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GEOGRAPHICAL PRINCIPLES OF SPATIAL PLANNING UNDER LEGAL RESTRICTIONS ON LAND USE: A FRAMEWORK FOR TERRITORIAL COMMUNITIES IN UKRAINE

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Abstract

The 2020–2021 reform of land-use planning in Ukraine merged urban-planning and land-management documentation into a single instrument – the comprehensive plan of spatial development of a territorial community – and made legal restrictions on land use, together with their regime-forming objects, an obligatory layer of every planning document. Restrictions are, however, still treated in practice as a legal register to be transferred from the cadastre, not as a spatial structure to be designed. The purpose of the study is to substantiate a

system of geographical principles under which legal restrictions on land use become an input of spatial-planning decisions rather than an afterthought.

The review integrates the European spatial-planning tradition, land-administration theory (the "toolbox" of interests over land and the Land Administration Domain Model), land-use suitability analysis from McHarg to GIS-based multi-criteria evaluation, and the Ukrainian legal framework after Law No. 711-IX and the Classification of land-use restrictions of 2021. A typology of restrictions by the geometry of the regime-forming object (point, linear, areal, diffuse) and by the mode of the restriction (prohibition, conditional use, obligation) was built and cross-referenced with planning levels. Six geographical principles were derived: territorial integrity of the object of planning; hierarchical nesting of restrictions; regime-forming object as generator of spatial regime; overlay cumulativity; compatibility-based functional zoning; and temporal adaptivity of the restriction layer.

Linear and areal restrictions of environmental origin generate the largest share of restricted territory in Ukrainian communities, and their cumulative overlay, not any single restriction, determines the real development capacity of land. The principle of overlay cumulativity is system-forming. The framework offers a geographical reading of the Classification of 2021 and a procedure for integrating restrictions into the comprehensive plan that is compatible with the requirements of martial-law land regulation and post-war recovery planning.

Key words: spatial planning; land use; legal restrictions; territorial community; geographic information systems; Ukraine

**ГЕОГРАФІЧНІ ПРИНЦИПИ ПРОСТОРОВОГО ПЛАНУВАННЯ З
УРАХУВАННЯМ ПРАВОВИХ ОБМЕЖЕНЬ ВИКОРИСТАННЯ ЗЕМЕЛЬ:
РАМКОВА МОДЕЛЬ ДЛЯ ТЕРИТОРІАЛЬНИХ ГРОМАД УКРАЇНИ**

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Анотація

Реформа планування використання земель 2020–2021 років об'єднала містобудівну та землевпорядну документацію в єдиний інструмент – комплексний план просторового розвитку території територіальної громади – і зробила правові обмеження у використанні земель разом із їхніми режимоутворювальними об'єктами обов'язковим шаром кожного планувального документа. Проте на практиці обмеження досі трактуються як юридичний реєстр, який переноситься з кадастру, а не як просторова структура, яку потрібно проєктувати. Мета дослідження – обґрунтувати систему географічних принципів, за яких правові обмеження використання земель стають вхідними даними планувальних рішень, а не їхнім наслідком.

В огляді інтегровано європейську традицію просторового планування, теорію земельного адміністрування («інструментарій» інтересів щодо землі та модель LADM), аналіз придатності земель від Мак-Гарга до ГІС-багатокритеріального оцінювання, а також українську нормативну базу після Закону № 711-IX і Класифікації обмежень у використанні земель 2021 року. Побудовано типологію обмежень за геометрією режимоутворювального об'єкта (точковий, лінійний, площинний, дифузний) та за режимом обмеження (заборона, умовне використання, обов'язок), співвіднесену з рівнями планування. Виведено шість географічних принципів: територіальна цілісність об'єкта планування; ієрархічна вкладеність обмежень; режимоутворювальний об'єкт як генератор просторового режиму; кумулятивність накладання; функціональне зонування на основі сумісності; часова адаптивність шару обмежень.

