

## SPATIAL PLANNING IN THE EU AND CROATIA UNDER THE INFLUENCE OF COVID-19 PANDEMIC

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### **ABSTRACT**

*Spatial planning is an interdisciplinary process dealing with practices of regulating and transforming the space, including experts from various fields such as lawyers, spatial and urban planners, geographers, civil engineers, economists, sociologists, etc. Spatial plans are general acts that arise due to the complex spatial planning process in which public participation is a necessary tool for transparent and legal procedure. They impact human rights due to their influence on a healthy environment, organization of life, quality of public services, green areas in the cities, etc. Spatial plans also deal with the economic aspect of investments, urban planning, and development of a particular territory.*

*Cities are rapidly evolving and are characterized by density and overcrowded population, so the EU has a special interest in the adequate organization of the space. Consequences of the COVID-19 pandemic have produced a need for a different land use regulation from the established one. New challenges for the Member State's governments include regulation for the organization of life and everyday needs in 15 minutes' walk areas (work, market, health care, school, kindergartens, public services, parks, etc.). Although the European Union does not have direct competence in spatial planning of each Member State, it has a strong influence on the Member States through regulations (for example, European Spatial Development Perspective, The New Leipzig Charter, etc. which provide a strong framework for good and sustainable urban governance) and practice, as well as through the financial support to the Member States. This paper has two main goals. The first aim of this paper is to analyse how the EU tries to overcome the consequences of the pandemic in the physical planning system (recommendations, guidelines, financial support, consulting, or others). We also aim to discover how the pandemic affected the process of adopting the spatial plans in the Member States on the example of Croatia in one case study.*

*The paper is divided into several parts. After the introduction, the first part of the paper brings an overview of the spatial planning process in the EU and Croatia based on the analyses of the relevant EU and domestic regulations. Next part of the paper deals with the influence of the COVID-19 pandemic on the spatial planning at the EU level, and on the development and adoption of spatial plans in Croatia. This includes the duration of the process, restrictions, and new ways of public participation in the process of the development and adoption of spatial plans (for example online public presentations), the influence on economic development (investments in a building), social distancing, etc. Last part of the paper will contain a research of development and adoption of spatial plans under the influence of the COVID-19 pandemic. The paper concludes with particular suggestions for improving the Croatian situation based on the good practices of the EU.*

**Keywords:** Croatia, COVID-19 pandemic, European Union, public participation, spatial planning

## 1. INTRODUCTION

*Spatial planning*<sup>1</sup> is an interdisciplinary process dealing with practices of regulating and transforming the space,<sup>2</sup> including experts from various fields such as architects, lawyers, spatial and urban planners, geographers, civil engineers, economists, sociologists, etc. Spatial planning is area of high social and economic importance.<sup>3</sup> Spatial planning is an activity that directs the spatial distribution of people, goods, and activities with the aim of optimal use of space. In a narrower sense, it is the process of making spatial plans.<sup>4</sup>

Spatial plans direct the use of space. Spatial plans provide guidelines, propose goals and determine the conditions for the use of space. As legal documents, they are particularly important in implementing decisions on spatial planning and protection.<sup>5</sup> Spatial plans are general acts that arise due to the complex spatial planning process in which public participation is a necessary tool for transparent and legal

<sup>1</sup> „Spatial planning differs significantly from urban planning, and differences in the subject, objectives, and methods of planning and content are integral parts of these plans. The urban plan deals with the internal spatial planning of settlements and cities and depending on the type (scale) of the urban plan, the manner and method of preparation change.” (Pegan S., *Prostorno planiranje 1*, Arhitektonski fakultet, Zagreb, 2009, p. 7)

<sup>2</sup> „Spatial planning refers to the methods used largely by the public sector to influence the future distribution of activities in space. It is undertaken with the aims of creating a more rational territorial organisation of land uses and the linkages between them, to balance demands for development with the need to protect the environment, and to achieve social economic objectives.” (European Commission, *Regional Development Studies - The EU Compendium on Spatial Planning System and Policies*, 1997, p. 24.)

<sup>3</sup> Krtalić, V., *Planiranje korištenja zemljišta - Usporedba načina i sustava planiranja u nekim državama članicama EU i Republike Hrvatske*, Novi informator, Zagreb, 2009, p. 35.

<sup>4</sup> Marinović-Uzelac, A., *Prostorno planiranje*, Dom i svijet, Zagreb, 2001, p. 1-50

<sup>5</sup> Pegan S., *op. cit.*, note 1, p. 10

procedure. They impact human rights due to their influence on a healthy environment, organization of life, quality of public services, green areas in the cities, etc. Spatial plans also deal with the economic aspect of investments, urban planning, and development of a particular territory.<sup>6</sup> They make it possible to reconcile different and sometimes conflicting interests in the use of space in order to make the whole work better and avoid chaos. It strives for the appropriate use of space, and thus to reduce the cost of living, the correct choice of accommodation activities, reducing traffic, and reducing damage to society and individuals.<sup>7</sup>

Primary spatial planning goals are numerous, which affirms the importance of the adequate spatial planning. Some of them include achieving balanced spatial development in line with economic, social and environmental starting points, balancing regional development processes and related spatial interventions and different needs and interests of spatial users in a way that ensures spatial sustainability in relation to rational use and preservation capacity of land, sea and seabed<sup>8</sup> for effective protection of space, connecting the territory of the State with European spatial systems, nurturing and developing regional spatial features, mutually harmonized and complementary distribution of various human and spatial activities for functional and biodiversity conservation, environmental protection and prevention of pollution risk, protection of cultural property and values, well-organized distribution and arrangement of building land, quality and humane development of urban and rural settlements, etc.<sup>9</sup>

The importance of spatial planning leads us to the EU, which has a special interest in utilizing crucial resources such as land, water, etc., and their equal distribution throughout the European Union. Although the EU does not have a direct impact on the spatial planning of the Member States, it influences spatial planning through various regulations, documents, funds, and lately, during and after the COVID-19 crisis – recommendations and guidelines with the aim of successful prevailing cultural, economic, social and other consequences which pandemic left behind.

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<sup>6</sup> Ministry of Physical Planning, Construction and State Assets, *Spatial plans*, [<https://mpgi.gov.hr/about-the-ministry-139/scope-of-the-ministry/physical-planning-143/spatial-plans-8708/8708>], Accessed 7 April 2022

<sup>7</sup> Pegan S., *op. cit.*, note 1, pp. 10-11

<sup>8</sup> Spatial planning beside land area covers sea area and underground territory (Chistobaev, A. I.; Fedulova, S. I., *Spatial Planning in the European Union: Practices to Draw on in Russia*, Baltic Region, Vol. 10, No. 2, 2018, pp. 86-99, p. 90 [<https://doi.org/10.5922/2079-8555-2018-2-62018>]

<sup>9</sup> Final proposition of PPA, P. Z. 466, from 28th of November 2013, (Final proposition PPA), Available at: [[https://sabor.hr/sites/default/files/uploads/sabor/2019-01-18/080615/PZ\\_466.pdf](https://sabor.hr/sites/default/files/uploads/sabor/2019-01-18/080615/PZ_466.pdf)], Accessed 6 April 2022 p. 76

The paper is divided into several parts. After the introduction with basic information on spatial planning and its importance, the paper gives short introduction to the legal development of spatial plans in the European continent and discusses the legislative framework at European Union and domestic (Croatian) level. The next chapter deals with the COVID-19 pandemic and its influence and consequences on spatial planning in the EU and Croatia. The EU mainly reacted through guidelines and recommendations, and our focus was on three of them – *Regional Policy brief*, *Spatial Planning Guidelines during COVID 19*, and *Report on the challenges for urban areas in the post-COVID-19 era*. COVID-19 affected the process of the adoption of spatial plans on the Croatian level, which can be seen as a result of a research. In the last part, the paper concludes with some remarks and propositions to better understand the spatial planning process and lessons learned from the pandemic.

