was not discussed in the context of becoming a protected spatial unit.

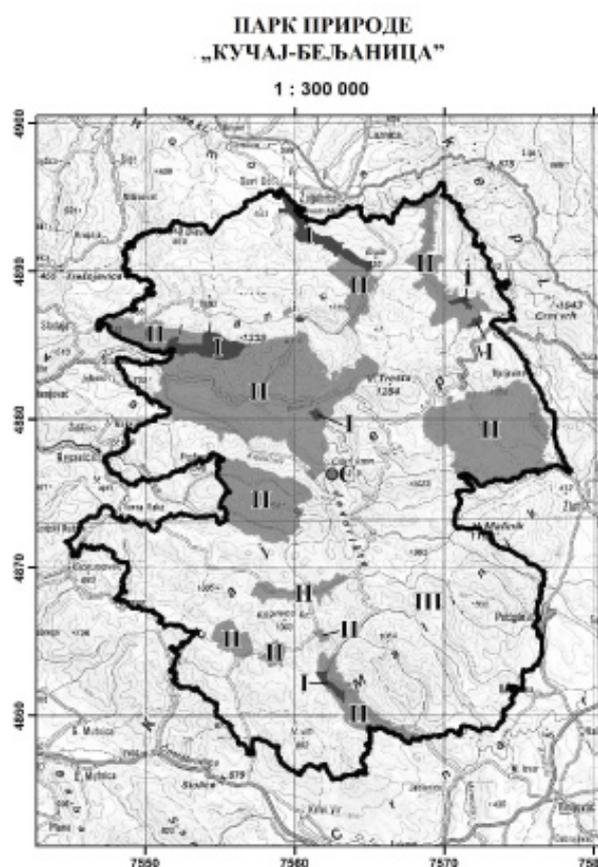
The first step towards the valorization of the area in question as a protected natural asset was a study on the protection of the Nature Park "Kučaj-Beljanica" by the Institute for Nature Conservation of Serbia. The very next year, the Government of the Republic of Serbia passed **a Regulation establishing the Spatial Plan of the special purpose area of**

the natural good Beljanica-Kučaj²⁷

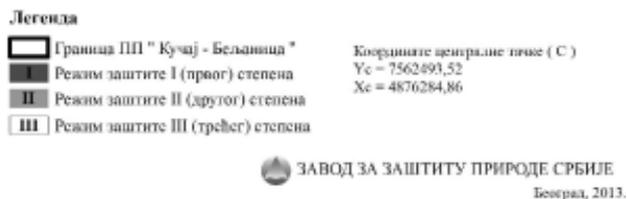
The Kučaj-Beljanica area was first publicly mentioned in the context of a future national park in 2017, when Dragana Petraš, coordinator for preparing a new study on the conservation of the "Kučaj-Beljanica National Park", stated the following for the daily newspaper Novosti:

"The ensuing extensive, multi-year research conducted by experts from our Institute confirmed that the Kučaj-Beljanica mountain complex has the characteristics of a national park. However, the idea of making it official has been dragging on for twenty years.

Although the mere existence of the conservation study from 2013 meant that preconditions for the immediate initiation of the conservation procedure for this area had been established, the Ministry of Environmental Protection (MEP) took 7 years to take that step. Namely, on July 30, 2020, a



27 Official Gazette of RS no. 98/14 Source: Novosti daily, Kučaj-Beljanica novi nacionalni park, J. Matijević May 2017 (available [here](#))



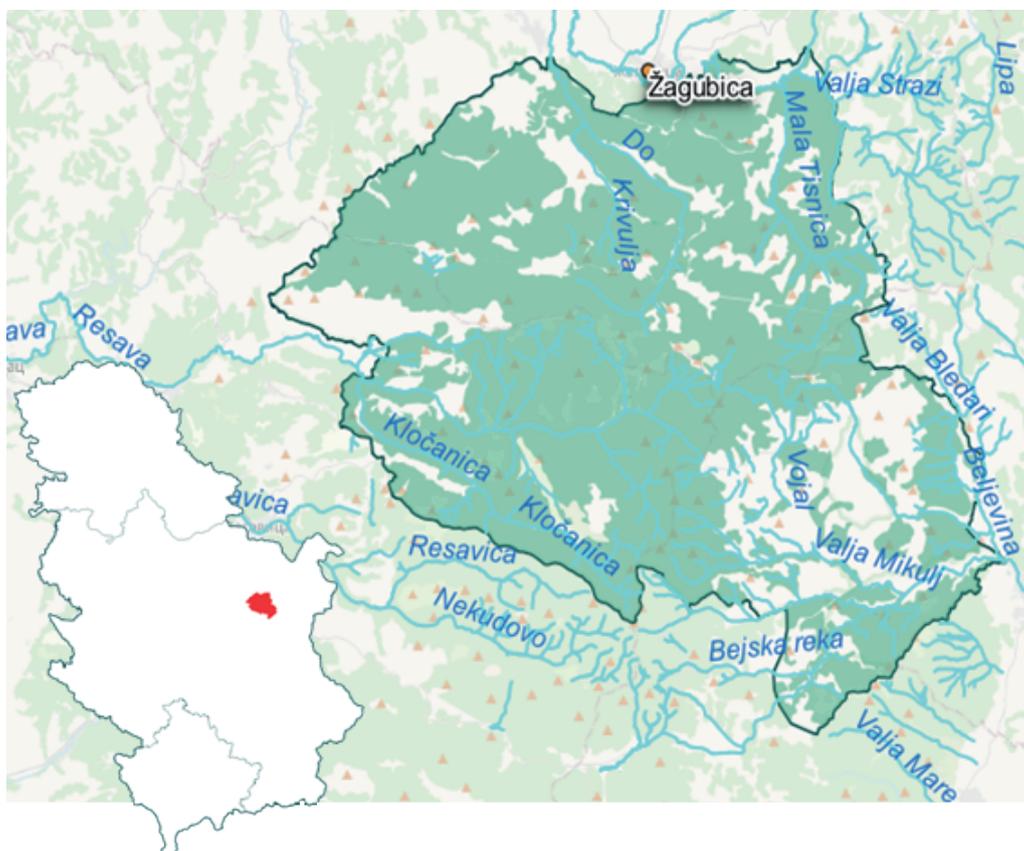
Picture no. 1: Excerpt from the study on the protection of the "Kučaj-Beljanica" Nature Park, graphic attachment: Map of the conservation regime (Institute for Nature Conservation of Serbia, Belgrade, 2013)

[notice was posted on the website of the Ministry of Education and Culture](#) about the initiation of conservation on the Kučaj-Beljanica area, however, **not as a national park but as a nature park.**

On January 5, 2022, the Ministry of Environmental Protection published a [notice](#) on its official website about the initiation of the procedure for the conservation of the Kučaj-Beljanica National Park. The procedure was initiated on the basis of the National Park Kučaj Beljanica Conservation Study ("Conservation Study"), which was prepared by the Institute for Nature Conservation of Serbia in December 2021.

According to Article 42, paragraph 6 of the Law on Nature Protection, *the area for which a conservation procedure has been initiated shall be considered protected in accordance with this law, and until the adoption of a declaration document, measures prescribed in the conservation study shall be applied.*

The above actually means that even though it is not yet an officially declared national park, the planning, management and use of this area, as well as all the activities that take place there, must be in accordance with the measures prescribed in the National Park "Kučaj-Beljanica" Conservation Study.



Picture no. 2: National Park "Kučaj-Beljanica"

AREA ID CARD

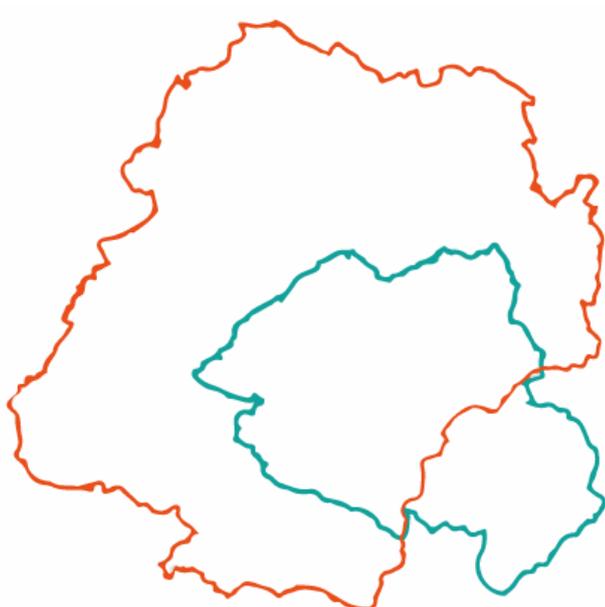
Year of establishment		The designation process was initiated in January 2022
Municipalities		Despotovac, Žagubica, Bor and Boljevac
Surface area		45.371,62 ha
Management Authority		Until the conservation procedure was initiated, the nature park was managed by PE "Srbijašume"

4.1.2. Problem description

Unlike the other protected areas covered in the research, the Kučaj-Beljanica National Park is still in **the process of being designated**, which is why we mainly focused on activities that may have the greatest negative impact on the completion of the process of declaring a national park.

This is precisely the case with the development and potential adoption of **the spatial plan of the Kučaj Mountain Tourist Destination (SPASP Kučajska planina)**. Namely, on April 15, 2022, the website of the Ministry of Construction, Transport and Infrastructure (**MCTI**), **announced a public inspection** of the **SPASP Kučajska planina** was announced.

Since the spatial plan overlaps to a significant extent with the area reserved for the "Kučaj-Beljanica" National Park, RERI embarked on an analysis of the documentation that was published and made available for public inspection.



