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INSTRUCTION

No. 1, dated 16.3.2017

ON THE METHOD AND PROCEDURES FOR THE IMPLEMENTATION OF LOCAL GENERAL PLANS

(Amended by Instruction No. 2, dated 14.4.2017)

Pursuant to Article 102 of the Constitution of the Republic of Albania, Articles 5 and 8 of Law No. 107/2014, dated 30.07.2014 "On the planning and development of the territory", as amended, Article 14 of Law No. 9244, dated 17.6.2004 "On protection of agricultural land", as amended, Article 11/1 of Law No. 8752, dated 26.03.2001 "On the establishment and functioning of structures for land management and protection", as amended, Decision no. 671 of the Council of Ministers, dated 29.07.2015 "On the approval of the territory planning regulation", Decision no. 410 of the Council of Ministers, dated 27.6.2012 "On the determination of rules and procedures for changing the categories of land resources",

I HEREBY INSTRUCT:

A. General rules

1. Local general plans are implemented through local sector plans, detailed local plans, as provided in the plan document, and construction permits issued by the responsible authorities, pursuant to Article 27 of Law 107/2014, dated 30.07.2014 "On the planning and development of the territory", as amended.
2. Upon the approval of the Local General Plans at the National Territorial Council, the Municipalities shall:

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- a) start immediately the drafting of detailed local plans with a public initiative according to their development priorities and co-ordination of work with all parties involved in drafting detailed local plans with private initiative when the request is submitted, according to the cases provided in the Local General Plan of the Territory.
- b) start immediately the drafting of sectoral plans for road infrastructure and public spaces, when the Local General Plan determines these plans as a prerequisite for continuing with construction permits in areas for which a Detailed Local Plan is not required.
- c) examine the requirements for development permits and construction permits in all the relevant administrative territory, according to their area of responsibility, and make decisions on these requirements in accordance with the legislation in force and with the determinations of the overall local plans. These permits are not subject to the procedures set out in the sub-legal acts and decisions of the NTC, extending their scope up to the approval of the general local plans, according to the new administrative-territorial division, based on Law No. 115/2014 “On the administrative-territorial division of local government units in the Republic of Albania”, as amended.
- ç) undertake programs for the implementation of instruments for the management of development and for the establishment of public space, in accordance with the legislation in force, according to the cases determined for these purposes in the Local General Plan of the Territory and in accordance with the dynamics of development in the municipality.
- d) continue carrying out observations on developments in the territory and updating the annual report on developments in the territory in accordance with the monitoring indicators set out in the action plan of the Local General Plan of the territory.

B. Constructions anticipated by general local plans in categories of agricultural land resources, natural land, forests or pastures

3. Within the date 5 (five) of each month, the Territorial Development Agency shall, as the responsible authority, prepare and submit to the Ministry of Urban Development the monthly report of territory developments containing data on development permits and construction permits approved by Municipalities during the previous month, and the respective development conditions in relation to the stipulations of Local General Plans. The report reveals, in a separate section, the construction permits approved on construction land of the categories of agricultural land resources, natural land, forests or pastures, according to the Local General Plan, and areas approved for construction.
4. Within the date of 10 (ten) of each month, the Ministry of Urban Development shall, in accordance with the existing legal framework, draft, as the case may be, the draft law or draft decision of the Council of Ministers for the transfer of the category of “agricultural land” resource to urban land (land), for construction areas that are subject to construction permits, approved by municipalities during the previous month and shall deliver it in advance, for opinion, to the Ministry of Agriculture, Rural Development and Water Administration (MARDWA).

5. In case the municipalities approve, in accordance with the Local General Plan, the construction permit on the land of the categories of “natural land”, “forest” or “pasture” resources, the Ministry of Urban Development shall follow the legal procedures provided by legislation in force to change these categories, coordinating the work with the responsible authorities.

C. Construction activity for objects or areas of national importance

6. Construction permits in designated areas of national importance are approved by the National Territorial Council, in accordance with the definitions of the Local General Plan and the detailed plans for areas of national importance (DPANI).
7. The competent authority for the approval of detailed plans for areas of national importance is the National Territorial Council, upon the proposal of the responsible Minister or the National Territorial Planning Agency (NTPA).
8. Municipalities that have approved the Local General Plan may require the responsible Minister or the NTPA to take the initiative to develop a detailed plan for a zone of national importance in the relevant administrative territory, in accordance with the development strategy anticipated for these areas from national planning documents.
9. Until the approval of DPANI by the National Territorial Council, the NTPA shall co-ordinate the work with the relevant ministries and institutions, according to the area of competence, for determining the uses and works compatible with the status of the area of national importance for the existing facilities in these area.
10. In the case of receiving a request for a construction permit in an area of national importance, or for one of the issues or facilities provided by Article 28 of Law No. 107/2014, dated 31.07.2014 “On the planning and development of the territory”, as amended, and Article 19 of the Decision no. 408 of the Council of Ministers, dated 13.05.2015 “On the adoption of the territory development regulation”, as amended, the municipality submits this request for competence to the Territorial Development Agency, as Technical Secretariat of the National Territorial Council, within 5 days of receiving it through the electronic permit system.