## 2. LEGISLATIVE FRAMEWORK

The beginning of the spatial planning regulation<sup>10</sup> appeared in several European countries, Germany, Denmark, Sweden, and the Netherlands at the beginning of the 20th century. Nevertheless, in most countries spatial planning was regulated only after the Second World War, with a general trend – decentralization.<sup>11</sup> Lukkonen mentions that interest in space and spatial planning reaches back to the 1940-ies, when the Council of Europe was established,<sup>12</sup> but important period for spatial planning starts with the establishment of various European planning organizations, journals, research institutions and networks, and policy documents and agendas which will be mentioned later in the paper.<sup>13</sup>

### 2.1. European Union Level

Spatial planning influence on utilization of space, water and air, so European Union has special interest on its regulation. It is important to mention that European Union has no explicit competence in spatial planning of the Member States

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<sup>10</sup> For the development of spatial planning regulation in Croatia see for example: Poropat A.; Bršić, K.; Velčić, E., *The Hierarchy of Plans of Physical Planning in the Republic of Croatia and EU*, in: Franković, B. (ed.), *International Congress Energy and the environment*. Rijeka, Croatian Solar Energy Association, 2006. pp. 139-152

<sup>11</sup> Larsson, G., *Spatial Planning Systems Western in Europe – An Overview*, IOS Press, Amsterdam, Berlin, Oxford, Tokyo, Washington, DC, 2006, p. 17

<sup>12</sup> Council of Europe was established in 1949, see: Council of Europe Office in Yerevan, *About the Council of Europe*, [<https://www.coe.int/en/web/yerevan/the-coe/about-coe>], Accessed 7 April 2022

<sup>13</sup> Lukkonen, J., *Planning in Europe for 'EU'rope: Spatial planning as a political technology of territory*, *Planning Theory*, 2015, Vol. 14, No. 2, p. 175

of the European Union.<sup>14</sup> However, it has strong influence on the Member States through EU legislation (most significantly through sectoral legislation in the period 2000-2016 in the field of environment and energy),<sup>15</sup> EU incentives<sup>16</sup> and through informal influence.<sup>17</sup> Most European Union countries have three levels of spatial planning systems – national, sub-national (regional) and local. Spatial Planning Process is mostly defined as top-down process, but in certain situations can have bottom-up influence, such as domestic discourses and domestic practices.<sup>18</sup> Sometimes spatial planning is horizontal process when Member States exchange interactive knowledge.<sup>19</sup>

Legislation of spatial planning<sup>20</sup> on the EU level concerns mostly directives<sup>21</sup> in each sector connected to spatial planning, such as environmental legislation,<sup>22</sup> legislation in regard to energy,<sup>23</sup> legislation on competition<sup>24</sup> and maritime spatial

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<sup>14</sup> Dallhammer, E., *et. al.*, *Spatial planning and governance within EU policies and legislation and their relevance to the New Urban Agenda*, (New Urban Agenda), Commission for Territorial Cohesion Policy and EU Budget, European Committee of the Regions, 2018, [<https://cor.europa.eu/en/engage/studies/Documents/Spatial-planning-new-urban-agenda.pdf>], Accessed 7 April 2022, p. 2.; Nadin, V., *et. al.*, *COMPASS – Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe*, (COMPASS), final report, 2018, p. 41, [[https://www.espon.eu/sites/default/files/attachments/1.%20COMPASS\\_Final\\_Report.pdf](https://www.espon.eu/sites/default/files/attachments/1.%20COMPASS_Final_Report.pdf)], Accessed 7 April 2022

<sup>15</sup> *Ibid.* COMPASS, 2018, p. ix.

<sup>16</sup> European Spatial Development Perspective (ESDP) defines EU policies with Spatial Impact – those are: Community Competition Policy such as TEN (more on TEN see in Marshall T., *The European Union and Major Infrastructure Policies: The Reforms of the Trans-European Networks Programmes and the Implications for Spatial Planning*, European Planning Studies, Vol. 22, No. 7, 2014, pp. 1484-1506, [DOI: 10.1080/09654313.2013.791968], Structural Funds such as ERDF, Common Agricultural policy such as CAP, Environmental policy and Research and Technological Development (ESDP, 1999, p. 14-18)

<sup>17</sup> New Urban Agenda, *op. cit.*, note 14, p. 2

<sup>18</sup> More on topic see in COMPASS, 2018, pp. 41, 49

<sup>19</sup> *Ibid.*, pp. 42- 43, p. 52

<sup>20</sup> More on sectoral legislation regarding spatial planning see in COMPASS, 2018, p. 43-44

<sup>21</sup> Some exceptions exist, for example in the field of energy – The Regulation (EU) 347/2013 on Guidelines for trans-European energy infrastructure

<sup>22</sup> The Strategic Environmental Assessment (SEA) directive 2001/42/EC, The Environmental Impact Assessment (EIA) directive 2011/92/EU, The Birds Directive 2009/147/EC, The Habitat Directive 92/43/EEC, The Water Framework Directive (WFD) 2000/60/EC, The Floods Directive (FD) 2007/60/EC, The Environmental Noise Directive (END) 2002/49/EC, The SEVESO III Directive 2012/18/EU, The Waste Framework Directive (WaFD) 2008/98/EC, the Landfill Directive (LD) 1999/31/EC

<sup>23</sup> The Renewable Energy Directive 2009/28/EC, The Energy Efficiency Directive 2012/27/EU,

<sup>24</sup> The Directive 2014/24/EU on public procurement, Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

planning.<sup>25, 26</sup> Legislation from the one hand is restrictive, but on the other it can stimulate development in spatial planning area,<sup>27</sup> and is uniform in all Member States with some variations in their application.<sup>28</sup>

The most important role of the incentives connected to spatial planning is funding with an aim of creation of sustainable urban development which is “an explicit objective within the European Regional Development funds (ERDF) regulation No. 1301/2013 and subsequently, the operational programmes of the Member States derived thereof”.<sup>29</sup> Generally speaking, the biggest role in this area has Cohesion Policy<sup>30</sup> which goal is uniform development of the Member States, and „which stands out as the most significant driver of change“<sup>31</sup> through European Structural Investment Funds (ESI) for Cohesion, Rural Development and Territorial Cooperation.<sup>32</sup> Other important policies, incentives and funds with an influence on spatial planning are Territorial Cooperation policy funding, The European Agricultural Fund for Rural Development (EAFRD) regulation No. 1698/2005, LEADER/CLLD approach, European Social Fund (ESF) regulation No. 1304/2013, the European Maritime and Fisheries Fund (EMFF) regulation 508/2014 and the Cohesion Fund (CF) regulation No. 1300/2013, and Transport policy<sup>33, 34</sup>.

Intergovernmental cooperation consists of documents which are developed as a dialogue between Member States and European Commission, or between member States.<sup>35</sup> The results are non-binding, but due to their importance, they became guiding documents for European and national policies. Those documents are The European Spatial Development Perspective (ESDP), Territorial Agenda of the European Union, Leipzig Charter for a Sustainable European Cities (Leipzig Charter), New Leipzig Charter, and Urban Agenda for the European Union.<sup>36</sup>

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<sup>25</sup> The Directive 2014/89/EU, The Marine Strategy Framework Directive 2008/56/EC

<sup>26</sup> New Urban Agenda, *op. cit.*, note 14, p. 4

<sup>27</sup> *Ibid.*

<sup>28</sup> COMPASS, *op. cit.*, note 14, p. 41

<sup>29</sup> New Urban Agenda, *op. cit.*, note 14, p. 10

<sup>30</sup> COMPASS, *op. cit.*, note 14, p. 41

<sup>31</sup> *Ibid.*, p. 44

<sup>32</sup> New Urban Agenda, 2018, p. 10

<sup>33</sup> The Regulation (EU) 1315/2013 on Union guidelines for the development of the trans-European transport network (TEN)

<sup>34</sup> New Urban Agenda, *op. cit.*, note 14, pp. 11-12

<sup>35</sup> COMPASS, *op. cit.*, note 14, p. 47

<sup>36</sup> New Urban Agenda, *op. cit.*, note 14, p. 12-14

Agendas influence on spatial planning of the Member States through publications, etc.<sup>37</sup>

*ESDP* is a non-binding strategic document adopted in 1999 by EU Council of Ministers<sup>38</sup> with an aim of balanced spatial planning in conformity with sustainable development.<sup>39</sup> “It is meant to be a general reference frame for public and private decision-makers and provides for implementation procedures to be followed on a voluntary basis and based on the subsidiarity principle.”<sup>40</sup> It consists of two parts, policy oriented part A, and analytical Part B.<sup>41</sup>

*Territorial Agenda of the European Union* is a successor of the ESDP. It was adopted in 2007 with an aim of sustainable territorial development of the EU and is also non-binding document.<sup>42</sup>

*Leipzig Charter* was adopted by European Ministers for Urban Development and Regional Planning in Leipzig in 2007. The aim was “to establish city-wide Integrated Urban Development in order to strengthen and further develop European cities. A special focus was to be placed on districts with special requirements for development.”<sup>43</sup> Two key principles of the Leipzig Charter are an integrated urban development approach and attention to the deprived urban neighbourhood.<sup>44</sup> Evaluation of the Leipzig Charter started in 2017 and the result was the adoption

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<sup>37</sup> *Ibid.*, pp. 5-9