■ Scope of SPASP Kučajska planina
(Source: Graphic attachment of the Draft plan: reference map 1, Special purpose space)

■ Preliminary border of the "Kučaj-Beljanica" National Park
(Source: Conservation study, graphic attachment: Map of the conservation regime)

Picture no. 3: *Overlap of the scope of the Draft Plan with the preliminary boundary of the National Park "Kučaj-Beljanica"*

As it is a document that aims to determine the rules for development and construction in the area it covers, in addition to compliance with the positive regulations of the Republic of Serbia, RERI first examined the degree of compliance of the SPASP Kučajska planina with the Conservation Study. However, **it was soon established that the Conservation Study was not taken into consideration at all.**

As a consequence, **planning solutions that are in direct opposition to the measures prescribed in the Conservation Study have been adopted.** Namely, the adoption of the SPASP Kučajska planina and its implementation **would directly threaten the fundamental values on which the Kučaj-Beljanica National Park was established, which could result in the suspension of the protection procedure.**

Some of these planning solutions are as follows:



Picture no. 4 (on the left): Space reserved for the first phase of construction of the Beljanica ski resort within the SPASP Kučajska planina.

I - Planned construction of the Beljanica ski resort

SPASP Kučajska planina envisages the construction of the first phase of the Beljanica ski resort complex, with a capacity of approximately 2,000 tourists, two cable cars with two accompanying ski slopes and one specialized ski slope, 5 themed tracks with catering facilities and a technical base. When considering the planned accompanying traffic, utility and energy infrastructure, it is clear that this is a major project, the construction of which would significantly burden the environment and damage its quality.

By looking at the graphic attachment of the Conservation Study, it can be concluded that the entire area reserved for the first phase of the construction of the "Beljanica" ski resort is located within **the area of the II-degree nature conservation regime**, where the construction of public ski resorts is expressly prohibited.



Picture no. 5 (on the right): the scope of the first phase of the construction of the Beljanica ski resort is marked within the map of the conservation regime of the Study on the Conservation of the National Park "Kučaj-Beljanica".

Da bi se zaštitile temeljne vrednosti na prostoru režima zaštite II stepena važe sve zabrane i ograničenja propisane odredbama Zakona o zaštiti prirode i Uredbe o režimima zaštite.

Zabranjuje se:

- izgradnja vikendica i drugih porodičnih objekata za odmor;
- izgradnja javnih skijališta;
- izgradnja vetrogeneratora;

Picture no. 6: Excerpt from the Study on the Conservation of the National Park "Kučaj-Beljanica".

II - The planned construction of the Beljanica hydro-accumulation

Unfortunately, the planning decisions from the SPASP Kučajska Planina did not save sites under a first-degree nature protection regime from construction either, and a significant part of the strict nature reserve and the area of special natural beauty, "Klisura Resave" would be earmarked for the construction of the "Beljanica" hydro reservoir. The implementation of this planning solution would mean the creation of an artificial lake with a volume of approximately 40 million cubic meters, which would significantly threaten part of the "Resava Gorge".



Picture no. 7: Space reserved for the construction of the Beljanica hydro-accumulation within the SPASP Kučajska planina (on the left)



Picture no. 8: Marked coverage of the Beljanica hydro-accumulation within the map of the protection regime of the Kučaj-Beljanica National Park Conservation Study (on the right)

This planning solution is in direct opposition to the measures prescribed in the Conservation Study.

zabrane i ograničenja propisane odredbama Zakona o zaštiti prirode i Uredbe o rezimima zaštite.

Zabranjuje se:

- korišćenje prirodnih resursa i izgradnja objekata;
- slobodna, nekontrolisana poseta i obilazak, kretanje van postojećih puteva i specijalno utvrđenih staza.

Picture no. 9: Excerpt from the Study on the Conservation of National Park "Kučaj-Beljanica"

4.1.3. Activities undertaken

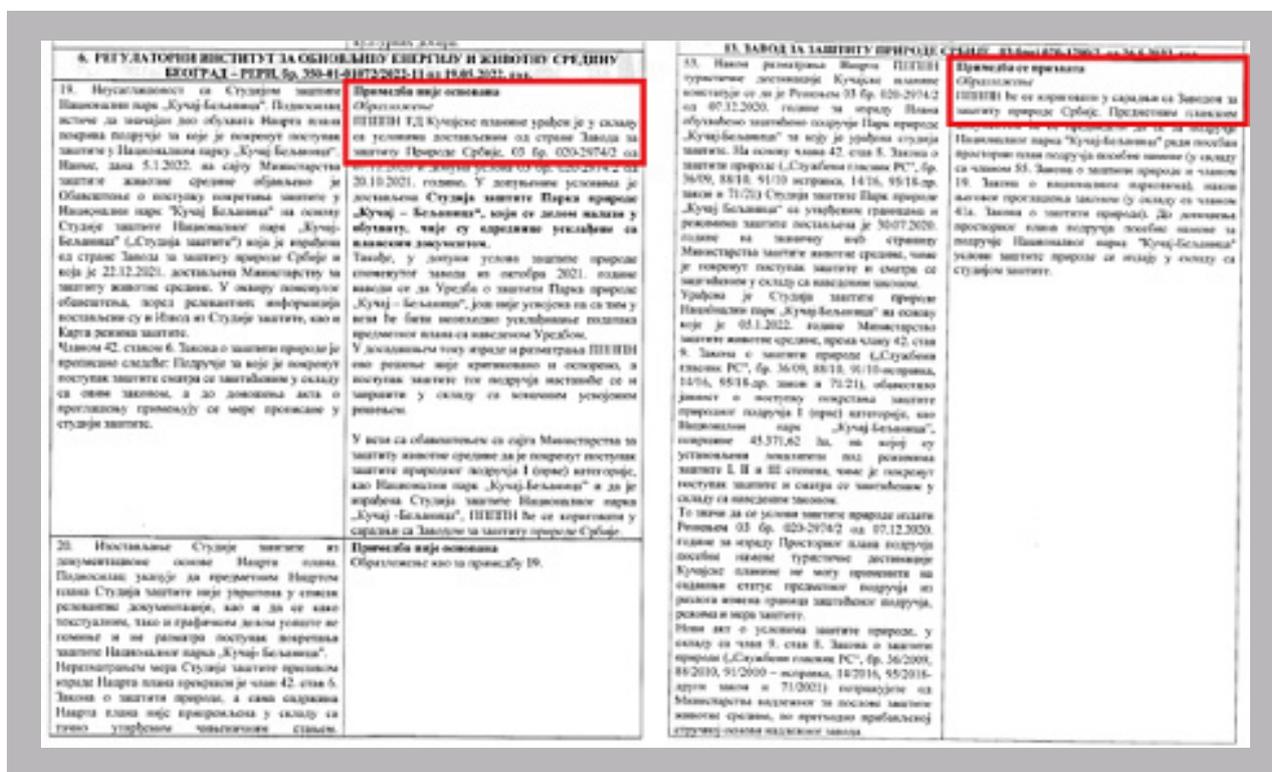
In addition to informing the public about the observed illegalities, **RERI appealed** to the drafting authority of the plan, as well as to the Public Company "Urbanizam-Kragujevac" and the Faculty of Geography of the University of Belgrade, as the processing authority of the SPASP Kučajska Planina, **to immediately withdraw the draft plan until it is harmonized with the Conservation Study of the "Kučaj-Beljanica" National Park.** It was also pointed out to the Ministry of Environmental Protection that the possible **issuance of consent to the strategic environmental impact assessment report** for this planning act would be illegal.

In addition to this, as the draft of the SPASP of Kučajska planina was in the public inspection stage, RERI took part and pointed out the observed illegalities and omissions to the drafting authority by sending objections and comments, in accordance with the defined legal procedure.

The argumentation of the objections primarily concerned perceived discrepancies with the provisions of the Law on Nature Protection, as well as discrepancies with the measures prescribed by the Conservation Study, which have the effect of jeopardizing the fundamental values on which the Kučaj-Beljanica National Park was established.

A special set of remarks was addressed to the report on the strategic environmental impact assessment of the draft SPASP Kučajska Planina, which also completely ignores the existence of a Conservation Study and the process of declaring the Kučaj Beljanica National Park which has been initiated.

After the public inspection, a report on the public inspection was prepared, which contains the views of the competent planning commission on each submitted objection. However, in addition to breaking the deadlines for acting on the request for access to information of public importance, and then partially acting on it, the report was only submitted to RERI by the Ministry of Construction, Transportation and Infrastructure in mid-August. **A total of 6 individuals and legal entities and**



Picture no. 10: Excerpt from the report on the public inspection of the draft spatial plan of the special purpose tourist destination Kučaj planina.

Image on the left: response to RERI's objection. **Image on the right:** response to the objection submitted by the Institute for Nature Conservation of Serbia

7 institutions submitted objections to the Draft Plan. **Only RERI made an objection** to the strategic impact assessment, which speaks to a concerning low level of information provision and citizen participation. All of RERI's objections were dismissed as unfounded, but it is interesting that an almost identically reasoned objection submitted by the Institute for Nature Conservation of Serbia was actually accepted by the Planning Commission within MCTI.

From the above, one cannot help but conclude that parties taking part in the public inspection procedure are given selective and unequal treatment.

By the time of writing the present analysis, the Ministry of Environmental Protection has yet to respond to the requests for access to information of public importance sent by RERI regarding this case, despite the urgency sent to the address of this body, which is why RERI is currently working on taking adequate legal measures.

