

To support the development of the Spatial Planning Act for the Kingdom of Saudi Arabia









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COUNTRY CASE STUDIES AND COMPARATIVE ANALYSIS OF PLANNING LAWS IN SIX (6) COUNTRIES

Malaysia I Mexico I Morocco I Netherlands I South Korea and Spain (Catalonia Region)

To support the development of the Spatial Planning Act for the Kingdom of Saudi Arabia

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Abbreviations

12MP Twelfth Malaysia Plan (2021–2025)							
4NPP Fourth National Physical Plan (2021–2025)							
CMA	Communications and Multimedia Act (Malaysia)						
CONAGUA	CONAGUA National Water Commission (Comisión Nacional del Agua)						
DMA Digital Markets Act (European Union)							
DSA	Digital Services Act (European Union)						
ENOT	National Land Management Strategy (Estrategia Nacional de Ordenamiento						
	Territorial)						
EPU	Economic Planning Unit (Malaysia)						
GDP	Gross Domestic Product						
GDPR General Data Protection Regulation							
GIS Geographic Information System							
IoT Internet of Things							
LPA Local Planning Authority							
MCMC Malaysian Communications and Multimedia Commission							
MOLIT Ministry of Land, Infrastructure, and Transport (South Korea)							
MOMAH	Ministry of Municipalities and Housing (Saudi Arabia)						
NLPUA	National Land Planning and Utilization Act (South Korea)						
NLC	National Land Code (Malaysia)						
NPPC	National Physical Planning Council (Malaysia)						
NPP	National Physical Plan (Malaysia)						
NUA	New Urban Agenda						
PDPA Personal Data Protection Act (Malaysia)							
PPP / PPPs Public-Private Partnership(s)							
RAN National Agrarian Registry (Registro Agrario Nacional, Mexico)							
SDG Sustainable Development Goal							
SEDATU	Secretariat of Agrarian, Territorial, and Urban Development (Mexico)						
CEMADNIAT	Ministry of Environment and Natural Resources (Secretaría de Medio						
SEMARNAT	Ambiente y Recursos Naturales, Mexico)						
TCPA	Town and Country Planning Act (Malaysia)						
UDA Urban Development Act (South Korea)							

1. Introduction

Over the past three decades, the Kingdom of Saudi Arabia (hereinafter "Saudi Arabia") has experienced rapid urbanization driven by sustained economic growth and national development plans. The level of urbanization in Saudi Arabia has risen from approximately 48 per cent in the 1980s to over 83 per cent in recent years, positioning the Kingdom among the most urbanized nations in the Middle East.¹

This trend is expected to continue as the country advances towards the transformative objectives outlined in Vision 2030, which seeks to diversify the economy and enhance the quality of life for all.²

Cities in Saudi Arabia are central to its economic and social development, contributing a significant share to the national Gross Domestic Product (GDP) and serving as hubs for innovation and cultural exchange. However, urban areas are also major contributors to environmental challenges, including carbon emissions, energy consumption, and waste generation, underscoring the need for sustainable urban development.

The Saudi government has undertaken several legislative and policy initiatives to address urbanization challenges and promote sustainable development. These include the National Spatial Strategy 2030³, which aims to balance urban growth across the country and ensure equitable access to infrastructure and services, and the Municipal Planning Code, which provides a legal framework for urban planning and land-use management.⁴

Additionally, the Royal Decree No. 292⁵ established the framework for city planning and zoning, while the Environmental Protection Law promotes sustainability in urban projects.⁶ Notably, the Saudi Building Code sets standards for construction, safety, and energy efficiency to enhance the resilience of urban infrastructure.⁷

Despite these efforts, challenges persist in integrating sectoral policies, spatial plans, and urban strategies. The decentralization of urban planning responsibilities to local governments, as envisioned in Vision 2030, has been hindered by capacity constraints at the municipal level.⁸

¹ World Bank. (2021). Urban population (% of total population) - Saudi Arabia. Retrieved from https://data.worldbank.org

² Saudi Vision 2030. (2016). Kingdom of Saudi Arabia Vision 2030. Retrieved from https://vision2030.gov.sa

 $^{3\} Ministry\ of\ Municipal,\ Rural\ Affairs,\ and\ Housing.\ (2020).\ National\ Spatial\ Strategy\ 2030.\ Riyadh,\ Saudi\ Arabia.$

⁴ Ibid.

⁵ Royal Decree No. 292. (2019). Framework for city planning and zoning in Saudi Arabia.

⁶ General Authority for Statistics. (2022). Urbanization trends in Saudi Arabia: Statistical overview. Riyadh, Saudi Arabia.

⁷ Saudi Standards, Metrology and Quality Organization. (2018). Saudi Building Code. Riyadh, Saudi Arabia.

⁸ Al-Surf, M. (2020). Challenges of urban planning in Saudi Arabia. Journal of Urban Policy and Planning, 12(3), 45-56.

Many local authorities face difficulties in managing urban growth, operating infrastructure, and delivering equitable services. To overcome these obstacles, the government is prioritizing institutional reforms, capacity-building programs, and stakeholder engagement to enable integrated urban planning and sustainable development across all levels of administration. These measures are crucial for achieving a balanced and inclusive urban future that aligns with the Kingdom's national aspirations.

UN-Habitat, through the Regional Office for Arab States and the Saudi Arabia country office, is implementing a project to "Support to The Spatial Planning Reform and Visual Appeal Program in Saudi Arabia. Enabling Systemic Municipal & Planning Reforms and Providing Implementation & Capacity Building Support for the Sustainable Urbanization of Saudi Cities".

The UN-Habitat Policy, Legislation and Governance Section is supporting the project through technical legal assistance based on international tools and methodologies to ensure and promote rights-based legislation as well as functionally effective laws in Saudi Arabia. The Saudi Arabian partner for this technical assistance on spatial planning law is the Ministry of Municipalities and Housing (MOMAH).

The guiding principles for the development of the Saudi Spatial Planning Law should be the UN international frameworks on sustainability: the Sustainable Development Goals (SDGs) and New Urban Agenda (NUA). The SDGs were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all humankind enjoys peace and prosperity by 2030. The 17 SDGs are integrated - that is, they recognize that action in one area will affect outcomes in others, and that development must balance social, economic, and environmental sustainability.

SDG 11 (sustainable cities and communities) calls for inclusive access to land, infrastructure, housing, and basic services. SDG 10 aims to reduce inequalities and exclusion within and among countries while SDG 16 is a universal call for effective, accountable, and transparent institutions at all levels as well as participatory and representative decision-making.

The New Urban Agenda (NUA) was adopted during the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador and endorsed by the United Nations General Assembly in 2016. It is universal in scope and represents a shared vision for a better and more sustainable urban future setting out priorities and actions at the global, regional, national, subnational, and local levels that governments and other relevant stakeholders in every country can adopt based on their needs.

The NUA recognizes, among its principles and commitments, the leading role of national governments in the definition and implementation of inclusive and effective urban policies and legislation for sustainable urban development, and the equally important contributions of subnational and local governments, as well as civil society and other relevant stakeholders, for participatory, accountable transparent and decisionmaking. To implement this commitment, the NUA requires appropriate steps to be

taken to strengthen national, subnational, and local institutions to support local economic development, fostering integration, cooperation, coordination and dialogue across all levels of government, functional areas and relevant stakeholders, including through local and metropolitan multilevel governance, consultation mechanisms and by clearly defining the respective urban competences, tools and resources for each level of government.

Comparative Legal Research

Given that the planning law is intended to be a comprehensive legislative instrument guiding urban development in KSA, UN-Habitat and MOMAH have agreed to conduct the case study research on the following thematic topics:



Objectives of Spatial Planning Laws



Guiding Principles of Spatial Planning Laws



Scope of Spatial Planning Laws



Authorities, their Responsibilities, and the Contents of Plans



Land Management



Financial Mechanisms



Permitting



Compliance and Enforcement



Monitoring



10. Digital Governance

Brief descriptive note on the country selection

For the comparative analysis to produce meaningful results, the scope of selected case studies must be limited since certain legal systems or social contexts can be incomparable with those in Saudi Arabia. Thus, a methodology to identify spatial planning legal models that are relevant, successful, and comparable to the Saudi Arabian context, was developed.

In brief, first, given the scope and thematic topics of the study, a long list of 11 developed and developing countries was created leveraging UN-Habitat's past experiences in countries having practical and innovative legislative best practices on spatial planning. These included Australia, Egypt, Malaysia, Mexico, Morocco, Netherlands, Republic of Korea, Spain, South Africa, Turkey and the United Kingdom.

Second, a set of structural parameters covering the social, institutional, and economic characteristic of Saudi Arabia was developed and each country was awarded points and ranked in comparison with the following Saudi Arabia's parameters:



Saudi Arabia's Institutional framework

- Form of State: Unitary Monarchy
- Centralization of urban development mandates: mainly three tiers involved (national, provincial and local).



 Socioeconomic variables of Saudi Arabia (the World Bank Data Bank)9

Surface



2,149,690 square kilometers, 2020

Population density



15 people per square kilometer, 2022

Population



33,264,292 as of 2023

Population growth



3.3 per cent, 2023

GDP



USD 1.07 trillion as of 2023 (high income)

A thorough literature review of planning systems, covering ten thematic topics and the related legislative and institutional frameworks, was conducted to identify relevant and successful international examples. From an initial pool of eleven countries, six were selected for their inspiring and contextually relevant approaches: Malaysia, Mexico. Morocco, the Netherlands, the Republic of Korea and Spain (Catalonia Region). These countries were chosen based on the strength of their contributions across various thematic areas. Their individual strengths and relevance to the case study research are summarized in the table below.

⁹ Socioeconomic variables of Saudi Arabia: https://databank.worldbank.org/embed/Saudi-Arabia-Profile/id/7fab0830

^{4 |} Country Case Studies and Comparative Analysis

Malaysia



The Town and Country Planning Act 1976 outlines its objectives through a hierarchical framework that coordinates land use and development across federal, state, and local levels.



Morocco

The National Charter for Territorial Planning integrates land management, regional development, sustainability. It employs equity-focused regional funds as a financial mechanism for balanced development and places significant importance on monitoring and compliance and enforcement.



Republic of Korea

It has a multi-tiered spatial planning system, anchored by the National Comprehensive Plan, which ensures strong alignment between national, regional, and local planning objectives. The National Comprehensive Plan ensures a well-defined scope at national, regional, and local levels.

The country emphasizes land management, zoning, and uses land value capture as a financial mechanism. South Korea is also recognized for innovation and digital governance in urban planning.



Mexico

The General Law of Human Settlements 2016 defines the scope and clearly establishes the roles of federal, state, and municipal governments. It emphasizes public participation, land management, and provides financial mechanisms to support equitable urban growth and development.



Netherlands

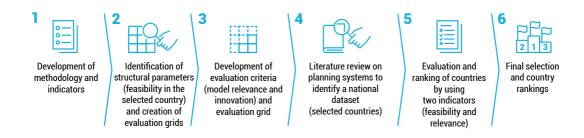
The Environment and Planning Act integrates 26 urban laws hence it streamlines spatial, environmental, and infrastructural regulations as its objective. It incorporates permitting, compliance, and digital governance into a unified framework, while promoting sustainability and public participation.

Additionally, UN-Habitat included **Spain** in the case studies due to its strong decentralized spatial planning system, particularly the Catalan region's exclusive competencies in land classification and urban management.

This inclusion, along with the country's focus on environmental balance, ensures that the analysis is comprehensive, accurate, and reflective of best practices in regional planning and governance.

Figure 1. Illustration of the country selection process

Source: UN-Habitat.





2. Comparative Analysis

2.1. Objectives of Spatial Planning Laws

The objectives of spatial planning frameworks across Morocco, Mexico, South Korea, the Netherlands, and Malaysia reflect their unique priorities and development needs. Mexico's General Law of Human Settlements (2016) focuses on rational land use, equitable access to housing and infrastructure, and climate resilience, emphasizing disaster preparedness and public participation. Morocco's National Charter for Land-Use Planning and Sustainable Development (2004) aims to reduce regional disparities, foster urban-rural integration, and ensure sustainable resource management while promoting coordinated governance and participatory planning. South Korea's Urban

Development Act (2002) emphasizes urban renewal, integrating smart technologies and sustainability into revitalizing aging spaces and fostering economic growth through adaptive urban policies. The Netherlands' Environment and Planning Act (2024) prioritizes well-ordered spatial development, granting flexibility to local governments to balance economic growth, housing, and environmental conservation. Malaysia's Town and Country Planning Act (1976) and the National Physical Plan focus on sustainable urban and rural growth, addressing socio-economic inequalities and promoting environmental conservation through coordinated governance.

South Korea's Urban Development Act aligns most closely with Saudi Arabia's Vision 2030 objectives. Its emphasis on urban renewal, smart technologies, and cohesive planning reflects Saudi Arabia's ambitions to modernize cities, diversify its economy, and enhance livability. While Morocco and Mexico highlight equity and resource distribution, and the Netherlands offers lessons in environmental integration, South Korea's innovation-driven framework provides the tools needed to address Saudi Arabia's rapid urban transformation.

2.2. Guiding Principles of Spatial Planning Laws

The guiding principles of urban planning in Morocco, Mexico, South Korea, the Netherlands, and Malaysia illustrate diverse approaches to achieving sustainable and inclusive development.

Morocco and Mexico prioritize equity and balanced territorial growth, with Morocco emphasizing national unity, territorial solidarity, and environmental conservation, while Mexico incorporates sustainability, social inclusion, and resilience to ensure urban growth protects natural resources and reduces disparities. The Netherlands, with its Environment and Planning Act, promotes flexibility and environmental balance by integrating economic activities, housing, and nature conservation into coordinated spatial planning. Malaysia's planning framework emphasizes structured development, balancing sustainable growth with land management and participatory

governance. South Korea, through the Urban Development Act, focuses on urban revitalization, technological innovation, and sustainability. Its principles emphasize adaptability, smart city integration, and cohesive planning across governance levels, supporting the modernization of urban spaces while fostering inclusivity and economic growth.

South Korea's focus on creating livable, inclusive spaces through cohesive and adaptive planning is well-suited to Saudi Arabia's rapid urban growth and ambition to develop globally competitive, sustainable cities. While Morocco and Mexico provide valuable insights into addressing regional disparities, and the Netherlands offers strong environmental conservation, South Korea's principles provide a comprehensive framework for balancing modernization, sustainability, and inclusivity.

2.3. Scope of Spatial Planning Laws

The scope of spatial planning instruments differs significantly across these countries. Mexico's General Law of Human Settlements, Territorial Planning, and Urban Development outlines comprehensive framework governing urban development and territorial planning at national, state, and municipal levels. Its scope includes equitable urban growth, sustainable land use, and the coordination of development projects across metropolitan areas. Morocco's National Charter for Land-Use Planning and Sustainable Development focuses on balanced territorial development, integrating environmental conservation with economic and social priorities.

The Netherlands' Environment and Planning emphasizes well-ordered Act spatial development and flexibility, granting local governments discretion to manage land use while integrating environmental and socioeconomic factors. Malaysia's Town and Country Planning Act establishes a multilevel system that includes federal, state, and local plans, focusing on structured urban growth and zoning. South Korea's National Land Planning and Utilization Act and the Urban Development Act encompass zoning, land-use regulations, and urban renewal, addressing national, regional, and local planning needs with a focus on sustainability and smart urban management.

Mexico's framework is particularly relevant for Saudi Arabia as it provides a clear hierarchical structure for integrating planning efforts across governance levels. Its emphasis on coordinated development ensures that urban growth aligns with national priorities while addressing regional and local needs. By focusing on equitable land use and metropolitan planning, Mexico's framework provides an effective model for managing urban expansion and reducing regional disparities. Additionally, the comprehensive nature of its territorial planning structure ensures that development projects are well-coordinated across sectors and geographic regions, offering a robust approach for Saudi Arabia to achieve its Vision 2030 urban planning objectives.

2.4. Authorities, their Responsibilities, and the Contents of Plans

Spatial planning systems across the case study countries are characterized by distinct roles and responsibilities of authorities at different governance levels and the structured contents of their plans. In South Korea, the Ministry of Land, Infrastructure, and Transport (MOLIT) oversees national planning, creating strategic frameworks such as the Comprehensive National Territorial Plan (2020-2040). Local authorities implement these strategies through Urban Master Plans and District Unit Plans, which focus on land use, zoning, and infrastructure development. Similarly, Mexico's planning system integrates federal, state, and municipal levels, with the Secretariat of Agrarian, Territorial, and Urban Development (SEDATU) leading the formulation of the National Urban Development Program. Regional and municipal authorities adapt these frameworks through localized development plans addressing zoning, infrastructure, and public services. Morocco follows a decentralized model, where the central government sets overarching policies under the National Charter for Land-Use Planning and Sustainable Development. Regional councils and municipalities tailor these policies into actionable plans, focusing on balanced development, environmental sustainability, and regional integration. In Malaysia, the Town and Country Planning Act (1976) establishes federal oversight through the National Physical Plan, while state and local authorities implement these guidelines through zoning and structure plans, ensuring alignment with national development goals. The Netherlands' Environment and Planning Act (2024) grants significant authority to local governments, allowing them to tailor regional and municipal plans within a broader framework that integrates economic, social, and environmental priorities.

South Korea's structured and hierarchical planning framework offers the most relevant approach for Saudi Arabia. The clear division of roles between national and local governments ensures cohesive planning, while the integration of comprehensive and localized plans addresses diverse regional needs. Morocco's emphasis on participatory governance and Mexico's collaborative intergovernmental system provides additional insights for Saudi Arabia to enhance stakeholder engagement and align local initiatives with national objectives. Adopting elements of these systems, particularly South Korea's clear structure and adaptability, would enable Saudi Arabia to create an efficient, inclusive, and sustainable urban planning framework aligned with its Vision 2030 goals.

2.5. Land Management

Land management systems in Morocco, Mexico, South Korea, the Netherlands, and Malaysia demonstrate diverse approaches to regulating land use, ownership, and development. In Morocco, the National Charter for Land-Use Planning and Sustainable Development integrates land management with urban planning, emphasizing the preservation of natural resources and balanced regional development. Mechanisms such as land readjustment and expropriation enable the efficient allocation of land for public projects, while legislation like Law 7-81 ensures fair compensation for affected landowners.

In Mexico, land management is anchored in the Constitution, which recognizes both private property and communal systems like ejidos. Initiatives to formalize land tenure and modernize cadastral systems strengthen legal certainty, while the General Law of Human Settlements promotes sustainable equitable land use.

South Korea's land management system, guided by the National Land Planning and Utilization Act, categorizes land into zones such as urban, agricultural, and conservation areas to optimize usage. Expropriation is allowed for public purposes, with provisions for fair compensation, while land tenure systems ensure secure property rights.

The Netherlands focuses on integrating land management with environmental and spatial planning under its Environment and Planning Act, balancing urban development with climate resilience and nature conservation. Malaysia's National Land Code governs land ownership and transactions, with the Town and Country Planning Act providing regulatory oversight for sustainable land use, zoning, and urban development.

Among these case study countries, South Korea's comprehensive zoning system and its emphasis on sustainable land management stand out as particularly relevant for Saudi Arabia's urban development goals. The categorization of land into specific uses ensures optimal development while preserving environmental and agricultural resources. The Netherlands' integration of land management with environmental planning provides valuable insights for addressing climate resilience and balancing urban growth with conservation, making these two models complementary for Saudi Arabia's land management objectives under Vision 2030.

2.6. Financial Mechanisms

The financial mechanisms employed by Mexico, South Korea, Morocco, the Netherlands, and Malaysia to support urban development demonstrate varying approaches to sustainability, equity, and innovation. South Korea excels in leveraging public-private partnerships (PPPs) and land value capture mechanisms to finance largescale infrastructure projects and urban renewal initiatives. These tools ensure efficient allocation of resources and foster collaboration between the public and private sectors. Similarly, Morocco emphasizes equitable resource distribution, prioritizing underdeveloped regions and promoting decentralized financial management. Its innovative mechanisms, including regional development funds and international cooperation, address territorial disparities while enhancing financial sustainability.

Mexico's fiscal framework prioritizes financial mechanisms such as government-subsidized land purchases, which involve the state acquiring land at reduced costs to ensure affordability for urban development projects. This approach, combined with metropolitan funds, supports organized urban growth and reflects the country's commitment to providing housing solutions for low-income populations. Meanwhile, the Netherlands relies on statutory land exploitation plans and development fees, which ensure that municipalities recover urban planning costs efficiently. Malaysia integrates financial instruments with land management and urban planning policies, utilizing development charges, PPPs, and state-specific levies to fund infrastructure projects and ensure developers contribute to public amenities.

Adopting a financial mechanism that combines Morocco's equity-focused regional funds, the Netherlands' cost-recovery systems and South Korea's land value capture strategies would align with the best global standards. This integrated approach ensures resource efficiency, equitable development, and sustainable growth while fostering public-private collaboration and accountability.

2.7. Permitting

A comparative analysis of planning permit systems in Mexico, South Korea, Morocco, the Netherlands, and Malaysia highlights distinct approaches to urban development regulation. Mexico and Malaysia emphasize multilevel governance, where federal, state, and local authorities collaborate to ensure compliance urban plans and environmental with regulations. Mexico integrates ecological sustainability into its framework, while Malaysia emphasizes adherence to national, state, and local development plans, underpinned by strict land ownership prerequisites. Conversely, South Korea adopts a structured and tiered

approach, offering streamlined processes for small-scale developments while imposing rigorous evaluations, such as public hearings and environmental assessments, for large-scale projects. Morocco employs a Charter-driven system that integrates sustainability and equity, necessitating coordination between national, regional, and local authorities. Meanwhile, the Netherlands stands out with its Environment and Planning Act, which consolidates permits into a single framework, ensuring efficiency and public participation, even for deviations from zoning plans.

Among these case study countries, the Netherlands' integrated permit system provides the best global standard. It combines efficiency with transparency, simplifies regulatory processes, and ensures compliance through a unified framework. Additionally, its emphasis on public participation fosters inclusivity and accountability. Saudi Arabia can benefit from adopting similar streamlined and participatory systems to enhance regulatory coherence, reduce administrative burdens, and ensure sustainable urban development.

2.8. Compliance and Enforcement

The case study countries Mexico, South Korea, Morocco, the Netherlands, and Malaysia have established comprehensive legal frameworks to ensure compliance and enforcement in urban planning, each reflecting distinct approaches to governance and accountability. Mexico, for example, emphasizes participatory mechanisms, enabling public complaints to trigger enforcement actions and integrating risk prevention studies to address development in high-risk areas. South Korea employs a robust, permission-based planning system reinforced by strong supervisory oversight. It incorporates tools such as impact fees to ensure that private development aligns with broader public interests and urban policy goals. Morocco underscores sustainable development through its National Charter, focusing on institutional coordination, regular audits, and

capacity-building initiatives. The Netherlands relies on preventive compliance measures, strong public involvement, and legal remedies to enforce its Environment and Planning Act, ensuring both regulatory transparency and fairness. Malaysia enforces urban compliance through the Town and Country Planning Act, emphasizing development control, penalties for non-compliance, and the integration of public consultations to uphold transparency and accountability.

The Netherlands stands out as the best global standard due to its balanced approach combining preventive compliance, public participation, and robust enforcement. By integrating clear guidelines, community involvement, and a transparent legal framework, it ensures that urban development aligns with sustainability goals while fostering accountability. Adopting similar preventive measures and public engagement mechanisms could enhance compliance and enforcement in Saudi Arabia, promoting sustainable urban development practices countrywide.

2.9. Monitoring

Urban planning monitoring systems vary widely across the case study countries. In Mexico, monitoring is rooted in a multi-tiered coordination effort across federal, state, and municipal levels. Dedicated councils such as the Metropolitan Planning Commission ensure compliance through periodic evaluations and reporting mechanisms. South Korea relies on project supervisors to oversee adherence to approved construction plans, providing a straightforward and responsive compliance mechanism. Morocco takes a holistic approach under its National Charter, integrating

measurable performance indicators. transparency through public reporting, and feedback loops for adaptive management. The Netherlands excels in leveraging digital tools like the Environment and Planning Portal to enhance monitoring efficiency, combining proactive compliance with measures traditional oversight mechanisms. Malaysia utilizes a mix of legal mandates and local authority enforcement under the Town and Country Planning Act, emphasizing progress reporting and corrective actions for noncompliance.

Morocco represents a leading global example due to its comprehensive and adaptive framework. Its focus on measurable indicators, periodic evaluations, and stakeholder involvement ensures a balanced and sustainable approach to urban development. The integration of transparency and iterative feedback further aligns with recognized international standards, making Morocco's model a reference point for other nations. Adopting a similar framework would enable Saudi Arabia to enhance accountability, adaptability, and sustainability in its urban planning monitoring systems.

2.10. Digital Governance

The reviewed countries exhibit diverse approaches to digital governance, reflecting their unique socio-economic contexts and legal frameworks. South Korea stands out for its comprehensive and adaptive Smart City Act, emphasizing climate resilience, inclusivity, and participatory governance. With a national strategy regularly revised to incorporate technological advancements, South Korea integrates public and private efforts, fostering initiatives such as Seoul's Digital Citizen Mayor's Office. Similarly, the Netherlands' robust regulatory environment emphasizes accessibility, security, inclusivity in urban planning. Legislation such as the Digital Government Act and General Data Protection Regulations (GDPR) prioritizes transparency and user privacy, ensuring equitable digital governance aligned with EU standards. Morocco and Mexico focus on leveraging digital tools for urban planning and public service delivery. Morocco's initiatives, such as the Maroc Digital 2020 Strategy promote participatory urban management and public engagement. Mexico enhances infrastructure and public involvement through structured frameworks like the Connectivity Master Plan. Meanwhile, Malaysia integrates regulatory instruments like MyDIGITAL with smart technologies to support sustainable spatial planning, placing strong emphasis on data privacy and secure digital transactions.

South Korea's model offers the best global standard for digital governance due to its adaptive legislation, multi-stakeholder collaboration, and integration of inclusivity and innovation. Adopting a similar strategy, Saudi Arabia could develop robust national frameworks that emphasize participatory governance, periodic updates to accommodate technological evolution, and privacy safeguards. Combining this with the Netherlands' focus on regulatory coherence and Malaysia's emphasis on secure digital transactions would provide a balanced approach to equitable and efficient digital governance.





Country Background

Geographically, Malaysia is in southeastern Asia, composed of two non-contiguous regions: Peninsular Malaysia (Semenanjung Malaysia), also called West Malaysia (Malaysia Barat), which is on the Malay Peninsula, and East Malaysia (*Malaysia Timur*), which is on the island of Borneo.¹⁰ The capital, Kuala Lumpur, lies in the western part of the peninsula.

Malaysia has a strong economy within the southeastern Asia region with a gross domestic product of USD 448.25 million (2025) and a GDP per capita of USD 11, 379.1.11 Demographically, Malaysia has a population of about 35.7 million¹², with 77.4 percent of them residing in urban centers,13 and an annual urban population growth of 0.5 percent in 2025.14

Malaysia is a federal state composed of the following states: Johore, Kedah, Kelantan, Malacca, Negeri, Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor, and Terengganu.15

It is a Parliamentary democracy and a Constitutional Monarchy, with the Monarch (Yang di-Pertuan Agong) acting as Head of State and executive authority, elected, for a term of five years, by the Conference of Rulers (Majlis Raja-Raja), which is an advisory body to the head of the state.¹⁶ The Monarch appoints the Prime Minister (*Perdana Menter*i) and the Cabinet of Ministers (Jemaah Menteri) to provide advisory guidance to the head of State.17 The legislative authority is vested in the Parliament, consisting of the Monarch and two Houses of Parliament (Majlis) to be known as the Senate (Dewan Negara) and the House of Representatives (Dewan Rakyat).18

The House of Representatives consists of 222 members, and each member represents one constituency. Members are elected based on popular support through elections held every five years. The party that obtains the most seats will form the federal government to govern the country.19

¹⁰ Ahmad, Z. Bin, Lockard, Craiq A., Bee, Ooi Jin and Leinbach, Thomas R., (in) Encyclopaedia Britannica, Malaysia, 2024: https://www.britannica.com/place/Malaysia

¹¹ The World Bank Data, Overview, Malaysia: https://data.worldbank.org/country/malaysia

¹² Malaysia Population (2025) - Worldometer

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Art. 2 of the Constitution of Malaysia of 1957, as revised in 2007.

¹⁶ The Official Portal of the Malaysian Parliament, general information, parliamentary democracy system in Malaysia: https://www.parlimen.gov.my/maklumat-umum.html?uweb=dr&#:~:text=Malaysia%20ialah%20sebuah%20negara%20 yang,Negara%20yang%20menggubal%20undang%2Dundang and article 32 of the Constitution.

¹⁷ Art. 43 of the Constitution.

¹⁸ Art. 44 of the Constitution.

¹⁹ Ihid

The judiciary consists of two high courts, the High Court in Malaya and the High Court in

Sabah and Sarawak, and several lower-level courts.²⁰



Objectives of Planning Legislative Acts and Regulations

In Malaysia, urban planning is governed by various legislative Acts and regulations. At the federal/national level, the **National Land Code** (**NLC**) is the primary legislation governing land ownership and land use in Peninsular Malaysia. It deals with the administration of land in Malaysia, including land ownership, use, and management. It provides the legal framework for land titles and matters concerning land development, which directly impact urban planning.

On the other hand, the **Town and Country Planning Act 1976 (TCPA)** serves as the primary legislation that establishes the legal basis for planning and development control. This Act sets out the framework for urban and regional planning in Peninsular Malaysia. It establishes the **Town and Country Planning**

Department (TCPD) and empowers local authorities to prepare development plans. The Town and Country Planning Act also provides guidelines and procedures for land use planning, development control, and establishes a comprehensive system for planning at various levels - federal, state, and local. The key components of this framework include the National Physical Plan (NPP), regional plans, state structure plans, and local plans.

The **Urban and Regional Planning Regulations 1995** provide detailed guidelines for the implementation of planning policies at the regional and urban levels, ensuring that developments adhere to specific zoning laws, land use policies, and other planning requirements.



Guiding Principles and Scope of Spatial Planning Laws

The guiding principles governing the legislative Acts and regulations of urban planning in Malaysia focus on sustainable development, land management, and regulatory oversight to ensure that land and urban growth are effectively managed.

The **National Land Code** emphasizes the efficient administration of land ownership and use, with the primary principle being the orderly management and allocation of land resources.

It ensures that land is used in a manner that supports the national economic, social, and environmental objectives. The NLC's guiding principle is to balance private property rights with public interest, ensuring that land development is aligned with national development goals and urban planning strategies.

The Town and Country Planning Act 1976 is guided by the principle of comprehensive and integrated planning at multiple levels, from federal to local. Its primary principle is to regulate and control urban development through a structured and systematic approach. encourages long-term, sustainable development that considers environmental, economic, and social factors. The TCPA aims to protect public interest by ensuring that urban growth occurs in an orderly manner, minimizing the adverse impacts of unchecked development. It also emphasizes public participation in the planning process, reflecting a democratic principle of community engagement in shaping urban environments. empowering local authorities By establishing clear planning frameworks, the TCPA guides the development of cohesive urban spaces while considering local needs and aspirations.

Article 26 of the Act authorizes the imposition of **development charges**, requiring developers to contribute financially toward the provision of public infrastructure and amenities necessary to support new developments. Article 30 provides a framework for planning appeals, allowing developers or affected parties to appeal planning decisions made by local authorities to higher planning bodies or tribunals. Environmental considerations are also incorporated under **Article 32** which requires that the environmental impact of certain developments be assessed before approval, in line with sustainable development principles.

The **Urban and Regional Planning Regulations** 1995 serve as a detailed extension of the TCPA, further grounding the principles of zoning, land use control, and sustainable development. These regulations guide the implementation of specific planning policies by providing clear procedures for zoning, landuse changes, and the development process. The guiding principle here is to ensure that land developments are consistent with broader planning policies and that urban and regional growth occurs in a way that promotes sustainable urbanization.

The regulations also stress the importance of adhering to environmental, health, and safety standards, ensuring that new developments integrate harmoniously with existina infrastructure and ecosystems.



Authorities, their Responsibilities and Content of Plans

National Level

The Economic Planning Unit (EPU) coordinates the drafting process of the Five-Year Malaysia Plan, involving various entities such as the Ministry of Finance, the Central Bank, and the Department of Statistics. Parliament provides approval and overarching oversight, ensuring alignment with national strategies.

Local authorities and stakeholders implement specific aspects of the plan, while regular reviews and adjustments ensure its relevance and effectiveness. The Director General of Town and Country Planning prepares the National Physical Plan (NPP) under the direction of the National Physical Planning Council (NPPC), which provides strategic direction and approval. Federal and state governments collaborate to implement the NPP, aligning their programs and projects with its recommendations.

The plan undergoes regular reviews and adjustments, supported by mechanisms for periodic reporting and evaluation to maintain its relevance and effectiveness.²¹

State and Regional Level

The State Director is responsible for drafting the Structure Plan after consultation with the National Physical Planning Council. The State Planning Committee ensures alignment with national policies and regional strategies. Implementation of the plan involves collaboration between state and local governments, ensuring that development

initiatives are effectively executed at all levels. The Regional Plan involves the Regional Planning Committee, which coordinates with State Planning Committees and local planning authorities within the region. This ensures that spatial development strategies are effectively implemented, balancing growth and equitable resource distribution.²²

Local-Municipality

For Local Plans, the local planning authority drafts the plans, which are then approved by the State Planning Committee upon the assent of the State Authority.

For Special Area Plans, the State Director or local planning authority drafts the plans, often directed by the State Planning Committee. Both plans are implemented with oversight and coordination among local planning

²¹ Twelfth Malaysia Plan, 2021-2025: https://rmke12.ekonomi.gov.my/en 22 lbid.

authorities, state governments, and various national bodies to ensure alignment with broader national and regional planning goals.²³

Regarding the spatial planning framework, the following outlines the structure and responsibilities across national, regional, and local levels of planning.

1. National Planning

At the national level, strategic development planning is guided by the Five-Year Malaysia Plan, the National Physical Plan and sectoral policies approved by the Cabinet. The strategic policies and overall national planning framework determine the direction of development planning at regional or state and local levels.

2. Five-Year Malaysia Plan

The Five-Year Plan is a medium-term strategic framework used by the government to implement national development programmes, set macro-economic growth targets and allocate resources for public sector development over a five-year period. The current plan, the Twelfth Malaysia Plan (12MP), covers the period from 2021 to 2025.²⁴ It is closely aligned with the National Physical Plan, and supports the broader objectives of the Vision for Shared Prosperity 2030.

The Twelfth Plan is anchored on three key themes, resetting the economy, strengthening security, wellbeing, and inclusivity, and advancing sustainability. The achievement of these themes is supported by the following four catalytic policy enablers: developing future talent, accelerating technology adoption and innovation, enhancing connectivity and transport infrastructures, and strengthening the public service.

The national development priorities set by the 12th Malaysia Plan are aligned with the sustainable development goals of the 2030 Agenda.

The 12MP focuses, among other things, on:25

- a. Inclusive development: Focus on addressing poverty, reducing disparities across income groups, race, and regions, and housing infrastructure, safety and health to ensure equal opportunities for all.
- b. Green development: Promote environmentally sustainable development practices by integrating green solutions into national planning, positioning Malaysia as a leader in low-carbon growth and climate resilience.
- c. Strengthening economic
 ecosystems: Build robust
 ecosystems that foster long-term
 economic growth, encourage
 innovation, and attract high-quality
 investments, thereby contributing to
 sustainable economic prosperity.

²³ Ibid.

²⁴ Executive summary, Twelfth Malaysia Plan 2021-2025: https://publication.intan.my/AgendaNasional/Executive_Summary_RMK12/index-h5.html#page=1

²⁵ Ministry of Economy, About Twelfth Plan: https://rmke12.ekonomi.gov.my/en/information/about-twelfth-plan

d. Enhancing Public Service Delivery:
 Improve the efficiency and effectiveness of public services through enhanced digitalization, while ensuring integrity, transparency and accountability in the public sector.

3. National Physical Plan

The National Physical Plan (NPP) contains strategic spatial planning policies of the nation and implementation actions to provide direction for land use, development, and conservation. The NPP acts as the long-term development vision for the nation (15-20 years), and it is reviewed every five years in conjunction with the approval of the new Five – Year Plan;²⁶ the current NPP is the fourth one and covers an implementation period from 2021 to 2025. Overall, the NPP:²⁷

- Acts as a spatial framework for physical planning at the national, regional, state, and local levels.
- b. Drives the implementation of balanced development planning between regions and between urban and rural areas
- c. Sets the economic development framework according to the requirements of the Five-Year Malaysia Plan.

- d. Translates the country's key commitments at the global level such as the Sustainable Development Goals and New Urban Agenda.
- e. Provides the basis for coordination between the federal and state governments in strengthening sectoral policies and the direction for state development.

The NPP is regulated by Part IIB of the Town and Country Planning Act, 1976. According to Article 6B.2, the NPP formulates strategic policies determining the general directions and trends of the physical development of the nation and it is accompanied by those indicative plans needed to clarify strategic policies. The NPP must consider the current national urbanization policy and other similar policies. The current 4NPP includes the following priority areas to complement the Twelfth Malaysia Plan:²⁸

- a. National security planning.
- b. Towards a carbon neutral nation.
- c. Improvement of physical infrastructure.
- d. National food security guarantees.
- e. Livable environment and inclusive community.
- f. Smart growth development.

²⁶ Article 6B.4 of the Town and Country Planning Act.

²⁷ Director General of Town and Country Planning, 4th National Physical Plan: The Planning Agenda for Prosperous, Resilient and Livable Malaysia, 2022: https://rmke12.ekonomi.gov.my/ksp/storage/event/962_22_dr_alias_rameli_4th_national_physical_plan_for_a_prosperous_resilient_and_liveable_malaysia.pdf

²⁸ PLAN Malaysia, 4th National Physical Plan: The Planning Agenda for Prosperous, Resilient and Liveable Malaysia: https://rmke12.ekonomi.gov.my/ksp/storage/event/962_22_dr_alias_rameli_4th_national_physical_plan_for_a_prosperous_resilient_and_liveable_malaysia.pdf

The 4NPP focusses on three developments pillars: Balanced and dynamic growth, spatial sustainability and climate change, livable environment and inclusive community; and a total of 11 strategic directions, 39 strategies and 120 actions.²⁹Additionally, the Cabinet can approve Sectorial Policies or Plans.

Regional Planning

At the regional or state level, planning is informed by surveys conducted by each State Director, assessing key factors influencing the planning and development of the State. These factors include³⁰:

- a. The physical, economic, environmental, and social characteristics of the State, including land use patterns.
- The National Physical Plan and other principal economic, social, physical, and environmental management and conservation policies of the nation.
- Demographic factors, such as size, composition, and distribution of the State's population.
- d. The transport and communication infrastructure, including traffic patterns, as well as connections to neighboring areas for regional integration.

1. State Structure Plan

Overall, the Structure Plan provides spatial development guidelines and incorporates the policies from the National Physical Plan and regional spatial plans as well as proposals for urban and rural development. The Structure Plan must³¹:

- a. Set policies and proposals for land use and development in a State, including measures to improve the physical living environment, communication networks, traffic management, socioeconomic well-being, and economic growth and to facilitate sustainable development.
- b. Indicate the relationship between the above-mentioned proposals with those for land use and development contained in the structure plans of neighbouring areas.

Policies, proposals, and measures included in the Plan must reflect the results of the State survey and must consider other policies as well as social and economic planning, development, environmental protection and economic resources.

2. Regional Plan

The Regional Plan outlines spatial development strategies to achieve balanced territorial growth and equal distribution of public goods and services. Regional plans cover areas that are in the territory of two (2) or more states.

²⁹ Ibid.

³⁰ Art. 7 of the Town and Country Planning Act. 31 Article 8. ibid.

Local Planning

1. Local Plan

The Local Plan is regulated by Articles 12-16A of the Town and Country Planning Act, 1976 and it is a detailed planning instrument that must contain, among other things, proposals for³².

- a. Development of the interested area.
- b. Land-use.
- c. Protection and improvement of the physical environment.
- d. Preservation of the natural topography.
- e. Improvement of the landscape.
- f. Preservation and planting of trees.
- g. Design of public spaces.
- h. Preservation and enhancement of buildings.
- i. Improvement of communications.
- j. Traffic management.

The proposal must conform to the structural plan of the State, and it is prepared through a participative process. The Local Planning Authority, residents and landowners must approve the land use set in the Local Plan.

The approval process for the Local Plan is governed by the Town and Country Planning Act of 1976.³³ According to Section 12, the Local Planning Authority (LPA) is responsible for preparing the Local Plan, which must subsequently be submitted for approval.

However, prior to its approval, the plan requires endorsement from relevant authorities as well as the public, particularly residents and landowners affected by the proposed land use. As stipulated in Section 13, the LPA must ensure that the draft Local Plan is made available for public inspection, providing an opportunity for the public to raise objections or offer feedback. A notice must be published in at least two local newspapers, outlining the period for public consultation and specifying the locations where the plan can be inspected.³⁴

The LPA is then required to consider all objections and representations submitted during this consultation period. These must be duly addressed, and the LPA may hold hearings or local inquiries to ensure public input is properly considered. Once the Local Plan has undergone the public consultation process and received approval, it becomes legally binding under Section 14, ensuring that any development within the designated area must comply with the prescribed land uses.

³² Art. 12.3.

³³ Section 12 - 16, Town and Country Planning Act

³⁴ Section 9(2), Town and Country Planning Act; Omar. D, Leh. O.L.H. (2007) Effectiveness of the Public Participation Programme: A Feedback from Participants (Sabak Bernam District Local Plan and Kuala Lumpur Structure Plan) https://www.planningmalaysia.org/index.php/pmj/article/download/Article%205-1/53/109?

2. Special Area Plan

In Malaysian planning system, a "special area" refers to a designated part of a local authority's area for which a Special Area plan is prepared.35 Special area plans may be developed for areas of historical significance, natural environmental value, or those facing high development pressure.36 guidance provides comprehensive development directives for land use, zoning, and infrastructure, along with operational strategies for project phasing and resource allocation.

It establishes management frameworks for monitoring progress, addressing challenges, and ensuring regulatory compliance. Additionally, coordination mechanisms are outlined to align stakeholders and integrate the Special Area Plan with other planning instruments. The guidance also includes measures for conserving and improving heritage sites, natural resources, infrastructure, with clear, actionable steps, timelines, and milestones. Furthermore, it identifies financial and legal tools, specifying funding sources and regulatory frameworks to ensure effective plan implementation.

³⁵ Section, 16B of the Town and Country Planning Act. 36 Ibid.