<sup>38</sup> With the presence of European Commissioner for Regional Policy (Faludi, A., *Evaluating Plans: The Application of the European Spatial Development Perspective*, in: E. R. Alexander (ed.) *Evaluation in Planning: Evolution and Prospects*, Routledge, 2016, p. 121, pp. 119-146. For more on the application of the ESDP see also Faludi, A., *The Application of the European Development Perspective*, *The Town Planning Review*, Vol. 74, No. 1, 2003, pp. 1-9, For the application of the ESDP on EU level see in: *ESPON project 2.3.1, Application and effects of the ESDP in the Member States*, 2007, pp. 81-121, and on national and regional level same document, pp. 130-155., [[https://www.espon.eu/sites/default/files/attachments/fr-2.3.1-full\\_rev\\_Jan2007.pdf](https://www.espon.eu/sites/default/files/attachments/fr-2.3.1-full_rev_Jan2007.pdf)] Accessed 7 April 2022

<sup>39</sup> Biot V.; Colard, A., *Challenges and issues of spatial planning in the European Union: European vision and suprarregional co-operation*, Belgeo, Special issue: 29th International Geographical Congress, 2000 [<https://journals.openedition.org/belgeo/13962#tocto2n5>], Accessed 7 April 2022

<sup>40</sup> *Ibid.*

<sup>41</sup> More on the structure and aims of the ESDP see in: Faludi, A., *Spatial Planning Traditions in Europe: Their Role in the ESDP Process*, *International Planning Studies*, Vol. 9, No. 2-3, 2004, p. 155

<sup>42</sup> Fischer, T. B.; Sykes, O., *The Territorial Agenda of the European Union: Progress for Climate Change Mitigation and Adaptation*, *The Town Planning Review*, Vol. 80, No. 1, 2009, p. 57

<sup>43</sup> On Leipzig Charter see: *Leipzig Charter on Sustainable European Cities*, Available at: [<https://english.leipzig.de/construction-and-residence/urban-development/leipzig-2020-integrated-city-development-concept-seko/implementation/leipzig-charter>], Accessed 7 April 2022

<sup>44</sup> van Lierop, C., *The New Leipzig Charter*, European Parliamentary Research Service, [[https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659384/EPRS\\_ATA\(2020\)659384\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659384/EPRS_ATA(2020)659384_EN.pdf)] Accessed 7 April 2022



of the *New Leipzig Charter - The transformative power of cities for the common good*, with an aim of „comprehensive picture of current challenges and objectives for a sustainable urban development, structured in three dimensions: just, green, and productive cities.“<sup>45</sup> The text of the New Leipzig Charter was based on the Leipzig Charter from 2007, but taking into account global challenges.<sup>46</sup> It was adopted in 2020. Achieving just, green and productive cities requires the implementation of key principles of good governance, defined through five established principles: urban policies for the common good, integrated approach, participation and creation, multilevel governance, and a place-based approach. The Charter emphasizes participation as key to successfully delivering a high-quality built environment. It is experimenting with new forms of participation that can help cities manage conflicting interests, share responsibilities and find innovative solutions while reshaping and maintaining urban spaces and forming new alliances to create integrated urban spaces.<sup>47</sup>

In order to stimulate growth, liveability and innovation in the cities of Europe, and with the scope of better regulation, funding and knowledge, in 2016 was launched *Urban Agenda for the European Union*. It states that „a balanced, sustainable and integrated approach towards urban challenges should, in line with the Leipzig Charter on sustainable European cities, focus on all major aspects of urban development (in particular economic, environmental, social, territorial, and cultural)“.<sup>48</sup> Some of main principles are full respect of subsidiarity and proportionality principles and competences, contribution to territorial cohesion by reducing the socioeconomic gaps, enabling urban authorities to work in a more systematic and coherent way.<sup>49</sup>

## 2.2. Domestic (Croatian) level

While spatial planning is an activity that directs the spatial distribution of people, goods and activities with the aim of optimal use of space, and in a narrower sense it is the process of making spatial plans, physical planning is wider term and it is based on the comprehensive nature of spatial planning in a relationship on the planning of individual economic areas, respect for generally accepted principles,

<sup>45</sup> Leipzig Charter on Sustainable European Cities, *op. cit.*, note 43

<sup>46</sup> van Lierop, C., *op. cit.*, note 44

<sup>47</sup> The New Leipzig Charter, [[https://ec.europa.eu/regional\\_policy/sources/docgener/brochure/new\\_leipzig\\_charter/new\\_leipzig\\_charter\\_en.pdf](https://ec.europa.eu/regional_policy/sources/docgener/brochure/new_leipzig_charter/new_leipzig_charter_en.pdf)], Accessed 5 April 2022

<sup>48</sup> New Urban Agenda, *op. cit.*, note 14, p. 13

<sup>49</sup> European Commission, *Urban Agenda for the EU*, [<https://ec.europa.eu/futurium/en/urban-agenda-eu/what-urban-agenda-eu.html#Objectives>], Accessed 7 April 2022



protection of space, scientific and professional knowledge and best practices as well as international guidelines and documents in the field of spatial planning.<sup>50</sup>

Organization of physical planning system in Croatia is defined by numerous regulations, programmes, strategies, and spatial plans.<sup>51</sup> Constitution of the Republic of Croatia and Local Self-government Act<sup>52</sup> are basic acts on spatial planning.<sup>53</sup> Spatial plans of the local level are most numerous spatial plans in the Republic of Croatia and some chapters in this part of the paper analyse only them.

In comparison of Croatian legal framework to other European countries,<sup>54</sup> Croatia has more documents and strategies than other countries, which are not necessarily more efficient.<sup>55</sup> As a result of extremely wide legislative framework and due to the participation of the experts from various fields such as architecture, sociology, law, geography, etc., from the one side and participation of the citizens in public discussion (as a mandatory phase in the procedure for the development and adoption of spatial plans) from the other side, spatial planning is a complex and usually long lasting process.

### ***2.2.1. Overview of Physical Planning Regulation in the Republic of Croatia***

Since 1990, physical planning was regulated by three Physical Planning Acts and numerous programs and strategies. This chapter brings timeline of domestic regulation regarding physical planning.

Prior the adoption of the first *Physical Planning Act* in 1994, area of spatial planning was regulated by the Law on Amendments of Physical Planning Act.<sup>56</sup> First set of regulation is related to the first Physical Planning Act which was introduced in 1994.<sup>57</sup> This Act was followed by Strategy of Physical Planning of the Republic

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<sup>50</sup> Pegan, *op. cit.*, note 1, pp. 7-8

<sup>51</sup> Art. 129 (a) of the Constitution of the Republic of Croatia, Official Gazette No. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

<sup>52</sup> Art. 19, 20, 73-75, 78a-82 Local Self-government Act, Official Gazette No. 33/01, 60/01, 129/05, 1 09/07, 125/08, 36/09, 36/09, 150/11, 144/12, 19/13, 137/15, 123/17, 98/19, 144/20

<sup>53</sup> Bienenfeld, J., *Dokumenti prostornog uređenja*, Pravo i porezi, No. 3, 2007, p. 23

<sup>54</sup> Namely Steiermark, Bayern, Denmark, Netherlands and Finland (Krtalić, V., *Planiranje razvoja države, regionalno i lokalno planiranje*, Pravo i porezi, Vol. 28, No. 4, 2019. p. 26

<sup>55</sup> Krtalić, *Ibid*, p. 26

<sup>56</sup> Law on Amendments of Physical Planning Act, Official Gazette No. 34/1991, NN 49/1992, NN 14/1994.