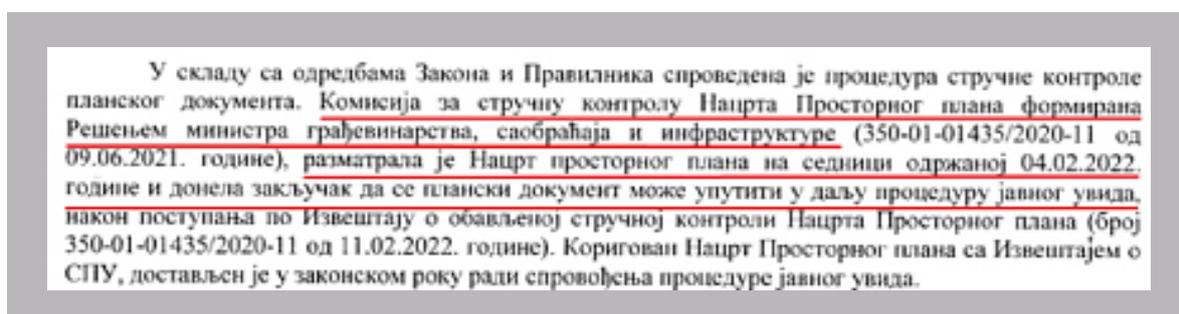
The SPASP of Kučajska planina is currently awaiting approval for a strategic impact assessment so that it can be referred to the adoption procedure.

4.1.4. Conclusions and recommendations for public participation

It is evident that the example of SPASP Kučajska planina, shows a worryingly low level of information provision, cooperation and coordination between the competent authorities and institutions, as well as towards the public. This conclusion is actually optimistic and based on the assumption that the observed failures were not carried out consciously and intentionally.

Regardless of what interests exist and what the actual reason is that MCTI, as the drafting authority of the planning document and its processing authorities (the Faculty of Geography of the University of Belgrade and PE "Urbanism-Kragujevac") are ignoring the existence of the Conservation Study and the fact that the process of designating the Kučaj-Beljanica National Park has been initiated - this would have remained unchanged if the public insight procedure had not been held.

It is unreasonable and unacceptable that this state of affairs was not already noticed at the **expert control** stage of the draft.



Picture no. 11: Excerpt from the report on the public inspection of the draft spatial plan of the special purpose area of the tourist destination "Kučaj planina".

This is precisely why public and civil society participation in the public inspection procedure of draft planning documents is so important. However, in order to participate, the public must first be informed that a public inspection is taking place.

Information provision and networking

As we previously mentioned in the description of the procedures, a **public inspection** is advertised in **the daily and local newspapers**, and the draft itself is available on the website of the authority

responsible for implementing the procedure, which in this case is MCTI. Since **the 30-day period starts from the day of the announcement**, it is clear that the space for analyzing the documentation, compiling objections and sending them to the address of the competent authority is **quite narrow**.

Regarding the established procedures for announcing public information and informing the public about it, unfortunately, there is a lot of room for improvement, the shortcomings are numerous and could be the subject of a separate manual.

Currently, the best solution for civil society organizations is to monitor the websites of authorities responsible for spatial and urban planning on a daily basis:

- For plans adopted at the national level (SPRS, RSP, SPASP) - the [MGSI website](#)
- For the territory of AP Vojvodina (RSP Vojvodina, SPASP on the territory of AP Vojvodina) - the [Provincial Secretariat for Urban Planning and Construction website](#)
- For LSGSP as well as urban plans within the territories of local self-governments (GUP, GRP, DRP) - LGU websites

Although numerous civil society organizations achieve notable results in their work, gather significant professional staff and are logistically equipped, hardly any entity is able to independently fully respond to the problems arising from a wrong approach to the preparation of a planning act. Therefore, **networking and knowledge transfer** play a significant role in the public inspection procedure. There are various methods for information provision, from simply sharing information through available communication channels (social networks, mailing lists, correspondence, etc.) to drafting press releases for the public and the media or organizing press conferences, public forums, panels and discussions that require far greater effort and investment. Any kind of contribution is important and should not be underestimated. Pisanje primedbi i prisustvo na javnoj sednici komisije za planove

Writing objections and attending the public meetings of the planning commissions

Analyzing the documentation put up for public inspection and recording procedural errors, illegalities or problematic planning solutions are the basis for writing objections, however, it is equally important to raise objections and send them to the right address. Particular attention should be paid to the following elements:

- **Thoroughness** - Regardless of how unnecessary it seems to you to, for example, refer to the provisions of laws, regulations or attach evidence for claims that are logical and unquestionable in your opinion, do it. Nothing is taken for granted, your remark carries "weight" inasmuch as its argumentation is indisputable.
- **Precision** - Carefully list the regulations, planning documents, studies and other documents you refer to, and pay particular attention to whether you are using valid and relevant documents. Check the facts, dates, issue numbers, decisions and other data to avoid a situation where your objection is not considered due to a technical error.
- **Neatness** - The imperative in writing a remark should be to highlight the essence of the problem, any possible deviation from the topic and highlighting unnecessary accompanying problems only leaves room for the processing authority to spend more time on less important matters.
- **Objectivity** - It is desirable to minimize the risk that your remark will be understood as a political position or provocation. If you count on the objectivity of the members of the planning commission in considering your objection, you would do well to adhere to that principle yourself.
- **Civility** - Using derogatory language or directing insults at someone is by no means desirable. Rhetoric based on shaming only serves to further increase any antipathy for the argument you presented. Derogatory language and insults at anyone's expense should be avoided. It is also often the case that the planning commission forbids the reading of a remark that includes offensive content.

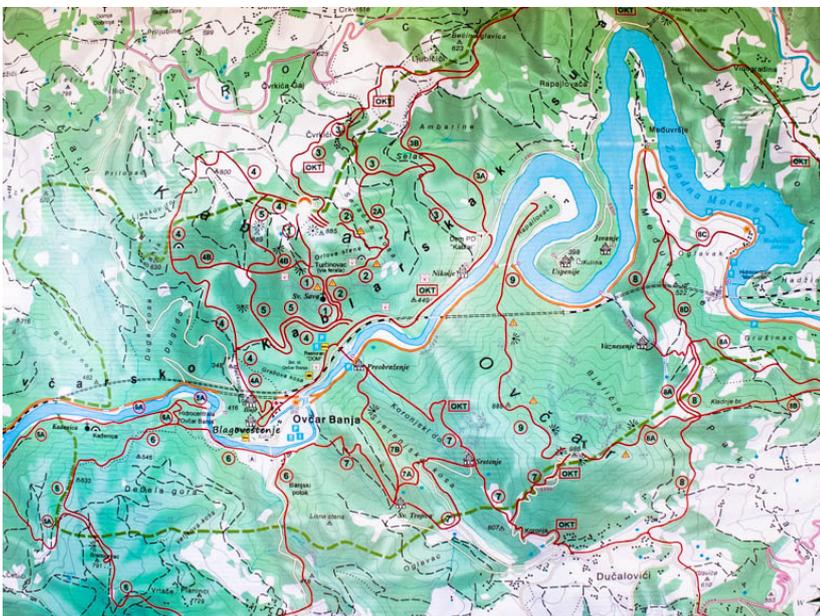
- **Observance of deadlines** - Carefully read the instructions in the notice on public inspection and send your objection in a timely manner to the address indicated. The processor has no obligation to record and respond to an objection that has arrived late.

Attending a **public planning commission meeting** is just as important as making an objection, as it is the only time you are allowed to further explain your objection if you are not satisfied with the way it was handled.

4.2. Predeo izuzetnih odlika "Ovčarsko-kablarska klisura"

4.2.1. Opšte informacije o području

In the central part of Serbia, the Zapadna Morava river, breaking through the Ovčar and Kablar massifs, cut a unique gorge, which in 2000 was protected as the "Ovčarsko-Kablarska klisura" Landscape of Outstanding Characteristics. The river, slowing down its flow in collision with the cliffs of Ovčar and Kablar, builds three unique meanders, and the gorge represents a geomorphological phenomenon of special natural value. The fundamental values of the gorge are determined by its refugial character, geomorphological and monumental values, the flora and fauna present, as well as the attractiveness of the landscape. The main morphological peculiarity of the protected gorge is represented by the extraordinary bends of the Morava river, three so-called grafted or pinched meanders²⁸.



Picture no. 12: Graphic attachment of the Regulation on the Conservation of the Landscape of Outstanding Characteristics "Ovčarsko-Kablarska klisura"

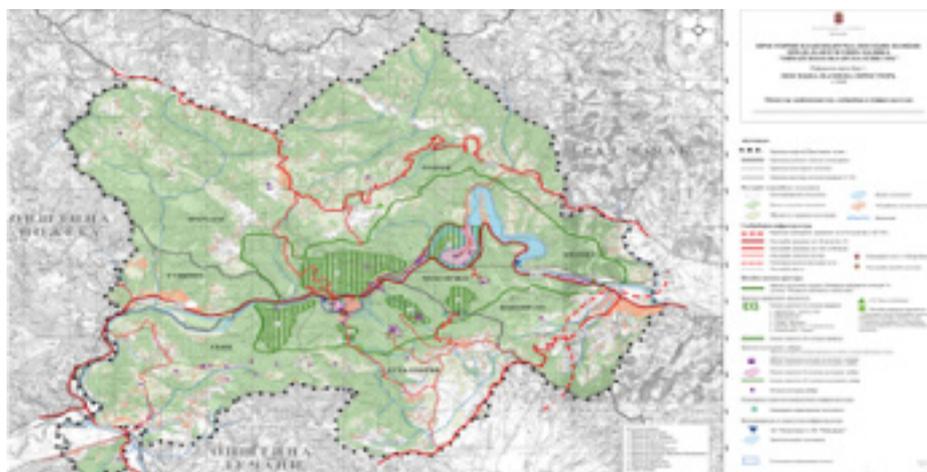
In mid-2019, the Government of the Republic of Serbia adopted the Regulation on determining the spatial plan for the special purpose area of the landscape of outstanding characteristics, "Ovčarsko-Kablarska klisura"²⁹ (SPASP Ovčarsko-Kablarska klisura) which, in addition to the landscape of outstanding features, also includes the area of the "Ovčarsko-Kablarski manastiri"³⁰ as a whole.

