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DEFINING THE PRINCIPLES OF NORMATIVE IDIOM IN SPATIAL PLANNING

ODREĐIVANJE NAČELA PROSTORNOPLANSKOG NORMATIVNOGA IZRIČAJA

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Spatial plans are often criticized for their lack of clarity. To obtain a building permit, the requirements for construction outlined in the plan regulations must be integrated into the project. Ambiguity can hinder those involved in the implementation from reaching a consensus on the meaning of these requirements. However, there is no research assessing the validity of this criticism, how to determine whether a plan is clear or not, or how to ensure it is written clearly.

This research approaches the spatial plan primarily as a system of messages designed to express a spatial solution through a framework of legal rules. The recipient must be able to easily understand what they may do, should do, or must refrain from doing to be authorized to build. The discipline of legal drafting encompasses certain fundamental requirements for a comprehensible normative language, which can be encapsulated in the general principles of clarity, precision, and simplicity, and can be further elaborated through specific rules and guidelines for effective writing.

This work asserts that:

- Within spatial planning, the general principles are realized through specific principles of normative language, which reflect the limitations inherent in crafting clear planning rules.
- These principles stem from the restricted ability to clearly articulate the legal relationships governed by the spatial plan.
- It is primarily these relationships, which can be defined by properties that are easily recognizable as equivalent in both the plan and design, that tend to be regulated.

These hypotheses were examined within the Croatian physical planning system, using a sample of urban development plans, based on the assumption that there exists sufficient similarity among various types of plans and across different European planning systems to support further research grounded in the results obtained here.

The research focused on three fundamental aspects of the urban development plan:

- i. Content that may or must be regulated by the plan: This pertains to the specificity of spatial planning.

- ii. Requirements and limitations imposed on the content by the need to interpret the plan during its implementation: This addresses the specific demands for the plan's comprehensibility.

- iii. Expression of the content that facilitates easy interpretation: This relates to the distinctiveness of planning language.

The content of the urban development plan is constrained by the higher-level laws that authorize it, the ordinance on spatial plans that defines the available tools, and the manner in which it is implemented: a fundamentally legal procedure that, through the process of subsumption, verifies the equivalence of the specific properties of the building as expressed in the design against the abstract properties required by the plan.

That process requires a simultaneous interpretation of the plan and the design, in order to acquire comparable properties and their values. The adherence to the plan is provable only through the design. That creates the conventional plan content, largely shared throughout the analysed sample: a limited set of building properties easily recognizable in the design.

The content primarily needs to be expressed in the clearly articulated textual structure, both formally, so that the text is divided into clearly and systematically labelled units, and thematically, so that those units are coherent, having clear themes, and organised according to clear hierarchy and sequence.

Thematic structure is based on two primary concepts: the building class and the set of requirements defining it. The material relations between them, as well as discourse regularities, limit the number of acceptable thematic structures, and therefore the number of coherent and clear textual structures.

The basic unit of the general legal act and therefore of the plan, is the article. The set of thematically linked articles forms a higher-level textual unit. The structure of the article is highly formalised and standardised, allowing for the clear expression of the planning rule elements and their relations. The elements are: building class, building require-

ments, and additional information clarifying them. There exists only a limited number of coherent and clear article structures. In general, the idiom is most comprehensible when it successfully balances the requirements of:

- i. precision: the content is unambiguously transmitted
- ii. linguistic clarity: the language and expressions are familiar
- iii. simplicity: the message is clearly articulated and easy to grasp.

The sample analysis showed the usual violations of those requirements, and general rules and principles of legal drafting. By abstracting the results of the analysis, as well as the ways to avoid those violations, the specific principles of normative idiom in spatial planning could be given:

- i. appropriateness of content, which limits the plan to regulating the legally and materially correct matter, and to conventional, and easily interpretable and verifiable building properties
- ii. recognisability of structure, which requires the idiom to arrange the primary concepts and textual units in a simple and transparent manner, so that the content finds itself in a predictable location, expressed in formally correct articles, which clearly transmit and present the planning rules' elements and their relations
- iii. conventionality of idiom, which requires the consistent use of expressions, which need to be clear in the given context.

This research also defined a method applicable to the analysis of other kinds of plans and methods for creating them. It consists of:

- i. legal aspects examination: what is the role of the plan within the system and how it is applied
- ii. content analysis: normative (how the spatial intervention classes are defined and differentiated, which properties describe them) and formal (identifying conventional textual structures and forms)
- iii. definition of the principles: examination of the conventional idiom, recognition of the desirable properties of the idiom, abstraction of principles.