Ç. Monitoring the Implementation of the Local General Plan

11. In case that, during the periodic monitoring of the developments in the territory, through the electronic system of construction permits, it ascertains:
 - a) construction permits issued by municipalities in areas of national importance or for the typologies defined in Article 19 of the DCM no. 408, dated 13.05.2015, or
 - b) construction permits issued in categories of agricultural land resources, natural land, forest or pasture, outside the construction zones anticipated by the Local General Plan; or
 - c) construction permits issued contrary to the development conditions set out in the Local General Plan, the Ministry of Urban Development shall require the respective municipality to annul/revoke the permit issued in violation of the law, in accordance with the provisions and terms of the Administrative Procedure Code. At the same time, it requires the Territorial

Defense Inspectorate to take administrative measures and related initiatives against violators of the law, pursuant to Article 52 of Law 107/2014, dated 30.07.2014 “On the planning and development of the territory”, as amended, and legislation on construction inspection.

D. Use of LGP documents from ALUIZNI for legalization purposes.

12. Municipalities submit at ALUIZNI the documentation of the Local General Plan in electronic form. ALUIZNI takes into account this documentation for legalization purposes, only to the extent specified in the Decision no. 280 of the Council of Ministers, dated April 1, 2015, “On determining the criteria, procedures and documentation applicable to qualify unauthorized constructions, lateral and/or height extensions, in constructions with permits”, as amended. For cases under this point, ALUIZNI uses both textual documentation of the LGP, relevant thematic maps, proposed sections of the road system and GIS material.
13. Upon the approval of Local General Plans, municipalities draft and approve:
 - a) infrastructure and public space projects,
 - b) Detailed Local Plans and/or
 - c) in-depth studies that contain the information necessary for the accuracy of the implementation of the relevant infrastructure track for the territories occupied by unauthorized constructions.
 - d) The municipality officially notifies ALUIZNI on the projects, Detailed Local Plans and/or studies approved for these territories. In cases when municipalities have not prepared this documentation, ALUIZNI makes decisions on the basis of the institutional co-ordination process, including coordination.

DH. Planning documents and permits previously approved

14. For the construction permits, whose term for the implementation of the works has expired, determined in the respective permit form, before the entry into force of Law No. 107/2014, dated 31.07.2014 “On territorial planning and development”, as amended, the extension of the term may be carried out by the responsible authority at the request of the developers and only once, with the condition that no more than 10 (ten) years from the date of the approval of the construction permit have elapsed and the subject has paid in advance the penalties provided in Article 52 of Law 107/2014, dated 30.07.2014 “On the planning and development of the territory”, as amended. If construction works for these permits have not commenced, within the meaning of Article 9 of Law No. 8402, dated 10.09.1998 “On the control and discipline of civil works”, until the date of entry into force of the local general planning document, the responsible authority decides to extend the term of the permit only if the approved project is not contrary to the Local General Plan.
15. For the purpose of implementing point 14 of this Instruction, municipalities shall send to the Ministry of Urban Development the list of forms of the permits issued by each municipality (and

former communes in the administrative territory of each municipality) within and not later than the date of 31 May 2017.

E. Commencement of the implementation of the Local General Plans

- 16. The Local General Plan enters into force and starts to be applied from the date of publication in the Integrated Planning Registry of the NTC's decision approving it, along with the accompanying documentation, pursuant to Article 56, paragraph 2, of the Law No. 107/2014, dated 31.07.2014 "On the planning and development of the territory", as amended.*
- 17. Until the entry into force of the Local General Plan, according to point 16 above, legal acts regulating the development of the territory in the absence of local plans, including the decision no. 283 of the Council of Ministers, dated 1.4.2015, "On the determination of types, rules, criteria and procedures for the construction of facilities for the production, storage and processing of agricultural and livestock products in agricultural land", as amended, and Decision no. 1, dated 30.07.2015, "On the determination of the rules and procedures to be followed by the territorial development authorities for the examination of the requests for building permits until the adoption of the local general plans".*

This instruction enters into force immediately.

MINISTER OF URBAN DEVELOPMENT
Eglantina Gjermeni