28 Institute for Nature Conservation of Serbia, Predeo izuzetnih odlika "Ovčarsko-Kablarska klisura" (2019). Available [here](#)

29 Official Gazette of RS no. 49/19

30 t/n: Monasteries of Ovčarsko-Kablarska gorge

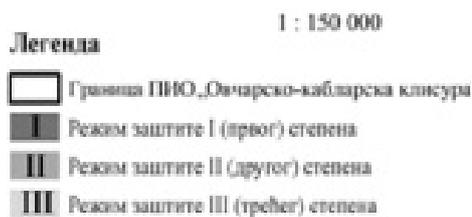
This document, created 19 years after the declaration of the protected area in question, provided a planning basis for its protection, arrangement and sustainable use for the first time.



Picture no. 13: Spatial plan of the special purpose area of the landscape of outstanding characteristics "Ovčarsko-Kablarska klisura"

Two years after the adoption of the SPASP Ovčarsko-Kablarska klisura, the Government of the Republic of Serbia adopted a new Regulation on declaring the landscape of outstanding features "Ovčarsko-Kablarska gorge".

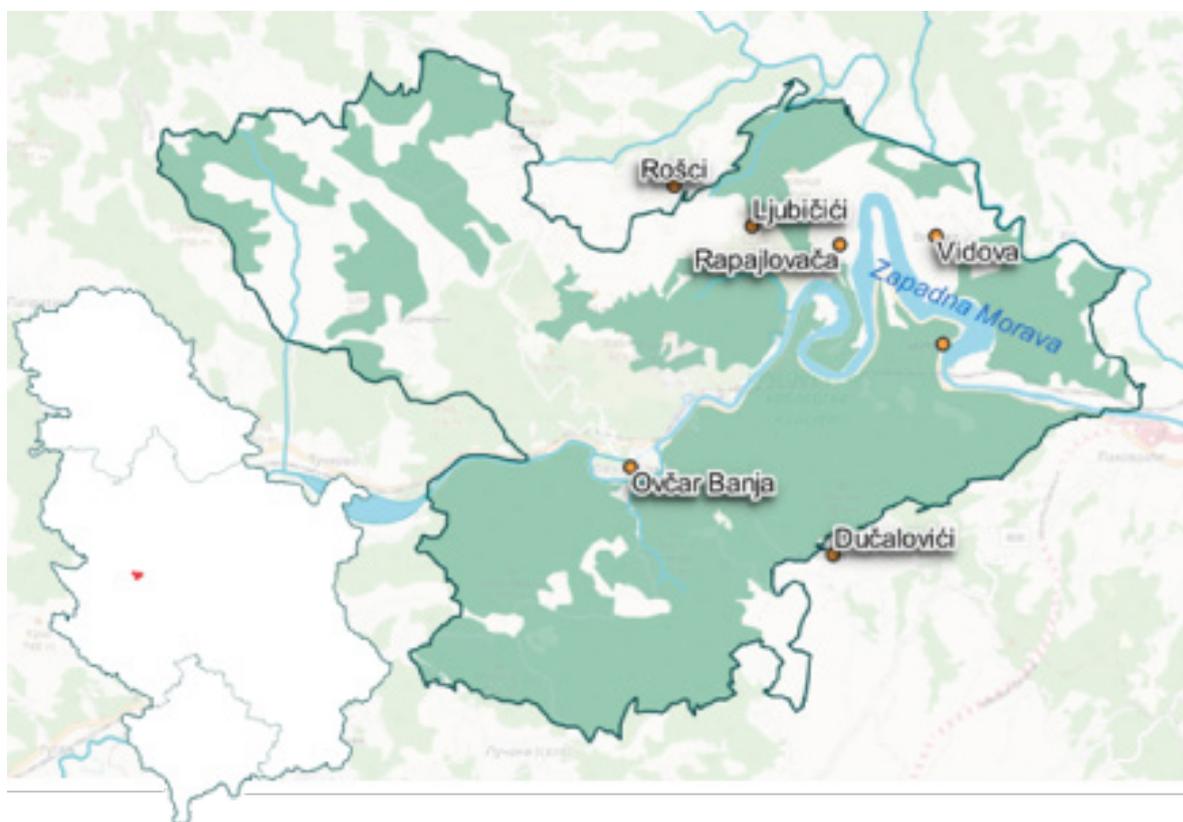
The regulation was adopted on the basis of a study on the conservation of the landscape of outstanding characteristics "Ovčarsko-Kablarska klisura", which was carried out by the Institute for Nature Conservation of Serbia, 20 years after this area was declared as protected. The Conservation Study, which was carried out as part of the audit of the protected area, re-examined the natural values, the development plans of the Ovčar spa area, and in this context, it was proposed to **expand the protected area to an additional two and a half thousand hectares in addition to the current 2,500 hectares, as well as new protection regimes within extended area boundaries.**



Picture no. 14: Graphic attachment of the 2021 Regulation on the Protection of the Landscape of outstanding characteristics "Ovčarsko-Kablarska klisura"

AREA ID CARD

Year of establishment		2000
Municipalities		Čačak and Lučani
Surface area		4.910 ha
Management Authority		Public institution "Tourist Organisation of Čačak"



Picture no. 15: The landscape of outstanding features "Ovčarsko-Kablarska klisura"

The landscape of outstanding features "Ovčarsko-Kablarska klisura" is placed under protection in order to protect and preserve the attractive morphological features of this area, which is an erosive river form of relief, represented by a gorge-like, deeply cut Moravian valley and pronounced pinched meanders, with **12 representative geological and geomorphological objects of geoheritage**.

The area of the gorge is characterized by an exceptional wealth of flora and the gorge is one of the centers of diverse ecosystems and vegetation series³¹.

31 Art. 2 Par. 1 and 2 of the Regulation on the conservation of the landscape of outstanding features "Ovčarsko-Kablarska klisura" (Official Gazette of the Republic of Serbia no. 77/21)

4.2.2. Problem description

Construction of a glass observatory on the top of Mount Kablar

Since the development of a number of projects requiring large capital investments is planned in the area of the Ovčar-Kablar Gorge, for which over RSD 500 million has been allocated in the budget of the Republic of Serbia in 2022, the Government of the Republic of Serbia established an Interdepartmental Working Group for the management and development of the Ovčar-Kablar Gorge³².

At the meeting of the Interdepartmental working group for the development of the Ovčar-Kablar Gorge on the premises of the Government of the Republic of Serbia, the dynamics of the implementation of projects such as the construction of roads to the lookout point on the cable bridge, the bridge over the Western Morava and the dredging of the Međuvršje lake were discussed. However, what attracted a lot of public attention was **the announcement of the construction of a lookout point at the very top of Kablar**, for which RSD 110 million will be allocated.

The peak of Kablar, where the construction of the lookout point is planned, is in a II degree of nature conservation regime. According to Article 35 of the Law on Nature Conservation, in the II degree of protection, construction interventions can be carried out with the aim of restoration, revitalization and overall improvement of the protected area, without consequences for the primary value of their natural habitats, populations, ecosystems, features of the landscape and geoheritage objects, traditional activities may be performed and natural resources may be used in a sustainable and strictly controlled manner. The second level protection regime, among other things, restricts the construction of hospitality facilities and tourist infrastructure, the construction of traffic, energy, communal and other infrastructure facilities.

At the beginning of 2022, the Tourist Organization of Čačak announced a tender for the development of design and technical documentation for the construction of the Kablar glass observation deck. The project task of the public procurement defines the following:

*Technical documentation is required to define **the regulation of an area of ~1000m², access to the building and the plateaus where open landscaped areas should be planned as well as a closed visitor center building with an info desk and a cafe**, from which one can observe the landscape of outstanding features with significant natural, aesthetic and cultural values Ovčarsko - Kablarska gorge. The maximum closed area of the visitor center facility is ~200m².*

Near the upper plateau of the ridge, a visitor's center with a cafe and information desk should be planned. It is desirable that the materialization of the object enables maximum visibility and experience of nature. The roof of the building should be planned as flat, with the possibility of forming a seating space for visitors.

Following the news about the planned construction of a lookout point, as well as a significant catering facility on the top of Kablar, numerous environmental organizations and local initiatives expressed negative opinions about the project.

The City of Čačak and the Ministry of Trade, Tourism and Telecommunications **signed a contract on the construction of a glass observation deck at the top of Kablar on March 18, 2022**, which was the reason for the creation of the "Sačuvajmo Kablar"³³ online petition, which was initiated by a large number of representatives of the academic community, environmental associations and local initiatives. The petition was signed by over 4,500 people.

According to the mayor of Čačak, Milun Todorović, the construction of the cafe ended up being abandoned: **There will definitely not be a cafe.** In a conversation

32 Decision on establishing an Interdepartmental Working Group for the management and development of the Ovčar-Kablar gorge (Official Gazette of RS no 21, May 2021)

33 t/n: Save Kablar



Picture no. 16: Render (visualization) of the planned glass observation deck on top of Mount Kablar

with the competent Minister and the Prime Minister some time ago, we concluded that there is really no point in building restaurants and cafes at the top of Kablar. People should enjoy nature and have an attraction in the form of a viewpoint that will be built. When it comes to hospitality, several households living in the villages of Kablar are in the final stages of preparing restaurants and other types of tourist offers. That should be done by private individuals and people who have more capacity for that than we do. We really arrived at a common position that it is not necessary to build cafes and restaurants on Kablar as it was foreseen in the conceptual solution from last year³⁴.