Table 1. Planning Hierarchy in Malaysia *Source*: Town and Country Planning Act 1976

Tier of Government	Planning Instrument	Drafted By	Approved By	Scope
	Five-Year Malaysia Plan	The Economic Planning Unit (EPU) in collaboration with other relevant state and non-state actors	Parliament	Implements the Government's development programme, sets macroeconomic growth targets, and allocates resources for public sector development over a five-year period.
National	National Physical Plan (NPP)	Director General of Town and Country Planning	National Physical Planning Council	Outlines the strategic spatial planning policies and implementation actions to guide country-wide land use, development and conservation.
Regional	Structure Plan	State Director	State Planning Committee	Focusses on spatial development guidelines, integrating policies from the National Physical Plan and regional spatial plans, along with proposals for urban and rural development.
	Regional Plan	Regional Planning Committee	State Planning Committees and the local planning authorities	It outlines comprehensive spatial development strategies aimed at promoting balanced growth and equitable distribution of resources.
	Local Plan	Local planning authority	State Planning Committee after endorsement by the State authority	It encompasses a range of initiatives, including development and land-use planning, environmental protection and landscape enhancement within the designated area.
Local	Special Area Plan	State Director or local planning authority, upon their own initiative or as directed by the Committee	State Planning Committee	This plan provides comprehensive details on the development, redevelopment, improvement and conservation or management practices for the entire special area or any of its parts.



In Malaysia, land management is governed by a robust legal framework designed to ensure the orderly and efficient use of land resources, with a focus on sustainability, property rights, and development control. The primary laws governing land management in Malaysia include the National Land Code 1965 (NLC), the Town and Country Planning Act 1976, and other relevant regulations at both the federal and state levels. These laws provide a clear structure for land administration, use, and development.

The **NLC** is the cornerstone of land management in Malaysia. It governs all matters related to land ownership, administration, and the registration of land titles. Under Article 5, the system of land tenure is established, defining the different types of land titles, such as freehold and leasehold. The NLC ensures that land ownership is clearly documented and that rights to land are protected under the law. Article 9 of the NLC establishes the requirement for land to be registered while Article 12 outlines the process for transferring ownership and the management of land disputes. Additionally, Article 13 addresses issues related to the alienation of land, specifying the procedures for land transactions and the conditions that must be met for the lawful transfer of land titles.

The NLC facilitates effective land management by establishing **state land offices** and appointing **land officers** to oversee land administration.

Article 16 grants state governments the authority to manage land within their jurisdictions, empowering them to allocate, lease, or alienate land for development purposes. **Article 76** further outlines the powers of state governments to regulate land use, which is a key element for ensuring sustainable urban development and land conservation.

The Street, Drainage, and Building Act 1974 (Act 133) also plays a role in land management by regulating the construction of buildings and infrastructure. It ensures that developments comply with safety, environmental, and design standards. Under Article 3, the Act establishes the need for building permits, which are required before commencing any construction. This ensures that all land developments are carried out according to regulated plans and standards.

State-specific laws further complement these federal laws, with each state having its own set of land-related regulations. For example, in states like **Selangor**, land is managed through state legislation that may impose additional rules on land ownership, transactions, and usage. These regulations are designed to address the unique needs and priorities of each state while aligning with the broader federal land management framework.

Financial Mechanisms

The financial mechanisms for urban planning and development are guided by a combination of laws and regulations designed to facilitate funding for infrastructure development, ensure that developers contribute to public amenities, and regulate the use of land for economic purposes. These mechanisms aim to support the growth of sustainable and well-planned urban environments by integrating financial instruments with planning policies. Key laws governing financial mechanisms in Malaysia include the **National Land Code 1965**, the **Town and Country Planning Act 1976**, and various state-level regulations.

The National Land Code plays a crucial role in land management, and although its primary focus is on land ownership and registration, it also establishes financial mechanisms related to land transactions and the development process. Article 13 outlines the conditions for the alienation of land, which can be a significant financial mechanism for generating revenue through land transactions and leases. The law also stipulates that developers must pay fees when acquiring land from the state. and this revenue contributes to the state's financial resources, which are used for urban development and infrastructure projects. Article 16 further provides that the state government has the authority to collect fees for land transactions, such as land leases and rentals, which also supports urban development projects.

The Town and Country Planning Act introduces key financial mechanisms related to urban planning. Article 26 empowers local authorities to impose development or **betterment charges** on developers. These charges are levied to finance public infrastructure such as roads, drainage systems, parks, and utilities, which are needed to support new developments. These charges ensure that developers contribute to the cost of providing essential services that benefit the community. Development charges are typically collected when developers seek permission to develop land, thus tying financial responsibility to the development process. Article 24 allows for the imposition of fees for planning applications, which further ensures that the financial burden of urban planning and development is shared between the government and the private sector.

State-specific financial mechanisms are also in place, allowing individual states in Malaysia to implement additional regulations to collect fees or charges associated with land development and urban planning. For example, certain states may impose supplementary levies to fund public amenities or to protect green spaces within urban areas.

Financial mechanisms for land management and urban planning are further enhanced by the development of **public-private partnerships** (**PPPs**) in large-scale urban projects.

Under the **Privatization Act 1990**, the government can enter into partnerships with private sector entities to finance major infrastructure projects such as highways, transit systems, and public utilities. These

partnerships often involve land development and planning, with private developers sharing financial risks in return for development opportunities, effectively integrating financial considerations with planning processes.



Permitting

In Malaysia, planning permits play a critical role in the urban development process by ensuring that all developments comply with the established planning and zoning regulations. The issuance of planning permits is governed by several legislative frameworks, primarily the **Town and Country Planning Act 1976** and the **National Land Code 1965.**

These laws collectively regulate the issuance of planning permits, ensuring that urban development adheres to national, state, and local development plans while protecting the environment and public interests.

The **Town and Country Planning Act** is the primary legislation governing the planning and approval of urban development in Peninsular Malaysia. According to **Article 22**, all development proposals require approval from the relevant local authority before work can commence.

This provision ensures that developments are consistent with the approved **Local Plans** and **State Structure Plans**. The planning permit issued by local authorities serves as official approval for the proposed development, ensuring it meets the prescribed zoning and land-use guidelines.

In terms of the application process, **Article 22** (2) specifies the need for developers to submit a detailed application for planning permission, which includes architectural and engineering plans, environmental impact assessments (for certain developments), and other supporting documents. The local authority assesses the application based on compliance with zoning regulations, environmental considerations, and infrastructural capacity. Once the application is approved, the planning permit is issued, allowing the developer to proceed with construction.

The **National Land Code** also plays an essential role in regulating land use and development, particularly regarding land ownership and transactions. Although the NLC does not directly govern planning permits, it sets the foundation for land ownership and alienation, which are prerequisites for obtaining planning permits. **Article 13** governs the alienation of land, and developers must ensure that land is properly alienated or leased before applying for a planning permit.

Additionally, **Article 16** empowers state authorities to regulate land use and development, reinforcing the requirement for developers to obtain proper land titles

and approvals before undertaking urban development projects. Planning permits are also connected to the enforcement of landuse policies and regulations. Local authorities are empowered under the Town and Planning Act to impose penalties for unauthorized developments that proceed without planning permission.

Article 24 empowers local authorities to take legal action against any development that violates planning regulations, including those that proceed without a valid planning permit. This provision ensures that urban development remains within the boundaries of approved plans and avoids unsanctioned or detrimental land-use changes.



Compliance and Enforcement

The Town and Country Planning Act 1976 provides the legal framework for planning enforcement in Malaysia. Article 24 grants local authorities the power to enforce compliance with planning regulations. It allows them to take legal action against developers or property owners who violate planning laws by engaging in unauthorized development or failing to adhere to approved development plans. If a developer proceeds with a project without a valid planning permit or deviates from the approved plans, local authorities are empowered to issue orders for the cessation of the development and initiate penalties. This is further reinforced by Article 26, which allows for the imposition of fines or imprisonment for breaches of planning regulations. These enforcement mechanisms ensure that planning decisions are respected, and developments remain in line with the broader urban strategy set forth in local and state plans.

Compliance with planning regulations is further ensured through the application and monitoring of **development control**

procedures outlined in the TCPA. Article 22 mandates that all developments must obtain planning approval before proceeding. The local authority assesses the application for compliance with zoning laws, environmental standards, and infrastructure capacity. If the development does not comply with these regulations, the local authority has the right to reject the planning application or require modifications. Non-compliance may lead to enforcement actions such as fines or halting the development. Additionally, Article 24 of the TCPA allows local authorities to act against developments that proceed without the necessary approvals or permits, protecting the integrity of urban planning.

The **National Land Code 1965** also plays a vital role in compliance and enforcement, particularly regarding land use and ownership. **Article 16** empowers state governments to regulate the use of land, ensuring that it is utilized according to established laws and policies. If a landowner violates landuse restrictions or fails to adhere to land management policies, the state authorities

have the power to revoke land titles or impose other penalties. This ensures that land is developed in compliance with both urban planning and environmental regulations. Additionally, **Article 13** requires that any transfer of land or land transactions comply with proper registration procedures, preventing illegal land dealings or transactions that could undermine urban planning objectives.

In addition to the specific legal provisions mentioned above, **state laws** and **local government regulations** supplement enforcement and compliance efforts. Local councils and state authorities may issue additional directives to address issues specific to their jurisdictions, such as environmental protection, public health, and safety in the

context of development. For instance, states may have their own regulations governing the conversion of agricultural land to urban use, supported by strict enforcement mechanisms to prevent illegal land use changes.

Compliance with planning laws is also supported by **public participation** mechanisms. Under **Article 10 of the Town and Country Planning Act**, public consultation is required during the preparation of development plans, giving stakeholders the opportunity to raise concerns about proposed projects. This participatory approach helps ensure transparency in the planning process and enhances the enforcement of regulations by making communities active participants in monitoring development activities.



Monitoring

The **Town and Country Planning Act 1976** is the primary law for monitoring urban planning in Peninsular Malaysia. **Article 24** grants local authorities the authority to enforce planning regulations and monitor ongoing development projects. Local authorities are tasked with ensuring that developers adhere to approved plans and permits. In this context, monitoring extends to checking that the scope, design, and construction of developments are consistent with the initial planning applications. If any discrepancies or deviations from approved plans are discovered during construction, local authorities can issue stop-work orders, impose fines, or take legal action against developers.

Furthermore, **Article 24** allows local authorities to inspect developments to ensure compliance with the **Local Plans**, **State Structure Plans**, and other approved planning frameworks.

Monitoring is further reinforced through the requirement for developers to submit progress reports during the development process. **Article 23** states that developers must inform the local authorities about the progress of construction at various stages. These progress reports are essential for ensuring that the development adheres to the approved plan and timelines. If deviations are found, local authorities may intervene to rectify the issue and ensure that the project proceeds according to the planning conditions.

The **National Land Code 1965** also plays a role in monitoring land development, particularly regarding land use and ownership. **Article 16** empowers the state government to regulate land use and ensures that land is developed in accordance with established land use policies. Monitoring land use is crucial to prevent unauthorized land development or illegal land transactions that could undermine urban planning objectives.

For example, if a landowner violates zoning laws by using land for a purpose not permitted by the **Local Plan**, the state authorities have the power to take corrective action, including revoking the land title or imposing penalties. This legal framework ensures that land use remains in line with the broader urban

development goals set forth in planning documents.

In addition to these national laws, state-specific regulations and local government ordinances play a significant role in monitoring urban development at the state and local levels. Local councils and state governments often introduce additional regulations and monitoring mechanisms to ensure that development aligns with regional priorities, environmental sustainability, and community needs. These may include regular site inspections, the requirement for developers to submit detailed environmental impact assessments (EIAs), and the enforcement of specific zoning laws tailored to local needs.



Digital Governance

Digital governance in Malaysia is increasingly integral to the country's efforts to modernize its administrative framework, boost economic development, and improve public service delivery.

The government's digital transformation initiatives are guided by a combination of strategic plans and regulatory frameworks that ensure a comprehensive approach to managing the digital landscape while addressing key issues such as data privacy, internet governance, and technological infrastructure. Here are some of the critical laws and frameworks governing digital governance in Malaysia:

1. Personal Data Protection Act 2010 (PDPA): The PDPA regulates the collection, use, and disclosure of personal data in commercial transactions. Article 6 of the PDPA outlines the conditions under which personal data may be processed, emphasizing the need for consent and the protection of individual privacy rights. This law is essential for ensuring that digital governance activities, including e-governance initiatives and spatial planning projects involving digital data, uphold the privacy and rights of individuals. In the context of spatial planning, this law can be tied to urban planning systems that collect and utilize personal data, ensuring that citizens' information is handled responsibly in line with data protection standards.

- 2. Communications and Multimedia Act 1998 (CMA): The CMA regulates telecommunications and multimedia activities in Malavsia. establishing the framework for managing internet broadcasting. services. and platforms. Section 5 of the Act outlines the establishment of the Malaysian Communications and Multimedia Commission (MCMC), which is responsible for ensuring that communication services support national development, including digital government services. The CMA plays a crucial role in digital governance as it provides the necessary infrastructure and legal framework to support spatial collection and dissemination. which is vital for urban planning and the development of smart cities.
- 3. Digital Signature Act 1997: This Act facilitates the use of digital signatures for electronic transactions, allowing the secure exchange of documents and data online. Article 3 of the Act defines a digital signature as a mathematical scheme for verifying the authenticity and integrity of digital messages. In the context of spatial planning, digital signatures are essential for certifying planning documents, including land use permits, zoning laws, and environmental assessments. This ensures that planning decisions are made

securely and transparently, allowing for efficient administration in urban and regional development projects.

MyDIGITAL (Malaysia Digital Economy Blueprint): MyDIGITAL, launched in 2021, is Malaysia's roadmap for transforming the nation into a digitally driven economy. The blueprint sets out specific goals for developing the country's digital infrastructure, enhancing digital literacy, and integrating digital technology into government functions. This plan ties directly to spatial planning as it encourages the development of smart cities, the deployment of geographic information systems (GIS), and the utilization of digital data to make informed decisions on land use, transportation, and environmental management.

5. Town and Country Planning Act 1976:

The Act encourages the integration of technological tools such as GIS to support spatial planning decisions, thereby enabling more efficient and data-driven approaches to urban development. Section 21 of the Act allows the government to prepare and enforce development plans, which may be informed by digital technologies and data collection processes outlined in the laws.

Digital governance in Malaysia is increasingly intertwined with spatial planning, particularly in the development of smart cities and the use of technology to enhance urban planning.

The integration of geographic data systems (GIS), smart infrastructure, and digital planning tools streamlines the planning process, making it more responsive and efficient.

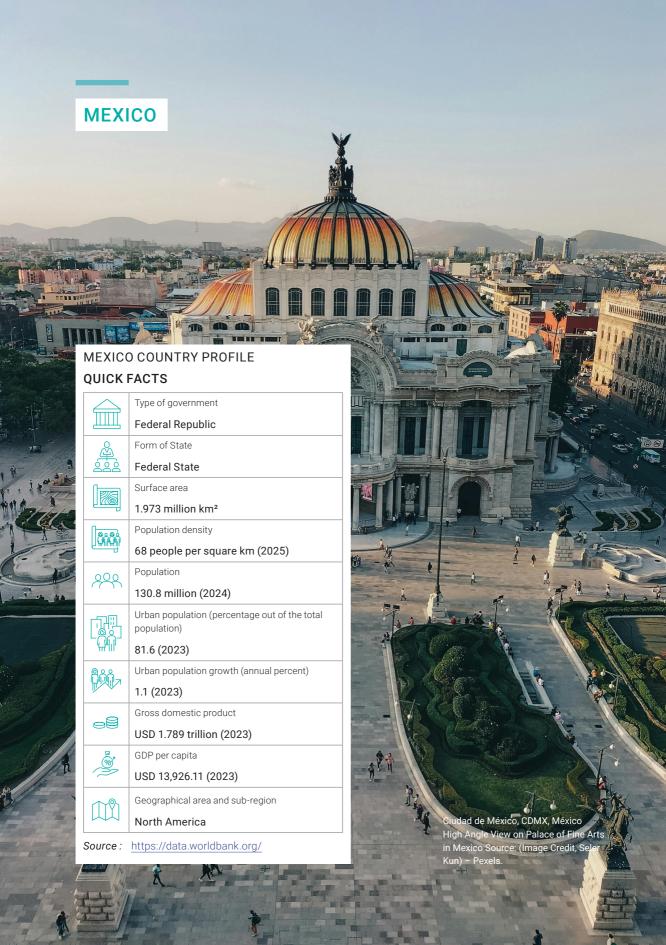
For instance, under **MyDIGITAL**, the government aims to leverage digital technology to enhance spatial planning by integrating data analytics into urban development projects. The use of digital platforms allows for more precise zoning decisions, optimized public service delivery, and better management of urban growth.

Additionally, the laws mentioned earlier, **CMA** and **PDPA** ensure that the collection and

processing of data from urban areas comply with privacy laws, safeguarding citizens' personal information while facilitating the deployment of smart infrastructure.

Furthermore, digital signatures as defined under the **Digital Signature Act** support the legitimacy of spatial planning documents and approvals in digital form, thus streamlining the processes for permits and land use approvals.

With laws like the **Town and Country Planning Act**, Malaysia's urban planners are increasingly able to incorporate technology into the planning framework, making spatial decisions more data-driven and accessible



Country Background

The United Mexican States (Mexico) is in southern North America, sharing borders with the United States to the north and Guatemala and Belize to the south. Its diverse geography includes deserts, mountains, and tropical forests. The capital, Mexico City, lies in the south-central highlands.

Economically, Mexico is one of Latin America's largest economies, with a GDP of USD 1.58 trillion (2025) and a GDP per capita of around USD 12,000. The country has a population of approximately 130.9 million, with 81.8 percent living in urban areas and an annual urban population growth rate of 1.3 percent in 2025.³⁷

Mexico is a federal presidential republic with the President serving as both the Head of State and Head of Government.

Executive power is vested in the President, who is elected for a six-year term without the possibility of re-election. The President also leads the federal executive branch, which

includes cabinet members and other federal institutions.

Legislative power is exercised by a bicameral Congress of the Union, comprising the Chamber of Deputies and the Senate. Members of the Chamber of Deputies serve three-year terms, while Senators serve six-year terms. Both chambers are responsible for enacting federal laws, approving the budget, and overseeing the executive branch.

Judicial power resides in the judiciary, headed by the Supreme Court of Justice. The judiciary operates independently and ensures the rule of law across the country.

Mexico is a federation of 32 entities: 31 states and Mexico City, each with their own constitution, government, and legislature. The states have significant autonomy in managing local matters, while the federal government oversees national issues such as foreign affairs and defense.



Objectives of Spatial Planning Laws

The General Law of Human Settlements, Territorial Planning, and Urban Development, 2016 in Mexico outlines a set of clear objectives aimed at guiding the country's urban development in a sustainable, inclusive, and organized manner. These objectives address a wide range of issues related to land use, housing, infrastructure,

and environmental conservation. One of the primary objectives of the law is to **promote** the rational and sustainable use of land. It emphasizes the need for well-planned urban development that considers the environmental, social, and economic factors affecting human settlements. The law seeks to ensure that urban expansion does not lead

³⁷ https://data.worldbank.org/

to the uncontrolled use of land, especially in areas with ecological, agricultural, or forestry value, and that urban growth is aligned with the overall planning of the territory.

Another key objective is to **guarantee** adequate housing for all. The law aims to ensure that all individuals, regardless of their economic status, have access to safe, adequate, and affordable housing. This includes the promotion of urban development policies that create suitable living conditions, the provision of essential public services, and the improvement of urban infrastructure. It emphasizes the need to address housing deficits, particularly in urban areas that experience rapid population growth.

The law also seeks to **reduce urban inequality** and ensure equitable development. One of its objectives is to prevent the formation of segregated or marginalized urban areas, ensuring that urban growth benefits everyone equally. This includes providing equitable access to housing, infrastructure, services, and economic opportunities, particularly for vulnerable and low-income populations. By promoting mixed-use zones and reducing the concentration of poverty in certain areas, the law aims to create more inclusive cities.

In terms of urban resilience, the law aims to strengthen the capacity of cities to cope with risks related to climate change, natural disasters, and other environmental challenges.

It promotes urban planning that considers risk mitigation, disaster preparedness, and environmental sustainability. The law encourages the development of resilient infrastructure, disaster recovery plans, and urban policies that reduce vulnerability to environmental hazards.

Another important objective is to **promote** the effective participation of all in urban planning. The law establishes mechanisms for public participation, ensuring that urban development policies are shaped by the needs and desires of the local population. This objective aims to make the planning process more inclusive, transparent, and accountable, empowering communities to take part in decision-making processes that impact their living environments.

Lastly, the law aims to ensure the coordination and collaboration between various levels of government—federal, state, and municipal. This objective seeks to facilitate the alignment of urban policies, strategies, and actions across different jurisdictions, creating a cohesive approach to territorial planning and urban development. By fostering intergovernmental coordination, the law aims to overcome the challenges posed by fragmented urban governance and ensure that urban development is carried out in an integrated and efficient manner.



Guiding Principles and Scope of Spatial Planning Laws

The General Law of Human Settlements, Territorial Planning, and Urban Development

covers a wide range of areas, including the formulation and enforcement of urban policies, the coordination between various levels of government, and the involvement of non-governmental actors in the decision-making process. It seeks to ensure that urban development proceeds in an orderly manner, addressing issues of land availability, infrastructure, environmental preservation, and social inclusion. One of the law's key provisions is the regulation of land use and property rights within urban and metropolitan areas.

It mandates that land development must follow zoning laws and urban plans that aim to prevent land speculation, promote efficient land use, and ensure that infrastructure and public services meet the needs of the population. The law also prioritizes the preservation of natural areas, such as agricultural and ecological zones, and requires that urbanization projects undergo environmental impact assessments to minimize damage to ecosystems.

In metropolitan areas and conurbations, the law establishes special governance mechanisms to ensure coordinated development across interconnected urban regions. It creates metropolitan commissions and advisory councils to guide the formulation and implementation of metropolitan development

plans, focusing on infrastructure, public services, and environmental management across multiple urban centers.