Лінійні та площинні обмеження природоохоронного походження формують

найбільшу частку обмеженої території в українських громадах, і саме їхнє кумулятивне накладання, а не окреме обмеження, визначає реальну містобудівну ємність земель. Принцип кумулятивності накладання є системоутворювальним. Рамкова модель пропонує географічне прочитання Класифікації 2021 року та процедуру інтеграції обмежень у комплексний план, сумісну з вимогами земельного регулювання в умовах воєнного стану і планування повоєнного відновлення.

Ключові слова: просторове планування; використання земель; правові обмеження; територіальна громада; геоінформаційні системи; Україна

Introduction

Spatial planning is understood internationally as the public activity that gives geographical expression to the economic, social, cultural and ecological policies of society [1, 2]. Comparative studies of European planning systems [3] show that, whatever the "family" to which a national system belongs, its performance depends less on the formal status of plans than on the extent to which they actually shape subsequent decisions [4] and on the quality of collaboration among the actors who hold interests over land [5].

Geography has contributed to planning two complementary traditions. The first is suitability analysis: from McHarg's overlay of environmental constraints [6] through GIS-based multi-criteria evaluation [7] to geodesign [8], it treats the territory as a stack of layers whose intersection defines where each use is admissible. The second is land administration: the theory of "interests over land" and of the tools for mapping them [9, 10] and its formalisation in the Land Administration Domain Model [11] treat legal restrictions as spatial units with geometry, holder and legal source, and therefore as objects of geographical analysis. The sociology of planning law adds that restrictions shape land use only when they are known, mapped and enforced [12, 13]; European directives on strategic environmental assessment and spatial data infrastructure [14, 15] institutionalise this requirement.

In Ukraine the geographical school of territorial planning was formed by Maruniak [16], Malchykova [17] and Topchiiev, Malchykova and Yavorska [18] on the basis of the General Scheme of Planning of the Territory of Ukraine [19] and the Land Code [20]. The Law "On Regulation of Urban Planning Activity" [21] and, decisively, Law No. 711-IX of 2020 [22] restructured the system: the comprehensive plan of spatial development of a territorial community became simultaneously urban-planning and land-management documentation [23], its restrictions became subject to entry into the State Land Cadastre [24],

the Cabinet of Ministers approved a Classification of restrictions that may be established by planning documents [25] and a Procedure for developing such documents [26]. The restrictions themselves derive from sectoral legislation on water [27], the nature-reserve fund [28], cultural heritage [29] and strategic environmental assessment [30].

Recent Ukrainian research has examined the classification of regime-forming objects [31], spatial planning as a land-management tool of communities [32] and the practice of community planning under martial law in the Odesa region [33]. What is missing is a geographical theory of restrictions: the literature either treats them as a legal list to be transferred into the plan, or dissolves them into the general notion of "planning constraints". As a result, comprehensive plans are frequently designed first and checked against restrictions afterwards, which produces conflicts between functional zones and legally prohibited uses that have to be resolved by revising the plan.

The purpose of the study is to substantiate a system of geographical principles of spatial planning under which legal restrictions on land use are integrated into the planning process as a spatial structure – that is, as an input of zoning and development decisions at the level of a territorial community – and to show how these principles operationalise the Classification of restrictions of 2021 in the comprehensive plan.

Materials and methods

The study is a theoretical review with elements of structural-logical modelling. Three groups of sources were analysed: (1) international literature on spatial-planning systems, land-use suitability analysis and land administration published in 1969–2020 and retrieved from Scopus, Web of Science and Google Scholar using the terms "spatial planning", "land use restriction", "land administration", "interests over land", "suitability analysis", "overlay"; (2) Ukrainian legal acts regulating spatial planning and land use as of September 2026, above all Law No. 711-IX [22], the Classification of restrictions [25] and the Procedure for developing urban-planning documentation [26], together with the sectoral laws that generate restrictions [20, 27–30] and the law on land relations under martial law [34]; (3) Ukrainian geographical and land-management research on territorial planning [16–18, 31–33].