Signing of the contract on the construction of a glass observation deck on the top of Kablar, marked the beginning of the preparation of technical documentation, i.e. a conceptual solution for the purpose of obtaining location conditions. Location conditions are the first stage in the process of obtaining a building permit.

4.2.3. Activities undertaken

Since the process of issuing location conditions was about to be initiated for the purposes of the construction of the observation deck on Kablar, RERI monitored the changes in the database of the Central Record of Unified Procedures for Issuing Building Permits (CRUPIBP)³⁵

³⁴ Todorović: Neće se graditi kafić na vrhu Kablara, ali hoće novi vidikovac. Morava info (2022). (Available at the link)

³⁵ The Central Record of Unified Procedures (hereinafter: Central Record) is a unique, central, public, electronic database maintained by the Serbian Business Register Agency, where data, documents and documentation of all registers of unified procedures on the territory of the Republic of Serbia are consolidated, and which is publicly available in accordance with the law and this rulebook. (Article 2, paragraph 1, point 7 of the Rulebook on the procedure for implementing the unified procedure by electronic means («Official Gazette of RS», No. 68/2019)

Централна евиденција обједињених процедура
за издавање грађевинских дозвола

Претражи

ROP-MSGI-19192-LOC-1/2022

Број предмета Инвеститори Улица

Сви повезани предмети у досијеу

Комплетан досије обједињене процедуре за издавање грађевинских дозвола

Локацијски услови Грађевинска дозвола Пријава радова Прикључење на инфраструктуру Употребна дозвола Упис права својине

БРОЈ ПРЕДМЕТА	СТАТУС	ТИП ЗАХТЕВА	НАДЛЕЖНИ ОРГАН	ПОДНЕТ	ЗАВРШЕН
ROP-MSGI-19192-LOC-1/2022	Поступак обустављен	Издавање локацијских услова	РЕПУБЛИКА СРБИЈА: МИНИСТАРСТВО ГРАЂЕВИНАРСТВА, САОБРАЋАЈА И ИНФРАСТРУКТУРЕ	23.6.22. 14:32	29.6.22. 08:21
ROP-MSGI-19192-PCA-2/2022	Захтев усвојен	Одустанак од захтева	РЕПУБЛИКА СРБИЈА: МИНИСТАРСТВО ГРАЂЕВИНАРСТВА, САОБРАЋАЈА И ИНФРАСТРУКТУРЕ	28.6.22. 12:15	29.6.22. 08:21

Picture no. 17: Extract from the central record of unified procedures for issuing building permits (Screenshot)

On June 23, 2022, when the Public Institution "Tourist Organization of Čačak" (TO Čačak) submitted a request for location conditions to the MCTI. However, only three days after submitting that request, TO Čačak submitted a request to withdraw it.

According to the Law on the Freedom of Access to Information of Public Importance³⁶, information of public importance is defined as **information at the disposal of a public authority, originating in the course of its work or in connection with the work of a public authority, contained in a certain document, and includes everything the public has a justified interest to know about**³⁷.

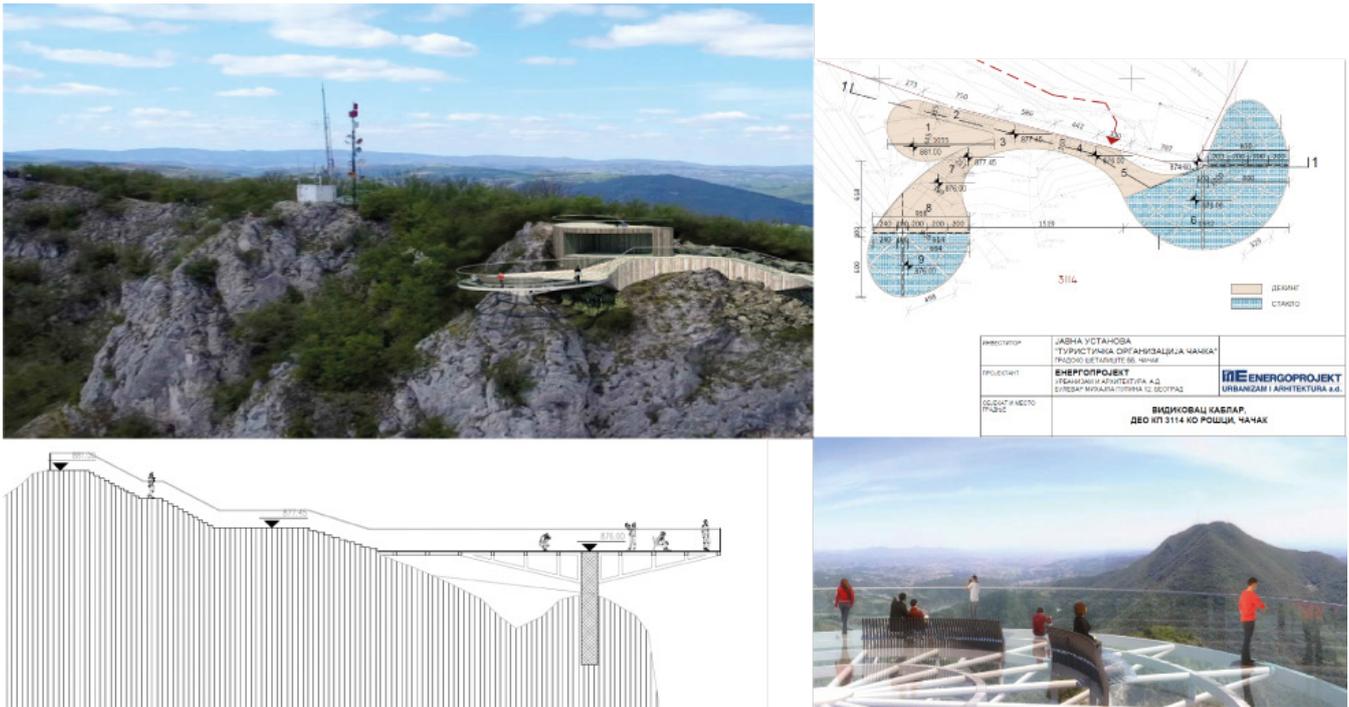
On that basis, RERI sent a Request for Access to Information of Public Importance to MGSJ in order to come into possession of the technical documentation that, in accordance with the Law on Planning and Construction, must be attached to the request for issuing location conditions³⁸.

The response to the request for access to information of public importance was forwarded to RERI on July 15, 2022, and in addition to sending the requested technical documentation, MCTI informed RERI that the reason for suspending the procedure for issuing location conditions was a review of the feasibility of using solar panels as an alternative mode of supplying the facility with electricity. By inspecting the graphic attachment of the architecture project, which is an integral part of the conceptual solution submitted under number 3010/22 IDR-1, we could see that the planned construction of a catering facility on the top of Kablar was abandoned, replaced with a plan for a much smaller room, which is marked as a "tourist station".

36 Official Gazette of RS no. 120/2004, 54/2007, 104/2009, 36/2010 i 105/2021)

37 Art. 2 Par. 1 of the Law on Freedom of Access to Information of Public Importance

38 Art. 53a Par. 6 of the Law on Planning and Construction



Picture no. 18: Excerpt from the architecture project, which is an integral part of conceptual solution number 3010/22 IDR-1 for the construction of the observation deck on Kablar

One month after submitting the first request for location conditions, on July 22, 2022, TO Čačak addressed MCTI with the same request again. After the submission of the request was recorded in the CRUPIB database, RERI again turned to MCTI, with a request for all the documentation that was submitted with the request in question, including the conditions of the public authority.

However, before the request sent by RERI was acted upon, on August 17, MGSJ issued the Decision on Issuing Location Conditions No. 350-02-01550/2022-07 (**Location Conditions**). According to the instruction on the legal remedy³⁹, which is an integral part of the Location Conditions, an *objection to the location conditions can be submitted to the Government of the Republic of Serbia, through this ministry, within three days from the date of delivery.*

Two days after the issuance of the Location Conditions, the requested documentation was delivered to RERI, which created the conditions for checking the content of the technical documentation, as well as whether the conditions of public authorities were fulfilled when the conditions were issued. The main challenge had to do with the timeframe for submitting objections to the Location Conditions, as RERI only had 1 day to prepare the objection.

An analysis of the relevant documentation revealed the following omissions in issuing location conditions:

³⁹ The instruction on legal remedies is a note that provides instructions on the time limit and the legal options (regular and extraordinary legal remedies) a person has at their disposal (filing a complaint, objection, starting an administrative dispute, etc.)

Application of an invalid regulation

For the purposes of issuing the Location Conditions, a decision on nature protection conditions number 353-02-02742/2022-04 dated August 15, 2022, was obtained. (**Nature Protection Conditions**), which was issued by the Ministry of Environmental Protection. It is stated that they were issued on the basis of the *Regulation on Designating the landscape of outstanding characteristics "Ovčarsko-Kabarska Klisura"* ("Official Gazette of RS", number: 16/00-495).

Therefore, the Regulation on designating Ovčarsko-Kabarska gorge as a landscape of outstanding features from 2000 was mentioned, although it was officially repealed and replaced by the new Regulation in 2021. As a reminder, the new regulation covers a **significantly wider area and regulates nature protection regimes within the area in a different way.**

Non-compliance with nature conservation measures prescribed in the conditions of the Institute for Nature Conservation of Serbia

The location conditions, point III of the Rules of Management and Construction, within the description of the conceptual solution, state the following:

The open part of the building - the lookout platform - will be equipped with decorative lighting, and the tourist station, in addition to the standard lighting, will have an info center and an "interactive wall" made of several touch-sensitive screens through which tourists can interactively learn about the culture of the Čačak district of Serbia.