The General Law of Human Settlements, Territorial Planning, and Urban Development

has a set of core principles designed to ensure sustainable, inclusive, and equitable urban development. These principles shape the framework for territorial planning, urban development, and the governance of human settlements across the country.

One of the fundamental principles of the law is **sustainability**, which emphasizes the need to balance urban growth with environmental conservation. This principle guides the protection of natural resources, the efficient use of land, and the integration of environmental considerations into urban planning processes. The law mandates that urban development must respect ecological zones, agricultural lands, and protected areas, ensuring that urban expansion does not come at the cost of the environment.

Another key principle is **social inclusion**. The law seeks to ensure that urban development benefits all members of society, particularly vulnerable and marginalized groups. It encourages the creation of urban spaces that provide adequate housing, public services, and infrastructure for everyone, including low-income populations.

The law also supports the equitable distribution of resources and opportunities in urban areas, ensuring that urban growth does not exacerbate inequalities or create areas of social exclusion

The **right to public participation** is also a cornerstone of the law. The law establishes mechanisms for public involvement in the urban planning process, ensuring that local communities, civil society organizations, and other stakeholders have a voice in decisions that affect their environment. This participatory approach aims to make urban development more transparent and responsive to the needs of the population.

The principle of **coordination** among different levels of government is crucial for effective urban planning and development. The law promotes collaboration between federal, state, and municipal authorities, as well as between public and private sectors, to ensure that urban policies and projects are implemented consistently and cohesively.

This coordination is vital in addressing the complexities of urbanization, particularly in metropolitan areas and conurbations that span multiple jurisdictions.

Resilience is another guiding principle embedded in the law. Urban areas are required to adopt strategies for managing risks associated with climate change, natural disasters, and other environmental challenges. The law mandates that cities implement risk management and prevention measures to protect people and property from the impacts of hazards, ensuring that urban areas can recover quickly from any adverse events.

Lastly, the principle of **territorial equity** is central to the law's approach to urban development. This principle calls for a fair distribution of land and resources across regions, with special attention given to areas that are underserved or in need of development. It aims to reduce disparities between urban and rural areas, as well as between different social and economic groups within cities.



Authorities, their Responsibilities and the Contents of Plans

The General Law of Human Settlements, Territorial Planning, and Urban Development establishes a comprehensive system for urban development and territorial planning in Mexico. This framework integrates the roles of various authorities with a hierarchy of plans designed to guide development at national, regional, state, and municipal levels, ensuring coordinated and sustainable growth.

At the federal level, the Secretariat of Agrarian, Territorial and Urban Development (SEDATU) is tasked with setting national policies and strategies for urban development and territorial planning. SEDATU provides technical guidance to state and municipal governments, ensuring that their initiatives align with national objectives. The federal government also oversees the **National Urban Development**

Program, which serves as an overarching framework defining the country's long-term goals, strategies, and policies for sustainable development. This plan provides a 20-year unified vision for guiding territorial and urban growth across all governance levels between 2020-2040.

State authorities play a pivotal role in adapting federal strategies to their specific contexts by enacting urban development laws and regional plans. **State Urban Development Plans** focus on land use, infrastructure development, and environmental protection, ensuring alignment with national priorities while addressing the unique needs of each State. States also regulate zoning laws and oversee territorial reserves, working in collaboration with municipal governments to implement regional initiatives.

At the municipal level, local governments manage local urban planning policies, issue land-use and construction permits, and enforce zoning regulations. **Municipal Urban Development Plans** are the most localized and detailed, providing specific guidelines for zoning, public services, and infrastructure development. These plans directly address the needs of local communities while adhering to broader regional and national strategies. Metropolitan and intermunicipal authorities oversee planning in areas that span multiple municipalities, addressing

cross-jurisdictional issues such as public transportation, metropolitan growth, and regional environmental concerns. They ensure that development is coordinated and cohesive, particularly in urban regions experiencing rapid growth or complex planning challenges. To address specific challenges that fall outside the broader planning frameworks, **Special Programs** are developed. These programs target priorities such as managing metropolitan areas, protecting environmentally sensitive regions, or developing special economic zones.

Public participation is an integral component of the plan-making process at all levels. The law mandates the creation of auxiliary bodies such as state councils, metropolitan commissions, and municipal councils for urban development, ensuring citizen engagement and feedback. These mechanisms ensure transparency, align plans with community needs, and promote inclusive decision-making.

Environmental considerations are woven throughout the planning process, with federal, state, and local environmental authorities regulating the ecological impacts of development. Agencies like SEMARNAT (Ministry of Environment and Natural Resources) and CONAGUA (National Water Commission) play critical roles in mitigating environmental effects and managing protected areas.

 Table 2. Planning Hierarchy in Mexico

Source: General Law of Human Settlements, Territorial Planning, and Urban Development, 2016

Tier of Government	Planning Instrument	Drafted By	Approved By	Scope
National	National Land Management Strategy (ENOT)	SEDATU	Federal government	A guiding instrument that, through a systemic approach, shapes the spatial and territorial aspects of the country's long-term development strategy (20-year period). It establishes the basis for the State's guiding role in national land-use planning policy.
State (federal level)	State Development Plans	State Governments	State Congress	These plans cover urban planning, infrastructure, and environmental protection for each State.
Local (Municipal)	Municipal Urban Development Plans	Municipal Governments	Municipal Councils	Focus on zoning, land use, and local infrastructure within municipalities, while ensuring alignment with state and national objectives.
Local - Territorial Demarcations	Territorial Development Programs	Local Governments	State and Local Authorities	Coordinates local urban planning within territorial demarcations, addressing community needs in alignment with state and federal plans.

Land Management

Land management in Mexico operates under a structured legal framework rooted in the Mexican Constitution, particularly Article 27, which establishes the foundation for land ownership, distribution, and use. The Constitution vests ultimate ownership of land in the nation, allowing for private ownership, public lands, and communal property systems, such as *ejidos* and *communidades agrarias*. Further to this, the General Law of Human Settlements, Territorial Ordering, and Urban Development guides land use planning and urban development, emphasizing sustainable growth, equitable access, and environmental conservation.

In rural areas, *ejidos*—communal lands established under the agrarian reform—play a critical role. Ejidal land is governed by specific rules that allow for individual use rights while maintaining collective ownership. Land within the ejido sector can be acquired through inheritance and, under certain conditions, leased or sold, particularly following reforms to the agrarian laws in 1992 that allowed for privatization of ejidal lands.

Securing land rights in Mexico involves a dual approach, accommodating private land ownership alongside communal and public land management systems. Private land is typically transferred through purchase or inheritance, regulated by national and local property laws. Communal land systems, however, operate under their own governance structures, which are influenced by historical and social contexts.

The legal system also incorporates mechanisms to address disparities in land access, particularly in marginalized regions. Programs designed to formalize land tenure, such as the **National Agrarian Registry (RAN)** and efforts to modernize cadastral records, aim to improve legal certainty for landholders. These initiatives have been vital in reducing land conflicts and promoting equitable development.



Financial Mechanisms

The General Law of Human Settlements, **Territorial Planning, and Urban Development** several financial mechanisms outlines designed to support urban development and infrastructure projects across different levels of government. These mechanisms aim to ensure that the costs associated with urban growth, including infrastructure and public services, are effectively allocated to the beneficiaries. The law emphasizes the importance of coordinated financial actions, such as land acquisition for urban development, which helps ensure the availability of suitable land for housing projects, especially those targeting low-income populations. Through subsidies and financing programs, the law promotes the acquisition of land, development of urban reserves, and the reduction of speculation in urban areas, contributing to the creation of more organized and sustainable urban spaces. In addition, the law addresses the establishment of financial resources such as metropolitan funds, which are dedicated to supporting urban development projects within metropolitan areas or conurbations. These funds are intended to address common urban challenges faced by multiple municipalities or regions, enabling them to implement infrastructure, public services, and other projects that require significant financial investment. The law also facilitates the participation of the private sector, encouraging investment in urban development projects through mechanisms that ensure a balanced distribution of responsibilities and benefits among public and private actors.



Permitting

In Mexico, planning permits for land development and urban construction are regulated at federal, state, and municipal levels, with each level of government having specific authority over land use and development. Municipal authorities generally hold jurisdiction over land use within their respective territories and are responsible for implementing urban development plans that dictate how land may be used within their jurisdiction. These plans may include zoning laws, land use designations, and specific provisions for the development of residential, commercial,

industrial, and recreational areas. However, federal and state authorities also play a significant role in regulating land development, particularly in areas where national or regional interests are involved. Federal laws such as the General Law of Human Settlements, Territorial Planning, and Urban Development (2016) set broad standards and objectives for urban development across the country. These laws often intersect with state-level regulations, such as urban codes, which further define land use and zoning provisions specific to individual states.

Environmental regulations also significantly impact on the planning permit process. At the federal level, environmental laws such as the General Law of Ecological Balance and Environmental Protection (2016), the General Law of National Waters (1992 with amendments in 2014), and the General Law for the Prevention and Integral Management of Waste (2004) impose restrictions on land development to ensure ecological sustainability. These laws may establish natural protected areas or environmental land use programs, which limit the type and density of development in certain regions. State and municipal regulations may complement federal laws by establishing additional environmental protections and land use restrictions at the local level. In specific cases, certain types of land are regulated by federal ministries, such as the Ministry of Environment and Natural Resources (SEMARNAT), which oversees

development of the federal maritime zone, or the National Water Commission (CONAGUA), which manages development along rivers or lagoons. These ministries have authority over land in their respective sectors and may impose restrictions or require specific permits for development in these areas. Regarding the main permits required for building or occupying real estate, municipal authorities typically issue land use and construction licenses. These permits ensure that the proposed development complies with the local urban development plan and zoning regulations. Additionally, an occupancy certificate or a construction work completion certificate is required to confirm that the construction is completed in accordance with approved plans. For businesses, an operating or business license is also necessary to legally perform activities on the developed property.



Compliance and Enforcement

The law emphasizes the importance of ensuring that urban development, territorial planning, and related activities adhere to the legal and regulatory frameworks set forth by both the federal and local authorities. The authorities at various levels—federal, state, and municipal—are tasked with ensuring the proper implementation and enforcement of the law, its regulations, and related plans. One of the key mechanisms for ensuring compliance is the creation of specific bodies and councils, such as **territorial planning councils** and **metropolitan commissions**, which are tasked

with overseeing the formulation, evaluation, and monitoring of urban development plans and programs. These bodies play a crucial role in ensuring that development projects align with the guidelines and objectives outlined in the law, including those related to land use, environmental impact, and housing development. The law also establishes a **sanctioning framework** that imposes penalties for non-compliance with its provisions. Public officials and entities found in violation may face legal consequences.

Any acts, agreements, or contracts that contravene the law, such as unauthorized land use, improper urban planning, or breaches of zoning regulations, are subject to nullification. The law also allows for a **popular complaint** mechanism, where the public can request the cancellation of illegal or non-compliant activities. thereby encouraging public involvement in monitoring urban development. Furthermore, the law mandates that certain actions-particularly those in high-risk areas or those involving significant infrastructuremust undergo specific risk prevention **studies** These studies are intended to ensure that urban development does not endanger the population or the environment. Local authorities are responsible for ensuring that these studies are conducted before granting construction permits or land-use changes in such areas. In addition, **operational territorial programs** and other financial mechanisms are put in place to support monitoring and compliance. These programs and mechanisms are designed to ensure that urban development projects are implemented according to plan, within the designated time frames, and with the appropriate financial resources.



Monitoring

The law mandates that the **federation**, **states**, **and municipalities** work together in coordinating efforts for urban development and territorial planning. This coordination includes monitoring compliance with the objectives and principles set out in the law. The law establishes various mechanisms for monitoring the progress of urban development and the implementation of specific plans, such as **metropolitan programs** and **territorial planning** programs.

These mechanisms are meant to ensure that plans and programs align with the intended goals and that appropriate corrective actions can be taken if necessary. The law also requires that dedicated monitoring committees include representatives from various governance levels to ensure a multi-tiered approach.

Specifically, these committees must oversee the alignment of territorial plans with national strategies while identifying implementation gaps and challenges in real time. One key aspect of monitoring is the requirement for **evaluation** of metropolitan programs, which must be managed by dedicated committees or councils such as the **Metropolitan Planning Commission** and the **Metropolitan Development Advisory Council**. These bodies are responsible for overseeing the formulation, approval, implementation, and monitoring of the programs.

Moreover, the law mandates that **periodic reporting and monitoring mechanisms** be put in place for projects and programs, ensuring that urban development activities comply with the relevant legal standards, including

those regarding **land use**, **environmental protection**, and **public infrastructure**. The implementation of monitoring procedures helps ensure that the intended urban

growth remains sustainable and that local governments can take corrective actions when necessary.



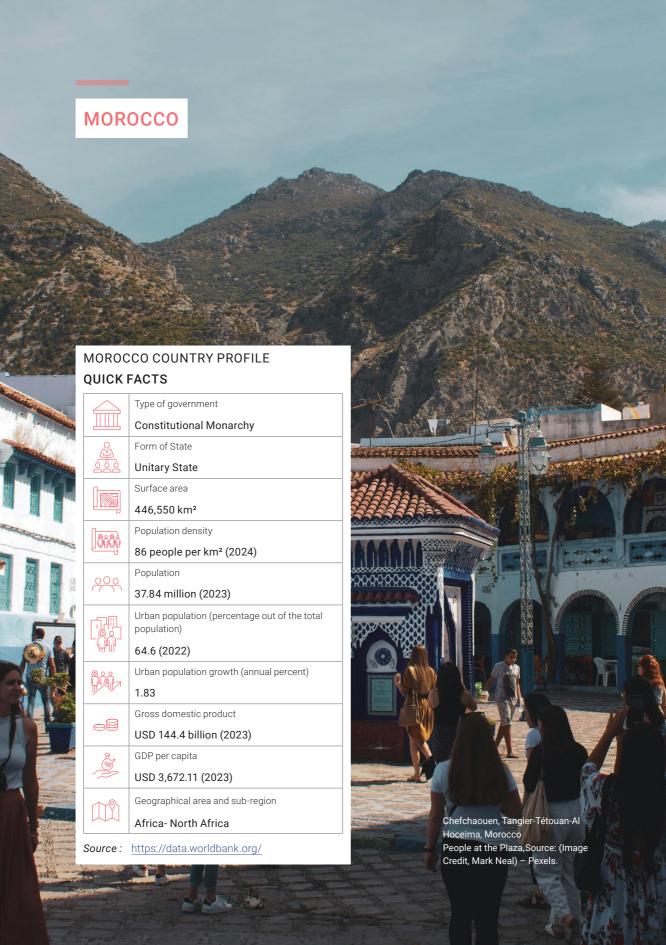
Digital Governance

Mexico's approach to digital governance is closely tied to a series of evolving legal frameworks that seek to balance technological innovation with urban planning and social equity. One of the essential legal reforms within this context is the 2014 Mobility Law of Mexico City. This law prioritizes sustainable and people-oriented mobility and is pivotal in integrating digital governance with urban mobility as it mandates a shift towards a safer, more inclusive transport system with the use of technology to improve public transport management, traffic flow, and citizen engagement. The Urban Development Law and General Law on Ecological Balance and Environmental Protection form the legal foundation for promoting environmental sustainability in urban planning.

They also support the integration of smart technologies to monitor and reduce pollution. Complementing these, the **Connectivity Master Plan for Mexico City**, launched in 2016 by the Secretary of Economic Development in collaboration with the National Autonomous University of Mexico and the World Bank, serves as a key legal and policy framework.

The plan focuses on enhancing the city's digital infrastructure through platforms, the expansion of digital infrastructure, including widespread internet access, IoT (Internet of Things) sensors, and the digitalization of public services. These advancements require robust legal oversight to ensure data privacy, public participation, and equitable access. Furthermore, the integration of e-government initiatives under the **Federal Transparency and** Access to Public Government Information **Law** has spurred the adoption of digital tools in governance, enabling the public to engage with government services more efficiently. These initiatives are part of a broader effort to use technology to reduce socio-economic disparities and improve governance. However, they also raise legal concerns, particularly regarding the protection of personal data and the risk of surveillance

Laws such as the **General Law on Protection** of Personal Data Held by Private Parties are increasingly relevant as smart city systems collect vast amounts of data on residents' movements and behaviors.



Country Background

The Kingdom of Morocco is in North Africa, bordered by the Atlantic Ocean and Mediterranean Sea, with land borders shared with Algeria to the east and the disputed territory of Western Sahara to the south. Its geography ranges from coastal plains and mountain ranges to arid desert regions. The capital, Rabat, is situated along the Atlantic coast.

Economically, Morocco is one of Africa's prominent economies, with a GDP of approximately USD 144.4 billion in 2023. The GDP per capita was reported at USD 3,672 in 2023. Demographically, the country had an estimated population of 38.57 million in 2025, with 67.31 per cent residing in urban areas. The urban population growth rate was approximately 1.83 per cent in 2023.³⁸

The Kingdom of Morocco is a constitutional monarchy, with the King as the Head of State, holding significant executive and legislative powers. The King appoints the Prime Minister, who serves as the head of government and leads the Cabinet. Legislative power is vested in a bicameral Parliament, consisting of the House of Representatives, with 395 members

elected for five-year terms, and the House of Councilors, with 120 members elected through a combination of direct and indirect elections.

The judiciary is independent, with the Supreme Court being the highest judicial authority. While the judiciary interprets the law, the King retains certain powers, especially in matters of royal decrees and pardons.

Morocco is divided into 12 regions, which are further subdivided into provinces and communes. The regions are governed by elected councils with authority over local issues, while the central government oversees national matters such as foreign policy, security, and defense.

*In Morocco, the main planning law is officially recognized as Law No. 12-90 (1992), which governs urban planning and development. However, the text of this law is not readily available or accessible, making it difficult to analyze its provisions in detail. Consequently, the authors have relied on the content from the available National Charter for Territorial Planning and Sustainable Development (2004).



Objectives of Spatial Planning Laws

The National Charter for Territorial Planning and Sustainable Development (2004) establishes a comprehensive framework to address the country's challenges and priorities

in a structured and sustainable manner. It aims to guide national development policies while fostering economic growth, social equity, and environmental preservation.

38 https://data.worldbank.org/

One of the charter's central objectives is to consolidate national unity by reducing regional disparities. This involves ensuring equitable access to infrastructure, public services, and economic opportunities across all regions, with a focus on integrating underdeveloped areas into the national framework and fostering interdependence among regions. Another key objective is to balance economic efficiency with social **cohesion**. The Charter promotes inclusive economic policies to ensure that growth benefits everyone, particularly vulnerable and underserved populations. It emphasizes creating opportunities for employment, addressing poverty, and ensuring equitable distribution of resources

Environmental preservation and sustainable resource management are also critical components of the Charter. It prioritizes the protection of natural ecosystems, water resources, forests, and coastal areas while integrating environmental considerations into territorial planning. This ensures that development efforts do not compromise ecological balance or the long-term availability of resources. The Charter addresses urban growth and rural development by advocating comprehensive urban planning development infrastructure while and simultaneously modernizing rural areas.

It seeks to reduce disparities between urban and rural regions by improving access to education, healthcare, and economic opportunities, preserving cultural heritage, and enhancing rural living conditions.

In preparation for globalization, the Charter calls for modernizing Morocco's administrative and legal frameworks to improve **competitiveness** and attract international investment. It emphasizes the importance of leveraging global economic opportunities while mitigating associated risks to ensure national interests are preserved.

Public participation and governance are integral to the Charter's vision. It promotes democratic decision-making by involving local communities, civil society, and stakeholders in shaping development policies. This inclusive approach ensures that planning is transparent, participatory, and aligned with the needs of the population.

Finally, the Charter underscores the importance of **coordination** among governmental entities. By aligning the efforts of national, regional, and local authorities, it seeks to create a cohesive and integrated approach to territorial planning and development, optimizing resource allocation and enhancing implementation efficiency.



Guiding Principles and Scope of Spatial Planning Laws

The National Charter for Territorial Planning and Sustainable Development in Morocco

is founded on a set of guiding principles that shape its strategic vision and ensure the alignment of policies and initiatives with the goals of equitable, sustainable, and cohesive development. These principles provide a framework for decision-making and implementation across various sectors and levels of governance.

Consolidation of National Unity:

The Charter prioritizes strengthening national cohesion by addressing regional disparities and fostering equitable development across all territories. This involves ensuring balanced access to infrastructure, public services, and economic opportunities while promoting interdependence among regions to enhance their collective competitiveness.

2. Human-Centered Development:

At the heart of the Charter lies the principle that development must serve the people. It prioritizes improving quality of life by ensuring access to education, healthcare, housing, and employment. The Charter promotes an inclusive approach that empowers individuals to actively participate in and benefit from the development process, while upholding and protecting fundamental human rights.

3. Economic Efficiency and Social Cohesion:

The Charter seeks to harmonize economic growth with social equity. This involves redistributing the benefits of economic progress to reduce poverty and inequality, while fostering economic activities that are inclusive, innovative, and sustainable. It emphasizes strategies that balance individual and collective interests to achieve national goals.

4. Harmony Between Humans and the Environment:

Acknowledging the importance of natural resources, the Charter promotes sustainable management and environmental stewardship. It calls for integrating environmental considerations into development planning, protecting ecosystems, and promoting responsible resource use to ensure the long-term viability of development initiatives.

5. Solidarity Among Territories:

The Charter emphasizes the importance of solidarity between regions to address disparities in development. It advocates for rethinking resource allocation, promoting collaboration between regions, and leveraging mechanisms such as fiscal redistribution and regional partnerships to ensure equitable growth and shared prosperity.

