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Newsflash

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Law 4759/2020 (Official Government Gazette A' 245/09-12-2020) Modernization of Spatial and Urban Planning Legislation

The new law of the Ministry of the Environment and Energy under the title "Modernization of Spatial and Urban Planning Legislation and other provisions", which was adopted on 4 December 2020, attempts to codify all spatial and urban planning provisions and introduce an integrated framework for the spatial and urban planning procedures.

Spatial and urban planning system efficiency is simplified, accelerated and improved, in order to resolve some ambiguities and conflicts

Main Provisions

- The law introduces the concept of sustainable spatial development. According to the latter, the spatial, land and environmental aspects of sustainable development are combined with the rational spatial organization.
- A more precise definition of "directions" and "regulations" of spatial planning is provided, so that the diversification between them is clear and their respective binding force is distinct, according to the jurisprudence of the Council of State.
- National maritime spatial strategy is being integrated within the context of national spatial strategy, which forms an indicative and non-binding basis for the long-term goals of spatial planning.
- The National Council for Spatial Planning is reorganized, and a Central Board for Spatial Planning Matters and Disputes is established, which is mainly responsible for providing opinions in cases of controversial or unclear provisions relating to the implementation of spatial planning framework and its compatibility.
- The process of preparation of Local Urban Plans and Special Urban Plans is being improved. It is clarified that regions falling within special legal protective regimes, e.g. Natura 2000 areas, are integrated in the Local Urban Plan, without altering their protective regime.
- An integral procedure of delimitation of agglomerations existing before 1923 as well as agglomerations of up to 2,000 residents is proposed, either in the context of Local or Special Urban Plans or via a special presidential decree, according to the jurisprudence of the Council of State, taking into account the most suitable available historical or up-to-date cartographical data and implementing the criteria and the relevant procedure described in the Code of Basic Urban Legislation.
- Aiming at completing the urban planning rapidly for the whole country, programs for the preparation of urban plans, the delimitation of agglomerations as well as the Building Coefficient Reception Zones are introduced. The coordination of these programs is the main responsibility of the newly introduced Coordinator of the National Urban Planning.
- Specific transitional provisions intend to achieve a spatial homogeneity. Existing provisions are amended, supplemented and redefined in order to be adapted towards the terminology, the levels, the means and the procedures of the new spatial planning system.

Provisions for maritime spatial planning, including its disengagement from land spatial planning and mainly from spatial planning concerning land coastal areas

Provisions related to the development outside urban planning zones and within organized receptors for productive activities

Main Provisions

- Construction permits referring to land plots located outside the urban planning zones are charged with a fee of 5% on their cost, which shall be revenue assigned to the Green Fund and designated to be used for offsetting actions in these areas.
- Derogations on construction permits referring to land

plots of less than 4,000 sq. m. located outside the urban planning zones are abolished. However, a transition period of two years is maintained in respect of building on such plots. Mutatis mutandis, in respect of tourist facilities construction, a derogation on construction permits is provided for land plots of 4 000 sq.m.. Taking into account the four-year validity period of construction permits, the possibility of construction can be maintained for six years in total.

- With regard to tourist accommodations, special tourism infrastructure facilities and other tourism businesses, it is clarified that land plots must have a surface of at least 8 000 sq.m., so that they are considered even and buildable.
- Exceptionally, land plots, measuring less than 8 000 sq.m. but having a minimum surface of 4 000 sq.m. and intended for the construction of tourist facilities, are characterized as even and buildable under the condition that buildings within them fulfil energy, environmental or urban criteria determined by virtue of a decision of the Minister of Environment and Energy.
- The law includes an overall reduction of the maximum building coefficient, by around 10%, compared to those currently in force, depending on the specific land use. Nonetheless, particularly for the industrial land use, the aforementioned reduction amounts to 33%, pursuant to the provisions of the Special Spatial Framework for Industry.
- Construction within Business Parks is reinforced, since the maximum building coefficient is significantly increased per land use category. As for existing business parks, the increased building coefficient, could be provided under the condition of submission of an environmental assessment.
- Construction of complex tourist accommodations is reinforced, since the maximum building coefficient is increased for land plots intended for the construction of complex tourism accommodation facilities, including islands (except for Crete, Kerkira, Euboea and Rhodes).
- Small-scale Mixed Tourism Accommodation Facilities are introduced, comprising a combination of tourism accommodation facilities and furnished residences, which are developed in smaller areas.
- Criteria for tourist accommodation facilities' urban upgrading are determined and form the basis upon which urban planning privileges are to be provided. Such privileges are decoupled from the classification of hotels into star categories and are based solely on urban characteristics.