The analytical procedure comprised four steps. In the first step the two classes of the Classification of 2021 [25] – restrictions established by planning documents and restrictions established by other documentation but reflected in plans – were decomposed by the geometry of the regime-forming object (point, linear, areal, diffuse) and by the mode of the restriction (prohibition of use, conditional use, positive obligation), following the land-

administration typology of interests over land [10]. In the second step each type was assigned to the planning level at which it originates (national, regional, community, site) and to the level at which it constrains decisions. In the third step a typology–levels matrix was built and the cells were rated by the share of community territory they typically affect (high, medium, low), using published estimates for Ukrainian communities [31–33] and the width of protective zones fixed in sectoral law [27–29]. In the fourth step geographical principles were formulated as the minimal set of rules that resolve the conflicts between restriction types identified in the matrix; each principle was then linked to a stage of the comprehensive-plan procedure [26].

The study did not involve human participants; ethical approval and informed consent were therefore not applicable.

Results

A geographical typology of legal restrictions on land use. The Classification of 2021 [25] lists restrictions by their legal source. Read geographically, the same restrictions fall into four types according to the geometry of the regime-forming object and into three modes according to what the restriction does to land use (Table 1). Point objects (a well, a monument, a transmitter, a hazardous facility) generate concentric zones whose radius is fixed by sectoral norms; linear objects (a river, a road, a pipeline, a power line) generate strips whose width depends on the class of the object; areal objects (a nature-reserve site, a historic area, a forest, a water body) generate zones coinciding with or enveloping the object; diffuse objects (an area of flooding, landslide, subsidence or contamination, an aircraft-noise contour) generate zones whose boundary is itself the result of a geographical assessment.

The mode of the restriction is independent of its geometry. Prohibition removes a use entirely (construction in a coastal protective strip [27]); conditional use admits it subject to procedure (building in a buffer zone of a monument with the consent of the heritage authority [29]); positive obligation requires an action from the holder (maintenance of a shelterbelt, water-protection regime). Land-administration theory shows that all three modes must be represented in the same information system with the same attributes – geometry, holder, source, validity – if they are to be enforced [9–11]; in Ukraine this is realised through the entry of restrictions into the State Land Cadastre [24].

Table 1. Geographical typology of legal restrictions on land use and their typical share of community territory in Ukraine (H – high, M – medium, L – low)

Geometry of regime-forming object	Examples of restrictions (legal source)	Prevailing mode	Level of origin → level of constraint	Share of territory
Point	Sanitary-protection zones of enterprises, cemeteries, wells; buffer zones of monuments [25, 29]	Prohibition; conditional use	Site → site, community	L–M
Linear	Coastal protective strips and water-protection zones [27]; protective zones of roads, railways, power lines, pipelines [25]	Prohibition; obligation	National, regional → community, site	H
Areal	Territories of the nature-reserve fund and ecological network [28]; forests; historic areas [29]; agricultural land of high value [20]	Prohibition; conditional use	National, regional → community	H
Diffuse	Zones of flooding, landslides, mine subsidence, contamination; noise contours; zones defined by strategic environmental assessment [30]	Conditional use; obligation	Community (assessment) → site	M

Source: compiled by the authors on the basis of [10, 11, 20, 25, 27–31].

Two properties of the typology matter for planning. First, the restrictions that affect the largest share of community territory – linear and areal restrictions of environmental origin – originate above the community level and are therefore given, not designed, at the moment the comprehensive plan is developed. Second, the restrictions that the community can actually design – diffuse zones defined by assessment and point zones of local facilities – affect a small share of territory but concentrate in exactly the places where development pressure is highest: settlement fringes, riverbanks and transport corridors. The conflict between functional zoning and restrictions is thus structural: it arises where designed zones meet

inherited restrictions.

Geographical principles of spatial planning under restrictions

Six principles were derived as the minimal set resolving the conflicts identified in the matrix. They are formulated at the level of the community and mapped to the stages of the comprehensive-plan procedure [26] (Table 2).

Principle 1. Territorial integrity of the object of planning. The unit of planning is the whole territory of the community in its natural (basin, landscape) and functional (settlement network, transport) integrity, not the sum of parcels. This principle, central to the Ukrainian geographical school [17, 18] and to the European notion of territorial cohesion [2], means that restrictions are analysed for the territory as a system before they are assigned to parcels; a coastal strip or an ecological corridor is a property of the territory, not of the owners along it.

Principle 2. Hierarchical nesting of restrictions. Restrictions originating at national and regional levels [19, 28] enter the community plan as fixed boundary conditions; restrictions originating at community level are designed within them; site-level restrictions are derived from both. The principle prevents the most frequent error of practice – attempting to "correct" a nationally fixed restriction by a community decision – and corresponds to the performance criterion of planning identified by Faludi [4]: a higher-level plan performs when lower-level decisions are framed by it.

Principle 3. Regime-forming object as generator of spatial regime. Every restriction is modelled as a pair "object – zone", not as a zone alone. The geometry of the zone is derived from the geometry and class of the object by an explicit rule (radius, width, envelope, assessment), which makes the zone reproducible, auditable and updatable when the object changes. This is the geographical content of the Classification of 2021 [25] and of the land-administration requirement that restrictions be traceable to their source [10, 11]; Dorosh et al. [31] show that the absence of such traceability on the Public Cadastral Map generates collisions and abuse.

Principle 4. Overlay cumulativity. The development capacity of any land unit is determined by the intersection of all restrictions that apply to it, not by any single restriction; the strictest mode prevails in the intersection. This is the direct descendant of McHarg's overlay [6] and of GIS-based suitability analysis [7], and it is the system-forming principle of the framework: it converts the list of restrictions into a single continuous surface of admissible uses on which functional zoning can be designed. In the Ukrainian context it also reveals the real, as opposed to nominal, territorial reserve of a community, which is often

much smaller than the nominal area of "free" land [32, 33].

Principle 5. Compatibility-based functional zoning. Functional zones are delineated on the cumulative surface of Principle 4 according to the compatibility of the intended use with the prevailing mode of restriction: prohibition zones become non-building or conservation zones; conditional-use zones become zones with special conditions of development; obligation zones become zones with mandatory measures. This reverses the usual sequence – zoning first, restrictions afterwards – and eliminates the class of conflicts that require post-hoc revision of the plan [26].

Principle 6. Temporal adaptivity of the restriction layer. Restrictions have validity in time: regime-forming objects appear and disappear, assessments are updated, and martial law introduces temporary regimes of land relations [34]. The restriction layer of the plan is therefore designed as a versioned dataset with explicit validity attributes, consistent with the Land Administration Domain Model [11] and with the INSPIRE requirement of maintained spatial data [15], so that the plan can be updated without being redesigned. For communities affected by hostilities the principle has an immediate application: zones of mine contamination and destroyed infrastructure are diffuse restrictions with an expected expiry, and recovery planning must treat them as such rather than as permanent constraints [33].

Table 2. Mapping of geographical principles to the stages of the comprehensive-plan procedure and to the restriction types they govern

Geographical principle	Stage of the comprehensive-plan procedure [26]	Restriction types governed (Table 1)	Key evidence
1. Territorial integrity of the object of planning	Analysis of the current state of the territory	Linear, areal (basin, network)	[2, 17, 18]
2. Hierarchical nesting of restrictions	Collection of initial data; account of higher-level documentation	Areal, linear of national and regional origin	[4, 19, 22, 28]
3. Regime-forming object as generator of spatial regime	Formation of the restriction layer; cadastral surveys	All types (object–zone pairs)	[10–11, 25, 31]
4. Overlay cumulativity (system-forming)	Integrated assessment of territory; determination of development capacity	All types (intersection)	[6, 7, 32, 33]

Geographical principle	Stage of the comprehensive-plan procedure [26]	Restriction types governed (Table 1)	Key evidence
5. Compatibility-based functional zoning	Design of functional zoning and planning decisions	Point, diffuse (designed zones)	[7, 8, 21, 26]
6. Temporal adaptivity of the restriction layer	Updating and amending the plan; entry into the cadastre	Diffuse; temporary regimes	[11, 15, 24, 34]

Source: compiled by the authors.