6. Democracy and Participation:

The Charter underscores the importance of involving the public and stakeholders in territorial planning and development processes. It encourages participatory governance through dialogue, consultation, and engagement,

ensuring that decisions reflect the needs and aspirations of the population. This principle also highlights the role of decentralization and effective governance in creating effective and transparent systems.



Authorities, their Responsibilities and Contents of Plans

In Morocco, the responsibilities for territorial planning and sustainable development are distributed across national, regional, and local authorities to ensure a cohesive and effective approach to development through the National Charter for Territorial Planning and Sustainable Development. At the national level, the central government defines overarching policies, establishes legal and regulatory frameworks, and ensures that sectoral strategies align with the principles of territorial planning and sustainable development. This involves setting priorities, allocating resources, and providing oversight to guarantee consistency and alignment in implementation across regions.

Regional and local authorities play a vital role in translating national strategies into actionable plans that address specific local and regional needs. Regional councils and local governments identify and prioritize development projects, focusing on the unique challenges and opportunities within their territories. These authorities are tasked with mobilizing resources, engaging stakeholders, and implementing projects in line with the

principles of sustainability and equity.

Mechanisms for coordination are embedded within the planning framework to facilitate different collaboration between levels Regional development of government. committees and national advisory bodies foster dialogue and ensure that decisions are aligned, resources are efficiently utilized, and fragmentation is minimized. Additionally, public participation is a cornerstone of Morocco's planning system, with authorities encouraged to involve civil society, stakeholders, and experts in decision-making processes. This inclusive approach ensures that policies reflect the needs and aspirations of the population and that development initiatives are transparent and equitable. The planning framework itself consists of various types of plans designed to operate at national, regional, and local levels, addressing distinct challenges while maintaining alignment with overarching goals. At the **national level**, plans establish a unified vision for development, outlining the country's priorities, policies, and goals. These plans provide strategic direction for regional and local initiatives, ensuring consistency and

integration across all levels of governance. Regional plans adapt the national vision to the specific needs and characteristics of Morocco's diverse regions. They focus on addressing regional disparities, leveraging local resources, and creating strategies to tackle region-specific challenges. Local plans operate at the municipal or community level, offering detailed guidance on land use, infrastructure development, public services, and environmental management.

These plans are designed to enhance the quality of life for local populations while maintaining alignment with broader national and regional strategies. **Sectoral plans** complement these efforts by targeting key economic and social sectors such as agriculture, energy, industry, and transportation. They ensure that sectorspecific policies are consistent with broader sustainability and development objectives while facilitating the integration of sectoral priorities into territorial planning processes.

 Table 3. Planning Hierarchy in Morocco

Source: National Charter for Land-Use Planning and Sustainable Development

Tier of Government	Planning Instrument	Drafted By	Approved By	Scope
National	National Land-Use Planning Scheme	Ministry of National Planning, Urban Planning, Housing, and City Policy	Council of Ministers	General orientations for land-use planning at the national level.
	Sectoral plans (e.g., the Green Morocco Plan, 2008)	Relevant Ministerial Department	Minister after public consultations	Sector-specific proposals in key areas such as agriculture, water, energy, and urban development, often aligned with the country's broader development goals and international commitments.
Regional	Regional Land-Use Planning Scheme	Regional Councils in collaboration with relevant ministries	Regional Councils	Orientations and directions of regional development; including priorities on major public services and infrastructures.
Local	Local Land use Planning Scheme	Municipalities or intermunicipal entities with technical support from relevant ministries	Municipal Councils	Main urban development orientations at the scale of one or more municipalities.

Land Management

Land management is governed by the Land Use Planning Director Scheme, which provides a framework for the organization and allocation of land across the country. This scheme defines the general purpose of land within territorial jurisdictions, setting guidelines for various land uses such as agricultural and forestry zones, housing areas, industrial zones, commercial zones, and tourist areas. These categories ensure that land is used efficiently and sustainably to support economic growth, urbanization, and environmental protection. In terms of land use and allocation, the scheme establishes regulations for each category of land, considering density requirements for housing areas, as well as the appropriate location for industries, businesses, and tourism facilities. This zoning helps in managing urban sprawl and ensures that areas designated for specific uses are well-equipped with the necessary infrastructure and services.

In Morocco's urban planning framework, specific zones are designated to regulate construction and maintain the integrity of historical and cultural sites:

where construction is strictly prohibited to preserve the visual and structural integrity of significant landmarks. For example, around the Ksar of Ait-Ben-Haddou, many areas are constrained by non-aedificandi prohibitions to protect the site's authenticity and prevent inappropriate development.

 Non-Altius Tollendi Zones: In these zones, building height restrictions are enforced to ensure that new constructions do not overshadow or detract from existing historical structures. In the medina of Rabat, a non-altius tollendi zone of 20 meters was established to maintain the aesthetic harmony of the area.

These regulations preserve aesthetic values, environmental quality, and protect vital resources, such as water bodies.

The Land Use Plan also focuses on natural, historical, and archaeological sites, ensuring they are safeguarded and enhanced for cultural and environmental preservation. Efforts to protect and create green spaces are central to sustainable land management, as these areas are essential for maintaining biodiversity and improving the quality of life in urban areas.

The creation, protection, and enhancement of green spaces also promote ecological balance and improve air quality in highly urbanized regions. The Land Use Planning Director Scheme is complemented by **Law 25-90**, which regulates land parceling, subdivisions, and land development, ensuring that landuse plans are followed. This law outlines the procedures for subdividing land into smaller plots for housing or commercial purposes, and how such developments must adhere to zoning regulations.

The law also includes provisions for ensuring that local authorities, such as municipal councils, grant development authorizations only when proposals comply with the relevant land-use plans and regulations. The management of land also involves the integration of major public infrastructure into the land-use plan. This includes the main road networks, airports, ports, railways, and essential facilities like schools, hospitals, and sports complexes.

Such infrastructure is vital to the economic and social well-being of the population, supporting mobility, trade, and access to public services. Moreover, special legal regimes apply to certain areas where development is restricted due to environmental, cultural, or strategic considerations. These areas are subject to more stringent regulations to ensure their protection and sustainable use, which is a crucial aspect of effective land management.



Financial Mechanisms

The National Charter for Territorial Planning and Sustainable Development establishes a detailed framework for financial mechanisms to support its objectives. These mechanisms are designed to mobilize, allocate, and manage resources effectively, ensuring the successful implementation of development strategies while addressing regional disparities and promoting sustainable growth. A key focus of the Charter is the prioritization of public in underdeveloped investments Financial resources are directed toward regions with significant disparities in infrastructure, public services, and economic opportunities, particularly rural and marginalized areas. This prioritization seeks to reduce inequalities and promote balanced territorial development. The Charter emphasizes the importance of aligning financial planning with territorial development strategies to ensure coherent and inclusive growth. Budgetary allocations are aligned with the principles of sustainability, equity, and efficiency, ensuring that financial

resources are utilized effectively in the implementation of development initiatives. Furthermore, it recognizes the need to diversify funding sources, advocating for the inclusion of private sector investments, international funding, and public-private partnerships to enhance financial capacity and support largescale projects. The instrument also highlights the importance of innovative financing mechanisms tailored to territorial planning needs. Local and regional development funds are proposed as tools to finance infrastructure projects, urban development, and rural modernization. Additionally, the decentralization Charter promotes by empowering regional and local governments to manage financial resources independently. Mechanisms such as local taxes and fees are encouraged to enable municipalities to generate their own revenue for funding development initiatives. Equity in resource allocation is another critical component of the Charter's financial framework

Mechanisms are proposed to ensure that disadvantaged regions receive adequate funding, with cost-sharing arrangements between national, regional, and local governments. This approach aims to address financial disparities and ensure all areas have the resources necessary to participate in national development. International cooperation and development aid are also emphasized as key sources of financial support. The Charter encourages Morocco to engage in global partnerships and secure external funding to complement domestic resources

This international engagement provides both technical and financial assistance for implementing territorial planning and sustainable development projects. To ensure the effective use of financial resources, the Charter underscores the importance of monitoring and accountability. Mechanisms such as regular audits. evaluations. and reporting are proposed to track the effectiveness of financial investments and maintain transparency in resource allocation and usage.



Permitting

While the Charter sets the framework for sustainable land use and development, the actual process for obtaining planning permits is governed by specific regulatory instruments and administrative procedures. These regulations typically fall under municipal and regional authorities, which are tasked with implementing the charter's principles at the local level.

Delegation of Permit Responsibilities:

Local governments and municipal councils are responsible for issuing planning and construction permits. They ensure that proposed projects comply with local landuse plans, zoning regulations, and other legal requirements, which are derived from the broader framework established by the Charter.

Compliance with Land-Use Plans: Any application for a planning permit must align with the relevant land-use plans, such as the Land-Use Planning Director Scheme or Local Land-Use Plans, which are informed by the Charter's guidelines. The permit approval process involves verifying whether the proposed development fits within the designated zoning and adheres to environmental and sustainability standards.

Environmental and Social Considerations:

The Charter emphasizes sustainability and equity in development, meaning that planning permits are often subject to environmental impact assessments and evaluations of social and economic impacts, particularly for large-scale or environmentally sensitive projects.

Coordination Between Authorities: The Charter calls for coordination between national, regional, and local authorities to ensure alignment in planning and decision-

making. This implies that the planning permit process may involve consultation with higherlevel authorities for projects of regional or national significance.



Compliance and Enforcement

The National Charter for Territorial Planning and Sustainable Development calls for the establishment of a complimentary legal and regulatory framework that defines the rules and standards for territorial planning and sustainable development. This includes developing laws and regulations that govern land use, resource management, environmental protection, and urban planning. The legal framework serves as a reference for ensuring that development projects align with the charter's goals and do not compromise sustainability or equity.

To enforce compliance, the Charter advocates the creation of monitoring and evaluation systems. These systems are designed to track the progress of development initiatives, assess their alignment with the charter's principles, and measure their impact. Regular audits, reviews, and reporting mechanisms are proposed to identify gaps, address challenges, and ensure accountability at all levels of governance. The Charter also highlights the role of institutional oversight bodies in enforcing compliance.

These include national, regional, and local committees tasked with overseeing the implementation of territorial planning policies, resolving disputes, and ensuring that actions taken by various stakeholders adhere to established guidelines. Coordination between these bodies is emphasized to maintain consistency and efficiency in enforcement efforts. Additionally, the Charter underscores the importance of penalties and corrective measures for non-compliance. It recognizes without adequate enforcement mechanisms, policies may not achieve their intended outcomes. The charter calls for appropriate legal and administrative actions to address violations, such as unauthorized land use, environmental degradation, or failure to meet established standards.

Lastly, the Charter emphasizes the need for capacity-building and training to enhance the ability of authorities and stakeholders to enforce its provisions effectively. This includes equipping public servants, planners, and local authorities with the skills and knowledge necessary to implement and monitor compliance with the Charter's principles.

Monitoring

The National Charter for Territorial Planning and Sustainable Development emphasizes the critical role of monitoring in ensuring the effective implementation of its objectives. Monitoring systems are established to track progress, evaluate impacts, and maintain accountability across all levels of territorial planning and sustainable development initiatives.

The Charter advocates for the creation of comprehensive monitoring systems designed to provide regular assessments of development programs. These systems are supported by clearly defined and measurable performance indicators that assess economic. social. environmental and outcomes. ensuring a balanced approach to sustainable development. Institutional oversight is a key component, with responsibilities assigned to national, regional, and local authorities to coordinate efforts, ensure compliance, and address deviations from planned objectives.

Transparency is a central tenet of the monitoring framework, with mechanisms in place for public reporting on the progress and results of development initiatives. This ensures that stakeholders, including the public, are informed about the outcomes and challenges of policies and projects. Furthermore, the Charter calls for periodic evaluations, including midterm reviews and final assessments, to measure the effectiveness of implemented strategies. These evaluations enable policymakers to identify areas for improvement and refine approaches to align with the charter's goals.

The monitoring framework also incorporates feedback loops to ensure adaptability. Findings from evaluations are used to inform decision-making, allowing for adjustments that maintain the relevance and effectiveness of policies over time. This iterative process helps to address emerging challenges and capitalizes on new opportunities, ensuring that the Charter's objectives are consistently pursued.



Digital Governance

Morocco has successfully integrated digital governance into its urban development strategies, focusing on modernizing city management and improving public service delivery. Initiatives such as the Maroc Digital 2020 Strategy and the establishment of the Digital Development Agency provide the foundation for embedding digital technologies

into urban planning processes. These efforts enhance administrative efficiency and align urban management practices with national goals for sustainability and resilience.

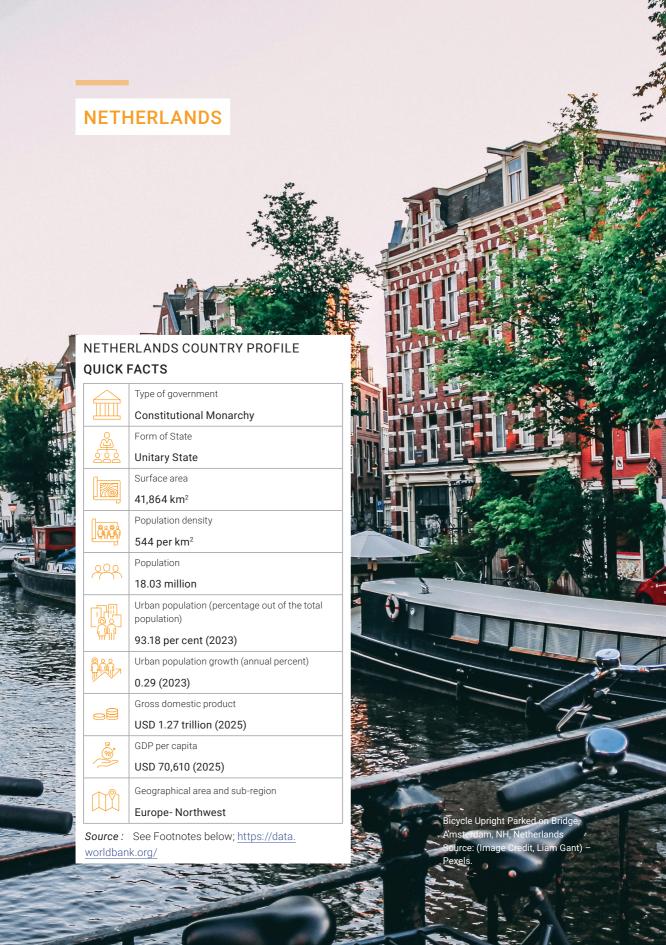
Smart city programs are a prominent feature of Morocco's digital governance approach to urban development.

Cities like Casablanca utilize technologies such as the Internet of Things and big data analytics to monitor and optimize urban systems. These digital tools enable real-time management of essential services, including transportation, energy, and waste management, creating more efficient and responsive urban environments. By adopting data-driven urban planning, Moroccan cities are positioning themselves as leaders in sustainable and innovative urban development.

Digital governance in urban development also emphasizes public engagement and participatory planning. Morocco has implemented platforms that allow residents to provide input on urban projects and policies, fostering a more inclusive decision-making process. This approach ensures that urban development initiatives align with the needs and aspirations of local communities while reinforcing transparency and accountability.

Public-private partnerships have played a significant role in implementing digital governance in urban areas. Collaborations between government agencies and private sector actors have facilitated the deployment advanced technologies and digital infrastructure, enabling cities to deliver smarter and more integrated urban services. These partnerships contribute to the rapid scaling of digital governance solutions while ensuring alignment with broader urban development goals.

Through these practices, Morocco demonstrates how digital governance can be effectively applied to urban development, enhancing the quality of life for residents and ensuring sustainable growth.



Country Background

The Netherlands is in Northwestern Europe, bordered by Germany to the east, Belgium to the south, and the North Sea to the northwest. The country is known for its flat landscape, characterized by canals, tulip fields, windmills, and cycling routes. The capital, Amsterdam, is located in the western part of the country.

The Netherlands operates under a constitutional monarchy. In this system, the Head of State is a King or Queen whose powers are defined and limited by³⁹ the Constitution. In practice, the monarch holds a largely ceremonial role as executive authority rests with the elected ministers.⁴⁰

The Netherlands is one of the most developed economies in the world, with a gross domestic product (GDP) of USD 1.27 trillion in 2025 and a GDP per capita of USD \$70,061 in the same year.⁴¹ Partly due to its human and physical geography, the Netherlands has one of the most comprehensive,⁴² and highly regarded planning systems in the world.⁴³

Almost a quarter of the land is below sea level, protected from the sea and large rivers only by dikes and pumps, making it one of the most climatically vulnerable countries. Land has been reclaimed from the sea for centuries and the resulting polder landscape required a high degree of collective organization and effective planning.⁴⁴

Demographically, the Netherlands has a population of 18 million (2025).⁴⁵ It is highly urbanized as 93.18 per cent of the total population live in urban areas.⁴⁶ The country has a population density of 544 inhabitants per km².⁴⁷ The largest cities are in the Randstad, the polycentric metropolitan area in the western part of the Netherlands. The Randstad constitutes the economic engine of the Netherlands including the cities of Amsterdam, Rotterdam, the Hague and Utrecht, which form a ring around a relatively open area.

³⁹ www.government.nl/government/about-the-government

⁴⁰ Ibid.

⁴¹ https://www.imf.org/external/datamapper/profile/NLD

⁴² Ibid.

⁴³ H. Van der Cammen and L. De Klerk (2012). The Selfmade Land: Culture and Evolution of Urban and Regional Planning in the Netherlands. Houten: Spectrum.

⁴⁴ J. Woltjer and N. Al (2007). "Integrating Water Management and Spatial Planning", Journal of the American Planning Association 73, No. 2, pp.211-222.

⁴⁵ https://www.imf.org/external/datamapper/profile/NLD

⁴⁶ https://www.statista.com/statistics/276724/urbanization-in-the-netherlands/

⁴⁷ Netherlands Population (2025) - Worldometer



Objectives of the Environment and Planning Act

According to Article 1.3 of the **Environment** and **Planning Act** (Omgevingswet), the objectives of the Act focus on promoting sustainable development, ensuring the habitability of the land, and protecting and enhancing the environment. The Act seeks to achieve and maintain a safe and healthy physical environment with good environmental

quality, while recognizing the intrinsic value of the natural world. Additionally, it aims to effectively manage, use, and develop the physical environment to fulfill societal needs. These goals are interconnected and reflect a holistic approach to balancing environmental conservation with societal development



Guiding Principles of the Environment and Planning Act

The guiding principles of the Act are rooted in sustainable development, environmental protection, and spatial planning. Central to the Act is its emphasis on **integrated and coherent decision-making** (Article 1.1), ensuring that environmental, spatial, and economic policies align to foster long-term sustainability. The Act stresses the importance of **participation and transparency** in planning processes, allowing stakeholders, including citizens and local governments, to have input on decisions that affect the environment (Article 2.2).

approach to environmental management, as outlined in Article 3.1, which requires preventive measures when there is uncertainty about environmental harm. This principle aims to avoid potential risks to ecosystems and human health, promoting proactive rather than reactive policies. The Act also emphasizes polluter pays, as articulated in

Article 4.3, which holds parties responsible for their environmental impacts, ensuring accountability for damage to the environment.

Furthermore, the Act supports **spatial coherence**, ensuring that land use and environmental policies are harmonized across different sectors and geographical areas (Article 5.1). It establishes a framework for **cooperation across levels of government**, as seen in Article 6.2, which mandates coordination between national, regional, and local authorities to ensure consistent application of planning and environmental regulations.

These principles reflect the Netherlands' commitment to balancing development with environmental sustainability, ensuring that the Act fosters a holistic approach to managing both land and resources while addressing current and future challenges.

Scope of the Act

Environment and The Planning Act establishes a comprehensive and integrated approach to spatial planning, encompassing multiple sectors such as land infrastructure, environmental protection, and sustainability. The scope of the Act is broad, aiming to streamline regulatory processes and promote efficient development while balancing societal needs with environmental preservation. One of the key principles of the Act is integrated **spatial planning** (Article 1.1), which focusses on a unified framework of zoning, land use, and building regulations.

This holistic approach ensures that urban and rural development aligns with national and regional objectives while addressing local needs.

Article 1.5 of the Act states that its provisions also apply within the Exclusive Economic Zones. ⁴⁸ The Act emphasizes the coordination of policies (Article 2.1) to ensure that all planning activities are aligned with broader environmental, social, and economic goals. For example, land use and infrastructure planning must integrate considerations of environmental protection and sustainability (Article 3.1). This includes managing the impact of urban development on air, water, and soil quality, ensuring that development is compatible with the natural environment. Additionally, the Act promotes sustainable spatial planning (Article 4.1), mandating that

all planning efforts incorporate strategies climate adaptation reducina for and This includes environmental footprints. planning for green infrastructure and energyefficient building practices. Zoning plans, as outlined in Article 5.1, are a critical aspect of the Act, that define permitted land uses, building densities, and heights in designated areas. These plans must align with national and regional development strategies, ensuring coordinated and sustainable growth.

Another key provision is **public participation** (Article 2.3), which requires that the planning process involve local communities, stakeholders, and relevant organizations. This ensures that planning reflects the needs and preferences of those directly impacted by development decisions.

In terms of land use and infrastructure integration (Article 2.4), the Act requires that developments are well-served by transportation, utilities, and public services. This creates efficient urban environments where development projects are harmonized with existing infrastructure. Lastly, the Act consolidates various permitting and approval procedures (Article 7.1) to streamline the process of obtaining planning and building permissions, reducing delays and ensuring compliance with overarching environmental and planning goals.

⁴⁸ The Netherlands' Exclusive Economic Zone (EEZ) extends up to 200 nautical miles from its coastline, following the quidelines of the United Nations Convention on the Law of the Sea.

The scope of the Environment and Planning Act extends across zoning, land use, infrastructure, environmental protection, sustainability, and public participation.

The Act fosters a coordinated and flexible approach to planning that aligns with national goals while ensuring sustainable, resilient, and adaptable communities.



Authorities, their Responsibilities and Content of Plans

Under the Environment and Planning Act of the Netherlands, various authorities at the national, provincial, and local levels are responsible for spatial planning:

National Level: Ministry of Infrastructure and Water Management

The national government, through general measures, establishes rules affecting activities such as construction, land reclamation, and environmental protection (Article 4.3). These rules set the broader framework for spatial planning, ensuring that development and activities are aligned with national objectives.

Provincial Level: Coordination and Regional Oversight – Provincial Council

The Provincial Council has the authority to issue **provincial regulations** concerning land use, ensuring that activities affecting the physical environment are balanced and sustainable (Article 4.2). These regulations help maintain a cohesive spatial plan across regions.

Local Level: Municipalities as Implementers – Municipal Council

Municipal Councils are responsible for creating **environmental plans** (*Omgevings-plan*), which are required to include regulations for the distribution of land uses, ensuring an organized and equitable allocation of spaces for various activities (Article 4.2). They play a critical role in tailoring spatial planning to local needs and priorities.

These levels of government work together to ensure that spatial planning is coordinated and effective, meeting both national goals and local demands.

Regarding the type of plans, there are four primary types of plans, each serving a unique purpose within the planning framework under the Environment and Planning Act:

1. The **Environment Vision** (Omgevings-visie) is a strategic, long-term policy document that establishes objectives for spatial development, environmental protection, infrastructure, and sustainability. It is prepared at the national, provincial, and municipal levels and includes a comprehensive vision for spatial and environmental development,

- strategies for achieving sustainability, climate resilience, and economic growth, and long-term priorities for housing, infrastructure, energy transition, and land use. Additionally, it sets goals for water management, biodiversity, and cultural heritage preservation, as required by Article 3.1 of the Act. The process for developing the Environment Vision is outlined in the Act and includes stakeholder consultations, integration of scientific data, and alignment with higher-level objectives. The validity of the Environment Vision is not explicitly timebound but is subject to periodic review to ensure it remains aligned with emerging challenges and opportunities, such as climate change or demographic shifts.
- The **Environment Plan (**Omgevingsplan) is a legally binding document that integrates zoning, land use, and environmental regulations, replacing traditional zoning plans. Exclusively created at the municipal level, the Environment Plan designates land-use zones, establishes rules on building heights, densities, and permitted activities, and integrates environmental standards for air quality, noise control, and water management. It also includes provisions for public spaces, infrastructure, and urban development. According to Articles 4.2. municipality is required to adopt a single Environment Plan that details the scope and content of its planning framework.
- **Programmes** (Programma's) are operational plans that outline specific measures and projects to achieve objectives defined in the Environment Vision and Environment Plan. These Programmes are developed at the national. provincial, and municipal levels. They include specific actions for addressing climate adaptation, housing development, or environmental restoration, as well as timelines, funding mechanisms, and assigned responsibilities. Monitoring and evaluation indicators are also incorporated to track progress, as outlined in Article **3.4** of the Act.
- Finally, Project Decisions (Projectbesluiten) focus on large-scale or complex projects, such as infrastructure or renewable energy developments, which may require exemptions from existing planning rules. Managed primarily at the national or provincial levels, with potential involvement from municipalities, these decisions include detailed project descriptions and justifications, deviations from Environment Plans, and environmental impact assessments with proposed mitigation measures. The procedures for Project Decisions are governed by Article 5.4.

The Environment and Planning Act incorporates key features that enhance its effectiveness. It integrates spatial, environmental, social, and economic considerations, ensuring that all plans address multiple aspects of development.

The Act also provides flexibility, allowing municipalities to tailor Environment Plans to local needs while adhering to overarching policies.

Additionally, public participation is a central component, requiring meaningful engagement with stakeholders to promote transparency and inclusivity.

Alignment across governance levels ensures that planning efforts are coherent and mutually reinforcing.

The **National Environment Vision** provides strategic direction for spatial and environmental planning, guiding both provincial and municipal efforts. **Provincial Spatial Strategies** translate the national vision into actionable regional strategies, ensuring alignment with national objectives.

Municipal Environment Plans implement these regional strategies at the local level, addressing specific community needs and development goals.

 Table 4. Planning Hierarchy in Netherlands

Source: Environment and Planning Act (Omgevingswet) (2024)

Tier of Government	Planning Instrument	Drafted by	Approved by	Scope
National	Environmental Vision	Ministry of Infrastructure and Water Management	Council of Ministers	It covers sustainable development, climate adaptation, and the integration of economic, social, and environmental objectives. It addresses issues such as land use, infrastructure, housing, biodiversity, and cultural heritage, while ensuring alignment with international agreements and national priorities.
Provincial	Provincial Environmental and Spatial Plans	Provincial Authorities	Provincial Councils	Adapts national objectives to regional contexts, focusing on environmental quality, infrastructure, and needs like climate resilience, biodiversity, and sustainable land use.
Local (Municipal)	Environmental Plan	Municipal Authorities	Municipal Councils	Its scope includes integrating spatial planning with environmental management, covering aspects such as building regulations, public spaces, infrastructure, and sustainability to address local development needs while aligning broader regional and national policies.

Land Management

The Netherlands recognizes four types of land tenure: absolute ownership (freehold), rights of superficies (rights to own or build structures), condominiums and rights of leasehold.

Regarding the registry of all real estate and associated property rights, the Land Registry (*kadaster*) includes all the relevant information on a digitized platform and thus may be accessed by everyone.

On land acquisition for public purposes, Article 1.1 of the Expropriation Act (Onteigeningswet) provides that "expropriation for the common good may take place in the public interest of the State, of one or more provinces of one or more municipalities, and of one or more water boards". The provision of adequate or just compensation in cases of expropriation is safeguarded by the national courts, especially the Dutch Supreme Court, which plays a very important role in its determination. This is since the legal framework governing compensation largely developed through been jurisprudence and thus exists primarily within Dutch case law. Under Dutch law, adequate or full compensation for expropriation in the public interest encompasses all damages that are a direct and necessary consequence of the expropriation.

This principle extends beyond reimbursement of the actual, concrete value of the expropriated property and may include compensation for depreciation of the remaining property as well as other directly resulting damages.⁴⁹

The Netherlands has successfully established a transfer of building rights (TBR) system to balance conservation efforts with development needs. This system allows property owners in restricted areas, such as environmental zones, to transfer their development rights to areas designated for growth, promoting sustainable urbanization. Transfers of Building Rights in the Netherlands has these main features:

- a. It promotes development in Growth Zones by directing it towards areas with existing infrastructure and services.
- Property owners in protected zones can receive compensation through the sale of their development rights without the need for the government to expropriate their land.
- Protects the environment because sensitive areas remain preserved while urban growth is strategically directed

⁴⁹ Jacques Sluysmans (2019). The principle of full compensation under Dutch expropriation law. www.degruyter.com/ document/doi/10.1515/eplj-2019-0010/html?lang=en.

Financial Mechanisms

The Netherlands uses both development fees and private contracts to generate revenue. For development fees under Article 2.10 of the **General Local Government Taxes Act**, municipalities are allowed to ask for fees for planning permissions and other services offered by the municipality. Municipalities are also able to recover the cost associated with a land-use plan either through a private contract or through a statutory land exploitation plan (*exploitatieplan*) as provided under Article 6.24 of the **Environment and Planning Act**. In practice, most developers will make individual

agreements as highlighted under Article 6.23 of the Environment and Planning Act or, if the land is owned by the municipality, the fee will be included with the cost of the land. If the municipality fails to recover the costs with a property owner under private law, it is entitled to an "exploitation plan", which specifies which planning costs will be transferred on to the property rights owner relative to the development rights of the plan area. This involves all the costs associated with preparing the land for development.



Permitting

Under the **Environment and Planning Act**, planning permits are a key component of the integrated legal framework for spatial development in the Netherlands. These permits specifically address activities related to construction, land use changes, and infrastructure projects, streamlining the approval process while ensuring alignment with local, provincial, and national planning goals. Below is a detailed analysis focusing on planning permits.

Integrated Permit System

 Article 5.1 introduces an all-inone permit for physical aspects (omgevingsvergunning), streamlining the approval process by consolidating multiple permits previously required under various laws, such as those for zoning compliance, construction, and land-use changes. This integrated permit applies to activities including the construction or modification of buildings, land-use changes that deviate from the municipal environmental plan (omgevingsplan), and the development of infrastructure such as roads and utilities. By centralizing these approvals, the permit ensures that planning-related activities are consistent with the objectives and regulations outlined in the municipal environmental plan.

Construction Permits

2. Articles 4.2 and 5.2 mandate a construction permit for projects involving the building of new structures or the modification of existing ones, particularly when such changes affect spatial quality or land use. These permits play a critical role in ensuring that construction activities comply with zoning requirements, adhere to safety standards, and align with broader urban planning objectives.

Land-Use Change Permits

3. Article 5.4 requires a planning permit for activities involving a change in the designated use of land. This includes converting agricultural land into residential or commercial areas and redeveloping industrial zones for mixed-use purposes. All such land-use changes must align with the municipal environmental plan, which serves as the zoning framework to ensure consistency with local planning objectives and regulations.

Special Development Zones

4. Article 4.5 empowers municipalities to designate special zones to promote urban regeneration, housing development, or other priority projects. Within these zones, tailored rules can be incorporated into the environmental plan to simplify or expedite the issuance of permits for planning-related activities, facilitating quicker implementation of strategic initiatives

Deviation from the Environmental Plan

5. Article 2.12 allows for the issuance of a permit to deviate from the environmental plan in specific instances. This process includes a comprehensive assessment of the activity's potential impact on spatial planning goals and the surrounding environment. For significant deviations, public participation is mandatory to ensure stakeholder involvement and transparency in the decision-making process.



Compliance and Enforcement

The Environment and Planning Act outlines a robust compliance and enforcement mechanism to ensure that activities related to spatial planning and land use adhere to the established regulations.

These mechanisms are designed to safeguard the integrity of the physical environment while supporting sustainable development.

1. Monitoring and Supervision

Under **Article 18.1**, competent authorities, such as municipalities, provinces, or environmental agencies, are tasked with monitoring compliance with the provisions of the environmental plan *(omgevingsplan)* and permits.

This includes routine inspections of construction sites, infrastructure projects, and land-use activities to verify adherence to approved permits and zoning requirements.

Additionally, the Act allows authorities to access relevant project documentation and conduct on-site assessments to ensure compliance.

2. Enforcement Measures

When violations occur, **Article 18.2** grants authorities the power to take enforcement actions

These measures can include administrative fines, orders to suspend or cease unauthorized activities, and requirements for corrective actions to restore compliance.

For instance, if a developer proceeds with construction without a valid permit or deviates from an approved plan, authorities can issue an enforcement notice mandating compliance or halting the project.

3. Public Complaints and Reporting Mechanisms

Public involvement is integral to enforcement under the Act. **Article 16.55** enables the public and stakeholders to report suspected violations or non-compliance to the competent authorities. This mechanism not only fosters transparency but also encourages community participation in safeguarding the planning framework

4. Legal Remedies and Appeals

Article 8.1 provides for legal recourse in cases of disputed enforcement actions or permit decisions. Parties can file objections or appeals with administrative courts, ensuring a fair review process. This mechanism balances regulatory authority with the rights of stakeholders, promoting accountability and adherence to due process.

5. Preventive Compliance

To minimize violations, **Article 5.10** emphasizes the role of preventive measures, such as clear guidelines, public awareness campaigns, and pre-application consultations. These initiatives aim to inform stakeholders about their obligations under the planning framework, reducing the likelihood of noncompliance.

Monitoring

The Environment and Planning Act establishes comprehensive monitoring mechanisms to ensure adherence to planning laws and regulations. These mechanisms are vital for assessing compliance with the **environmental plan** (omgevingsplan), permits, and broader spatial development goals.

1. Authority-Led Monitoring

Under **Article 18.1**, municipalities, provinces, and other competent authorities are tasked with monitoring compliance with planning-related activities. This includes regular inspections of construction sites, land use, and infrastructure projects to verify that they conform to the conditions outlined in permits and environmental plans. Monitoring also involves the examination of records, project documentation, and on-site evaluations to detect any deviations from approved activities.

2. Data Collection and Reporting

Authorities are required to collect data on planning and land-use activities to evaluate the effectiveness of environmental plans and ensure they align with local and national objectives. This data is also used to identify

potential risks or trends that may impact compliance. For example, systematic tracking of land-use changes or building developments can help authorities identify unauthorized activities promptly.

3. Integration of Digital Tools

The **Environment and Planning Portal** (Omgevingsloket) plays a critical role in facilitating monitoring efforts. This digital platform provides real-time information on permit applications, project approvals, and compliance statuses. Authorities can leverage these tools to automate monitoring processes, reducing administrative burdens and improving efficiency.

4. Preventive Monitoring

Preventive measures outlined in **Article 5.10** complement traditional monitoring by fostering proactive compliance. This includes offering pre-application consultations to help developers and stakeholders understand their obligations and avoid potential violations. Public awareness campaigns and clear guidance on regulations also contribute to reducing instances of non-compliance.



Digital Governance

Digital governance in the Netherlands plays a crucial role in the management of the planning sector, ensuring that processes are efficient, transparent, secure, and accessible to the public and stakeholders. The country's digital governance framework is governed by several laws that work together to support the effective integration of digital tools in urban

planning, including the Digital Government Act (Wdo), the General Data Protection Regulation (GDPR), the Telecommunications Act, the Digital Services Act (DSA), the Digital Markets Act (DMA), and the Electronic Signature Act.

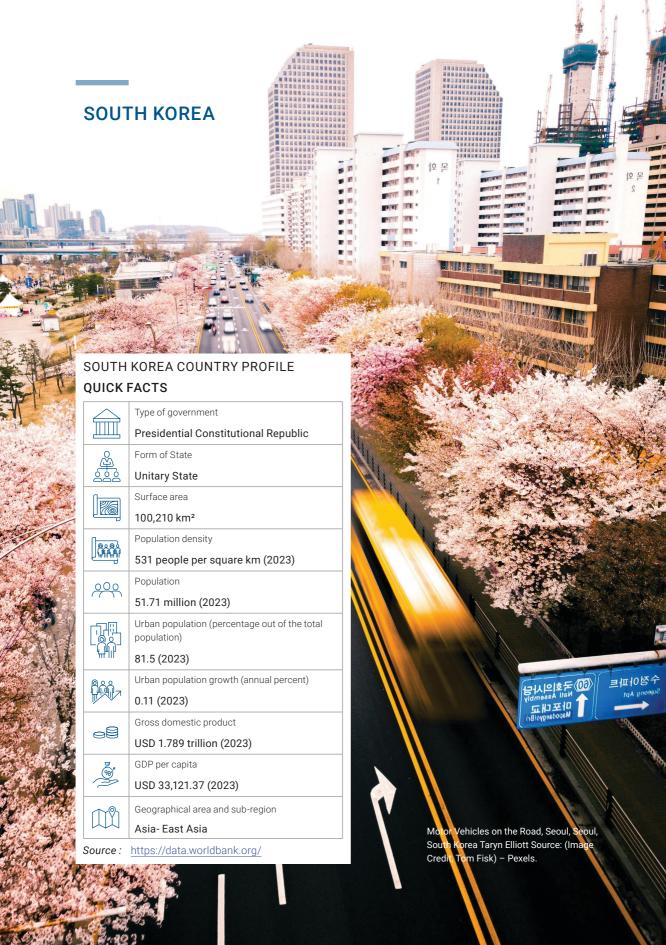
The **Digital Government Act (Wdo)** is pivotal in regulating the digital services offered by the government. Article 3 mandates that government institutions provide digital services that meet high standards of accessibility and security, which is essential for platforms where the public can access planning documents, submit building permits, or engage in consultations. Article 8 ensures interoperability across government agencies by requiring the use of open standards in digital communication, making it easier for different stakeholders in the planning sector, such as urban developers and local municipalities, to share information.

The General Data Protection Regulation (GDPR), which applies across the EU, establishes privacy protections that are critical when handling personal data in digital planning processes. Article 5 sets out principles like transparency, data minimization, and lawful processing, ensuring that any data collected for planning purposes, such as feedback from public consultations, is processed in compliance with privacy laws. Article 6 details the legal grounds for data processing, confirming that any personal data collected for planning purposes must be done with consent, legal obligation, or contractual necessity. Article 25 further mandates that privacy protections are embedded into the design of digital systems, ensuring that planning tools prioritize user privacy from the outset.

The **Telecommunications Act** plays a key role in ensuring equitable access to digital services. Article 3.2 requires that telecommunications providers deliver reliable and high-quality services, ensuring that planning platforms remain accessible and functional for all. Additionally, Article 7.4 focuses on network neutrality, guaranteeing that digital services, including those used in urban planning, are available to all users without discrimination, thus fostering inclusivity in public participation processes.

At the EU level, the **Digital Services Act (DSA)** and Digital Markets Act (DMA) also contribute to creating a safe, fair, and efficient digital environment for planning. The DSA, under Article 6, holds online platforms accountable for content moderation and transparency, ensuring that digital platforms used for public consultations or planning approvals provide accurate and truthful information. Article 18 of the DSA imposes transparency obligations on large platforms, ensuring that the public can easily navigate digital tools used in planning processes. The DMA, particularly Article 5, sets out general obligations for 'gatekeeper' platforms, ensuring that platforms involved in planning are fair and transparent, preventing monopolistic practices and fostering competition. Article 12 of the DMA ensures that public authorities can interoperate with these platforms, facilitating seamless access to digital planning tools.

Finally, the **Electronic Signature Act** provides the legal framework for using digital signatures in the planning sector. Article 2 establishes the legal validity of electronic signatures, ensuring that digital documents, such as planning approvals, zoning changes, and building permits, are legally recognized. Article 5 further regulates the use of advanced electronic signatures, providing the necessary security measures to validate digital transactions in the planning process, such as land title transfers or construction permits.



Co

Country Background

The Republic of Korea (South Korea) is located in East Asia on the southern half of the Korean Peninsula, bordered by North Korea to the north, the Sea of Japan (East Sea) to the east, and the Yellow Sea to the west. The country features a mix of mountainous terrain and coastal plains. The capital, Seoul, is situated in the northwest near the border with North Korea and serves as the cultural and economic hub of the country.

Economically, South Korea is one of Asia's most advanced and industrialized economies, with a GDP of approximately USD 1.9 trillion (2025) and a GDP per capita of around USD 36,000. The population stands at about 51.5 million, with 81.5 percent residing in urban areas and an annual urban population growth rate of 0.11 percent in 2023.⁵⁰

South Korea is a presidential republic with a President serving as both the Head of State and Head of Government. The President is elected for a single five-year term and holds significant executive power, overseeing the administration and military. The Prime Minister, appointed by the President, assists in government operations and is responsible for coordinating ministries.

Legislative power is vested in a unicameral National Assembly, which consists of 300 members elected for four-year terms. The Assembly enacts laws, approves the budget, and oversees the executive branch. The judiciary is independent, with the Supreme Court as the highest judicial authority. The judicial system ensures the rule of law, with judges appointed by the President, subject to approval by the National Assembly.

South Korea is divided into nine provinces and six metropolitan cities, all governed by elected officials. While local governments handle regional matters, the central government oversees national issues like foreign policy, defense, and economic policy.



Objectives of Spatial Planning Laws

The National Land Planning and Utilization Act, 2017 (NLPUA) provides the foundation for South Korea's national land-use planning system. Its primary objective is to ensure efficient land use by categorizing the national territoryintozones, including urban, agricultural, conservation, and natural environment areas, with specific regulations tailored to each zone.

The NLPUA aims to promote sustainable development by incorporating long-term environmental and climate resilience considerations into land-use planning. It also seeks to address regional disparities by ensuring fair access to infrastructure, public services, and opportunities, creating a more equitable territorial framework.

50 https://data.worldbank.org/

Coordination and integration are central to the Act, which ensures that national, regional, and local plans align cohesively. The law further emphasizes the importance of streamlining planning approval processes to enhance transparency and accountability while supporting efficient development.

The Urban Development Act, 2000 (and as amended in 2021) (UDA) focuses on urban planning and development, particularly in densely populated and economically significant areas. Its key objective is to facilitate the renewal of aging urban spaces and the redevelopment of underutilized areas to improve living conditions and boost economic vitality. The Act provides a legal framework for planning and implementing large-scale urban development projects, including housing, commercial areas, and transportation hubs. It prioritizes public welfare by enhancing urban spaces to improve accessibility, amenities, and overall quality of life. Additionally, the UDA introduces flexible planning tools, such as urban management plans and district-unit plans, which allow for diverse and adaptive urban land-use strategies. Sustainability is also a core goal, with the act integrating environmental considerations and smart city technologies to support long-term urban growth.

The Framework Act on the National Land, 2002 outlines overarching principles and establishes a long-term vision for managing South Korea's national territory. Its primary goal is to promote balanced territorial development, addressing disparities between urban and rural areas to ensure even growth across the country. The act guides national development with a strategic 20-year horizon, anticipating future challenges such as demographic changes, economic transitions, and technological advancements. It aims to harmonize economic development with environmental preservation, safeguarding natural resources and ecosystems while fostering growth. Additionally, the Act emphasizes the integration of planning across national, regional, and local levels, as well as between various sectoral strategies, such as housing, transportation, and industry. Resilience is another key focus, with the law seeking to prepare the country to adapt to global and domestic challenges through adaptive planning mechanisms.