Based on the above, it can be concluded that the Conditions on Nature Protection have not been adequately incorporated into the Location Conditions, since the following is stated therein:

The building is not allowed to be connected to the electric grid and telecommunication network, nor is it allowed to feature decorative lighting. As an alternative, use solar collectors may be used exclusively for the viewpoint's own energy needs.

The facility should be used during daylight hours.

Based on the above argumentation, on 22.08.2022., RERI filed a complaint against the Location Conditions to the Government of the Republic of Serbia as a second-instance authority, the aim of which was to have the competent authority annul the Location Conditions and return the case to the first-instance authority for a new decision.

The complaint submitted by RERI has not yet been decided on, and until the time of writing (December 12, 2022), no requests for building permits were published on CRUPIB.

4.2.4. Conclusions and recommendations for public participation

The case of the glass observatory on Kablar is an indicator of the importance of a timely public reaction to defend the public interest. Well-argued, clear and correctly presented negative views on the potential construction of a catering facility at a stage where the preparation of technical documentation is still in progress bore fruit, and in the end, a less ambitious and more acceptable solution was adopted.

Whether this outcome is something the public is satisfied with is a matter for discussion, and it is not our intention to express an opinion about it. However, it is undeniable that results were achieved, i.e., that a potentially very harmful plan was stopped.

Any suggestion or indication to the acting authority may be of importance. Don't be discouraged if you don't get the answer you want, or the authority doesn't act on your petition completely. Please note that your submission may be important, and any form of submission may have an impact on the proper operation of the entire system. Every contribution is significant, as it may turn out that it was precisely those small victories that were crucial for achieving the goal.

4.3. Nature monument “Parkovi Vrnjačke Banje”

4.3.1. General information about the area

Vrnjačka Banja is the largest and most famous spa resort in Serbia, a treasure of rich cultural heritage and natural beauty, with a very attractive and expansive tourist offer. It owes its status, among other things, to the mineral water hot springs used by the Celtic Skordisci tribe, and then by the Romans, who built the Aquae Orcinae resort in this area.

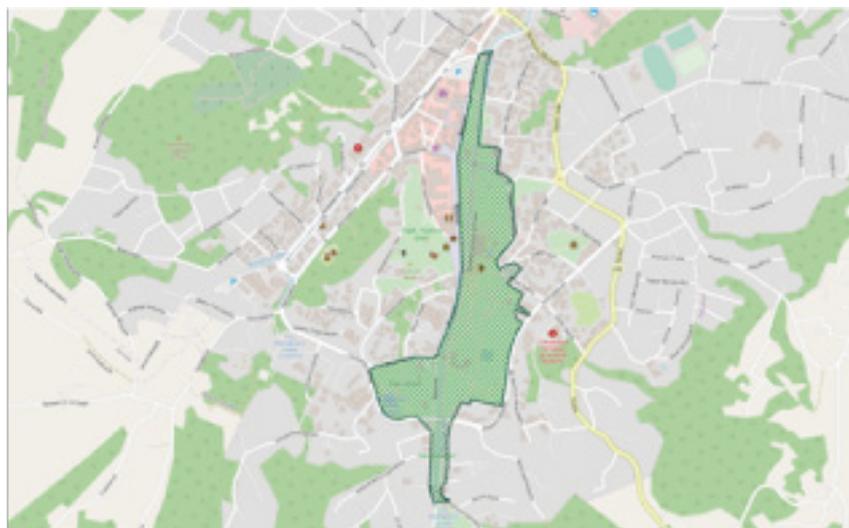
Although the constantly high level of interest in this spot is not surprising, intense development, modernization and expansion of the tourist offer are increasingly threatening the preservation of the original and authentic identity of this region, which rests on the preservation of natural resources and cultural heritage. First, the Snežnik spring was closed due to pollution, while the Jezero and Slatina springs also dried up recently, leaving Vrnjačka Banja without 3 of the 4 mineral springs used for therapeutic purposes.

Speaking about protected natural treasures, it is clear that we are talking about a very fragile and

sensitive resource that cannot bear the pressure of intense and uncontrolled construction, and therefore it is imperative that a responsible and sustainable approach to the development of such environments is taken.

The natural monument “Parkovi Vrnjačka Banje” was placed under protection in 2010, by the Decision on the Protection of the Natural Monument “Parkovi Vrnjačke Banje”⁴⁰, as stated in the decision itself, for the purpose of preserving the landscape and all-natural and cultural-historical elements in it, nurturing and improving the existing plant fund and protecting the parks' habitats, while preserving the spirit and function of the spa town, its authenticity and importance as a health, recreational and tourist center.

Furthermore, the decision states that the compositionally unified park spaces, being a valuable heritage of park architecture characterized by dendrological and floral richness and bio-ecological importance, valuable elements of architectural and landscape design, mineral water springs and numerous sites of architectural heritage together with part of the course of the Vrnjačka River, constitute a unit placed under protection as Natural Monument “Parkovi Vrnjačke Banje”. This area, in the very heart of Vrnjačka Banja, is a unique symbol through which the settlement is recognizable.



Picture no. 19: Natural Monument “Parkovi Vrnjačke Banje”.

AREA ID CARD

Year of establishment		2010
Municipalities		Vrnjačka Banja
Surface area		22 ha
Management authority		Public Utility Company "Banjsko zelenilo i čistoća"

4.3.2. Problem description

RERI was informed about this problem by the representatives of the local community whose immediate vicinity was the site for construction work. Namely, in addition to information from local citizens, the media announced the construction of a 58-meter-tall Ferris wheel⁴¹.

On March 08, 2022, the Municipal Administration of the Municipality of Vrnjačka Banja, Department for Urban Planning, Environmental, Property-Legal and Housing Affairs, adopted a decision on granting a temporary construction permit. It should be noted that the Law on Planning and Construction prescribes that the MCTI is competent to issue decisions on building permits for buildings with a structural span of over 50m.

An inspection of the documentation which formed the basis for the temporary construction permit for the Ferris wheel was sufficient to conclude that announcements by the president of the municipality were incorrect, since, according to

the documentation, the height of the Ferris wheel is only 49 meters and 80 cm.

This figure is quite indicative, as it is very close to the legal height limit⁴² where the competency of municipal authorities ends, and the competence of MCTI begins. Bearing in mind the nature of the facilities that fall under the jurisdiction of the MCTI (high hydro-accumulations, stadiums with over 20,000 spectators, large-capacity thermal power plants, etc.) it is clear that those facilities require a far more detailed and elaborated legal, planning and documentation basis, which, in the case of this Ferris wheel, is missing.

Designing the height of the building only 20 cm below the legal limit of the Ministry's jurisdiction is far from an "ambitious endeavor" and is actually an indicator of a surgically precise intervention to fit into the prescribed legal minimum. However, this intervention was done unskillfully and illegally.

Namely, the height of the wheel, which was adjusted to 49.80 m, is the result of manipulation of the represented distance of the construction elements, since the distance of the lowest and

41 Media reel available [here](#).

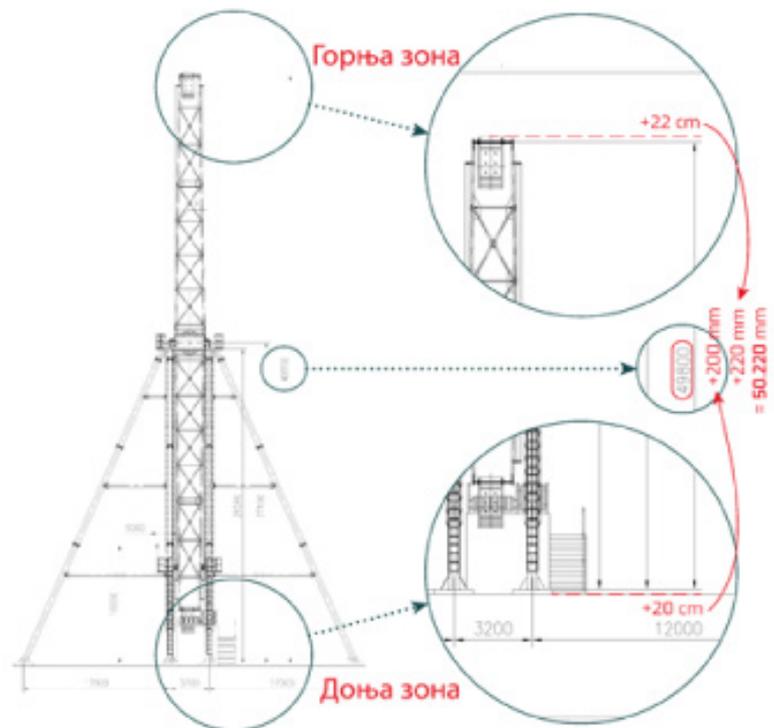
42 The Law on Planning and Construction (Official Gazette of RS no. 72/2009, 81/2009 - corr., 64/2010 - decision US, 24/2011, 121/2012, 42/2013 - decision US, 50/2013 - decision US, 98/2013 - decision US, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - state law, 9/2020 i 52/2021

highest part of the facility in relation to the ground was not considered when calculating the height, with the distances of other construction elements being used instead, without basis.

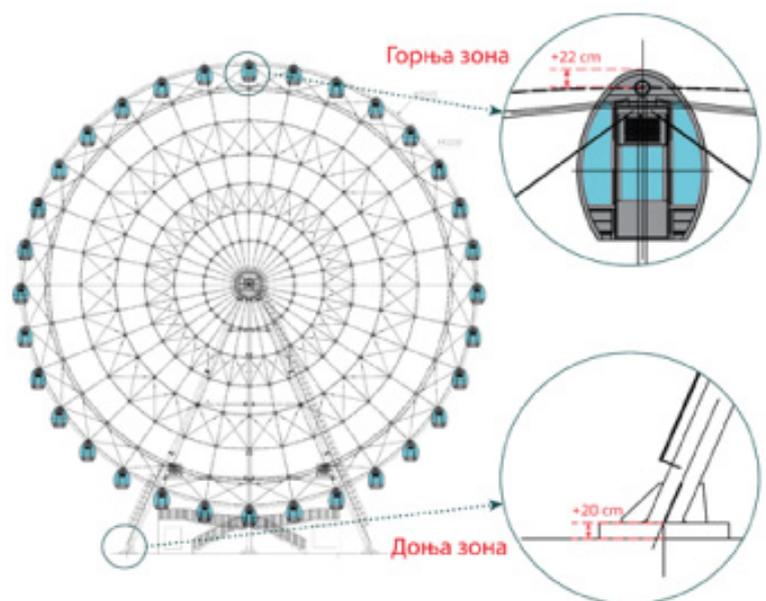
By looking at the graphic representations of the side view of the Ferris wheel, it is evident that the elevation of the height of the facility⁴³ actually indicates the distance from the foot of the steel support (instead of the ground surface, which is 20cm lower than the foot) to the height of the shaft of the cabin support (instead of the "roof" of the cabin which is approximately 22 cm higher than the height of the shaft).

From the above, it is clear that the height of the facility is presented as being almost half a meter lower than in reality. That height would transfer the responsibility for construction to the Ministry, and consequently change the way procedures are carried out, as well as the scope of required documentation.

Due to the incorrectly determined height of the building, instead of the Ministry, the Municipal Administration of Vrnjačka Banja issued a temporary construction permit for the construction of the Ferris Wheel on March 8, 2022 (**Temporary Construction Permit**). In addition to the incorrectly established jurisdiction for its issuance, the legal basis for issuing a Temporary Construction Permit is very questionable and unclear. Namely, the decision itself states that the Temporary Construction Permit is issued on the basis of the following documents:



Picture no. 20: Extract from the graphic part of the conceptual design for the construction of a Ferris wheel. (Side View)



Picture no 21: Extract from the graphic part of the conceptual design for the construction of a Ferris wheel. (Front view)

43 A line with two arrows at its ends with the number 49800 representing the distance in millimeters

- Decision on prefabricated facilities
- Plan of the general layout of sites for the installation of prefabricated buildings and street furniture in public areas⁴⁴ (Prefabricated Facilities Layout Plan⁴⁵)

These documents regulate the installation of smaller prefabricated facilities and furniture, which, in accordance with the Law on Planning and Construction, can be: prefabricated buildings, limited to kiosks up to 10.5m², café gardens, counters and other movable furniture.⁴⁵

In addition to this provision of the Law on Planning and Construction, a clear and unambiguous definition of the term "smaller prefabricated facility" is included in the Decision on prefabricated facilities and the Prefabricated Facilities Layout Plan, which clearly leads to the conclusion that the construction of this Ferris wheel cannot be included under that definition:

"This Decision does not consider a building constructed via heavy construction work to be a small prefabricated building"

Excerpt from the Decision on prefabricated facilities

"This Plan does not consider a building constructed via heavy construction work to be a small prefabricated building."

Excerpt from the Prefabricated Facilities Layout Plan

Since "heavy construction work" means work on ground preparation, reinforced concrete and assembly work, all of which are mentioned in the process of building the Ferris wheel, it is clear that this facility cannot be considered a minor prefabricated facility. Among other things, this is confirmed by pictures from the field where the construction has been ongoing:



Picture no. 22: Carrying out heavy construction earthwork.
Source: Vrnjačka Banja television YouTube channel

The plot where the Ferris wheel is being built is located within the protected natural monument "Parkovi Vrnjačke Banje". The Law on Nature Protection clearly stipulates that for all plans, document bases, programs, projects, works and activities related to protected areas, a document on nature conservation conditions, the issuance of which is the responsibility of the Institute for Nature Conservation of Serbia, must be obtained.

44 Official Gazette of the Municipality of Vrnjačka Banja no. 14/21

45 Art. 146 Par. 2 of the Law on Planning and Construction



Slika br. 23: Gradilište panoramskog točka (privatna arhiva RERI-ja)

The obligation to obtain this document is also prescribed in the Decision on the Protection of the Natural Monument "Parks of Vrnjačka Banje", which states that the construction of new buildings within the boundaries of the protected natural property is prohibited, except for buildings that serve the park as a protected natural property and contribute to its affirmation with previously obtained opinions and conservation conditions of the Institute for Nature Conservation of Serbia.

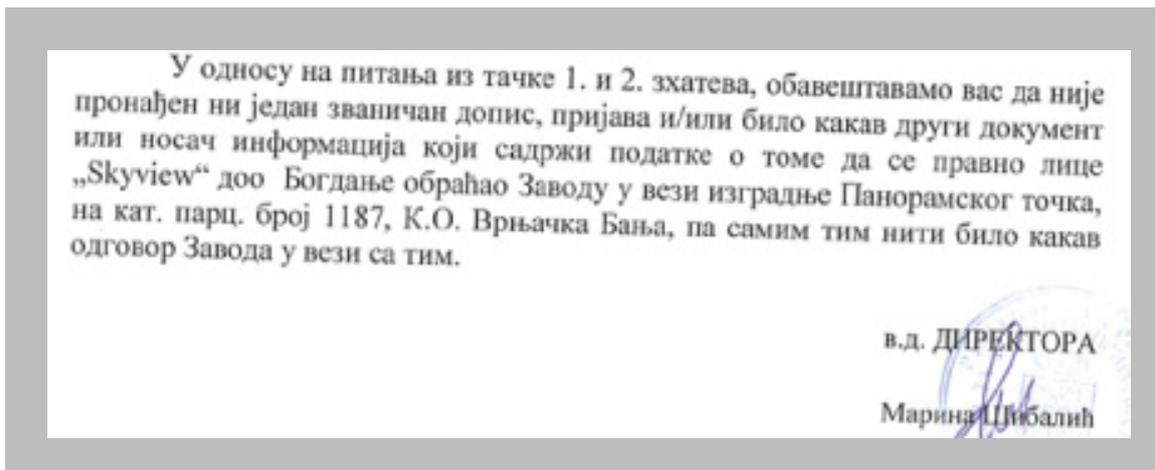


Picture no. 24: Extract from the graphic attachments of the General Regulation Plan of the municipality of Vrnjačka Banja (picture on the left – conservation plan, picture on the right – application of the plan)

Also, by looking at the urban plan⁴⁶ that covers this area, it is clear that the position of the Ferris wheel is within the boundaries of the natural monument "Parkovi Vrnjačke Banje" and the obligation to obtain a document on nature conservation conditions is expressly prescribed.

On June 9, 2022, we sent a request for access to information to the Institute for Nature Protection of Serbia, asking to be provided with the act on nature protection conditions issued by that body for the purposes of building the Ferris wheel. The answer he received was short: the Institute does not have such a document.

46 General Regulation Plan of the Municipality of Vrnjačka Banja (Official Gazette of the Municipality of Vrnjačka Banja no 27/2016, 3/2019, 29/2019, 55/2021)



Picture no. 25: Excerpt from the response of the Institute for Nature Conservation of Serbia to the Request for Access to Information sent by RERI

Therefore, the explicit obligation to obtain a document on nature conservation conditions, which is prescribed by the Law on Nature Conservation, the Decision on Designating the Natural Monument "Parkovi Vrnjačke Banje", as well as the General Regulation Plan of Vrnjačka Banja, has not been fulfilled.

Not only was this a serious procedural failure in the issuance of the Temporary Construction Permit, which makes the entire procedure illegal, but construction without the prescribed nature conservation conditions created the risk of permanent and irreversible destruction of natural values, on which the nature monument "Parkovi Vrnjačke Banje" is based.

Furthermore, municipal authorities issued a decision in the form of a temporary construction permit. The temporary construction permit was issued based on Article 147 of the Law on Planning and Construction. A temporary construction permit is issued for the construction of temporary construction facilities⁴⁷.

A "Complaint" against the Temporary Construction Permit was submitted to the Ministry⁴⁸, where we pointed out that the Ferris wheel in question, with its characteristics and specifications, cannot possibly be a temporary prefabricated building. Therefore, a temporary construction permit cannot be issued for this facility, and the competent authority for issuing the decision cannot be the Municipal Administration, but the Ministry.

On the basis of the complaint, the municipal administration of Vrnjačka Banja issued a "Decision on the correction of a technical error" (**Correction of a technical error**), which states that the wrong article of the Law on Planning and Construction was cited, so that the citation of Article 147, which is in the preamble of the decision, is corrected to Article 146.

⁴⁷ In accordance with Article 147 of the Law on Planning and Construction, a temporary building permit is issued for the construction of: asphalt bases, temporary toll stations with accompanying facilities, aggregate separation, concrete factories, free-standing, anchored meteorological anemometer poles, as well as poles for other purposes, temporary traffic roads and connections, construction camps, connections to the utility network for the needs of construction or exploitation of facilities, as well as for exploration works on the site, in order to determine the conditions for the development of a project for the execution and relocation of existing installations, as well as a sample apartment within a residential complex in construction.

⁴⁸ Complaining submitted by a representative of local initiatives.

In addition, a correction was made to the Temporary Construction Permit in the section on legal remedies, where, instead of the hitherto foreseen second-level competent authority, the Ministry, the Municipal Administration of Vrnjačka Banja was cited instead. The explanation of the correction mentions the Complaint as the reason for its adoption, stating the following: the Department for Urban Planning, Environmental and Property-Legal Affairs of the Municipal Administration of the Municipality of Vrnjačka Banja, received an electronic message on 04.07.2022 (...), attached to which was a Complaint against the decision on the temporary construction permit dated March 8, 2022.