<sup>57</sup> Physical Planning Act, Official Gazette No. 30/1994, 68/1998, 35/1999, 61/2000, 32/2002, 100/2004

of Croatia in 1997<sup>58</sup> and Ordinance<sup>59</sup> in 1998.<sup>60</sup> Physical Planning Programme was adopted in 1999 and Regulation<sup>61</sup> on physical planning in protected coastal area was adopted in 2004.<sup>62</sup>

Next *Physical Planning and Construction Act* (hereinafter: PPCA) was adopted in 2007.<sup>63</sup> It regulated basic goals of physical planning, subjects of physical planning, their rights and obligations, system of the documents of physical planning, levels of the documents of spatial planning, purpose, content, significance, and financing of their development, harmonisation between levels of the documents, their procedure and the adoption, public participation, competent development authority of the main interest and construction. With its adoption, Physical Planning Act from 1994 with its amendments was no longer in force.<sup>64</sup>

Current *Physical Planning Act*<sup>65</sup> (hereinafter: PPA) was adopted in 2013, and entered into the force in 2014.<sup>66</sup> Regulation on the Physical planning information system (Croatian abbreviation: ISPU)<sup>67</sup> and Ordinance on State plan of spatial development (Croatian Abbreviation: DPPR)<sup>68</sup> are in force since 2015. New Spatial Development Strategy of the Republic of Croatia<sup>69</sup> was adopted in 2017, and Decision on the Development of the State plan for spatial development (Croatian Abbreviation: DPPR)<sup>70</sup> in 2018.<sup>71</sup>

Mentioned PPA changed the regulation of spatial plans, actually completely new system of physical planning was developed after the adoption of the new PPA in 2013. Reasons for the adoption new system were numerous.<sup>72</sup>

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<sup>58</sup> Text of the Strategy is available at: [ [https://mpgi.gov.hr/UserDocsImages//dokumenti/Prostorno/StrategijaRH//Strategija\\_I\\_II\\_dio.pdf](https://mpgi.gov.hr/UserDocsImages//dokumenti/Prostorno/StrategijaRH//Strategija_I_II_dio.pdf)], Accessed 31 March 2022

<sup>59</sup> Croatian: *pravilnik*

<sup>60</sup> Ordinance on the content, criteria of cartographic views, mandatory spatial indicators and standard of spatial plan studies, Official Gazette No. 106/1998

<sup>61</sup> Croatian: *uredba*

<sup>62</sup> Regulation on spatial planning in protected coastline area, Official Gazette No. 128/2004

<sup>63</sup> Physical Planning Act, Official Gazette No. 76/2007, 38/2009, 55/2011, 90/2011, 50/2012

<sup>64</sup> Krtalić, *op. cit.*, note 54, p. 83

<sup>65</sup> Physical Planning Act, Official Gazette No. 153/2013, 65/2017, 114/2018, 39/2019, 98/2019

<sup>66</sup> Construction Act was also adopted in 2013, Official Gazette No. 153/13, 20/17, 39/19, 125/19

<sup>67</sup> Regulation on the Physical planning information system, Official Gazette No. 115/2015

<sup>68</sup> Ordinance on State plan for spatial development, Official Gazette No. 122/2015

<sup>69</sup> Spatial Development Strategy of the Republic of Croatia, Official Gazette No. 106/2017

<sup>70</sup> Decision on the Development of the State Spatial Development Plan, Official Gazette No. 39/2018

<sup>71</sup> List of regulations in spatial planning area is available at the website of the Ministry of Physical Planning, Assessts, Construction and State Assets: [<https://mpgi.gov.hr/access-to-information/regulations-126/regulations-in-the-field-of-physical-planning-8641/8641>], Accessed 4 April 2022

<sup>72</sup> Reasons for the adoption of PPA are presented in the Final proposition of PPA

Therefore, the new law regulates the subject of the PPA and the goal of the physical planning system, meaning of the relevant terms in SPA, implementation and adoption of sectoral acts, authorities of the competent minister, the goals of spatial planning, principles and subjects on spatial planning, tracking the conditions of space and in the area of spatial planning, conditions on spatial planning, Spatial Development Strategy of the Republic of Croatia, spatial planning system – general questions, types of spatial plans, procedure of creation and the adoption of spatial plans, implementation of spatial plans, building land, supervision of the implementation of the SPA, and misdemeanours.<sup>73</sup> Other documents regulating spatial planning are sectoral acts necessary for each area in spatial planning process.<sup>74</sup>

### 2.2.2. Organization of the Spatial Planning in Croatia

Spatial Planning System in the Republic of Croatia is organised in three levels.<sup>75</sup> First level consists of documents and spatial plans on state level. Those are State Plan for Spatial Development (Art. 66-67 of PPA), Spatial plan of areas with special features (Art. 68-69 of PPA), Spatial plan of continental shelf area of the Republic of Croatia, Spatial plan of national park, park of nature and other spatial plan with special marks which should be adopted due to regulation in State plan on spatial development (Art. 60/2 of PPA) and Urban Development plan (Art. 70 of PPA).<sup>76</sup> Spatial plans of regions and spatial plan of the City of Zagreb<sup>77</sup> create second level. On this level documents are Spatial plan of the region and Spatial Plan of the City of Zagreb (Art. 71-73 of PPA) and Urban development plan of regional importance (Art. 74 of PPA).<sup>78</sup> The third level are spatial plans on local level, namely Spatial plan of the city or municipality<sup>79</sup> (Art. 75-76 of PPA), General urban plan (Art. 77-78 of PPA) and Urban Development Plan (Art. 79-80 of PPA).<sup>80</sup>

<sup>73</sup> Final proposition of PPA, pp. 78-80

<sup>74</sup> List of sectoral acts is available at: [<https://www.arhitekti-hka.hr/hr/zakoni-propisi/popis/prostor-no-uredenje-i-gradnja/prostor-no-uredenje/>], Accessed 13 April 2022

<sup>75</sup> Art. 60 of the PPA

<sup>76</sup> Krtalić, *op. cit.*, note 54, p. 19

<sup>77</sup> According to the Art. 2 of the *City of Zagreb Act*, Official Gazette No. 62/01, 125/08, 36/09, 119/14, 98/19, 144/20, Zagreb has position of the region.

<sup>78</sup> Krtalić, *op. cit.*, note 54, p. 19

<sup>79</sup> On territorial administrative division of the Republic of Croatia see in: Koprić, I., *Glavna obilježja postojećeg i prijedlog novog teritorijalnog ustrojstva Hrvatske – zašto nam treba teritorijalna reorganizacija*, in: Koprić, I. (ed.) *Reforma lokalne i regionalne samouprave*, Institut za javnu upravu, Pravni fakultet Sveučilišta u Zagrebu, Studijski centar za javnu upravu i javne financije, 2013., Zagreb, pp. 1-30

<sup>80</sup> Krtalić mentions location permit as a local spatial plan (Krtalić, *op. cit.*, note 54, p. 19), but, local permit is an individual administrative act, and spatial plans are general acts. The distinction is far important, and can be seen in the procedure of the adoption of act, in the announcement/delivery of act,

Basic principles of harmonisation of different levels of spatial plans are regulated in Art. 61 of the PPA according to which Spatial plan should be in the accordance with the PPA and documents adopted on the on the basis of PPA. (Art. 61/1 of PPA). The spatial plan of the lower level must be harmonized with the spatial plan of the higher level. (Art. 61/2 of PPA). The spatial plan of a narrower area must be harmonized with the spatial plan of a wider area of the same level (Art. 61/3 of PPA). Spatial plans of the same level must be mutually harmonized (Art. 61/4 of PPA).

### 2.2.3. *Judicial Supervision of local level Spatial Plans*

Local level spatial plans are general acts according to the case law of the High Administrative Court of the Republic of Croatia, Administrative Disputes Act and Local Self-government Act. At first sight, provision in Art. 58 of PPA on legal nature of spatial plans puts spatial plans in the field of by-laws in general. But Croatia has a complex division of by-laws based on the competent authority of its supervision. Representative bodies in the local self-government unites are entitled for the adoption of spatial plans. First control exercised over general acts is an administrative control regulated in Art. 78 -82 of the Local Self-government Act.

Judicial control of spatial acts<sup>81</sup> is in jurisdiction of the High Administrative Court of the Republic of Croatia, since this is the only Court<sup>82</sup> entitled for the assessment of the legality of general acts in the Republic of Croatia (Art. 3/2, 12/3, 83 of the Administrative Disputes Act).<sup>83</sup> High Administrative Court can decide spatial plan is unlawful and abolish such act.<sup>84</sup> The judgement on the abolishment

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in the judicial control, etc. For detail overview of the distinction between general act and individual administrative act see for example in: Omejec, J.; Banić, S., *Diferencijacija propisa i općih akata u budućoj praksi Ustavnog suda i Upravnog suda u povodu Zakona o upravnim sporovima (2010.)*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 49, No. 2, 2012., pp. 309-324; Crnković, M., *Objektivni upravni spor u hrvatskom i poredbenom pravu*, doctoral thesis, 2015

<sup>81</sup> More on judicial control of spatial plans see in: Šikić, M.; Crnković M., *Ustavnosudska i upravnosudska kontrola zakonitosti akata jedinica lokalne i područne (regionalne) samouprave*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 37, No. 1, 2016, pp. 423-447; Held, M., *Judicial Control of Spatial Plans as Prerequisite of Economic Development in Croatia*, in: Šimić Banović, R. (ed.), *Sixth Bosnian Herzegovinian, Croatian and Turkish Jurist Days - The Legal Framework for Economic Competitiveness*, Zagreb, Faculty of Law, University of Zagreb, 2019, pp. 110-132

<sup>82</sup> For reasons on the division of control between Constitutional Court of the Republic of Croatia and High Administrative Court of the Republic of Croatia see in: Omejec, J.; Banić, S., *op. cit.*, note 80, pp. 309-324 and *Decision and Regulation of the Constitutional Court of the Republic of Croatia, U-II-5157/2005* from 5 March 2012, Official Gazette No. 41/2012

<sup>83</sup> Administrative Dispute Act, (ADA), Official Gazette No. 20/10, 143/12, 152/14, 94/16, 29/17, 110/21

<sup>84</sup> Art. 86/3 ADA

should be published in the Official Gazette of the Republic of Croatia.<sup>85</sup> The party can ask revision of the administrative decision based on unlawful spatial act in three months after publishing the judgement on the abolishment in the Official Gazette of the Republic of Croatia.<sup>86</sup>

### 3. CURRENT SITUATION IN SPATIAL PLANNING IN MEMBER STATES OF THE EU AND CROATIA UNDER AND AFTER THE COVID-19 PANDEMIC

Recent literature on urbanisation made a step forward from economic growth and development to ensuring public health conditions<sup>87</sup> caused by the largest and most serious pandemic in the century, which started in towns and was moving towards urban and rural areas due to the globalisation and connectivity throughout the globe. COVID-19 put at least one new task before spatial planners – planning process must incorporate measures that enhance public health.<sup>88</sup> “Cities must remain open, dynamic spaces reflecting collective freedoms and expressions. Citizens should continue to exercise their rights in demanding better services and transparency from the authorities while performing civic duties responsibly.”<sup>89</sup>

#### 3.1. European Union level

European Union, as well as international organisations give guidelines and recommendations to Member States how to overcome COVID-19 pandemic in the area of spatial planning in general and spatial planning process. Focus is no more on well-known areas covered by the spatial and urban planning process, but it includes resilient cities, 15-minutes’ walk cities, it is focused more than ever on local self-government units, availability of public services, markets, health institutions, parks, etc. This chapter will focus on three different documents in the analysis of guidelines and recommendations on the prevailing consequences of the COVID-19 pandemic in spatial planning.

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<sup>85</sup> Art. 86/4 ADA

<sup>86</sup> Art. 87 ADA

<sup>87</sup> Creighton, C.; Keil, R. A.; Harris S., *Extended urbanisation and the spatialities of infectious disease: Demographic change, infrastructure and governance*, Urban Studies, Vol. 58, 3, 2020, p. 2, Available at: [[https://www.researchgate.net/publication/340313382\\_Extended\\_urbanisation\\_and\\_the\\_spatialities\\_of\\_infectious\\_disease\\_Demographic\\_change\\_infrastructure\\_and\\_governance](https://www.researchgate.net/publication/340313382_Extended_urbanisation_and_the_spatialities_of_infectious_disease_Demographic_change_infrastructure_and_governance)], Accessed 5 April 2022

<sup>88</sup> *Spatial Planning Guidelines during COVID-19*, (Guidelines during COVID-19), UNHABITAT, p. 2, Available at: [[https://unhabitat.org/sites/default/files/2020/11/covid19\\_spatialplanning\\_eng1.pdf](https://unhabitat.org/sites/default/files/2020/11/covid19_spatialplanning_eng1.pdf)], Accessed 5 April 2022

<sup>89</sup> *Ibid.*, p. 2

### 3.1.1. *Regional Policy brief*

*Regional Policy brief* states that “the pandemic has impacted urban economies, equity, employment, public services, infrastructure, and transport, affecting virtually all individuals, especially vulnerable households, businesses, and workers.”<sup>90</sup> As a consequence, measures taken to improve spatial planning process and urban development of the cities must as well be integral and they should be multi-dimensional, coordinated, swift and decisive, reinforce urban economic resilience, create value and provide tangible solutions for the whole community, leaving no one behind, they should allow to the policy makers to implement recovery plans, encourage multi-governance and multi-stakeholder engagement to promote urban economic resilience during and after the pandemic.<sup>91</sup> The goals of the Regional policy brief document are to “provide an overview of the socio-economic impacts of the COVID-19 pandemic in the UNECE region<sup>92</sup> and gain a better understanding of urban economic resilience challenges during and after the pandemic, identify broader urban economic resilience needs of cities arising from the multi-dimensional impact of the pandemic in the context of recovery plans and offer policy recommendations, best practice examples, tools, and mechanisms for sustainable urban economic recovery”.<sup>93</sup>

The Policy brief document analyses the impact of pandemic and formulates recommendations in four chapters - urban governance, socio-economic impacts of the COVID-19 pandemic, nature-based solutions and climate neutrality for environmental quality and urban planning and transportation policies and programmes.<sup>94</sup>

## 3.2. Spatial Planning Guidelines during COVID-19

*Spatial Planning Guidelines during COVID-19* can be divided into several categories, guidelines for short, medium and long-term spatial planning response and recovery measures post COVID-19,<sup>95</sup> and they cover social, economic and

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<sup>90</sup> *Regional Policy Brief on Building Urban Economic Resilience during and after COVID-19 in the UNECE Region*, (Regional Policy brief), Economic Commission for Europe, Committee on Urban Development, Housing and Land Management, Eighty-second session, Geneva, 6-8 October 2021, Item 5 of the provisional agenda, p. 4., Available at: [<https://unece.org/housing/publications/regional-policy-brief-building-urban-economic-resilience>], Accessed 5 April 2022

<sup>91</sup> *Ibid.*, p. 4

<sup>92</sup> United Nations Economic Commission for Europe (UNECE) was set up in 1947 by Economic and Social Council.

<sup>93</sup> Regional Policy Brief, *op. cit.*, note 90, p. 4

<sup>94</sup> *Ibid.*

<sup>95</sup> Guidelines during COVID-19, *op. cit.*, note 88, p. 2

environmental sustainability. Document is divided on regional scale, city scale, neighbourhood scale, and building scale.

On regional scale documents puts focus on linkage between rural and urban area which are crucial for flow of goods, but also for flow of services and flow of people. The recommendation is to strengthen and enhance connectivity between cities, states, and regions as an important step in building socio-economic resilience. Next recommendation is decentralization of services as a result of stronger connectivity of smaller cities and mega cities where mega cities transfer some of their duties on smaller cities such as questions regarding housing and employment needs. Next recommendation considers holistic approach to planning „combining grey, green and blue infrastructure at different levels to support healthier cities and citizens“.<sup>96</sup>

City scale begins with the recommendation on decentralization and polycentric cities which have possibility to serve larger amount of population. Compact urban city is further recommendation as a city which minimizes distances between all key segments for quality urban life such which offer pedestrian zones, cyclist zones as alternative way of transport. „Multi-functional cities also attract citizens with diverse skills resulting in a healthy mix of people to cater to the diverse needs and services of the city while allowing opportunities for social interaction.“<sup>97</sup> Another recommendation refers to planned density which maintains optimal quality of life with access to crucial public services. It is important to mention that density should not be mistaken with overcrowding where people do not have adequate access to public services. Public transport and housing are mentioned as a precondition for quality of life in urban areas, as well as access to basic public services such as water, sanitation and disposal, social services such as education and health facilities for example, and digital infrastructure as well.

Neighbourhood scale suggest compact neighbourhoods where citizens meet their needs in 15 minutes' walk area. If slums and informal settlements were transferred into compact neighbourhoods, it would have a lot of positive effects, such as overall health. This measure will influence on social distancing and made it possible. Urban agriculture through community gardens and rooftop farming can be a stopgap solution in food deserts or in times of crises.<sup>98</sup>

In the part of building scale, „Focus needs to be directed to informal settlements, ensuring residents have sufficient living areas to avoid overcrowding, with estab-

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<sup>96</sup> *Ibid.*, p. 3

<sup>97</sup> *Ibid.*, p. 4

<sup>98</sup> *Ibid.*, p. 6



lished connections to basic services such as clean water, waste and sanitation facilities. Here renewable forms of energy should become „the prevalent model for design and construction“.<sup>99</sup>

### **3.3. Report on the on the challenges for urban areas in the post-COVID-19 era (2021/2075(INI))**

*Report on the on the challenges for urban areas in the post-COVID-19 era (2021/2075(INI))* (hereinafter: Report)<sup>100</sup> in its part called “explanatory statement” contains suggestion that Europe must adapt to the new situation caused by the pandemic of coronavirus and embrace new model for the urban areas of the European Union. A wide spectre of EU initiatives already impacts towns, although the EU has no direct impact on urban planning in the Member States. Further, the EU must ensure the partnership envisaged in the Common Provision Regulation.<sup>101</sup> According to the Report, the Commission must put forward a Code of conduct on partnerships that should set minimum “standards involvement of regional, local, urban and other public authorities, economic and social partners and relevant bodies representing civil society, and non-governmental organisations. This will ensure their participation throughout the preparation, implementation, monitoring, and evaluation of Union programmes, including participation in monitoring committees”<sup>102</sup> to ensure participation of civil society in all stages of spatial and urban planning.<sup>103</sup>

According to the Report, cities are considered as key partners in finding a way out of the pandemic. Their perspective on the development should be toward an inclusive, sustainable, and resilient Europe. “The report offers a set of recommendations addressing some of the most severe challenges of urban areas in the post-COVID era, organised into four chapters and divided into 67 statements,

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<sup>99</sup> *Ibid.*, p. 7

<sup>100</sup> *Report on the on the challenges for urban areas in the post-COVID-19 era (2021/2075(INI))*, Available at: [[https://www.europarl.europa.eu/doceo/document/A-9-2021-0352\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2021-0352_EN.html)], Accessed 5 April 2022

<sup>101</sup> Common Provision Regulation, Official Journal of the European Union, L 231, 30 June 2021

<sup>102</sup> Report on the challenges for urban areas in the post COVID-19 era, *op. cit.*, note 100, p. 20-21

<sup>103</sup> *Ibid.*, p. 2

propositions, guidelines, and recommendations: inclusive cities,<sup>104</sup> green cities,<sup>105</sup> innovative cities,<sup>106</sup> and tailor-made policy initiatives.<sup>107</sup>

The chapter on inclusive cities Report has numerous statements on the current problems of urban areas and recommendations for its improvement, such as the need for an EU framework to support local and national strategies to fight homelessness and ensure equal access to decent housing for all by promoting an integrated approach combining housing support with social care, health services and active inclusion,<sup>108</sup> establish specific strategies and appropriate measures to overcome obstacles to the right to housing such as discrimination, financialization, speculation, touristification, abusive lending practices and forced evictions,<sup>109</sup> investments through all kind of available funds such as ERDF, Just Transition Fund, InvestEU, ESF+, Horizon Europe, NextGenerationEU and especially through the Recovery and Resilience Facility, Coronavirus Response Investment Initiative and the Coronavirus Response Investment Initiative Plus.<sup>110</sup>

Through chapter on sustainable (and green) cities Report emphasizes the importance of sustainable urban development, including sustainable and affordable public transport, for the economic, social, and territorial cohesion of the Union and the quality of life of its population,<sup>111</sup> states that COVID-19 crisis has shown the need for new urban planning and mobility solutions in order to make urban areas more resilient and adaptable to mobility demand and that the crisis should be taken as an opportunity to reduce transport congestion and greenhouse emissions,

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<sup>104</sup> For more on inclusive cities under the COVID-19 pandemic see for example: *Inclusive Cities: COVID-19 Research and Policy Briefings*, COMPASS, 2020 [<https://www.compas.ox.ac.uk/project/inclusive-cities-covid-19-research-and-policy-briefings/>], Accessed 5 April, 2022; *Reimagining Inclusive Cities in the COVID-19 Era*, Cities Alliance, 2021, [<https://www.citiesalliance.org/newsroom/events/reimagining-inclusive-cities-covid-19-era>], Accessed 5 April 2022

<sup>105</sup> See for example document: *Cities and Pandemics: Towards a More Just, Green and Healthy Future*, UN-HABITAT, 2021, Available at: [[https://reliefweb.int/sites/reliefweb.int/files/resources/cities\\_and\\_pandemics-towards\\_a\\_more\\_just\\_green\\_and\\_healthy\\_future\\_un-habitat\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/cities_and_pandemics-towards_a_more_just_green_and_healthy_future_un-habitat_2021.pdf)], Accessed 5 April 2022

<sup>106</sup> See for example document of UNESCO – *Creative cities' response to COVID 19*, 2020, United Nations Educational, Scientific and Cultural Organization, Paris, France, Available at: [<https://unesdoc.unesco.org/ark:/48223/pf0000374264>], Accessed 5 April 2022

<sup>107</sup> Report on the challenges for urban areas in the post COVID-19 era, *op. cit.*, note 100, p. 19

<sup>108</sup> *Ibid.*, point 7, p. 8

<sup>109</sup> *Ibid.*, point 8, p. 8

<sup>110</sup> *Ibid.*, point 10, p. 8

<sup>111</sup> *Ibid.*, point 21, p. 10

<sup>112</sup>it calls for action to improve urban air quality to minimise the risks for human health and fight environmental noise levels, which are rising in urban areas,<sup>113</sup> etc.

Report in the chapter on innovative (and learning) cities the emphasizes importance of digital communication between all actors, and notes that the pandemic has accelerated digitalisation, and technology has become imperative for teleworking, home-schooling, e-commerce, e-health, e-government, digital democracy and digital entertainment, and also calls on the Commission to monitor these developments closely and to ensure full compliance with the Union *acquis*, in particular as regards workers' and social rights.<sup>114</sup>

Under taylor made policy initiatives Report insists that regional and local authorities have a key role in all stages of EU decision-making: planning, preparation, and implementation; calls for more direct EU funding to be made available to local and regional authorities in order to improve efficiency.<sup>115</sup>

#### 4. SPATIAL PLANNING IN CROATIA UNDER AND AFTER THE COVID-19 PANDEMIC

As the first deaths from coronavirus infection were recorded in Italy on 22 February 2020,<sup>116</sup> on 24 February controls on border crossings with Italy were stepped up, self-isolated health controls were provided for all travellers coming from infected areas, and a recommendation to schools not to go on excursions and trips to Italy.<sup>117</sup>

##### 4.1. COVID-19 pandemic and the introduction of emergency measures

On March 5, the Minister of Health declared the danger of the COVID-19 epidemic.<sup>118</sup> A day later, the Ministry of Science and Education informed schools and universities to postpone travel abroad, and on March 9, all foreign nationals

<sup>112</sup> *Ibid.*, point 24, p. 11

<sup>113</sup> *Ibid.*, point 34, p. 12

<sup>114</sup> *Ibid.*, point 40, pp. 13-14

<sup>115</sup> *Ibid.*, point 59, p. 16

<sup>116</sup> Seckin, B., *Italy confirms first death from coronavirus*, Anadolu Agency, 2020, Available at: [<https://www.aa.com.tr/en/europe/italy-confirms-first-death-from-coronavirus/1741337>], Accessed 7 April 2022

<sup>117</sup> Ministarstvo zdravstva, *Koronavirus nCoV*, 2020, Available at: [<https://vlada.gov.hr/UserDocsImages/2016/Sjednice/2020/Velja%C4%8Da/209%20sjednica%20VRH/Novi%20direktorij/209%20-%206.pdf>], Accessed 7 April 2022

<sup>118</sup> Government of the Republic of Croatia, *Koronavirus.hr*, 2020, Available at: [<https://www.koronavirus.hr/sve-mjere-koje-vlada-poduzima-u-borbi-s-koronavirusom/69>], Accessed 7 April 2022

coming from crisis areas were given a mandatory 14-day quarantine.<sup>119</sup> It was also recommended to postpone all organized gatherings with more than a thousand people. On March 11, 2020, the World Health Organization declared a global pandemic, and on March 11, 2020, at the suggestion of the Croatian Institute of Public Health, the Ministry of Health decided to declare an epidemic of COVID-19 caused by SARS-CoV-2 in Croatia.<sup>120</sup> This date can be considered the day of entering the second phase of the crisis. Entering the acute crisis phase in that phase, much more severe measures are applied than in the previous one, and preventive measures have been moved to prohibitive measures.

## **4.2. Research of the procedure for the development and adoption of spatial plans under the influence of the COVID-19 pandemic**

To prevent the transmission of COVID-19 disease, many preventive and restrictive measures were introduced, including restrictions on the movement of people, closing borders and educational institutions, mandatory quarantine, and banning all public gatherings, etc. The competent ministry - the Ministry of Physical Planning, Construction and State Property on the official website during the COVID-19 pandemic<sup>121</sup> published instructions, decisions, notices, and measures of the Ministry in the fight against the epidemic of the COVID-19. On March 20, 2020, the competent ministry issued an instruction regarding the holding of public presentations during the public debate on the proposal of the spatial plan, which, taking into account the recommendation to limit public gatherings of a large number of people, exceptionally allows public presentations through Livestream with participants.<sup>122</sup>

### **4.2.1. Semi-structured interviews**

To gather information and opinions regarding the experience of the impact of COVID-19 restrictive measures on the development and adoption of spatial

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<sup>119</sup> Ministry of the Interior, *Priopćenje za medije Stožera civilne zaštite Republike Hrvatske od 14. ožujka 2020*, Available at: [<https://civilna-zastita.gov.hr/vijesti/priopcenje-za-medije-stozera-civilne-zastite-republike-hrvatske-od-14-ozujka-2020-u-10-00-sati/2256>], Accessed 7 April 2022

<sup>120</sup> Odluka o proglašenju epidemije bolesti COVID-19 uzrokovana virusom SARS-CoV-2, 2020, Available at: [<https://zdravstvo.gov.hr/UserDocsImages/2020%20CORONAVIRUS/ODLUKA%20O%20PROGLA%C5%A0ENJU%20EPIDEMIJE%20BOLESTI%20COVID-19.pdf>], Accessed 7 April 2022

<sup>121</sup> Ministry of Physical Planning, Construction and State Assets, Available at: [<https://mpgi.gov.hr/covid-19-upute-gradjanima-i-tijelima-vezane-uz-resor/10648>], Accessed 26 January 2022

<sup>122</sup> Ministry of Physical Planning, Construction and State Assets [[https://mpgi.gov.hr/UserDocsImages/OMinistarstvu/Onama/naputak\\_%20JLS-JR-COVID-19.pdf](https://mpgi.gov.hr/UserDocsImages/OMinistarstvu/Onama/naputak_%20JLS-JR-COVID-19.pdf)], Accessed 26 January 2022

plans, a qualitative approach is used in this study in the form of semi-structured interviews with experts who perform spatial planning activities in the territory of the Republic of Croatia.