Together, these three legislative instruments form a cohesive system that optimizes land use, supports sustainable and equitable development, and prepares South Korea to navigate future socio-economic and environmental challenges



Guiding Principles and Scope of Spatial Planning Laws

The National Land Planning and Utilization Act (NLPUA) is guided by principles that emphasize sustainable land use, regional equity, and integration. It seeks to optimize land utilization by categorizing the national territory into zones-urban, agricultural, conservation, and natural areas-ensuring that each area fulfills its designated purpose. The principle of **sustainability** is central to the NLPUA, promoting environmentally conscious development and climate resilience. Regional equity is another key focus, aiming to reduce disparities between urban and rural areas by ensuring fair access to infrastructure, services, and opportunities. The Act also emphasizes transparency and predictability, establishing clear regulatory frameworks and processes for land use and development to promote accountability and efficient decisionmaking. **Integration** is fundamental, ensuring that national, regional, and local plans

align cohesively within a unified territorial development strategy.

The Urban Development Act (UDA) is founded on principles that prioritize urban renewal, public welfare, and adaptability. It aims to revitalize aging urban spaces and optimize underutilized areas to create vibrant and functional cities. Public welfare is a central focus, with the Act emphasizing the creation of inclusive, accessible, and livable urban environments that enhance the quality of life for all citizens. Flexibility in planning is another key principle, enabling urban management plans and district-unit plans to adapt to changing socio-economic and environmental conditions. Sustainability guides the UDA's approach to urban growth, incorporating environmental considerations and smart city technologies into development processes to ensure long-term resilience and eco-friendly practices.



Authorities, their Responsibilities, and Contents of Plans

Urban planning and development in South Korea are managed through a hierarchical system of authorities and plans, with responsibilities divided between the central and local governments to ensure alignment with the National Land Planning and Utilization Act (NLPUA) and related regulations.

The Ministry of Land, Infrastructure, and Transport (MOLIT) at the national level plays a pivotal role in establishing the national planning framework. MOLIT is responsible for creating the state plan (Gukgagyehoek), which sets overarching policies for land use and development, addressing national

interests and guiding large-scale or nationallevel projects. The national government also imposes restrictions and regulations to safeguard public and national priorities in development.

At the local level, responsibilities are further delegated to various authorities. The Special Metropolitan City Mayor oversees planning and development in Seoul and its surrounding areas, focusing on large-scale urban projects. Metropolitan City Mayors and Provincial Governors manage urban planning in other major cities and provinces, ensuring that local developments align with state and metropolitan-level plans. The Heads of Si/ **Gun** (district and county authorities) handle planning and development in smaller cities and rural areas, applying urban plans at a more localized level. Additionally, the Central Urban Planning Committee and local urban planning committees review and approve development projects, ensuring they align with national objectives and serve the public interest.

South Korea's planning framework is built on a hierarchical structure of plans, with the **Fifth Comprehensive National Territorial Plan** (2020–2040) serving as the key statutory spatial plan. This plan provides a long-term strategic vision and policy direction for national territorial and spatial development, addressing critical challenges such as demographic changes, climate adaptation, and technological advancements. Regional plans translate the strategic goals of the national plan into actionable objectives tailored to the unique needs of specific areas, focusing on reducing regional disparities, enhancing resilience, and fostering local innovation.

At the municipal level, local plans offer detailed guidance on zoning, land use, infrastructure development, and public services. These plans are crucial for implementing national and regional strategies on a community scale, directly addressing the needs of local populations while aligning with broader objectives.

Sector-specific strategies complement these efforts by integrating spatial considerations into transportation, housing, industry, and environmental management, ensuring that all initiatives contribute to the overarching goals of sustainable and inclusive development.

 Table 5. Planning Hierarchy in South Korea

Source: National Land Planning and Utilization Act, 2017 and the Urban Development Act, 2000 (and as amended in 2021)

Tier of Government	Planning Instrument	Drafted By	Approved By	Scope
National	Fifth Comprehensive National Territorial Plan (2020-2040)	Ministry of Land, Infrastructure, and Transport (MOLIT)	President	Outlines a national vision for sustainable, balanced, and innovative spatial development, addressing population decline, climate change, and technology. advancement.
Regional/Provincial	Comprehensive Provincial Plan	Provincial Governor / Urban Planning Committee	MOLIT	Long-term development direction for a province or special self- governing province.
	Metropolitan Urban Plan	Minister of MOLIT, Mayor/Do Governor, Head of a Si/Gun	President, Minister of MOLIT, Mayor/Governor	Sets long-term development directions for metropolitan planning zones designated under the National Land Planning and Utilization Act.
	Urban Master Plan	Regional heads	President, Metropolitan and Provincial heads	Sets spatial structure and long-term goals for Special Metropolitan City, guiding sustainable growth, urban expansion and policy integration.
	Si/Gun Comprehensive Plan	Head of si/gun	Province Governor	The basic spatial structure and long-term direction for development of the jurisdictional area of a special metropolitan city, a metropolitan city, a si/gun.
Local- city/county	City/County Master Plan	City Mayor	Province Governor	Guides the City/County Management Plan, which sets legally binding land-use and zoning regulations across key sectors.
	1st Local Area Comprehensive Plan (2023–2027)	Presidential Local Area Committee	Local Area Committee and State Council	This is a mid-term plan prepared for the annual implementation plans for city/provincial local plans, sectoral plans, and supra-metropolitan area development initiatives.
	District Unit Plan	City and Province Mayors, Head of a Si/Gun	President, Metropolitan City Mayor, Special Self- Governing City Mayor	Enhances land use, environment, and aesthetics through systematic planning of specific urban or gun areas.

Land Management

South Korea's approach to land management is governed by a comprehensive and hierarchical planning framework established through the National Land Planning and Utilization Act and the Fifth Comprehensive National Territorial Plan (2020–2040). These legal and strategic tools aim to balance development, conservation, and sustainability while addressing the country's unique demographic, environmental, and economic challenges.

The National Land Planning and Utilization Act provides the legal basis for land management, outlining zoning regulations, development control measures, and the coordination of national and local land-use policies. It divides the territory into designated zones, including urban, agricultural, and conservation areas, each subject to specific regulations to control development and optimize land use. This system ensures that land use aligns with national priorities, such as economic growth, environmental preservation, and social equity.

Fifth The Comprehensive National Territorial Plan serves as the top-tier spatial strategy, offering a long-term vision for sustainable national development. for incorporates quidelines urban regeneration, infrastructure development, and the integration of smart technologies. The plan emphasizes optimizing existing urban spaces over unchecked expansion, reducing impact, environmental and addressing regional disparities. Special attention is given to climate resilience, urban renewal, and public engagement in planning processes.

At the regional and local levels, the government implements **Urban Master Plans** and **District Unit Plans**. Urban Master Plans provide overarching frameworks for cities, defining spatial structures and long-term development directions. District Unit Plans, in contrast, focus on detailed zoning and land-use regulations within neighborhoods and individual blocks, ensuring local needs are met while adhering to broader strategies.



Financial Mechanisms

South Korea's planning framework incorporates a range of financial mechanisms designed to support the implementation of urban and territorial development projects, as guided by the National Land Planning and Utilization Act (NLPUA) and the Urban Development Act (UDA).

These mechanisms ensure that development initiatives are adequately funded while promoting sustainability, equity, and efficiency.

At the national level, the central government allocates funds through the national budget to finance large-scale infrastructure projects, urban renewal programs, and initiatives of national significance.

These include transportation networks, housing developments, and smart city projects. Funding is often channeled through specialized government programs managed by the Ministry of Land, Infrastructure, and Transport (MOLIT) to ensure alignment with national planning objectives.

Public-private partnerships (PPPs) are a key component of South Korea's financial mechanisms, particularly in urban development. Through these arrangements, private sector investment is leveraged to finance, construct, and manage urban projects such as housing, commercial districts, and transportation facilities. PPPs are widely used in large-scale urban renewal projects, where private developers are incentivized through tax benefits, subsidies, or land-use concessions.

The country also employs **land value capture mechanisms** to fund public infrastructure and urban development. For instance, when public investments increase the value of surrounding land, a portion of this added value is recaptured

through taxes or development contributions to finance further improvements. This approach ensures that public investments generate broader economic benefits while funding future projects.

South Korea's financial framework also incorporates **national housing funds and special purpose funds** to address specific development challenges. These funds are used to finance affordable housing initiatives, disaster recovery efforts, and green infrastructure projects. Additionally, subsidies and grants are provided to local governments for projects that align with national goals, such as environmental conservation or climate adaptation.

To ensure financial accountability, the framework includes mechanisms for monitoring and evaluation. Local and regional governments are required to report on the use of funds and the progress of projects, while central government agencies conduct audits to ensure compliance with planning objectives.



Permitting

The process of obtaining a planning permit in South Korea is governed by the National Land Planning and Utilization Act and related legislative frameworks. It is a structured system designed to regulate development activities, ensure compliance with spatial plans, and safeguard public interests.

Development activities, as defined under the National Land Planning Act, include building construction, altering landform or quality, extracting resources, and dividing land parcels. These activities require permission from the relevant local government authority, which evaluates whether the proposed development aligns with existing urban or territorial plans. Non-compliance or unauthorized activities can result in criminal penalties.

The permit process varies depending on the scale and nature of the development:

1. Small-Scale Developments:

For developments under specified size thresholds (e.g., 10,000 square meters in residential or commercial zones), a straightforward development permission process applies. Applicants must demonstrate that their proposal adheres to zoning regulations and land-use plans, and the permit authority verifies compliance without requiring significant plan modifications.

2. Large-Scale Developments:

Larger projects that exceed the size thresholds or have significant external impacts require additional steps. Developers may need to prepare detailed district-unit plans or development plans. These plans outline the project's scope, objectives, and compliance with higher-level spatial plans. The process involves public hearings, deliberations by urban planning committees, and, in some cases, environmental impact assessments.

3. Special Cases and Discretionary Approvals:

Some zones, such as development restriction areas, impose stricter controls. Development is generally prohibited unless exceptional approval is granted. The discretion of planning authorities is significant in such cases, allowing them to weigh public interest and specific plan objectives when granting or denying permits.

The permitting process also incorporates provisions for deemed authorization, allowing developers to combine applications under multiple regulations into a single submission. This approach streamlines the process by granting approvals for ancillary permissions (e.g., environmental or infrastructure-related) automatically when the primary development permission is issued.



Compliance and Enforcement

Compliance and enforcement within South Korea's urban planning system are governed by multiple legal provisions, with a primary focus on the National Land Planning Act (2002) and the Building Act (2008), both of which ensure that land use and development activities align with established urban plans.

Under the National Land Planning Act, development activities such as the construction of buildings, alterations to landform, extraction of earth and stone, and the

division or storage of goods in protected areas require prior permission from the relevant authorities, including the Special Metropolitan City Mayor, the Mayor of a Special Self-Governing City, or the Governor of a Special Self-Governing Province. The Building Act also stipulates that any construction or substantial repair of buildings must be authorized by local authorities. Notably, buildings with 21 or more floors in a Special Metropolitan City or Metropolitan City require a permit from

the competent metropolitan authorities. These permissions ensure that development activities comply with the overarching urban planning regulations, including zoning restrictions, infrastructure provisions, and environmental considerations.

The enforcement of these permissions is further supported by the Building Act, which designates a project supervisor to oversee the construction process. The supervisor is responsible for ensuring that the development project adheres to the approved plans and must notify the relevant authorities in the event of any violations, ensuring timely corrective measures. This supervisory role enhances the accountability of development projects and promotes adherence to planning regulations.

Moreover, certain land-related development activities can be restricted by the Minister for Land, Transport, and Maritime Affairs, or the local city mayor/Do governor, or the head of a Si/Gun, as outlined in the National Land Planning and Utilization Act. Such restrictions are only applied after deliberation with the Central Urban Planning Committee or the relevant local planning committee, ensuring a

systematic and coordinated approach to land use and urban development across various levels of government.

In addition to the development permission system, mechanisms to address external impacts from large-scale development projects are essential for maintaining compliance. Developers are required to mitigate external effects such as increased infrastructure demands. The contributed acceptance system mandates that developers either construct necessary infrastructure and transfer ownership to local governments or risk losing their project approvals. This mechanism ensures that developers bear responsibility for the impacts of their activities, aligning private interests with public needs.

Another tool for compliance is the impact fee system under the National Land Planning Act, which grants local governments the authority to impose fees on developers to cover the costs of infrastructure upgrades necessitated by new development projects. These fees serve as an additional safeguard, ensuring that developers contribute to the sustainability of the urban environment



Monitoring

The Building Act plays a key role in monitoring by mandating the appointment of a project supervisor, responsible for overseeing construction activities to ensure compliance with the approved architectural plans. If any discrepancies or violations arise, such as failure to follow the approved design or construction standards, the project supervisor is responsible for notifying the relevant authorities. This notification mechanism facilitates prompt action to address non-compliance, helping to maintain consistency with planning regulations and ensure that developments meet legal requirements.

Digital Governance

South Korea has implemented comprehensive framework for digital governance that integrates technology into urban planning and smart city development. This framework is grounded in robust legislative structures, strategic action plans, and innovative governance mechanisms that aim to make urban management more efficient, inclusive, and responsive to emerging challenges. At the center of these efforts is the Smart City Act (2008), which defines the scope of smart cities, establishes standards for infrastructure, and provides guidelines for implementation and certification. The Act has undergone over 37 amendments to adapt to technological advancements and evolving market conditions, ensuring its relevance in a rapidly changing landscape.

The Smart City Act mandates the development of a National Smart Cities Strategy and Action Plan, revised every five years. This strategy sets a vision for smart city initiatives and incorporates analyses of domestic international trends. The most recent plan (2024-2028) emphasizes climate resilience and digital inclusion, building on earlier phases that focused on digitizing urban infrastructure, integrating public services, and fostering collaboration between the public and private sectors. These strategies ensure alignment with broader national plans, such as the Comprehensive National Territorial Plan, and provide a clear roadmap for sustainable urban development.

Governance structures plav crucial role in implementing these strategies. The National Smart City Committee, established under the Smart City Act, coordinates policy development, monitors implementation, and facilitates collaboration among stakeholders, including government agencies, private entities, and local communities. Local Smart City Project Councils further support public engagement, allowing for participatory decision-making in urban management.

Examples of South Korea's digital governance in action include **Seoul's Digital Citizen Mayor's Office**, which integrates over 300 administrative systems to support real-time decision-making, and **Songdo's Smart City Integrated Operation Center**, which centralizes urban service management. These initiatives demonstrate the potential of digital tools to enhance urban efficiency, transparency, and inclusivity.

CATALONIA REGION, SPAIN

SPAIN COUNTRY PROFILE **OUICK FACTS**

Type of government

Constitutional parliamentary monarchy

Form of State **Unitary State**

Surface area

505,970 km²

Population density

96 inhabitants per km² (2023)

Population

48.347 million (2023)

Gross domestic product

USD 1.62 trillion (2023)

GDP per capita

USD 33,509

Geographical area and sub-region

Europe

CATALONIA REGION



Surface area

32,107 km²

Population

7.7 million (2020)



Municipalities

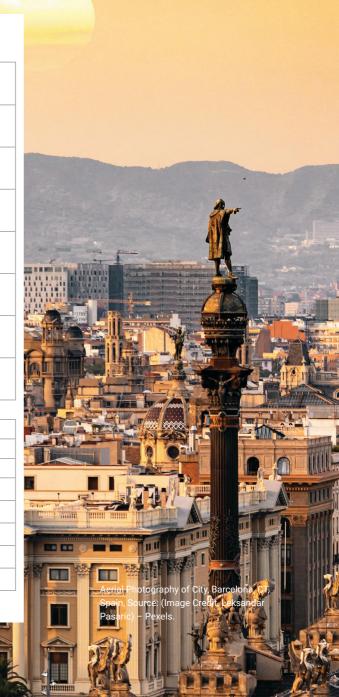
947 municipalities



Urban Population

67 per cent

Source: https://data.worldbank.org/



Country background

Spain is a constitutional parliamentary monarchy, governed by the rule of law. The monarch serves as the Head of State, while executive power rests with the president of the Government, who leads the Council of Ministers. The powers and responsibilities of the monarch are defined and limited by the Spanish Constitution.

There are 22 ministries in Spain; the Ministry of Transport, Mobility and Urban Agenda is the one in charge of:

- Land, air and maritime transport infrastructure.
- b. Control, planning and administrative regulation of transport services.
- c. Access to housing, building, urban planning, land and architecture.
- d. Regulatory organization of postal and telegraphic services.
- Services relating to astronomy, geodesy, geophysics and cartography.

Spain is in the southern part of Europe and is a unitary State composed of 17 autonomous communities (i.e., the regions into which the national territory is divided), including Catalonia, and two autonomous cities with varying degrees of autonomy.

The autonomy of the regions is granted by Article 2 of the Constitution of Spain. The capital of Spain is Madrid, while the capital of the Catalan region is Barcelona.

Spain has a flourishing economy with a gross domestic product (GDP) of USD 1.62 trillion (2023) and a GDP per capita of USD 33,509 in the same year. Demographically, Spain has a population of 48.347 million (2023) over a surface area of 505,970 km², with a population density of 96 inhabitants per km² (2023).

The autonomous region of Catalonia is in the north-east part of Spain at the border with France. Catalonia has a surface of 32,107 km² and 7.7 million inhabitants, according to the 2020 population census, 67 per cent of whom live in Barcelona.

Catalonia has 947 municipalities, but a small rural population, because most citizens (around 95 per cent) are concentrated in 300 municipalities with more than 2,000 inhabitants, therefore Catalonia can be considered a highly urbanized region.

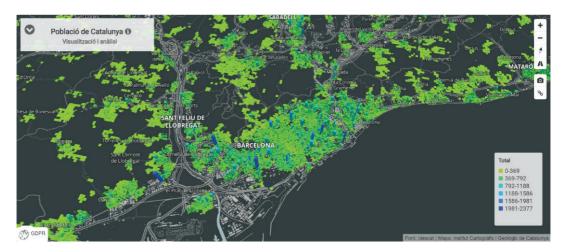


Figure 2. Frame of the interactive map of the population of Catalonia

Source: Catalan Statistical Institute, interactive map of the population (2016) http://betaserver.icgc.cat/ poblacio-catalunya?XYZPB=2.147861,41.409255,10,30.0,-17.6&PROP=TOTAL&ANY=2016&COLORS=96ff11,0047 ff&FILTERS=0,2378&.

The structures, powers, institutions and their functions of the autonomous region of Cata-Ionia are regulated by Decree No. 306 of 2006, modified by the Statute of Autonomy of Catalonia (Catalan statute). The Catalan region is territorially divided into counties, municipalities and "vegueries" (provincial administration) (Art. 83.1 Catalan statute).

Counties constitute the supra-municipal area, municipalities are the basic local bodies of the territorial organization (Art. 86), while vegueries Catalan supra-municipal administration for the exercise of the intermunicipal government of local cooperation having their own legal personality (Art. 90).



Urban Development and Planning System

National spatial planning system

The Spanish planning system is highly decentralized as planning competences are devolved to regions. However, regional spatial planning must be coherent with the national framework.

Article 148.3.a of the Spanish Constitution outlines that the autonomous communities can assume urban and country planning competencies as well as delivery of housing.

Catalan spatial planning system

The Statute of Catalonia, Article 149.1, attributes to the *Generalitat* the following exclusive competences over spatial planning:

- Establishment of guidelines for the planning and management of the territory and the landscape.
- Establishment and regulation of territorial plans and the procedure for processing and approving them.
- Establishment and regulation of the plans for the protection of natural spaces and biological corridors.
- forecasts on locations of infrastructures and equipment under the jurisdiction of the Generalitat.
- e. Determination of specific measures to promote territorial, demographic, socio-economic and environmental balance.

Regarding urban planning, the Catalan regional government has exclusive competence over matters including (Art. 149.5):

- a. The regulation of the land planning regime, including the determination of the criteria for the various types of land and their uses
- The regulation of the legal system of landownership, respecting the basic conditions established by the State to guarantee equality of the exercise of the right to property.

- The establishment and regulation of planning and urban management instruments, and of their processing and approval procedure.
- d. The regulation of public land and housing assets and the regime of administrative intervention in building, urbanization and the use of land and subsoil.
- e. The protection of planning legality, including planning inspection, orders to suspend works and licenses, measures to restore altered physical legality, and planning discipline.

The Generalitat of Catalonia holds exclusive jurisdiction over public works – including their planning, construction and financing– carried out within the Catalan territory, provided these works are not classified as being of general interest or affecting another autonomous community (Article 148 of the Catalan Statute). It also has authority over housing (Article 137) and land transport, such as roads and railways within Catalonia, regardless of infrastructure ownership (Article 169). Additionally, the Generalitat shares the authority to review matters related to urban expropriation with the State (Article 149.6).