Simplification and improvement of land uses system

Main Provisions

- A united nomenclature for land uses is established.
- Legislative delegation is provided, so that the respective Presidential Decree determines the categories and the specific content of land uses.
- The law provides for the matching between land uses

of the national nomenclature, Code Numbers of Business Activities and categories of activities according to the applicable environmental licensing legislation, as well.

Control and protection of constructed environment

- The law adopts provisions, so that the process being pursued for the issuance and revision of construction permits is simplified, shortened and converted into an electronic procedure.

Electronic urban identity- Building coefficient transfer

Main Provisions

- The concept of Digital Bank of Land is defined.
- The concept of "Areas of Increased Burden of Building Coefficient" is abolished and, thus, buildings with material arbitrary constructions cannot be legalized using the building coefficient transfer within these areas.
- The Building Coefficient Reception Zones are determined in a way that the residential profile of the hosting area is not altered, and the limit of its saturation is not exceeded, in accordance with the jurisprudence of the Council of State.

Provisions for arbitrary constructions and changes of land uses, resolving special problems arising from the interpretation of related provisions

The law introduces provisions for the urban expropriation

Main Provisions

- Terms and conditions regarding the waiver of expropriation of property are stated.
- In the case of re-imposition of expropriation, an accelerated procedure for the deposit of the respective compensation to the beneficiary is provided.
- A second re-imposition of expropriation is prohibited, and the usage of the properties is handed back to the beneficiaries.

The law provides for certified evaluators for spatial reports. These evaluators shall be responsible for the evaluation of the reports, on the basis of which spatial and urban plans will be prepared.

The New Building Regulation is simplified and rationalized.

Main provisions

- Definitions of similar concepts are amended, so that the diversification between them is precise.
- Incentives for the demolition and reconstruction of a building or demolition of one or more upper floors of existing buildings are provided through a construction coefficient increase, with the purpose of unobstructed view of important monuments, the reduction of urban heat-island effect and the visual cohesion of an area.
- Incentives for the construction of buildings of minimum

energy consumption are provided through the building coefficient increase.

- The legislative framework related to the accessibility of people with disabilities and hindered persons to buildings is reformed.
- The Central Urban Planning Service is established, which exercises the responsibilities of Urban Planning Services and is responsible for strategic investments' construction permits.
- The law provides for the establishment of condo hotels in the development zones of the Metropolitan Pole of Hellinikon - Aghios Kosmas.
- The law introduces the option of owners of properties located outside the urban planning zones to convert imposed land contribution into money contribution, under the condition that the concession is not consolidated within a decade.
- The law provides for the conditions under which the land contribution of strategic investments developed via Special Spatial Development Plans of Strategic Investments (ESHASE) can be converted into money contribution, as well as for the way of calculating such contribution.
- Fines imposed for delayed cadastral registries are increased and shall be surcharged by a specific rate depending on the submission's delay.

Conclusions

The new law attempts to codify spatial and urban planning provisions of at least ten distinct pieces of legislation, whilst it introduces an integrated framework for the spatial and urban planning procedures.

The organized implementation of maritime spatial planning aims at promoting the consistency between maritime spatial planning and other spatial plans and coordinating the various policies with spatial impacts on the sea.

By virtue of the provisions related to constructions within areas located outside the urban planning zones and the reinforcement of construction within Business Parks and

Tourism Accommodation Facilities, the law intends to restrict the unregulated constructions, taking into account the environmental protection combined with the financial development of the Region.

Provisions for the modernization and upgrade of tourist accommodation facilities are promoted, in order to increase the competitiveness of country's tourism 'product'.

Proposed amendments of the New Building Regulation aim on the one hand at the resolution of any problems that have arisen due to its implementation so far and on the other hand at the adaptation of the request for universal building accessibility after the ratification of the United Nations Convention on the Rights of Persons with Disabilities.

Overall, the new law seeks to bring together the development's reinforcement and the environmental protection and through a comprehensive approach of various provisions aims at achieving the spatial planning homogeneity.

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This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.