It also states: The Division, while inspecting said decision, and in relation to the allegations from the Complaint, observed that technical errors were made by obvious mistake, hence the correction. From the allegations and arguments stated in the Complaint, it is clear that it referred to the fact that the Ferris Wheel is not a temporary facility, but a facility for which a construction permit must be issued, as well as a number of other irregularities.

A decision was made to transform the temporary construction permit into a construction permit⁴⁹, without any procedure or consideration of whether the Ferris Wheel is a facility for which a construction permit must be issued. Interpreting the provisions of the Law, it is clear that the Ferris Wheel does not fit that description.

In other words, the roughly 50 m tall Ferris Wheel, for which the earthworks (preparation of the terrain and excavation of foundation pits) have been completed and the reinforced concrete foundations with support beams poured, is administratively treated as a structure similar to a miniature kiosk, street stall or some other similar movable furniture.

4.3.3. Activities undertaken

Considering the aforementioned illegalities, on July 29, 2022, RERI submitted an extraordinary legal remedy to the Municipal Assembly of the municipality of Vrnjačka Banja - a Request for annulment of the decision on the temporary construction permit. Since RERI did not receive any feedback from the competent authorities until the date of writing, nor was the request acted upon, on October 31, 2022., we sent an urgent request to act on the request for the cancellation of the temporary construction permit. The next step being considered is initiating an administrative dispute by submitting a lawsuit for administrative silence to the Administrative Court.

In agreement with the representatives of local initiatives, RERI prepared and compiled an emergency response to the Complaint submitted by a representative of local initiatives which demanded that the competent authority issue an appropriate decision, in the form and manner prescribed by the valid legal framework.

Until the time of writing, RERI has not received any information from the competent authorities related to these submissions. In the meantime, the construction of the Ferris Wheel has continued, and the facility is currently in the phase of being connected to infrastructure. The next step, before the final commissioning of the Ferris Wheel, is to go through a technical inspection and obtain a use permit, which is also important parts of the procedure that must be followed.

⁴⁹ In accordance with Article 146 of the Law, a construction permit is issued for the installation and removal of small prefabricated structures of a temporary nature on public and other surfaces, balloon halls for sports purposes, canopies for public transport, facilities for depositing and separating river aggregates and vessels on water land.

4.3.4. Conclusions and recommendations for public participation

As stated in the previous chapter, RERI submitted a request for annulment of the decision on the construction permit. It should be emphasized that not everyone can initiate these types of administrative procedures. That right belongs exclusively to a party in the proceedings.

The question arises - What is a party to the proceedings and who can have that status? The Law on General Administrative Procedure, in Article 44, provides an explanation:

*A party in administrative proceedings is a natural or legal person whose administrative matter is the subject of administrative proceedings and **any other natural or legal person whose rights, obligations or legal interests may be affected by the outcome of administrative proceedings.***

Paragraph 3 of that article further prescribes - Representatives of collective interests and representatives of wider public interests, who are organized in accordance with regulations, may have the status of a party in administrative proceedings if the outcome of the administrative proceedings may affect the interests they represent.

The right to participate in the procedure is drawn from and contained in other legal acts, primarily the Constitution of the Republic of Serbia, the Law on Environmental Protection, the Law on Nature Protection, as well as the Aarhus Convention.

Referring to paragraph 3 of this article, we point out that an association can specify in its statute that it was founded to pursue goals in the area of the promotion and furtherance of the right to a healthy and preserved environment. The field of action can be expanded as well as specified, depending on the needs and goals of the organization itself. The question of the right to participate in the procedure as such can be explained much more complexly, but it is of crucial importance for organizations to understand when they can initiate administrative procedures.

It should be noted that the recognition of legal interest and, therefore, the status of a party is left to the discretion of the acting authority, and it is very important to recognize and understand whether you are a party to the proceedings. In order to prove that claim as definitely as possible, it must above all be thoroughly legally argued and explained as clearly as possible.

That is why, of course, if you personally do not possess the status of a party in the proceedings, or your capacities are not sufficient to engage in proving the status of a party, you can always turn to organizations that have such status, or, in agreement with persons whose legal interest cannot be disputed (the construction is being carried out on a plot of land that is immediately next to or near the place they live, work, do business, or own plots and property nearby). Here again, we see how important **networking is**.

5. Conclusion

Based on the issues presented in the previous chapters, it is clear that the selected sample of protected areas has seen an extremely large number of cases of violations of procedure and violations of the positive regulations of the Republic of Serbia. The above unfortunately confirms that the status of a protected natural asset does not necessarily mean the preservation of the area that enjoys that status, especially in cases where such sites are marked as favorable for the implementation of a capital project.

The years of negligent and illegal actions by competent authorities, first of all in the field of planning and construction, and then in the fields of nature and environmental protection, have led to protected areas being seen as sites for intense construction of tourist complexes such as hotels, apartments, ski resorts and event spaces, without taking into account their basic purposes and functions. The inability and/or unwillingness of

the institutions to deal with increasingly frequent examples of illegal construction is evident, and such construction is even encouraged due to the lack of action by inspectorates and the failure to sanction established violations.

Damage caused by the degradation of natural values within protected areas is often irreversible. Unfortunately, this fact seems to escape certain decision-makers who persistently refuse to respect the procedures and legal framework of the Republic of Serbia and, in order to please investors, often reject the obligation to apply the principles of precaution and transparency.

The prerequisite and imperative for improving this situation is strengthening the system of prevention and suppression of corruption, as well as greater transparency and openness of institutions to the interested public. For this, first of all, the public must be allowed to be involved in the decision-making process at the earliest stages, while more significant projects can still be reviewed, and particularly harmful ones can be completely suspended in the public interest.

The increase in public awareness and interest in taking part in processes that potentially threaten the quality and existence of protected areas, although insufficient, still exists. More and more frequent protests, petitions, as well as other different types of civic participation illustrate this point. Making decisions "behind closed doors", administrative silence, planning "for citizens" instead of "with citizens" and other types of restrictions on public participation are key mechanisms that open the door to corruption. The chances of corruption occurring in the case of high-quality and early public participation are significantly reduced, which can be seen in the example of the construction of the observation deck on Kablar, where public pressure influenced the decision-makers to abandon the original intentions to build a large-scale hospitality facility. Unfortunately, there was no timely reaction from the public in the case of the construction of a Ferris wheel in the heart of the Vrnjačka Banja Nature Monument, which is only one of the reasons why the damage

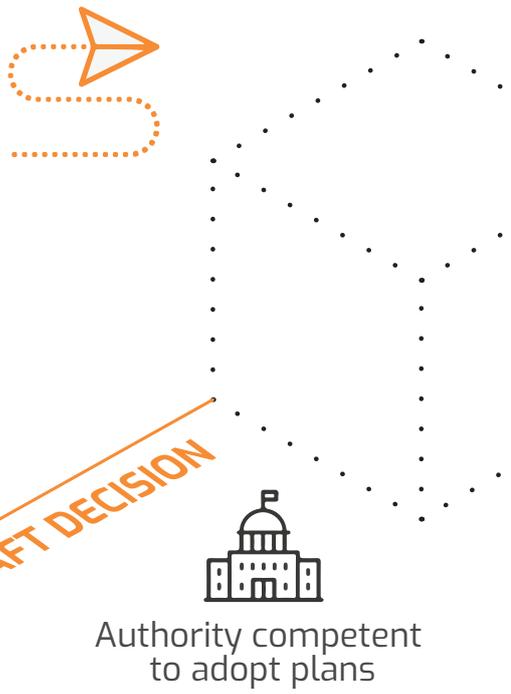
that occurred in that protected area was not prevented. However, the above is not a reason to give up the fight against corruption and illegal actions of competent authorities, since insisting on compliance with regulations, as well as sanctioning those responsible, can stand in the way of potential future projects of a similar nature.

Systemic problems in the management of protected areas, legal gaps in the current regulations, unscrupulous and illegal actions of competent authorities are not new phenomena, so they cannot disappear completely. They do not come from a single source, so they cannot be ended unilaterally. Pessimism and distrust in institutions are completely understandable but accepting the situation, thinking that it cannot be changed, is a red line that citizens should not cross. There are more and more organizations and initiatives doing their part to improve the rule of law and strengthen institutions. Perhaps we will not be able to fully recognize the effects of such contributions, and perhaps they will never be fully realized. But, if we really strive for improvements, we must not give up our efforts to encourage changes, or at least do everything in our power to reveal the truth, and document the responsibility of those who break the law and let actors determined to do their job properly and without compromise act on that information.

THE PROCEDURE FOR DEVELOPING A PLAN



DECISION ON MAKING

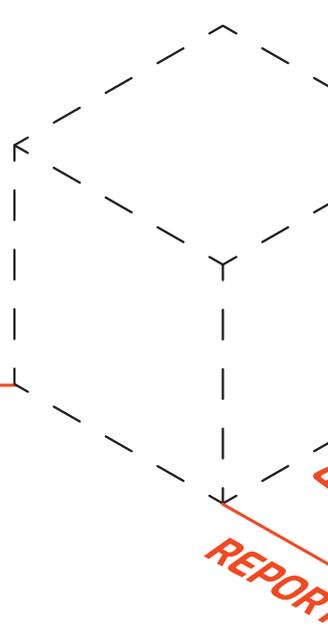


- Detailed draft (elaborate)
- Conceptual plan
- Expected effects
- Detailed decision elements



DRAFTING A

COMPILING A DETAILED REPORT (ELABORATE)



ING SPATIAL AND URBAN PLANS

A PLAN



CONCEPT PLAN