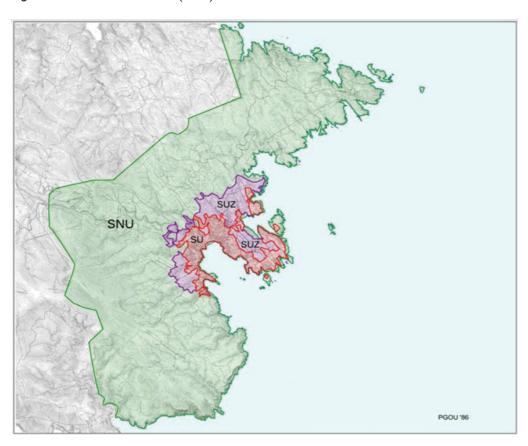


Land classification

The land classification system is one of the core elements of the Spanish planning system. All local level plans (city and village plans) must classify their land according to one of the following categories (Art. 25):

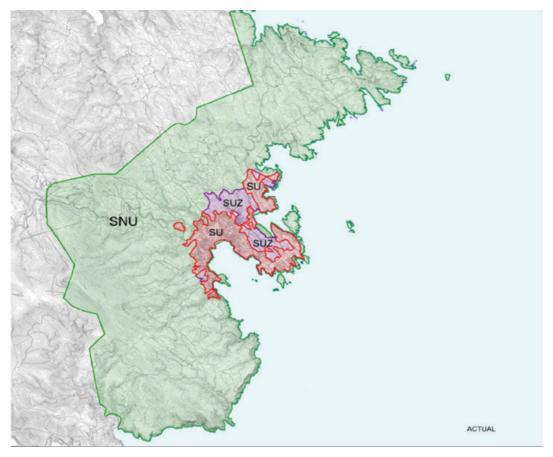
- **Urban land -** land that is already urbanized, has proper streets and connections to basic services such water, electricity and sewerage.
- Buildable land land that can be built on and become urban once streets and connections to basic services are built
- Not buildable land land that needs to be protected and cannot be built on.

Figure 3. Land classification (1986)



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Escola Sert CO AC, Intensification programme in urban planning practice (3rd edition) - Module 1, Introduction to urban planning, interrelation between different instruments (2009).

Figure 4. Land Classification (2009)



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Escola Sert CO AC, Intensification programme in urban planning practice (3rd edition) - Module 1, Introduction to urban planning, interrelation between different instruments (2009).

Article 26 of Urban Law No. 3 of 2012 defines urban land as land that is already integrated into the urban fabric and is equipped with all basic urban services, or land located in areas where at least two-thirds of the buildable area has been developed. Importantly, the mere presence of roads—whether local or intermunicipal—adjacent to the land does not automatically qualify it as urban. Urban land also includes land that, through the implementation of urban planning, reaches

the specified level of urbanization set out in the plan (Art. 26.1.b).

Basic urban services

Consist of the following (Art. 27):

- The road network has a sufficient level of consolidation to allow connectivity with the primary municipal road network.
- b. Water and sanitation networks.
- c. Electricity supply.

Urban land can be either consolidated or nonconsolidated. To understand the difference between the two, it is crucial to define the concept of "plot." According to Article 29, a plot is the land classified as urban buildable land according to its zoning qualification, and that:

- Has been urbanized in accordance with the urban plan or, in any case, is equipped with the essential urban services, fronts a street with public lighting and is completely paved, including the pedestrian area.
- b. Can obtain an immediate license
 because it is not included in an area
 subject to an urban renewal plan
 or a pending urban development
 boundary under development.
- To build it, no land must be ceded for use as roads or streets to regularize alignments or complete the road system.

According to Article 30, consolidated urban land is land that can be a plot.

Article 31 defines non-consolidated urban land as land that lacks one or more essential urban services required to obtain a building permit, such as connection to the sewer system or access to main roads. Consolidated urban land may be reclassified as non-consolidated when the general planning framework designates it for urban transformation- such as its inclusion in an urban renewal plan or within the boundaries of an urban intervention, or when it loses its status as a defined plot due to new development (Art. 31.2).

Under Article 32, non-buildable land refers to areas that the municipal urban plan is required, or considers it necessary, to designate as such due to various factors, including but not limited to the following:

- A special protection regime aimed at preventing land transformation to preserve its ecological, agricultural, landscape, forestry, or other significant values.
- b. Land subject to restrictions or easements for the protection of public domain interests.
- c. Classification is based on the objective of promoting the rational use of land and ensuring quality of life, in line with the sustainable urban development model outlined in Article 3, as well as other criteria set by territorial or urban planning instruments.
- d. The agricultural importance of land included under protected geographical indications or designations of origin, as well as the reservation of land for general urban systems that are not designated as urban or buildable land.

Buildable land is defined by Article 33 as land that, according to Article 3, the municipal land-use plan (POUM) identifies as necessary and suitable for accommodating population growth and economic activity. The amount of buildable land must be proportional to each municipality's population and economic growth forecasts. It must also support the implementation of land and housing

programmes within the urban or metropolitan system to which it belongs.

Private owners of buildable land cannot apply for a construction license directly. Instead, they must obtain approval for an additional plan, known as the "plan partial". Under current planning legislation, the land is not considered urban because it lacks essential

infrastructure such as roads, water, sanitation and electricity. To qualify as urban land and be eligible for licensing, the owners must install these connections and have the partial plan approved. Once the partial plan is approved and the urbanization works are completed, the land acquires plot status and becomes officially buildable.



Municipal urban plan

The "plan d'ordenació urbanística municipal" (municipal urban plan) is the overall urban planning instrument for the territory and may cover one or more municipalities (Art. 57.1).

The purpose of the municipal urban plan includes the following (Art. 57.2):

- a. To classify the land between urban land, buildable land (consolidate or non-consolidate) and non-buildable land to establish the corresponding legal regime.
- To define the implementation of urban models and the determinations for urban development, according to Article 3 of the Urban Planning Law.
- c. To define the general framework to be adopted for the urban planning of the land and the guidelines for development. However, autonomous urban plans can also implement other integral elements of general land use.

Moreover, the municipal urban plan (Art. 58.1):

- Classifies the land in the categories defined by the Urban Planning Law (e.g., urban, buildable and non-buildable), establishes the determination as well as the general structures and models for each class.
- Includes forecasts on the availability of water and energy resources.
- Defines the general system of public open spaces (e.g., spaces for schools etc.).
- Establishes the necessary determinations to achieve sustainable mobility in the municipality.
- Determines which architectural, archaeological, landscape and environmental values are to be protected.

In both consolidated and non-consolidated urban land areas not subject to an urban renewal plan, the municipal urban plan defines spatial planning, establishes the planning parameters required for issuing building permits, and sets alignments (Article 58.3).

Specifically, for consolidated urban land, the plan provides detailed land-use parameters and regulations, including building volumes, number of floors, and other design specifications that must guide the development of construction projects.

In buildable land areas, the municipal urban plan establishes the boundaries of zones designated for new developments, infill, and other interventions (referred to as "sectors"). For each sector, the plan sets out the gross buildability index, maximum density, primary and compatible land uses, as well as the planning standards that determine the minimum required allocations for public facilities, including local open spaces and infrastructure.

In non-buildable land, the municipal urban plan:

- Regulates each of the possible qualifications coherently with the desired grade of conservation and protection.
- b. Regulates the basic parameters of admissible buildings.
- c. Establishes the limits referred to in Article 49.2.
- d. Contains, where appropriate, the catalogue referred to in Article 50.2.

The municipal urban plan for urban land includes detailed provisions, as the developers must rely on it to determine specific construction requirements for each plot- such as the permitted number of floors, building typologies, and other architectural features. In contrast, for consolidated or non-consolidated buildable land, the municipal urban plan provides broader guidelines. These are intentionally more flexible to allow for further specification in the subsequent detailed planning phase, typically addressing aspects like the number of buildings per area or the minimum proportion of land to be allocated for urban services and public infrastructure.

The definition of major infrastructuresuch as roads, access points, and new neighbourhoods- as well as parameters like the maximum number of housing units, is addressed in the municipal urban plans with a degree of flexibility. The level of detail included in these plans is often subject to the discretion of the planner, allowing them to determine whether to specify such elements at this stage or defer them to subsequent planning instruments.

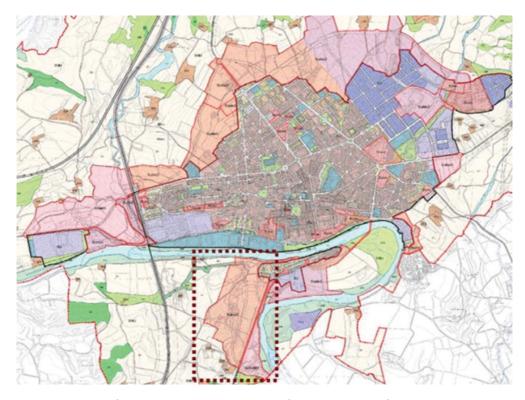
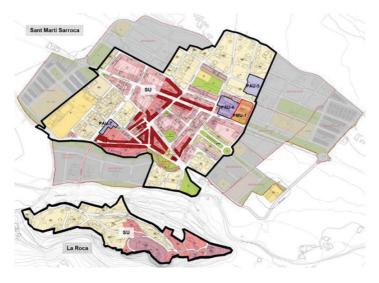


Figure 5. Example of a municipal urban plan identifying a boundary for a detailed plan

Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Escola Sert CO AC, Intensification programme in urban planning practice (3rd edition) – Augusti Serra Monté, Module 1, Urban planning regime.

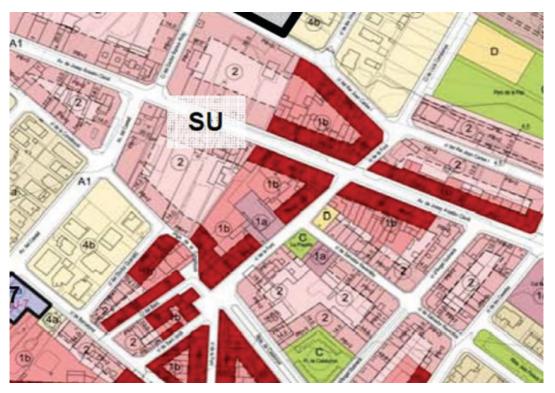
Figure 6. Sant Martì Sarroca – La Roca municipal urban plan defining urban land and non-buildable land



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Escola Sert CO AC, Intensification programme in urban planning practice (3rd edition) – Augusti Serra Monté, Module 1, Urban planning regime.

In Figure 6, the municipal urban plan classifies the land as "buildable" rather than "urban" by designating the area (PMU-1, shown in orange) within an urban renewal plan boundary. Consequently, this land cannot be considered urban, as it lacks essential infrastructure such as streets and service connections. To develop the area, landowners must undertake the necessary urbanization works and obtain approval through the urban renewal planning process.

Figure 7. Sant Martì Sarroca - La Roca, enlargement of a municipal urban plan in an urban area



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Sant Martì Sarroca - La Roca

The area outlined in black in figure 7 is classified as urban land, as it has access to existing streets and essential basic services, such as sanitation, water, and electricity. This classification is based on objective criteria rather than subjective judgement.

Private landowners within this designated urban area are therefore entitled to apply directly for building or transformation permits for their plots.

Detailed Plan

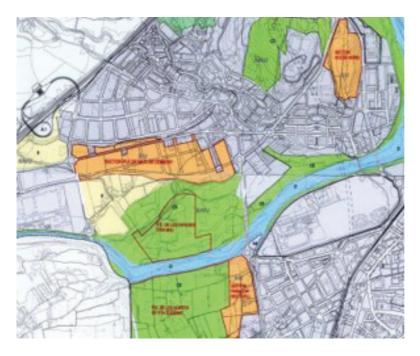
The objective of the *plan parcial* (detailed plan) is to operationalize the general urban planning for buildable land by providing detailed provisions for its development (Art. 65.1). (Art. 65.1).

According to Art. 65.2, the detailed plan:

- Categorizes land as urban, buildable and non-buildable.
- Defines urbanization principles and standards including the design of public spaces.
- Regulates land use and construction parameters necessary for the issuance of building permits.
 Specifies alignments and elevation levels.

- Establishes basic volumetric parameters, which may be either mandatory or presented as alternative options.
- Determines the characteristics and layout of essential urban infrastructure, including preliminary designs for utility networks such as water, drainage, and electricity.
- Sets out the terms and conditions for the execution of urbanization and construction works, which may be further adjusted through municipal urban action programmes.

Figure 8. Example of a detailed plan



Source: Municipality of Girona, PP for Pla de Baix de Domeny (2012).

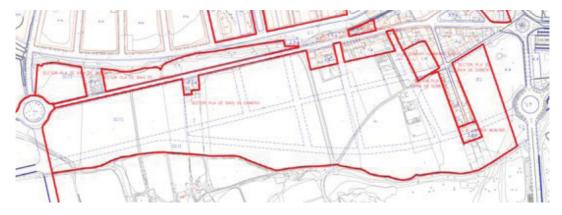
For example, Figure 8 illustrates how the municipal urban plan outlines the basic street layout of a designated area. This structure must then be confirmed and further detailed in the detailed plan.

The municipal urban plan may set out general planning parameters such as:

- A floor area ratio (FAR) of 0.45 built m² per m² of land.
- A maximum residential density of 50 units per hectare.
- Public space requirements, including:

- A minimum of 40 percent of the total land is designated as open space.
- At least 60 percent of the area is allocated as public land.
- A requirement that at least 10 percent of the total residential floor area be dedicated to social or affordable housing.
- The general land use designation of the area as residential.

Figure 9. Municipal urban plan boundary for a detailed plan



Source: Municipality of Girona, PP for Pla de Baix de Domeny (2012).

The subsequent detailed residential plan would then provide a more refined and site-specific framework, including:

- Urbanization principles and regulations.
- Designation of zones, such as residential blocks, public spaces, community facilities, and street networks.

- Detailed floor area ratios and volumetric specifications for residential buildings.
- Basic infrastructure layout, including utility connection schemes for water supply, drainage, electricity, and other essential services.

Figure 10. Detail of a division between private space and public space in a detailed plan



Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012).

Figure 11. Detail of a block



Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012).

Figure 12. Volumetrics in a detailed plan



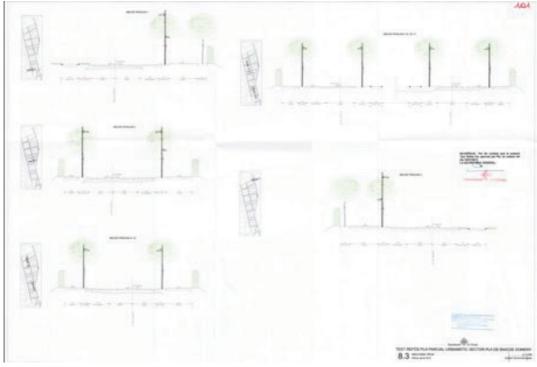
Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012).

Figure 13. Public spaces in a detailed plan



Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012)

Figure 14. Construction details of road sections in a detailed plan



Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012).

Figure 15. Road section in a detailed plan



Source: Municipality of Girona, detailed plan for Pla de Baix de Domeny (2012).

The detailed plan may include an *urbanization project*—either as an annex for simpler developments or as a separate, standalone document for more complex initiatives.

Urbanization works must be fully completed before building permits can be issued, as it is not possible to obtain a license or commence construction unless the land has officially acquired *urban* status.

Private landowners are responsible for carrying out all necessary urbanization works, including the development of public spaces, infrastructure, and utility connections, to transform their land into urban land eligible for construction. At this stage, landowners are

not required to pay urbanization fees or taxes, nor is there a formal transfer of property to the public sector.

Once the works are finalized, the local authority inspects their quality and ensures compliance with the approved plans. If found satisfactory, the public components of the land—such as roads and green spaces—are formally received by the municipality, which then assumes responsibility for their ongoing maintenance.

While public facilities (e.g., schools or health centers) are maintained and operated by the government, the land on which they are built is provided free of charge by the developers.



Urban renewal plans

A system similar to the process used for land extensions through detailed plans is also applied to urban renewal through *planes de mejora urbana*, (urban renewal plans). The municipal urban plan identifies areas that require regeneration, including urban or developed zones with poor infrastructure, inadequate streets, or insufficient public spaces and facilities.

The urban renewal plan functions similarly to a detailed plan but specifically targets urban areas. Once land is included within an urban renewal plan boundary, it transitions from urban land to buildable land. As a result, landowners within a designated urban renewal zone must submit an urban renewal plan to obtain the necessary building permits.

In essence, the urban renewal plan aims to enhance or complete the following (Art. 70):

- (a) **Revitalizing the urban fabric**, which may involve rehabilitation, internal reforms, urban remodelling, transformation of land uses, re-urbanization, underground development, or population resettlement, particularly in non-consolidated urban areas.
- (b) **Urbanizing consolidated urban land**, including regulating the volumetric design and façade appearance of buildings.

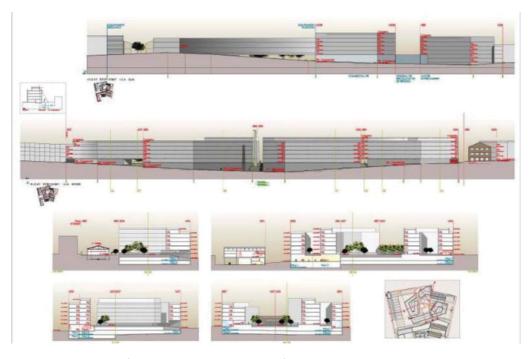
The land can only be reclassified as urban land once the required urban renewal works—such as upgrading basic infrastructure—are completed.

Figure 16. Urban Renewal Plan of Sala I Badrinas, Terrassa, Catalonia



Source: Escola Sert CO AC, Intensification programme in urban planning practice (3rd edition) - Module 1, Introduction to urban planning, interrelation between different instruments (2009).

Figure 17. Urban Renewal Plan of Sala I Badrinas, Terrassa, Catalonia



Source: Municipality of Terrassa, Urban Renewal Plan of Sala I Badrinas, Terrassa, Catalonia

Land readjustment project

There are two main systems for implementing urban planning: expropriation and land readjustment (re-parcelling – Art. 121 of the Urban Planning Law).

A **land readjustment project** serves the following purposes:

- Distribute the benefits and burdens arising from urban planning regulations.
- Regularize the configuration of land parcels (referred to as "fincas").
- Allocate buildable land among the members of a landowners' association.

Under the land readjustment plan, the land parcels resulting from the division of the land—subject to a detailed design—are assigned to each participating owner in proportion to their original holdings. This allocation is based on the amount of land each participant originally owned.

The new division of land, which includes areas dedicated to urbanization services and the individual buildable plots, must be officially recorded in the land register.

Once the urbanization project, which has been approved by the municipal administration, is completed, the owners may apply for a building permit as the land is now classified as plot-ready. Detailed construction guidance is provided in the approved detailed plan, in alignment with the municipal urban plan.



Figure 18. Land readjustment project – initial configuration of land

Source: Generalitat de Catalunya -Department of Territorial Policy and Public Works, Directorate General of Urban Planning.

Figure 19. Provisions of a detailed plan



Source:
Generalitat de
Catalunya Department of
Territorial Policy
and Public Works,
Directorate
General of Urban
Planning.

Figure 20. Land

readjustment project - final configuration of land



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Directorate General of Urban Planning.



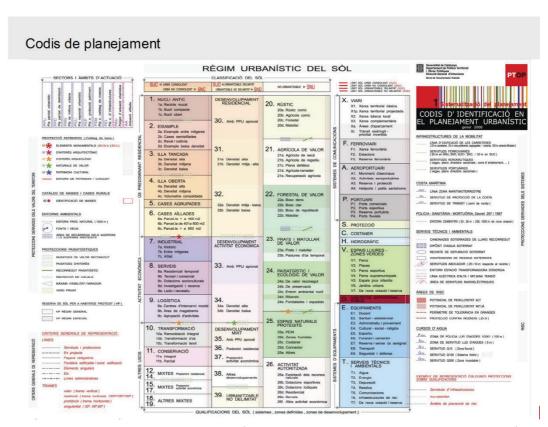
Non-state actors and private sector involvement

In the Catalan spatial planning system, private sector involvement is a key component and plays a significant role in shaping detailed plans. As outlined in Article 101 of the Urban Planning Law, private individuals have the right to propose urban renewal plans and detailed plans, provided they align with the relevant general planning regulations. Private promoters, subject to municipal authorization, are entitled to access the

necessary information from public bodies to support their planning efforts. While private promoters are responsible for executing the plans they propose, they do not have the right to demand approval for amendments to the municipal urban plans. However, the municipal administration retains the authority to initiate reforms and make changes to the municipal urban plans when deemed necessary.

Planning codes

Figure 21. Planning Codes



Source: Generalitat de Catalunya - Department of Territorial Policy and Public Works, Directorate General of Urban Planning, Systematization of Planning, Identification Codes in Urban Planning (2008).

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UN-Habitat has conducted an international benchmarking case study of planning laws in five countries and one sub-national region (Malaysia, Mexico, Morocco, Netherlands, South Korea and Catalonia Region, Spain) to assess the impact of planning laws in these contexts on sustainable urban development. This has provided a spectrum of regulatory models and schemes for the spatial planning legal reform agenda in the Kingdom of Saudi Arabia.

These case studies reveal that planning legal frameworks should clearly define planning objectives and principles which is part of sound policymaking to articulate the scope of the planning instrument as well as an opportunity to reflect the local needs and challenges. Additionally, for smooth implementation, planning laws should contain robust fiscal mechanisms to support equitable urban growth and development. Effective spatial planning laws promote coordination between institutions at the national level with those at the regional and local levels for the planning, implementation, approval and oversight of development projects, plans and documents.

Monitoring and enforcement are crucial in planning laws as they ensure that development adheres to regulations and protects the public interest. Monitoring helps identify potential breaches, while enforcement actions address violations and remedy harm, ultimately maintaining the integrity of planning schemes and fostering public trust.

Digital tools for urban planning and public service delivery support community engagement and meaningful public participation, but they should prioritize transparency and user privacy, ensuring equitable digital governance. Varied types of land ownership and management should be promoted by legislation, considering cultural customs, including freehold, leasehold or customary ownership to promote greater security of tenure for all. Planning laws that promote an integrated permitting system, help simplify regulatory processes and ensures compliance through a unified framework.

The case study of Catalonia, Spain mostly delineates how the land classification system, through municipal and detail plans, influence access to urban basic services and infrastructure as well as forming the basis for the grant of a building permit.

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