The Ministry of Physical Planning, Construction, and State Assets issue a consent to legal entities to perform professional spatial planning activities.<sup>123</sup> Experts who are employees of legal entities who have been approved to perform all professional activities of spatial planning were interviewed.<sup>124</sup> A best-effort attempt was made to obtain a representative sample and 10 interviewees were finally recruited. We carried out online interviews between March and April 2022. The basic data on the participants are summarized in **Table 1**.

**Table 1.** Profiles of participants

Code	Gender	Age group	Profession	Work experience	Authorised expert	Institute / legal person
1	Female	36-40	urban architect	14	Yes	Legal person
2	Male	56-60	/	25	No	Institute
3	Female	61-65	urban architect	38	Yes	Institute
4	Male	36-40	civil engineer	11	Yes	Institute
5	Male	26-30	urban architect	5	Yes	Legal person
6	Male	41-45	urban planner	18	Yes	Legal person
7	Male	41-45	geographer	17	Yes	Institute
8	Female	41-45	spatial planner	15	Yes	Institute
9	Female	61-65	urban planner	37	Yes	Legal person
10	/	41-45	urban planner	16	Yes	Legal person

The findings are grouped into the following categories in terms of spatial planning under the influence of the COVID-19 pandemic: the procedure for the development and adoption of spatial plans, participation, and changes in the physical planning system.

<sup>123</sup> Ministry of Physical Planning, Construction and State Assets [[https://mpgi.gov.hr/UserDocsImages//dokumenti/Prostorno/Popisi//Popis\\_svi\\_SP\\_PU\\_17.3.2022.pdf](https://mpgi.gov.hr/UserDocsImages//dokumenti/Prostorno/Popisi//Popis_svi_SP_PU_17.3.2022.pdf)], Accessed 7 April 2022

<sup>124</sup> Professional activities relating to the development of the draft proposal and draft final proposal of the spatial plan, in addition to the development of these drafts, and administrative tasks related to the development and adoption of the spatial plan, unless otherwise prescribed by this Act, shall be performed by the spatial plan competent development authority (hereinafter: the competent development authority). The Institute, institute for physical planning of a county or City of Zagreb, institute for physical planning of a major city, or a legal person developing the draft proposal or final proposal of the spatial plan (hereinafter: the expert developer) shall appoint the responsible development manager for draft proposal of the spatial plan (hereinafter: the responsible manager) prior to the beginning of its development (Art. 81-82 PPA).

#### 4.2.1.1. *Procedure for the development and adoption of spatial plans*

Most of participants, employees of institutes and private offices (legal person), pointed out that the introduction of measures had a significant impact on the organization of work, which consequently slowed down the process of making plans. Maintaining social distance by working from home, working shifts and limiting field research and meetings have reduced the spread of the virus. However, these measures also had a negative impact on the duration of the process and the procedure for the development and adopting spatial plans, as described below:

“Working from home initially slowed down the company’s business. It took several weeks to get used to the new way of working (shifts or entirely away from home, virtual meetings, elaboration and verification of documents remotely, operational tasks, etc.). Until the statement of the relevant ministry, the biggest shortcoming was the inability to hold public presentations, which is why a large number of plans stopped in the process. It was a blow to both the business of the companies and to the investors, as investments became even more uncertain. Even after the statement, some of the developers continued the practice of not holding public presentations, which slowed down some plans for years. An additional problem lies in the way it works - the absence or limitation of fieldwork has reduced the quality of analysis and spatial solutions, and the lack of live meetings has reduced the quality of communication between stakeholders.”

(Interviewee 5, Male, 9/4/2022)

“The measure of working from home and holding public hearings online had the most significant impact on the organization of work in the Institute. Professional spatial planning tasks are specific tasks in which the interaction between plan makers, local self-government units, and interested parties is very important. These limitations, which I mentioned, have greatly affected and slowed down the process of making spatial plans.”

(Interviewee 4, Male, 9/4/2022)

“Organization of work from home, work in shifts. Since spatial planning is an interdisciplinary job, in normal conditions, we are used to close cooperation and teamwork of colleagues, which includes frequent physical contact in terms of conversations, discussions, and joint work, especially in making graphic parts of plans. With the introduction of these measures, this has become more difficult

and has automatically affected the duration of business processes. The effectiveness of employees at work from home depends on the conditions that the person has.”

(Interviewee 7, Male, 11/4/2022)

Despite these difficulties, participants also point to rapid adaptation to emerging circumstances, as the following excerpt show:

“A lockdown marked the spring of 2020. The office of xx people functioned in a way that we all worked from home. Before the summer, when the first wave of the epidemic subsided, work was organized in shifts (50% of people worked in the office for a week, 50% from home). We have introduced such shift work on several occasions, depending on the situation with the pandemic.

Given the good technical support, working from home did not negatively affect the work process, although a significant part of the time had to be set aside for mutual coordination. However, over time, this problem has been resolved with the introduction of internal zoom meetings.

However, the process of drafting and adopting plans slowed down significantly, mainly because the representatives of the developers were not technically well organized to that extent, i.e., their ability to work from home included the use of telephone or e-mail. There were no field visits, and no public hearings were held in the first months of the epidemic. However, coordination through zoom was established relatively quickly, which almost completely replaced business trips and business meetings and contributed to greater efficiency of the process itself.”

(Interviewee 9, Female, 11/4/2022)

Employees primarily point out that the measures had a direct impact on the decline in the quality of communication with representatives of administrative bodies of local and regional self-government units, as the following excerpt show:

“The measures that most affected communication were travel restriction measures because we had to organize virtual meetings for which part of the local government representatives were not ready. The quality of these meetings was questionable, given the lack of technological preparation. However, most representatives have found an operational way to communicate over time.”

(Interviewee 5, Male, 9/4/2022)



While, for example, the decisions of the competent development authority on the temporary suspension of the procedures for the development and adoption of spatial plans have slowed down the process of making individual plans by several months or stopped them permanently, as the excerpt below show:

“In the first phase of the pandemic, work on developing spatial plans was almost suspended. Only in 2021 the processes of making spatial plans continue.”

(Interviewee 3, Female, 5/4/2022)

The role and work of the competent ministry in giving instructions regarding the prescribed measures for the prevention and control of the epidemic of the disease COVID-19, which related to the procedures for the development of spatial plans, participants rated with an average score of 3.33. The following excerpts illustrate some of the interviewees' views:

“As usual, the Ministry was inert in making decisions and uninterested in the problems of professional developers. The profession itself had to initiate the harmonization of measures with real needs.”

(Interviewee 5, Male, 9/4/2022)

“Regarding pandemic issues and the consequent implementation of spatial planning procedures, the Ministry, as usual, acted only when they were set up. Otherwise, the Ministry very rarely sends circular instructions, clarifications, etc. In connection with the pandemic, the instructions relied on the prescribed restrictive measures that would block the procedures, while there were no innovative improvements.”

(Interviewee 8, Female, 11/4/2022)

#### 4.2.1.2. *Participation*

As stated earlier in the text, on March 20, 2020, the competent ministry issued an instruction regarding the holding of public presentations during the public debate on the proposal of the spatial plan, which, taking into account the recommendation to limit public gatherings of a large number of people, exceptionally allows public presentations through Livestream with participants.

The following comment illustrate interviewees' view on the impact of the COVID-19 pandemic on the level of participation in the development of spatial plans:

“Initially, the response was, as expected, lower. Over time, as the overall culture of virtual space grew, more and more Livestream services functioned, and most citizens successfully accessed public presentations. Of course, the quality of such communication is not equal to the one performed live, and the problem of accessibility to different age groups should not be neglected.”

(Interviewee 5, Male, 9/4/2022)

Most of the participants believe that the participation of citizens and public bodies through the Livestream service should be left as an option even after the cessation of the implementation of social distancing measures, as the following excerpt show:

“It can remain a possibility because it allows the participation of interested citizens who are in a different location from the one where the public debate is held, but in my opinion, there are still a large number of those who do not have the opportunity to follow public debates in this way. If it is introduced as an additional option, I do not see any disadvantages.”

(Interviewee 1, Female, /4/2022)

“Certainly, but in a way that still maintains the classic exposition. It would continue to allow access to public hearings, primarily for the domicile population, especially those who are not inclined to the Internet and those who are physically unable to participate in public exhibitions due to work commitments or distance.”

(Interviewee 8, Female, 11/4/2022)

#### 4.2.1.3. *Changes in the spatial planning system*

The aftermath of the COVID-19 pandemic has prompted spatial planning experts to consider how “people-oriented” concepts (e.g., 15-minute city) can be incorporated into spatial planning systems to reduce negative impacts on space and people.

The following comment illustrates some of the interviewees' views on the impact of the COVID-19 pandemic to change professional attitudes when making spatial plans:

“Experts in spatial planning have received confirmation of what they already know by profession, and that is that space should be planned in its entirety and that the starting point of such planning is a man with all his characteristics and needs. The pandemic has to some extent, emphasized topics such as the 15-minute city, but “pandemic optics” in this regard should not be overemphasized as a starting point for such processes - because they lie in much broader issues and the totality of conditions affecting human life.

Another positive thing that can be learned from the experience is a partial increase in efficiency by digitizing specific processes. Although digitalization is not always the solution to all problems, specific processes have shifted over the last two years (virtual meetings and faster decision-making, reduction of physical paperwork, faster harmonization of bases and data, some increase in public administration efficiency, etc.).”

(Interviewee 5, Male, 9/4/2022)

“The pandemic has partially influenced attitudes when making spatial plans. I notice that a much larger number of people (experts, politicians, and the interested public) now understand the importance of moving to green, renewable, sustainable...”

(Interviewee 4, Male, 9/4/2022)

“The pandemic has affected many things, and it is too early for final positions. However, as individuals, we have become much more aware of the need for better housing, more even distribution of social facilities, and a significantly higher share of green space ... It will undoubtedly be necessary to follow the trend of deurbanization or the growing needs of housing in direct contact with nature and areas of lower housing density.

How much will this affect spatial plans? Honestly, I do not know. Yet.”

(Interviewee 9, Female, 11/4/2022)

#### 4.2.2. Case study in Croatia - Primorsko-Goranska County

In addition to the previously described analysis, semi-structured interviews, in the process of preparing a scientific paper, additional research was conducted. Statistical analysis was performed, which observed the Primorje-Gorski Kotar County and the number of public presentations held in the observed period of four years. Primorje-Gorski Kotar County is located in the west of Croatia, and consists of 14 cities, 22 municipalities and 536 settlements within cities and municipalities.<sup>125</sup> The public institution “Institute for Physical Planning of the Primorje-Gorski Kotar County” keeps the Register of Spatial Plans, providing conditions for access to information via the official website,<sup>126</sup> enabling analytical tasks related to spatial documentation. The information gathered on the official website of the Institute also enabled the collection of data for the preparation of this analysis.

**Table 2.** Primorje-Gorski Kotar County - number of public presentations held in the period from the beginning of January 2018 to the end of December 2021

		SPATIAL PLANS								
		REGIONAL LEVEL			LOCAL LEVEL					
		County spatial plan	Spatial development plan of a city or municipality	General urban plan	Urban development plan	Detailed development plan	Implementation urban development plan			
Year	Month	PPŽ	PPUG	PPUO	GUP	UPU	PUP	DPU	Total	
<b>2018</b>		<b>1</b>	<b>2</b>	<b>5</b>		<b>22</b>	<b>1</b>	<b>2</b>	<b>33</b>	
	Feb.					3			3	
	Mar.			1		2			3	
	May.		1			2		1	4	
	Jun.					4			4	
	Jul.	1		1		3			5	
	Aug.					1		1	2	
	Sep.			2					2	
	Oct.					3			3	
	Nov.			1		2	1		4	
	Dec.		1			2			3	
<b>2019</b>			<b>6</b>	<b>6</b>	<b>1</b>	<b>27</b>		<b>3</b>	<b>43</b>	

<sup>125</sup> See: Art. 11, Act on areas of counties, cities and municipalities on the Republic of Croatia, Official Gazette No. 86/2006, 125/2006, 16/2007, 46/2010, 95/2008, 145/2010, 37/2013, 44/2013, 45/2013, 110/2015

<sup>126</sup> Zavod za prostorno uređenje Primorsko-goranske županije, Geoportal županije, Available at: [https://zavod.pgz.hr/geoportal\_zupanije], Accessed 7 April 2022

	Jan.		1					1	
	Feb.		2			6		8	
	Mar.			1		4	1	6	
	Apr.			1		2		3	
	May.		1			3		4	
	Jun.		1	1		3		5	
	Jul.		1		1	1	1	4	
	Aug.					1		1	
	Sep.					1		1	
	Oct.						1	1	
	Nov.			3		3		6	
	Dec.					3		3	
<b>2020</b>			<b>1</b>	<b>8</b>		<b>19</b>		<b>28</b>	
	Jan.					1		1	
	Feb.			1		3		4	
	Mar.			2		1		3	
	<b>On March 11, 2020, the Ministry of Health declared an epidemic of COVID-19 caused by SARS-CoV-2 in Croatia.</b>								
	Jun.					1		1	
	Jul.			1		1		2	
	Sep.			1		2		3	
	Oct.			1		2		3	
	Nov.			2		4		6	
	Dec.		1			4		5	
<b>2021</b>			<b>1</b>			<b>9</b>	<b>1</b>	<b>11</b>	
	Feb.					3		3	
	Mar.					2		2	
	May.					1		1	
	Jun.						1	1	
	Sep.					1		1	
	Oct.		1					1	
	Nov.					1		1	
	Dec.					1		1	
<b>Total</b>		<b>1</b>	<b>10</b>	<b>19</b>	<b>1</b>	<b>77</b>	<b>1</b>	<b>6</b>	<b>115</b>



still exist. Compared to other European countries, some authors<sup>127</sup> state that the documents regulating spatial planning are more numerous, which does not necessarily result in their higher efficiency.

EU influences in the spatial planning area mostly through recommendations, guidelines and directives in certain field of spatial planning. Analyses has shown that EU tries to overcome consequences of the pandemic through various reports and guidelines as well as recommendations with suggestions how Member States could adapt to the new situation caused by the pandemic of coronavirus and embrace new models for the urban and rural areas of the European Union. Documents at European Union level are mainly aimed at improving life in cities, which are considered to be the focal points of economic, educational and cultural life. They emphasize the importance of preserving life and health, as well as the need of organisation of life in the so-called 15 minutes' walk areas. The documents also contain provisions of the importance of mutual cooperation between the Member States and the Commission, which supports the balanced spatial development of all Member States through various funds and organization. The adoption of new unbinding documents is also assessed as good practice for sustainable urban development (e.g. New Leipzig Charter).

The problems caused by the pandemic can be seen in particular if one Member State is analysed, which was the second goal of the paper. Our research has explored the procedure for the development and adoption of spatial plans under the influence of the COVID-19 pandemic. Semi-structured interviews were used to examine the views and insights of 10 participants.

Research has shown the following: first, the introduction of measures had a significant impact on the organization of work, which slowed down the process of making plans. Maintaining social distance by working from home, working shifts and limiting field research and meetings have reduced the spread of the virus. However, these measures also had a negative impact on the duration of the process and the procedure for the development and adoption of spatial plans. Second, despite these difficulties, participants also point to rapid adaptation to emerging circumstances. Spatial planning and the process of developing and adopting spatial plans are complex and usually time-consuming. Therefore, the pandemic only partially affected the process of making spatial plans. The measures slowed down the procedures for drafting and adopting spatial plans, confirmed by analyzing the number of discussions held in the observed period of four years in the Primorje-Gorski Kotar County. Third, the possibility of participating in public

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<sup>127</sup> Krtalić, *op. cit.*, note 54



presentations through the Livestream service, which was also used to hold meetings between all participants, not only enabled another form of citizen participation but also ensured faster adaptation of participants who perform professional spatial planning activities to the challenges caused by the COVID-19 pandemic. Most of the participants believe that the participation of citizens and public bodies through the Livestream service should be left as an option even after the cessation of the implementation of social distancing measures.

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