The framework differs from existing treatments of land-use restrictions in Ukraine in three respects. First, it replaces the legal classification of restrictions by source [25] with a geographical typology by geometry and mode. The two classifications are not competing: the legal one identifies which restrictions exist, the geographical one identifies how they behave in space and therefore how they must be modelled. The land-administration literature reached the same conclusion for interests over land in general [9, 10]; the contribution here is to apply it to the specific Ukrainian instrument – the comprehensive plan – in which, uniquely among European systems, urban-planning and land-management documentation coincide [22, 23].

Second, the framework identifies overlay cumulativity as the system-forming principle. This finding is consistent with the suitability-analysis tradition [6–8] but has a specific practical meaning in Ukraine: because linear and areal restrictions of environmental origin cover a large share of community territory (Table 1), the nominal reserve of land for development is systematically overestimated when restrictions are considered one by one. The experience of communities in the Odesa region [33] and the analysis of tendering data for comprehensive plans [32] indicate that plans developed without a cumulative restriction surface are the ones most frequently returned for revision. The principle therefore has an economic as well as a geographical justification.

Third, the framework treats restrictions as a temporal, versioned structure. This matters for two reasons. The law on land relations under martial law [34] introduced temporary regimes whose expiry must be planned for, and post-war recovery will require the rapid updating of restriction layers as demining, reconstruction and environmental assessment proceed. A plan whose restriction layer is a static drawing cannot accommodate this; a plan whose restriction layer is a dataset with validity attributes, as the Land Administration Domain Model prescribes [11], can.

The study has limitations. It is a theoretical review; the rating of the share of territory affected by each restriction type is qualitative and rests on published estimates rather than on a systematic measurement across communities. The typology does not yet model interactions between restrictions and property rights (servitudes, encumbrances), which the land-administration literature treats jointly with restrictions [10]. The principles have not been tested empirically in the development of a comprehensive plan; the natural next step is a case study of one or several communities of the Odesa region in which the cumulative restriction surface is computed in a GIS environment, the nominal and real territorial reserves are compared, and the functional zoning produced under Principle 5 is checked against the zoning of an existing plan. Such a study would also allow the typology to be refined with quantitative thresholds.

Practical implications for communities and planning organisations are concrete. The restriction layer of the comprehensive plan should be built before, not after, functional zoning; it should be modelled as object–zone pairs with explicit derivation rules; it should be intersected into a single surface of admissible uses; and it should carry validity attributes. None of these steps requires changes in legislation: they are compatible with the Procedure of 2021 [26] and with the requirements of the State Land Cadastre [24], and they reduce the number of conflicts that currently delay the approval of plans. For geography as a discipline the framework restores to the planner the role that the European tradition assigns to it [1–3]: the role of the specialist who sees the territory as a whole before it is divided into parcels.

Conclusions

1. Legal restrictions on land use in Ukraine form, after Law No. 711-IX and the Classification of 2021, an obligatory layer of every planning document, but they are still treated as a legal register rather than as a spatial structure. Read geographically, restrictions fall into four types by the geometry of the regime-forming object (point, linear, areal, diffuse) and three modes by their effect on land use (prohibition, conditional use, obligation); linear and areal restrictions of environmental origin, which originate above the community level, affect the largest share of community territory.

2. Six geographical principles – territorial integrity of the object of planning; hierarchical nesting of restrictions; regime-forming object as generator of spatial regime; overlay cumulativity; compatibility-based functional zoning; and temporal adaptivity of the restriction layer – form the minimal set of rules under which restrictions become an input of planning decisions. Overlay cumulativity is the system-forming principle: it converts the list

of restrictions into a single surface of admissible uses and reveals the real, as opposed to nominal, territorial reserve of a community.

3. The principles map onto the stages of the comprehensive-plan procedure and require no legislative change; they reverse the prevailing sequence "zoning first, restrictions afterwards" and are compatible with the requirements of the State Land Cadastre, the Land Administration Domain Model and the temporary regimes of land relations under martial law.

4. Empirical validation of the framework in communities of the Odesa region – computation of the cumulative restriction surface, comparison of nominal and real territorial reserves, and verification of compatibility-based zoning against existing plans – is the priority direction of further research.

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