

RESOLUTION OF THE CABINET OF MINISTERS OF THE REPUBLIC OF BELARUS
1 June 2011 No. 687

**ON SEVERAL MEASURES TO IMPLEMENT THE ACT OF THE REPUBLIC OF BELARUS ON THE
INSERTION OF ADDITIONS AND AMENDMENTS INTO SEVERAL ACTS OF THE REPUBLIC OF
BELARUS ON ARCHITECTURAL, URBAN PLANNING AND CONSTRUCTION ACTIVITY**

Pursuant to Article 3 of the Act of the Republic of Belarus of 30 November 2010 on the Insertion of Additions and Amendments into Several Acts of the Republic of Belarus on Architectural, Urban Planning and Construction Activity, the Cabinet of Ministers of the Republic of Belarus RESOLVES:

1. To approve the appended:

Regulations on the Creation and Maintenance of the State Urban Planning Cadastre of the Republic of Belarus and the Monitoring of Architectural, Urban Development and Construction Projects;

Regulations on the Conduct of Public Discussions in the field of Architectural, Urban Planning and Construction Activity.

2. To insert amendments and additions into the following resolutions of the Cabinet of Ministers of the Republic of Belarus:

2.1. in Resolution No. 1805 of the Cabinet of Ministers of the Republic of Belarus of 31 December 2006 on the Approval of the Regulations on the Technical Refurbishment and Redevelopment of Residential Accommodation in Blocks of Flats and the Regulations on the Reconstruction of Single-family Detached Houses and Non-residential Structures on the Curtilage (National Register of Legislation of the Republic of Belarus, 2007, No. 15, 5/24535):

2.1.1. in the Regulations on the Technical Refurbishment and Redevelopment of Residential Accommodation in Blocks of Flats approved by this resolution:

2.1.1.1. in Section 6 to replace the words 'with the territorial authority for architecture and urban planning' with the words 'with the subdivision of the local executive and administrative authority exercising state powers in the field of architectural, urban planning and construction activity on the territory of the administrative-territorial unit (hereinafter 'territorial subdivision for architecture and urban planning');

2.1.1.2. in the third indent of the first paragraph of Section 11 to replace the words 'local territorial authority' with the words 'territorial subdivision';

2.1.1.3. to amend Section 17 as follows:

'17. In order to perform technical refurbishment and redevelopment for which a project must be developed, the initiator, after receiving permission from the local executive and administrative authority in the established manner, shall conclude a contract for design work with a drafter of project documentation.

The drafter of project documentation shall agree the project with the territorial subdivision for architecture and urban planning, and also if necessary pursuant to the contract with the initiator ensure in the established manner the conduct of state review of this project documentation.';

2.1.1.4. in Section 21 to replace the words 'corresponding special permission (licence)' with the words with 'right to carry on architectural, urban planning and construction activity';

2.1.1.5. to amend Section 22 as follows:

'22. Technical refurbishment and redevelopment works on the premises indicated in Section 8 of these Regulations must be performed pursuant to a construction contract with a legal or natural person, including a sole trader ['individual entrepreneur'] having the right to carry on architectural, urban planning and construction activity (hereinafter 'the contractor').';

2.1.1.6. in the second paragraph of Section 23 to replace the words 'the initiator and the representatives of organisations developing the project and exercising technical supervision as well as representatives of organisations carrying out' with the words 'the initiator, the drafter of the project documentation and the representatives of organisations exercising technical supervision as well as';

2.1.1.7. in the third paragraph of Section 24 to replace the words 'general contractor (contractor), general designer (designer)' with the words 'contractor, drafter of the project documentation';

2.1.1.8. in the fourth indent of Section 25 to replace the word 'contract' with the words 'construction contract';

2.1.2. in the Regulations on the Reconstruction of Single-Family Detached Houses and Non-residential Structures on the Curtilage, approved by this resolution:

2.1.2.1. in Section 6 to replace the word 'initiator' with the word 'client';

2.1.2.2. in Section 9:

to amend Section 9.1 as follows:

'9.1. the drafting and agreement in the established manner of project documentation, as well as if necessary the conduct of its state review;';

in Section 9.3:

to amend the second indent as follows:

'of the subdivision of the local executive and administrative authority exercising state powers in the field of architectural, urban planning and construction activity on the territory of the administrative-territorial unit (hereinafter 'territorial subdivision for architecture and urban planning') in accordance with its powers as regards project documentation for the reconstruction of a residential house and non-residential structures (hereinafter 'reconstruction project');';

in the third indent:

to delete the word 'independent';

to replace the words 'for a heating and plumbing installation project' with the words 'project documentation for a heating and plumbing installation';

in the fourth indent:

to delete the word 'independent'

to replace the words 'for the reconstruction' with the words 'reconstruction';

2.1.2.3. in the second paragraph of Section 10:

in the second indent to replace the words 'independent expert review of the project' with the words 'expert review of the reconstruction project';

in the third indent to replace the word 'contract' with the words 'construction contract';

2.1.2.4. to amend the first paragraph of Section 12 as follows:

'12. A reconstruction project, with the exception of residential housing and non-residential structures with a criticality rating of 3, shall be developed at the behest and expense of the developer under a contract with legal or natural persons, including sole traders, having the right to carry on architectural, urban planning and construction activity.';

2.1.2.5. in Section 14 to replace the word 'authority' with the word 'subdivision';

2.1.2.6. in Section 15 to delete the word 'independent';

2.1.2.7. in Section 16:

in the first paragraph:

to replace the words 'Heating and plumbing installation project' and 'authority' respectively with the words 'project documentation for a heating and plumbing installation' and 'subdivision';

to delete the word 'independent';

in the second paragraph to replace the words 'of this project' with the words 'of this project documentation';

2.1.2.8. in Section 17 to delete the words 'licensed types of construction and installation works and';

2.1.2.9. in Section 18 to replace the words 'contract with legal persons or sole traders having the corresponding special permissions (licenses)' with the words 'construction contract with legal or natural persons, including sole traders, having the right to carry on architectural, urban planning and construction activity';

2.1.2.10. in Section 19 to replace the words 'by the project' with the words 'by the reconstruction project';

2.1.2.11. in the first paragraph of Section 21 to replace the words 'by the project' with the words 'by the reconstruction project';

2.1.2.12. in Section 22:

in the third indent to replace the word 'project' with the words 'reconstruction project';

in the sixth indent to replace the words 'to the local territorial authority' with the words 'to the territorial subdivision';

2.2. in Resolution No. 223 of the Cabinet of Ministers of the Republic of Belarus of 20 February 2007 on Several Measures to Improve Architectural and Construction Activity (National Register of Legislation of the Republic of Belarus, 2007, No. 56, 5/24788; 2008, No. 92, 5/27490; 2009, No. 119, 5/29736; 2010, No. 186, 5/32277):

2.2.1. in the Regulations on the Drawing Up and Issuing of Permits for the Construction of Installations, approved by this resolution:

2.2.1.1. in Section 1:

to delete the word 'investor';

to replace the words 'for the construction, reconstruction, restoration and major repair of buildings, facilities, utility and transport infrastructures and urban improvement works' with the words 'for the design, erection, reconstruction, restoration, and major repair of installations';

2.2.1.2. in the first indent of Section 4.4 and the first indent of Section 4.5 to replace the words 'for the construction' with the words 'for the erection';

2.2.1.3. in the third indent of the first paragraph of Section 5, to replace the words 'the territorial authority for architecture and urban planning' with the words 'the subdivision of the local executive and administrative authority exercising state powers in the field of architectural, urban planning and construction activity on the territory of an administrative-territorial unit (hereinafter 'territorial subdivision for architecture and urban planning)';

2.2.1.4. in the first paragraph of Section 8 and in Section 9 to replace the word 'authority' with the word 'subdivision';

2.2.1.5. in Section 10:

in the first paragraph to replace the word 'authority' with the word 'subdivision';

in the second paragraph to replace the word 'construction' with the words 'during erection';

2.2.1.6. in Section 11:

in the first paragraph to replace the words 'The territorial authority' with the words 'The territorial subdivision';

in the fourth indent:

to delete the words ', subordinate to the Ministry of Energy, the Ministry of Communications and IT, the Ministry of Housing and Communal Services and other organisations';

to replace the word 'authorities' with the word 'subdivisions';

2.2.1.7. in Section 12 to replace the word 'authority' with the word 'subdivision';

2.2.1.8. in the second paragraph of Section 14 to replace the word 'authority' with the word 'subdivision';

2.2.1.9. in Section 16:

in the first paragraph:

to replace the word 'authority' with the word 'subdivision';

to delete the words '- State Automobile Inspectorate of the Ministry of Internal Affairs, the Ministry of Emergencies, the Ministry of Health, the Ministry of Natural Resources and Environmental Protection, the Ministry of Culture, and other organisations';

in the second paragraph to replace the word 'authority' with the word 'subdivision';

2.2.1.10. in the first paragraph of Section 17 to replace the word 'construction' with the word 'erection';

2.2.1.11. in Section 18:

to delete the words 'within a period of up to 10 days from the date of its submission';

to replace the word 'authority' with the word 'subdivision';

2.2.1.12. in Section 19:

to amend the first indent as follows:

'19. The documents indicated in Section 18 of these Regulations shall, after their preparation is complete, be transferred to the executive committee which, no later than one month from the date of submission by the client of the application, shall take the corresponding decision and send the following to the client:';

to supplement the Section with a second and third paragraph as follows:

'In the event that the client independently receives findings from the organisations whose agreement must be sought and technical conditions for the technical and engineering characteristics of the installation pursuant to the contract concluded with the territorial subdivision for architecture and urban planning or a municipal unitary enterprise, the executive committee shall take the corresponding decision no later than 14 days from the date of the provision of the technical conditions for the technical and engineering characteristics of the installation and the findings of organisations whose agreement must be sought and shall send the following to the client:

an extract from the decision of the executive committee on permission for design and survey works and construction of the installation;

the architectural and design brief.

Organisations designated by the executive committee shall provide the client with technical conditions for the technical and engineering characteristics of the installation within seven working days of the arrival of the request.';

2.2.1.13. in Section 22 to replace the word 'authority' with the word 'subdivision';

2.2.1.14. in Section 23:

in the first paragraph to replace the words 'The territorial authority' with the words 'The territorial subdivision';

in the second paragraph to replace 'territorial authority' with the words 'territorial subdivision';
2.2.2. in the Regulations on the Chief Architect of an *Oblast*, Town/City, District or Urban District, approved by this resolution:

2.2.2.1. in Section 2 to replace the words 'the territorial authority for architecture and urban planning' with the words 'the subdivision of the local executive and administrative authority exercising state powers in the field of architectural, urban planning and construction activity on the territory of an administrative-territorial unit (hereinafter 'territorial subdivision for architecture and urban planning')';

2.2.2.2. in Section 3:

in the first paragraph to replace the word 'authority' with the word 'subdivision';

in the second paragraph to replace the word 'authority' with the word 'subdivision';

2.2.2.3. to amend the first sentence of Section 6 as follows: 'The chief architect of an *oblast* shall be the head of the territorial subdivision for architecture and urban planning of the *oblast* executive committee.';

2.2.2.4. in Section 9.15 to replace the words 'architectural and urban planning authority' with the words 'territorial subdivision for architecture and urban planning';

2.2.2.5. in the first indent of Section 11 to replace the words 'of the subdivision for architecture and urban planning of the city/town executive committee' with the words 'of the territorial subdivision for architecture and urban planning of the town/city executive committee';

2.2.2.6. in Section 14.3 to replace the words 'of the committee for architecture and urban planning of the Minsk Executive Committee and the subdivisions for architecture and urban planning of district administrations' with the words 'of territorial subdivisions for architecture and urban planning';

2.2.2.7. in Section 17.7 to replace the word 'authority' with the word 'subdivision';

2.2.2.8. in Section 18.2 to delete the words 'and reconstruction';

2.2.2.9. to amend Section 20 as follows:

'20. The chief architect of a district shall be the head of the territorial subdivision for architecture and urban planning of the district';

2.2.2.10. in Section 22.4 to replace the word 'authority' with the word 'subdivision';

2.2.2.11. to amend Section 25 as follows:

'25. The chief architect of an urban district shall be the head of the territorial subdivision for architecture and urban planning of the district administration';

2.3. in Resolution No. 1476 of the Cabinet of Ministers of the Republic of Belarus of 8 October 2008 on the Approval of the Regulations on the Conduct of State Review of Urban Development, Architectural and Construction Plans and Construction Feasibility Studies and the Regulations on the Agreement and Approval of Project Documentation and the Approval of Urban Development Plans (National Register of Legislation of the Republic of Belarus, 2008, No. 248, 5/28493; 2009, No. 187, 5/30253; 2010, No. 131, 5/31876; No.186, 5/32277; 2011, No. 21, 5/33310):

2.3.1. to amend the title as follows:

'on the Approval of Regulations on the Conduct of State Review of Urban Development Plans, Construction Feasibility Studies, and Architectural and Construction Plans and the Stages of Works, Phases of Construction, Commissioning and Start-up Facilities and Cost Estimates (Cost Estimate Documentation) Identified in These and the Regulations on the Drafting, Agreement and Approval of Urban Development Plans and Project Documentation';

2.3.2. to amend the second and third indents of the Section 1 as follows:

'Regulations on the Conduct of State Review of Urban Development Plans, Construction Feasibility Studies, and Architectural and Construction Plans and the Stages of Works, Phases of Construction, Commissioning and Start-up Facilities and Cost Estimates (Cost Estimate Documentation) Identified in These;

Regulations on the Drafting, Agreement and Approval of Urban Development Plans and Project Documentation.';

2.3.3. to amend the Regulations on the Conduct of State Review of Urban Development, Architectural and Construction Plans and Construction Feasibility Studies approved by this resolution (attached);

2.3.4. to amend the Regulations on the Agreement and Approval of Project Documentation and the Approval of Urban Development Plans approved by this resolution (attached);

2.4. in Section 2 of the Regulations on the Design and Construction of Installations in Rural Districts approved by Resolution No. 983 of the Cabinet of Ministers of the Republic of Belarus of 27 July 2009 on Measures to Implement Edict No. 265 of the President of the Republic of Belarus of 28 May 2009 (National Register of Legislation of the Republic of Belarus, 2009, No. 186, 5/30242):

to delete the fourth indent;
to consider the fifth to the eight indents as the fourth to the seventh indents;
to delete the fifth to the seventh indents;

2.5. in the Regulations on the Concurrent Design and Construction of Installations, approved by Resolution No. 1001 of the Cabinet of Ministers of the Republic of Belarus of 30 July 2009 on the Approval of Regulations for the Concurrent Design and Construction of Installations and the Insertion of Additions into Resolution No. 1476 of the Cabinet of Ministers of the Republic of Belarus of 8 October 2008 (National Register of Legislation of the Republic of Belarus, 2009, No. 187, 5/30253):

2.5.1. to amend Section 2 as follows:

'2. These Regulations use the terms within the meanings set out in Article 1 of the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049)';

2.5.2. in the second indent of the third paragraph of Section 4 to replace the words 'the construction of individual installations and structures' with the words 'the erection or reconstruction (hereinafter 'the construction') of a part of an installation or an installation';

2.5.3. to amend Sections 7 and 8 as follows:

'7. State review of the stages of works identified in the construction plan, with the subsequent state review of the construction plan in its entirety, shall be performed in accordance with the procedure established by the Cabinet of Ministers of the Republic of Belarus.

8. Approval of a stage of project documentation (that is subject to approval), project documentation for stages of works and the estimated budget for the construction project as a whole shall be performed in accordance with the procedure established by the Cabinet of Ministers of the Republic of Belarus.

2.5.4. to amend Section 17 as follows:

'17. Commissioning of the installation as a whole, separate stages of construction and start-up and commissioning facilities shall be performed in accordance with the procedure established by the Cabinet of Ministers of the Republic of Belarus.';

3. To recognise the loss of force of Resolution No. 1743 of the Cabinet of Ministers of the Republic of Belarus of 13 November 1998 on the State Urban Planning Cadastre (Compendium of Decrees and Edicts of the President and Resolutions of the Government of the Republic of Belarus, 1998, No. 32, section 822).

Section 4 came into force on 1 June 2011 (Section 5 of this text).

4. National and state authorities and *oblast* and Minsk executive committees must within two months bring their legislation and regulations into compliance with this resolution.

5. This resolution shall come into force on 9 June 2011, with the exception of Section 4, which shall come into force from the date of adoption of this resolution.

Prime Minister of the Republic of Belarus, M. Miasnikovich

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
01.06.2011 No. 687

REGULATIONS
REGULATIONS ON THE CREATION AND MAINTENANCE OF THE STATE URBAN PLANNING
CADASTRE OF THE REPUBLIC OF BELARUS AND THE MONITORING OF ARCHITECTURAL,
URBAN PLANNING AND CONSTRUCTION PROJECTS

CHAPTER 1
GENERAL PROVISIONS

1. These Regulations, drafted pursuant to the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049) set out the procedure for the creation and maintenance of the state urban planning cadastre of the Republic of Belarus (hereinafter 'the state cadastre') and the monitoring of architectural, urban development and construction projects.

2. These Regulations use terms within the meanings set out by Article 1 of the Act of the Republic of Belarus on Architectural, Urban Planning and Construction Activity in the Republic of Belarus.

CHAPTER 2 CREATION AND MAINTENANCE OF THE STATE CADASTRE

3. The state cadastre shall be created and maintained on a national, *oblast*, town/city and district level.

4. The state cadastre on all levels shall be created and maintained using information from other state cadastral registers, lists and information systems.

5. The state cadastre shall be maintained by:

on a national level: by organisations authorised by the Ministry of Architecture and Construction, with funding from the national budget as well as funds received in return for the provision of information from the state cadastre to legal and natural persons and other funds in accordance with legislation;

on an *oblast*, town/city and district level: by subdivisions of local executive and administrative authorities exercising state powers in the field of architectural, urban planning and construction activity in the territory of the administrative-territorial unit, with funding from local budgets as well as funds received in return for the provision of information from the state cadastre to legal and natural persons and other funds in accordance with legislation.

6. The state cadastre shall be maintained by using materials and information on the development of a territory and installations located within it, including utilities and transport infrastructure.

7. The composition of the information systems within the state cadastre at all territorial levels and the procedure for their maintenance shall be established by the Ministry of Architecture and Construction.

CHAPTER 3 MONITORING OF ARCHITECTURAL, URBAN DEVELOPMENT AND CONSTRUCTION PROJECTS

8. The monitoring of architectural, urban development and construction projects is the system for observing such projects in the interests of the efficient use of territories and predicting the results of implementing urban development plans and project documentation, including by means of maintaining the state cadastre and an electronic register of construction projects.

9. The monitoring of architectural, urban planning and construction projects shall be performed by the subdivisions of local executive and administrative authorities exercising state powers in the field of architectural, urban planning and construction activity on the territory of the administrative-territorial unit, using a uniform method according to the procedure established by the Ministry of Architecture and Construction.

10. The monitoring of architectural, urban development and construction projects shall produce data on the development of the territory of the administrative-territorial unit, reports on the implementation of urban development programmes, and data on plots earmarked for a specific purpose and on receipt of permits, the conduct of design, construction and installation, and start-up works, incomplete projects and commissioned projects.

11. The electronic register of construction projects shall include a register of participants in architectural, urban planning and construction activity as well as a list of construction projects indicating the following information:

the basic project details [the construction project 'passport'];

the date of the decision to provide a plot of land;

the date of receipt of permission to carry out design and survey works and construction;

data on the client or developer;
start date of construction;
extent to which the site is ready for construction and its condition;
sources of financing;
date of commissioning of the installation.

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
01.06.2011 No. 687

REGULATIONS ON THE CONDUCT OF PUBLIC DISCUSSIONS IN THE FIELD OF ARCHITECTURAL, URBAN PLANNING AND CONSTRUCTION ACTIVITY

1. These Regulations, drafted pursuant to the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049) establish the procedure for the conduct of public discussions in the field of architectural, urban planning and construction activity (hereinafter public discussion').

2. These Regulations aim to ensure the right of natural and legal persons to a favourable environment in the context of architectural, urban planning and construction activity.

3. Public discussion aims to inform natural and legal persons of architectural, urban planning and construction activity and to enable their participation in the discussion and making of decisions on urban planning for the development of territories, including settlements, and on provision of amenities to them.

4. These Regulations use terms within the meanings set out by Article 1 of the Act of the Republic of Belarus on Architectural, Urban Planning and Construction Activity in the Republic of Belarus as well as the following term:

architectural conceptual design of an installation: a study providing a graphic representation of the location, physical parameters and aesthetic characteristics of an installation, detailing the main technical and financial indicators.

5. Pursuant to these Regulations, public discussion shall be conducted of:

master plans of towns/cities and other settlements and special and detailed urban development plans,¹ including the reconstruction of existing housing developments and the reconstruction and regeneration of historical and cultural heritage areas and recreational landscape zones (hereinafter, unless otherwise specified, 'urban development plans');

architectural plans for the development of settlements in the absence of detailed urban development plans;

architectural conceptual designs for installations to be erected or reconstructed, in the absence of detailed urban development plans or architectural plans for the development of settlements as well as in the event that the erection or reconstruction of the said installations is not specified by architectural plans for the development of settlements;

plans for housing construction programmes for administrative-territorial (territorial) units (hereinafter 'housing construction programmes').

6. For installations for which an environmental impact assessment [OVOS] is conducted during the drafting of project documentation pursuant to Article 13 of the Act of the Republic of Belarus of 9 November 2009 on State Environmental Review (National Register of Legislation of the Republic of Belarus, No. 276, 2/1606), public discussion shall be conducted according to the procedure established by legislation on the procedure for public discussions of the environmental impact assessment report.

7. Natural persons resident in the Republic of Belarus (their associations) as well as legal persons carrying on their business in the Republic of Belarus (hereinafter 'public discussion participants') shall participate in public discussion of urban development plans, architectural plans for the development of settlements, plans for housing construction programmes, and the architectural conceptual designs of installations.

8. The corresponding *oblast*, district, city/town, subdistrict or village executive committees and local administrations of urban districts shall act as the organiser of public discussion (hereinafter 'organiser').

9. The organiser shall fulfil the following main functions:

drafting and publication in the media and on the internet of a notice of public discussion as well as of information on the outcomes of public discussion;

provision of technical and financial support to public discussion of urban development plans, architectural plans for the development of settlements and plans for housing construction programmes;

registration of written observations and proposals received from public discussion participants;

creation on a permanent basis of a committee for the conduct of public discussion (hereinafter 'committee') and guidance of its work;

additional notification of the natural and legal persons concerned of the conduct of public discussion by means of placing information on notice boards in the entrances of blocks of flats and by other means;

other functions connected to the organisation and conduct of public discussion.

10. The client or developer² shall provide financial and technical support to the conduct of public discussion of architectural conceptual designs of installations.

11. Public discussion of plans for housing construction programmes shall be performed before they are approved in the established manner by means of the publication of such programme plans in local media and on the internet site of the organiser and the submission by public discussion participants of observations and proposals.

Public discussion of plans for housing construction programmes shall last 15 days from the date of their publication in the media and on the internet.

The following information must be published in the media and on the internet along with the text of a plan for a housing construction programme:

the procedure and time frame for conduct of public discussion;

the postal and electronic address and contact telephone number of the organiser.

12. Public discussion of urban development plans and architectural plans for the development of settlements shall be performed before the conduct of state environmental review, state review of employment conditions, state review of energy efficiency and state review (hereinafter 'state reviews').

Public discussion of urban development plans, architectural plans for the development of settlements and architectural design concepts for installations (hereinafter, unless specified otherwise, 'plans') shall be conducted by means of publication on the internet site of the organiser and in local media of the notice of public discussion and the mounting of displays of plans in locations accessible to the public.

13. The notice of public discussion must contain the following information:

the name of the plan;

the procedure and time frame for conduct of public discussion;

the date, place and time of presentation of the plan to public discussion participants;

the address and contact telephone number of the organiser.

The notice of public discussion shall be published in the media and on the internet no less than 10 days before the beginning of public discussion. If necessary, the organiser shall additionally place information on the conduct of public discussion on notice boards and in other publicly accessible locations as well as distributing it by other means.

14. The display mounted for the purposes of public discussion of an urban development plan shall include the graphic and textual materials required to justify the plan and those required for its approval; of architectural designs for the development of settlements - graphic and textual materials; and of architectural conceptual designs for installations - graphic and textual materials of the study, detailing the main technical and financial indicators for the installation, with the exception of information removed under state secrets legislation.

15. Public discussion of plans shall last 15 days from the date of the beginning of public discussion, as stated in the notice.

16. During the public discussion period, public discussion participants have the right to send to the organiser written observations and proposals on topics that include the most efficient means of implementing plans, the development of settlements and housing construction.

No vote shall be held among public discussion participants for the purpose of making a decision.

17. The organiser shall set up a committee for the conduct of public discussion and shall nominate a chair of the committee. Members of the committee shall include:

representatives of the client of an urban development plan, in the case of a public discussion of an urban development plan;

representatives of the client of an architectural design for the development of a settlement, in the case of a public discussion of an architectural design for the development of a settlement;

representatives of the client of a housing construction programme, in the case of a public discussion of a housing construction programme;

the client or developer, in the case of a public discussion of an architectural conceptual design for an installation;

representatives of local councils of deputies (with their consent);

heads of local executive and administrative authorities and of the committees, directorates and departments concerned of executive and administrative authorities;

representatives of the drafter of the urban development plan, architectural design for the development of a settlement or housing construction programme under public discussion;

if necessary, the representatives of the state authorities concerned (with their consent);

representatives of public discussion participants (with their consent).

18. The committee shall fulfil the following functions:

presentation of the plan by means of a display for public discussion participants;

examination of written observations and proposals from public discussion participants, including those arriving within 10 days of the end of public discussion;

summarising the public discussion, the outcomes of which are to be written up as a record.

19. The following information shall be included in the record of public discussion:

the name of the urban development plan, architectural design for the development of a settlement, housing construction programme or architectural conceptual design for an installation;

the date and place of compilation of the record;

the number of written observations and proposals examined from public discussion participants (and of these, the number 'for' and 'against' the implementation of the urban development plan, architectural design for the development of a settlement, architectural conceptual design for an installation or plan for a housing construction programme);

a list of observations and proposals which must be sent to state reviews along with an urban development plan or architectural design for the development of a settlement;

conclusions and proposals arising from an analysis of written observations and proposals.

The record of public discussion shall be signed by all members of the committee and approved by the organiser. In the event of conflicting views when the record is signed, members of the committee have the right to set out a dissenting opinion.

The record of public discussion shall be produced in three counterparts (in the case of public discussion of an architectural design concept for an installation - in two counterparts). One counterpart shall be kept by the organiser, the second by the client of an urban development plan, architectural design for the development of a settlement or plan for a housing construction programme (by the client or developer in the case of public discussion of an architectural design concept for an installation), and the third by the drafter of these plans.

The record of public discussion shall be a mandatory appendix to an urban development plan or architectural design for the development of a settlement submitted to state reviews and to a plan for a housing construction programme.

20. Public discussion participants have the right to conduct a professional independent review of an urban development plan or architectural design for the development of a settlement presented for public discussion at their own expense, the outcomes of which shall be sent to the state review body.

21. Amendments may be made to an urban development plan or architectural design for the development of a settlement arising from a public discussion at the expense of:

the drafter of an urban development plan or architectural design for the development of a settlement, if the amendments relate to non-compliance of design decisions with legislation;

the client of an urban development plan or architectural design for the development of a settlement, if the amendments are not the fault of the drafter.

Amendments to a housing construction programme arising from a public discussion shall be made by its drafter.

22. Observations and proposals from public discussion participants that are not founded on legislation, including technical legislation, may not form the basis for amendments or additions to an urban development plan or architectural design for the development of a settlement.

23. The record of public discussion shall be appended to decisions on the approval of urban development plans, architectural designs for the development of settlements and plans for housing construction programmes during the drafting of these decisions.

24. Information on the approval of urban development plans, architectural designs for the development of settlements and plans for housing construction programmes shall be published in the official national or local media.

25. Where there are urban development plans and architectural designs for the development of settlements that have been approved in the established manner, project documentation drafted in compliance with these shall not be submitted to public discussion. However, the client, developer or contractor is obliged to place information on the installation detailing the client, developer, contractor, the date of the beginning and end of construction, special, installation and start-up works and other information in a visible place.

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
08.10.2008 No. 1476
(as amended by Resolution
of the Cabinet of Ministers
of the Republic of Belarus
01.06.2011 No. 687)

REGULATIONS

ON THE CONDUCT OF STATE REVIEW OF URBAN DEVELOPMENT PLANS, CONSTRUCTION FEASIBILITY STUDIES AND ARCHITECTURAL AND CONSTRUCTION PLANS AND OF STAGES OF WORKS, PHASES OF CONSTRUCTION, COMMISSIONING AND START-UP FACILITIES AND COST ESTIMATES (COST ESTIMATE DOCUMENTATION) IDENTIFIED IN THESE

1. This resolution, drafted pursuant to Edict No. 676 of the President of Belarus of 16 November 2006 on Several Issues regarding the Regulation of the Building Sector and its Functioning (National Register of Legislation of the Republic of Belarus, 2006, No. 189, 1/9097) and the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049), establishes the procedure for the conduct of state review of urban development plans, construction feasibility studies and architectural and construction plans³, and of stages of works, phases of construction, commissioning and start-up facilities⁴ and cost estimates (cost estimation documentation) identified in these.

2. The state review of urban planning and project documentation is one of the main areas of state regulation in the field of architectural, urban planning and construction activity.

State review aims to assess the compliance of urban planning and project documentation with the requirements of legislation in the field of architectural, urban planning and construction activity.

3. State review of urban planning and project documentation shall be conducted by the republican unitary enterprise Glavgosstroiekspertiza or Glavgosstroiekspertiza subsidiary republican unitary enterprises of Glavgosstroiekspertiza for the *oblasts* and the city of Minsk (hereinafter, unless otherwise specified, state review bodies).

4. The republican unitary enterprise Glavgosstroiekspertiza shall conduct state review of:

4.1. urban development plans:

the state spatial development plan ['complex territorial organisation scheme'] of the Republic of Belarus;

oblast spatial development plans;

master plans ['general plans'] of the city of Minsk and *oblast* centres and the master plans of towns and cities⁵;

special urban development plans;

detailed urban development plans for the city of Minsk and *oblast* centres, cities and settlements of historical and architectural significance;

detailed urban development plans for areas subject to special state regulation;

4.2. construction feasibility studies, architectural and construction plans and stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these (including projects subject to repeat verification as part of a selective check on the performance of Glavgosstroiekspertiza subsidiary republican unitary enterprises of for the *oblasts* and the city of Minsk).

5. Glavgosstroiekspertiza subsidiary republican unitary enterprises for the *oblasts* and the city of Minsk shall conduct state review of:

5.1. urban development plans, with the exception of those indicated in Section 4.1 of these Regulations;

5.2. construction feasibility studies and architectural and construction plans:

with an estimated (budgeted) construction cost of up to 1 billion roubles in 1991 prices or up to 1.5 billion roubles in 2006 prices - if construction is financed from the national budget or loans (including foreign) granted under a guarantee from the Government of the Republic of Belarus;

with an estimated construction cost of up to 10 billion roubles in 1991 prices or up to 15 billion roubles in 2006 prices - if construction is financed from sources other than those indicated in the second indent of this subsection;

drafted as model projects or projects for re-use (adaptation).

6. State review of construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these shall be conducted in return for payment.

State review of urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these must not exceed one month from the date of receipt of all the necessary documents. State review of architectural and (or) construction plans presented by natural persons (with the exception of sole traders) must be conducted with 15 days of submission of all documents.

If it is necessary to amend urban development plans, construction feasibility studies, architectural and construction plans or the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these presented by a legal person or sole trader, the state review period may be extended to two months upon an application by the legal person or sole trader.

7. Findings ['a conclusion'] of state review shall be compiled based on the results of state review of urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these, the procedure for compilation of which shall be established by the State Standardisation Committee.

Positive state review findings shall form the basis for the approval of urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these.

In the event that urban planning and project documentation has been poorly executed and it proves impossible for the observations of the experts to be addressed within the time frame established for state review, negative findings of state review shall be issued.

8. [In the event of] amendments or additions to approved project documentation, made in connection with shortcomings identified in the project documentation or unreliable basic data presented by the client or developer, a repeat state review must take place at the expense of the entity whose fault it was that amendments or additions had to be made.

The redrafting and repeat state review of urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these shall be performed at the expense of the entity that executed this documentation in a substandard manner.

To avoid the implementation of outdated technical and technological decisions as a result of the prolonged or unstarted construction of installations, clients and developers must ensure the revision and amendment of project documentation with a subsequent review if construction lasts or does not start for more than three years (for installations with an estimated cost of up to 10 billion roubles in 1991 prices or up to 15 billion roubles in 2006 prices) and over five years (for installations with an estimated cost of 10 billion roubles and over in 1991 prices or 15 billion roubles in 2006 prices), with the exception of installations whose projected construction time exceeds the time frames indicated (subways, power stations, long-distance linear infrastructure and other major installations).

9. Findings of state review of urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these shall be valid from their date of registration by the state review body that produced the findings.

The validity of findings of state review of project documentation shall be limited by the projected construction time of the installation, increased by one year.

10. State review bodies have the right to extend the validity period of findings of state review on the basis of rationale provided by the client or developer.

11. The following are subject to state review conducted pursuant to these Regulations:

urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these;

sections and individual technical decisions of construction plans for installations with a criticality rating of 1 and 2, for which a reliability and safety assessment is possible after their detailed elaboration. A decision on the scope of project documentation submitted for examination shall be contained in the conclusions of the findings of state review of the construction feasibility study and the architectural plan;

stages of works identified in a construction plan (if there is an approved stage of project documentation which has received positive state review findings) if the client or developer decides to concurrently design and build the installation.

Project documentation for installations that have been commissioned in the established manner are not subject to state review.

12. If necessary, on a contractual basis as part of the cost of design and survey works or at the additional expense of the client or developer, state review bodies may provide expert support to the drafting of project documentation during the stage of collecting basic data and applying for permits and in the process of drafting construction feasibility studies and architectural and construction plans.

13. State review of project documentation listed in Schedule 1 is not obligatory.

14. In the instances established by legislation, urban development plans, construction feasibility studies, and architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these must undergo the corresponding state environmental review, state review of working conditions and state review of energy efficiency as well as agreement with state environmental health authorities and institutions [authorities and institutions exercising state sanitary supervision] before state review bodies issue their findings.

State review of urban development plans, architectural and building plans and construction feasibility studies may take place concurrently with state environmental review, state review of employment conditions and state review of energy efficiency and agreement with state environmental health authorities and institutions. In this event, the findings of state environmental review, state review of working conditions and state review of energy efficiency and state environmental health authorities and institutions must be presented to the state review body no later than 10 days before the deadline for the issuing of state review findings on urban development plans, architectural and building plans and construction feasibility studies.

Architectural and construction plans and construction feasibility studies that are not indicated in the first paragraph of this section shall be assessed in the established manner for their compliance with environmental and occupational health legislation during state review by state review bodies.

15. The following shall be submitted to state review after drafting, examination and agreement in the established manner as well as after having undergone the reviews specified by legislation, including in accordance with the procedure laid out by the second paragraph of Section 14 of these Regulations:

urban development plans - by the Ministry of Architecture and Construction and other national state authorities, local executive and administrative authorities or subdivisions of local executive and administrative authorities exercising state powers in the field of architecture, urban planning and construction activity on the territory of an administrative-territorial unit who are the clients of urban development plans or the drafters of these plans;

construction feasibility studies, architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and the cost estimate (cost estimate documentation) identified in these that have been drafted for legal entities, sole traders and foreign investors - by the drafters of project documentation, unless otherwise specified by the contract for its drafting; those drafted for natural persons - by the natural person who ordered the drafting of this documentation, unless otherwise specified by the contract for its drafting.

The implementation documentation and evidence of agreement listed in Schedule 2 shall be submitted to state review conducted pursuant to an application by a legal entity or sole trader.

State review bodies:

may request other information and documents necessary for the conduct of state review;

shall ensure the safekeeping of the documents presented for state review;

shall take measures to ensure the non-disclosure of design decisions and other confidential information of which they become aware during the conduct of state review and of the outcomes of state review;

shall have the right to engage on a contractual basis for the conduct of state review and consultations specialist organisations and employees of state and other organisations (with their consent), including employees of institutes of higher education, as well as scientists and highly qualified experts (including foreign scientists and experts) as independent experts;

if necessary, shall issue to the clients, developers and drafters of project documentation suggestions for the drafting of alternative versions of project documentation or of sections or parts (stages) of construction of buildings and facilities using complex technological processes or building structures in order to select the optimal design solutions.

16. In the event that amendments are inserted at the initiative of the client or developer into approved construction feasibility studies, architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these, if such amendments are required by legislation in connection with changes to the technical and financial indicators of the installation, including an increase in the cost of construction as specified by approved project documentation, a repeat state review and repeat approval of construction feasibility studies, architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these shall take place. In this event, the repeat state review shall be conducted in the procedure established for newly drafted project documentation.

If amendments and additions must be inserted into approved architectural plans or into the architectural components that require approval of construction plans for installations that are at construction stage, the review shall take place according to the following procedure:

an explanatory note detailing the characteristics and rationale for design decisions contained in the construction plan that deviate from the approved construction feasibility study, the architectural plan or the architectural component requiring approval of the construction plan and comparative lists of amended design decisions and cost estimate changes, with the documents on the basis of which these changes have been inserted appended, shall be submitted for review;

on the basis of the documentation presented, in the light of the examination (if necessary) of design decisions made at construction plan stage, state review findings shall be issued that allow it to be newly approved.

If project documentation exists for an installation that has been drafted for the installation as a whole and has undergone state review, drafters of project documentation may, at the behest of the client, identify start-up and commissioning facilities or stages of work; in this case, the content of the start-up and commissioning facilities or stages of work shall be decided by the client and the drafters of project documentation without conduct of a state review.

17. State review shall assess the following factors:

17.1. in the case of state review of urban development plans:

compliance of design decisions with legislation;

compliance of design decisions with state socio-economic development programmes for the Republic of Belarus and its administrative-territorial units;

compliance of design decisions and the documentation drafting procedure with technical legislation;

compliance of design decisions with higher-ranking urban planning documentation;

completeness of the set of spatial planning documentation for the territory.

17.2. in the case of state review of construction feasibility studies, architectural and construction plans and the stages of works, phases of construction, commissioning and start-up facilities and cost estimates (cost estimate documentation) identified in these:

compliance of fundamental design decisions with the requirements of urban development plans, construction feasibility studies and (or) architectural plans and sectoral development plans;

completeness and soundness of basic project data;

compliance with regulatory documentation on operational safety and the reliability of basic structural decisions and fire and explosion safety systems;

compliance of design decisions with occupational health and safety requirements, environmental health regulations ['sanitary standards and rules'], public health ['hygiene'] standards, and socio-functional requirements;

energy efficiency of fuel and energy installations;

implementation of scientific and technical decisions and adoption of transferable experience as regards efficient use of financial, energy, raw and natural resources during the construction and operation of installations;

compliance with legal standards for the specific consumption of thermal energy;

use of scientifically sound technical decisions and measures for the efficient use of natural resources, prevention of environmental pollution and prediction and management of emergencies, and the compliance of design decisions with the best available technology;

efficiency of technical decisions and the technical and financial indicators of measures to protect the environment;

sound calculation of the estimated cost of construction, the laying out of areas, and their fitting out with furniture and equipment in accordance with their purpose in compliance with sector-specific technical regulations and legislation and the installation design brief (including the cost of design and survey works) that are financed from national and local budgets, including state earmarked budgetary funds as well as from state off-budget funds and bank loans granted under a guarantee from the Government of the Republic of Belarus;

the economic efficiency of a proposed construction that is financed from national and local budgets, including state earmarked budgetary funds as well as from state off-budget funds and bank loans granted under a guarantee from the Government of the Republic of Belarus.

For industrial installations and utilities infrastructure, state review of project documentation shall be carried out on the basis of the findings of state authorities regarding investment projects, if legislation requires that such findings be received, and of technological requirements established by design briefs approved in the established manner.

18. The client or developer shall have the right at its discretion to conduct an additional review of project documentation by engaging expert organisations under contract.

Schedule 1
to the Regulations on State Review
of Urban Development Plans,
Construction Feasibility Studies,
Architectural and Construction Plans
and the Stages of Works,
Phases of Construction, Commissioning and Start-up Facilities and
Cost Estimate (Cost Estimate Documentation) Identified in These

LIST
OF PROJECT DOCUMENTATION FOR WHICH STATE REVIEW IS NOT MANDATORY

1. Project documentation for the repair and modernisation of buildings (individual areas) and facilities of a manufacturing, agricultural, residential and public nature, the engineering decisions in which do not affect the load-bearing capacity of the structure as well as for the repair and reconstruction (with the exception of cost estimate documentation) of heating, water and sewerage networks along existing routes with use of modern materials and the repair of roads on which works are carried out that have been categorised in the established manner as ongoing maintenance and upkeep.

2. Cost estimate documentation drawn up in the established manner for repairs that can be classified as ongoing maintenance.

3. Cost estimate documentation to which amendments and additions have been made to reflect newly established contingency costs and requirements.

4. Project documentation for the construction of installations with a criticality rating of 3 under current technical legislation.

5. Project documentation for waterway works and upkeep of waterway infrastructure for the purpose of ensuring safe navigation along inland waterways.

6. Technical documentation for the repair and replacement of technical equipment, machinery and units which is drafted, agreed and approved in compliance with technical legislation passed by specially authorised state authorities in the corresponding field and that is not accompanied by general building work.

7. Project documentation with amendments inserted that relate to the substitution of construction materials, components or equipment with comparable materials, components or equipment manufactured in compliance with the standards in force of the Republic of Belarus, use of which does not affect the load bearing capacity of structures of buildings and facilities (does not require amendments in the project documentation relating to the configuration of load-bearing structures).

8. Project documentation relating to the adaptation of model projects and individual projects for re-use for housing and installations of a social or cultural nature (with the exception of engineering surveys and design decisions on adapting the foundations of the building to the foundation soil).

Schedule 2
to the Regulations on State Review
of Urban Development Plans,
Construction Feasibility Studies,
Architectural and Construction Plans
and the Stages of Works,
Phases of Construction, Commissioning and Start-up Facilities and
Cost Estimate (Cost Estimate Documentation) Identified in These

LIST
OF IMPLEMENTATION DOCUMENTATION AND EVIDENCE OF AGREEMENT TO BE SUBMITTED TO
STATE REVIEW

1. An application detailing the list of implementation documentation and evidence of agreement submitted to state review, bank account details, the source of finance (national or local budgets, loans, including foreign, given under the guarantee of the Government of the Republic of Belarus, state earmarked budgetary funds, state off-budget funds, own or borrowed funds).

2. Urban planning or project documentation (all sections of the documentation, with the exception of detailed drawings and client specifications for the construction plan stage) accompanied mandatorily with evidence of the agreement of all the organisations involved, including the client or the developer, and the actual budget for the drafting of urban planning or project documentation, signed by the client, developer and drafter of the documentation, or a copy of the contract for design work.

3. The findings of state environmental review, state review of working conditions, and state review of energy efficiency as well as the findings of environmental health authorities and institutions in the cases established by legislation.

APPROVED
Resolution
of the Cabinet of Ministers
of the Republic of Belarus
08.10.2008 No. 1476
(as amended by Resolution
of the Cabinet of Ministers
of the Republic of Belarus
01.06.2011 No. 687)

**REGULATIONS
ON THE DRAFTING, AGREEMENT AND APPROVAL OF URBAN DEVELOPMENT PLANS AND
PROJECT DOCUMENTATION**

CHAPTER 1
GENERAL PROVISIONS

1. These Regulations, drafted pursuant to Section 9.3.3 of the List of Administrative Procedures Performed by State Authorities and Other Organisations upon Application by Citizens, approved by Edict No. 200 of the President of the Republic of Belarus of 26 April 2010 on the List of Administrative Procedures Performed by State Authorities and Other Organisations upon Application by Citizens (National Register of Legislation of the Republic of Belarus, 2010, No. 119, 1/11590), Section 1.3 of Edict No. 676 of the President of the Republic of Belarus of 16 November 2006 Several Issues regarding the Regulation of the Building Sector and its Functioning (National Register of Legislation of the Republic of Belarus, 2006, No.

189, 1/9097), Chapter 37 of the Civil Code of the Republic of Belarus, and the Act of the Republic of Belarus of 5 July 2004 on Architectural, Urban Planning and Construction Activity in the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2004, No. 109, 2/1049) establishes the procedure for the drafting, agreement and approval of urban development plans as well as the procedure for the drafting, agreement and approval of project documentation for the erection, reconstruction, restoration, major repair and upgrading of installations.

2. These Regulations use terms within the meanings set out by Article 1 of the Act of the Republic of Belarus on Architectural, Urban Planning and Construction Activity in the Republic of Belarus.

CHAPTER 2 DRAFTING OR AMENDMENT OF URBAN DEVELOPMENT PLANS

3. The drafting or amendment of urban development plans shall be performed on the basis of decisions on their drafting or amendment taken in the established manner.

4. Decisions on drafting or amendment shall be taken by:

4.1. for general urban development plans:

the Cabinet of Ministers of the Republic of Belarus as regards the state spatial development plan ['complex territorial organisation scheme'] of the Republic of Belarus;

local executive and administrative authorities as regards the spatial development plans of *oblasts* and other administrative-territorial and territorial units, the master plans ['general plans'] of towns/cities and other settlements;

4.2. special urban development plans - by national state authorities and (or) local executive and administrative authorities;

4.3. detailed urban development plans - by local executive and administrative authorities.

5. Decisions on the drafting or amendment of urban development plans shall be taken in the light of the rationale for such drafting or amendment.

The rationale for the drafting or amendment of urban development plans may be:

the lack of an urban development plan for the corresponding territory;

the interest in implementing investment projects in the corresponding territory;

the implementation of higher-level or neighbouring urban development plans which affect the interests of the corresponding territory;

the requirement to draft an urban development plan for the corresponding territory contained in state programmes for the socio-economic development of the Republic of Belarus and its administrative-territorial units or higher-level urban development plans;

contradictions between urban planning documentation and trends in the development of the territory;

end of the validity of an urban development plan;

programmes for the drafting of urban development plans approved by the Cabinet of Ministers of the Republic of Belarus.

6. The rationale for the drafting or amendment of urban development plans shall be produced in relation to:

the state spatial development plan of the Republic of Belarus - by the Ministry of Architecture and Construction;

spatial development plans of *oblasts* and other administrative-territorial and territorial units and the master plans of *oblast* centres - by *oblast* executive committees;

special urban development plans - by national state authorities and (or) local executive and administrative authorities;

the master plan for the city of Minsk - by the Minsk City Executive Committee;

master plans of settlements (with the exception of *oblast* centres and the city of Minsk) and detailed urban development plans - by local executive and administrative authorities.

7. The clients shall be:

for general urban development plans financed from the national budget - the Ministry of Architecture and Construction, financed from local budgets - local executive and administrative authorities;

for special urban development plans financed from the national budget - national state authorities; financed from local budgets - local executive and administrative authorities;

for detailed urban development plans regardless of the source of their financing - local executive and administrative authorities.

8. The client of the urban development plan shall compile a brief for the drafting or amendment of the urban development plan, supervise the drafting or amendment of the urban development plan and ensure the provision of the basic data necessary for its drafting. The client of the urban development plan and the legal entity providing the basic data are responsible for its completeness and accuracy.

The client of the urban development plan may entrust the drafter of the urban development plan with the collection of basic data.

9. The drafting or amendment of urban development plans shall be performed on the basis of a contract (with the drafting or amendment brief appended as a schedule) between the client of the urban development plan and the drafter.

10. Legal entities which include urban planning among their activities may act as drafters of urban development plans.

11. The requirements contained in the higher-level urban development plan must be taken into account during the drafting or amendment of an urban development plan.

12. During the drafting of general and detailed development plans, decisions on the location of all types of installations on the territory covered by the plan must be agreed with the drafters of general and detailed urban development plans respectively; during the drafting of special development plans, decisions on the location of all types of installations on the territory covered by the plan must be agreed with the drafter of the special urban development plan.

CHAPTER 3 AGREEMENT OF URBAN DEVELOPMENT PLANS

13. Urban development plans, drafted in compliance with legislation, including technical legislation, are subject to agreement with:

13.1. general development plans - the Ministry of Environmental Resources and Environmental Protection, the Ministry of Emergencies, the Ministry of Health, the Ministry of Defence, the Ministry of the Interior and the Committee for State Security unless otherwise established by the President of the Republic of Belarus.

The state spatial development plan for the Republic of Belarus, in addition to the state authorities indicated in the first paragraph of this subsection, shall be agreed by other national state authorities according to the list compiled by the Ministry of Architecture and Construction as well as with *oblast* executive committees or the Minsk City Executive Committee.

State spatial development plans for *oblasts*, the master plans for the city of Minsk and cities, including *oblast* centres, in addition to the state authorities indicated in the first paragraph of this subsection, shall be agreed by the Ministry of Architecture and Construction and other national state authorities according to the list compiled by the Ministry of Architecture and Construction as well as by *oblast* executive committees or the Minsk City Executive Committee;

13.2. special development plans:

national level - the Ministry of Architecture and Construction and *oblast* executive committees;

local level - the national authorities concerned and the subdivisions of *oblast* executive committees exercising state powers in the field of architecture, urban planning and construction activity.

14. The client of urban development plans shall arrange for them to be submitted for agreement, and the drafter shall defend the design decisions.

15. The urban development plan with an explanatory note and covering letter shall be submitted for agreement.

The agreement process shall take 15 days.

16. Urban development plans are subject to public discussion in the manner established by legislation.

17. After agreement and conduct in the manner established by legislation of public discussion in the instances specified by legislation, urban development plans of all types and levels shall be submitted to state environmental review, state review of energy efficiency and state review.

CHAPTER 4 APPROVAL OF URBAN DEVELOPMENT PLANS

18. Urban development plans shall be approved after receiving positive findings of state review.

19. The Cabinet of Ministers of the Republic of Belarus shall in the established manner submit for approval by the President of the Republic of Belarus:

the state spatial development plan for the Republic of Belarus - on the recommendation of the Ministry of Architecture and Construction;

spatial development plans for *oblasts* - on the recommendation of *oblast* executive committees;

master plans of the city of Minsk and *oblast* centres - on the joint recommendation of *oblast* executive committees or the Minsk City Executive Committee and the Ministry of Architecture and Construction.

20. *Oblast* executive committees in the established manner shall submit for approval by the Cabinet of Ministers of the Republic of Belarus:

urban planning documentation for areas subject to special state regulation;

schemes and plans for the development of social, industrial, transport and utilities infrastructure of national significance and other national-level special urban development plans;

jointly with the Ministry of Architecture and Construction - master plans for cities (with the exception of *oblast* centres).

21. City and district councils of deputies⁶ shall approve district development plans and the master plans of towns and other settlements situated within the corresponding territory, with the exception of cities, *oblast* centres and the city of Minsk.

22. Local executive and administrative authorities within the scope of their authority shall approve:

spatial development plans for administrative-territorial and territorial units (with the exception of *oblasts*);

local-level special urban development plans;

detailed urban development plans.

23. After their approval, urban development plans become binding on all legal and natural persons.

CHAPTER 5 DRAFTING OF PROJECT DOCUMENTATION

24. Project documentation for the erection, reconstruction, restoration, major repair or upgrading (hereinafter, unless otherwise specified, 'construction') of an installation (hereinafter 'installation') shall be drafted after permits have been acquired in the established manner.

25. Construction project documentation shall be drafted on the basis of a contract for design work concluded by the client, the developer or the contractor (hereinafter, unless otherwise specified, 'the project documentation client') and the drafter of project documentation (hereinafter 'the designer'), which must have a design brief appended as a schedule.

26. The design brief shall be prepared by the project documentation client or by the designer on the latter's instructions.

The design brief shall include requirements as to the content and scope of construction project documentation to be drafted for the installation with the set of permits and other information necessary for the drafting of project documentation appended to the brief.

27. The content and procedure for the drafting, agreement and approval of the design brief shall be established by the Minister of Architecture and Construction.

28. If, for the drafting of project documentation for specific installations, technical legislation setting out requirements for construction project documentation for specific installations is lacking, special technical conditions that reflect the specific characteristics of the design, construction and operation of such installations shall be drafted.

29. Project documentation for the execution of restoration works on sites of historical or cultural value shall be drafted on the basis of comprehensive scientific research in compliance with the Act of the Republic of Belarus of 9 January 2006 on the Preservation of the Historical and Cultural Heritage of the Republic of Belarus (National Register of Legislation of the Republic of Belarus, 2006, No. 9, 2/1195).

30. Project documentation shall be drafted:

on a competitive basis, including by the conduct of a tender, in the instances specified by legislation;

on the basis of general, special and detailed urban development plans approved in the established manner, taking into consideration the requirements of legislation, including technical legislation;

using data from the state urban planning cadastre of the Republic of Belarus, repositories of generic projects, documentation on generic construction structures, pieces and parts, projects recommended for re-use and repositories of engineering survey materials;

in compliance with permits;

on the basis of other information required to draft project documentation.

31. Project documentation may be drafted in one, two or three stages, with stages of work, phases of construction, and commissioning and start-up facilities identified; the client or developer shall determine if it is necessary to identify these.

32. If design takes place in one stage, the project documentation shall include the construction plan, with the architectural component of the construction plan that is subject to approval identified. If design takes place in two stages, a construction feasibility study or an architectural plan (the first stage, which is subject to approval) and a construction plan (second stage) shall be drafted. If design takes place in three stages, a construction feasibility study (the first stage, which is subject to approval), the architectural plan (second stage) and the construction plan (third stage) shall be drafted.

33. Project documentation for the erection or reconstruction of an installation, in accordance with the design brief, may identify stages of works with design work executed for the next stage simultaneously with the current stage of erection or reconstruction of the installation (concurrent design and construction of an installation).

34. Justified deviations from the requirements of technical legislation shall be permitted only in the instances specified by legislation, subject to agreement by the national state authorities or other state organisations that approved and enacted such technical legislation.

35. Amendments to approved project documentation in connection with the passage of legislation, the execution of alternative design decisions or the identification during construction of the installation of additional work shall be inserted on the recommendation of the project documentation client.

36. Amendments to project documentation during drafting shall be inserted by the designer and formalised through an additional agreement to the contract for design work.

37. On the recommendation of the project documentation client, the documentation drafted may be approved as a generic project by the Ministry of Architecture and Construction as well as by other national state authorities exercising state regulation in the corresponding sphere.

38. On the recommendation of the project documentation client, the project documentation may be recommended for re-use by a decision of the Ministry of Architecture and Construction.

CHAPTER 6

AGREEMENT AND APPROVAL OF PROJECT DOCUMENTATION

39. Construction project documentation that has been drafted in accordance with permits and legislation, including technical legislation, shall not be subject to additional agreement with the authorities (organisations) that presented findings on the site location and the technical conditions for the technical and engineering characteristics of the installation, unless otherwise specified by legislation.

40. Construction project documentation shall be subject to approval after positive findings of state review are received in the cases prescribed by law.

41. Approved project documentation shall form the basis for the financing of construction as well as for receipt of permission to carry out construction and installation works in accordance with the procedure established by legislation.

42. The following shall be subject to approval:

construction feasibility studies (if planning takes place in two or three stages), architectural plans (if planning takes place in two stages), and the architectural component of construction plans (if planning takes place in one stage);

project documentation for the first stage of works if there is an approved stage of project documentation that has received positive state review findings; project documentation for subsequent stages of works if there are positive state review findings for preceding stages;

project documentation for phases of construction and start-up and commissioning facilities;

overall estimated costs for the installation if phases of construction, start-up and commissioning facilities and stages of works are separately identified in the project documentation;

project documentation as a generic project.

43. If construction is financed from the national and (or) local budgets, including state earmarked budgetary funds, state off-budget funds and loans (including foreign loans) granted under a guarantee by the President of the Republic of Belarus, project documentation shall be approved:

by national state authorities and other state organisations that are subordinate to the Government of the Republic of Belarus; if construction is financed fully or partly from local budgets, by *oblast* executive committees or Minsk City Executive Committee, on the recommendation of clients, developers or persons authorised by the latter if the estimated (budgeted) cost of construction is 10 billion roubles or more in 1991 prices or 15 billion roubles or more in 2006 prices;

by clients and developers if the estimated (budgeted) cost of construction is less than 10 billion roubles in 1991 prices or less than 15 billion roubles in 2006 prices.

44. If construction is financed from other sources not indicated in Section 43 of these Regulations, the project documentation shall be approved by clients and developers or persons designated by such clients or developers.

45. If amendments are made to approved project documentation, repeat agreement and approval are required, in accordance with the procedure established by these Regulations.

46. Project documentation shall be approved as a generic project by the Ministry of Architecture and Construction as well as the corresponding state authorities carrying out state regulation in the corresponding area.

47. All generic projects and project documentation recommended for re-use shall be transferred to the organisation authorised by the Ministry of Architecture and Construction for the creation and maintenance of a repository of generic and reusable individual projects.

Translator's notes

¹ 'Special and detailed urban development plans': The Act on Architectural, Urban Planning and Construction Activity defines an 'urban development plan (urban planning documentation)' as 'a system of inter-related planning documents, including zoning plans, determining the direction and conditions of urban development and land use'. 'General urban development plans' is an umbrella term that covers national spatial development plans, spatial development plans for oblasts and other administrative-territorial and territorial units and master plans of towns and other settlements (<http://www.irup.by>). According to a glossary produced by the Baltic Spatial Concept Share, 'special planning' concerns particular areas, such as border regions or areas affected by natural and manmade catastrophes. 'Detailed planning' is conducted at a local level and contrasts with general planning.

² 'Client or developer': I have previously translated *zakazchik* as 'developer', in line with the Compliance Committee's usage. However, these Regulations distinguish between the *zakazchik* and the *zastroishchik*, which I have translated as 'client' and 'developer' respectively. The Urban Planning Act defines the *zakazchik* as 'a legal or natural person... financing the erection, reconstruction, restoration, repair or upgrading of an installation or demolition, carrying on construction activity by means of engaging a contractor, either with or without engaging an engineer (engineering organisation) pursuant to the contract concluded'. A *zastroishchik* meanwhile is a 'natural or legal person... financing the erection, reconstruction, restoration, repair or upgrading of an installation or demolition, carrying on construction activity independently by means of engaging an engineer (engineering organisation), either with or without engaging a contractor to perform separate types of work pursuant to the contract concluded'.

³ 'Architectural and construction plans': The Urban Planning Act defines 'architectural plans' as 'a stage in the development of project documentation for the erection, reconstruction, restoration, major repair or

upgrading of an installation, during which a system of inter-related design documents is drawn up, providing an idea of the location, physical parameters and aesthetic qualities of an installation as well as of its potential negative impact on the environment and determining the technical and financial indicators of the construction project'. 'Construction plans' meanwhile are 'a stage in the development of project documentation, during which a system of inter-related design documents are drawn up, allowing the direct implementation of construction investment'.

⁴ 'Commissioning and start-up facilities': A completed part of an installation which may be made operational before construction of the rest of the installation is finished. (<http://dic.academic.ru/dic.nsf/stroitel/7409>)

⁵ 'Towns and cities': Russian has only one word for both town and city, *gorod*. The actual terms used by these Regulations are '*gorods of raion* subordination' and '*gorods of oblast* subordination'. Belarusian legislation classifies every larger settlement as either one or the other, but roughly speaking, the former tend to have over 6,000 inhabitants and the latter 50,000.

⁶ 'City and district councils of deputies': The term in the Russian original is 'councils of deputies of the basic level'. Belarusian legislation on local self-government divides councils of deputies into three categories: *oblast*-level, basic level and primary level. Councils of deputies 'of the basic level' are city and district councils of deputies.