RECOMMENDATIONS ON LAND DISTRIBUTION OR REALLOTTMENT BY DESIGNATED USE

The categorization of land and alteration of the category is carried out by bodies which decide on the transfer of land to the owner or user, and, in other cases, by bodies which authorize land management projects and decide on the establishment of nature conservation, recreational, cultural or other objects.

It has been substantiated, that the notion "Use type" is vague, and there is no direct definition of this notion in the latest version of legislation.

In the course of the examination, the comparative definition of the term "designated use" has been suggested, i.e. the use by the designation, predefined by the land management technical documentation and the legislation in effect.

In practical terms, the issue of land reallocation by designated use is very limited [1-3].

The main use types, present by the legislation, and logging, medicinal plants collecting, hay making, cattle grazing, hunting, fishing, and other use types can be carried out only in case such activities do not contravene with the designated use of the territory or nature conservation object, and demands on the conservation, renewal, and use of the natural complexes and facilities.

According to Article 20 of the Land Code of Ukraine [4] as of 07.04.2022, at the alteration of designated use of a land plot, the category of land and/or designated use is altered. It is clear that the notions of land category and designated use are mutually dependant, and with the alteration of one of them the other is also altered.

Land category and designated use are specified with respect to the territory functional use, predefined by the approved complex spatial development plan or master plan of settlement. The alteration of designated use of land plots of state or communal property which belong to the category of residential and public development, industry, transport, communication, energy, defence or other, as well as land plots, on which buildings and structures are placed (but land plots placed on nature conservation territories or objects) privately owned by land user, who uses the land plot on the basis of permanent use, lease, emphyteusis or superficies, can be carried out by...
the land user. In this case, the alteration of designated use can be carried out without authorization by local authorities or other managing bodies.

The alteration of designated use by land user of a land plot of state or communal property (but permanent use) without land auction for certain activities should not lead to other activities on this land plot but cases there are buildings and structures owned by the land user.

In case a number of land plots is owned by one person, who wants to alter the designated use of a number of land plots, the land management project can redefine the alteration of designated use of a number of land plots.

References: