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Modern urban development policy: normative regulation

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Abstract

The article reveals the importance of the legal institution in the urban planning structure in the Russian Federation, using the methods of content analysis and deductive and inductive approaches. In connection with the creation of a new public-legal entity for Russia, the federal territory “Sirius”, a comparative analysis was carried out, as a result of which it is evident that the territories of the federal capital were identified as optimal in terms of the success of development, the economic achievement of which is due, among other things, to novel progress, generally based on the acquisition by the public authorities of the federal territory of special rights over parcels within federal territories. Considering that one of the objectives of the creation of the federal territory “Sirius” is a complex sustainable and innovative socioeconomic development of the territory and, in addition, with the factor of lack of legal certainty, the authors conclude that the need to use a new conceptual apparatus of elements of planning structure in the regulation of urban planning activities of the territory is justified. federal, which are defined and ascribed in the general regulatory system.

Keywords: Sirius federal territory; elements of the planning structure; sustainable development of the territory; normative regulation; urban development.

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Política de desarrollo urbano moderno: regulación normativa

Resumen

El artículo revela la importancia de la institución legal en la estructura de planificación urbana en la Federación de Rusia, utilizando los métodos de análisis de contenido y enfoques deductivos e inductivos. En relación con la creación de una nueva entidad pública-legal para Rusia, el territorio federal «Sirius», se llevó a cabo un análisis comparativo, como resultado de lo cual se evidencia que los territorios de la capital federal fueron identificados como óptimos en términos del éxito del desarrollo, cuyo logro económico se debe, entre otras cosas, al progreso novedoso, generalmente basado en la adquisición por parte de las autoridades públicas del territorio federal de derechos especiales sobre parcelas dentro de territorios federales. Considerando que uno de los objetivos de la creación del territorio federal «Sirius» es un complejo desarrollo socioeconómico sostenible e innovador del territorio y, además, con el factor de falta de certeza jurídica, los autores concluyen que se justifica la necesidad de utilizar un nuevo aparato conceptual de elementos de estructura de planificación en la regulación de las actividades de planificación urbana del territorio federal, los cuales se definen y adscriben en el sistema normativo general.

Palabras clave: territorio federal «Sirio»; elementos de la estructura de planificación; desarrollo sostenible del territorio; regulación normativa; desarrollo urbano.

Introduction

The appearance of a modern city is determined by its layout, the formation of which is historically and economically determined by many factors. Construction materials change over time. Planning decisions for the placement of buildings, structures, and constructions also change. The most important influencing factors on the location in territorial planning are the geographical terrain and the emerging market factors in commodity turnover.

Typical methods of territory planning are well-known: firstly, radial-concentric, secondly, linear, thirdly, grid-network, and, fourthly, radial (fan) (Mityagin and Spirin, 2019).

All these methods of planning are used in one way or another in modern urban planning. The combination of these methods is designed to form a spatial organization in which the population is provided with sufficient transport, engineering, and social infrastructure facilities and has access to places of employment.

However, settlements, planning solutions of which did not have a historical background and were formed completely from scratch are very popular: Vasilievsky Island in St. Petersburg, Manhattan in New York, etc. The popularity of such solutions is explained by the use of the Grid plan, according to which the streets intersect perpendicular, and the blocks have a square shape. Similarly, K. Wren's urban planning solutions, implemented after the Great Fire of London in 1666, were also popular, due to which fire insurance appeared, and the modern City (Zone One) has a planning system based on lattice-network solutions.

Therewith, the normative and legal regulation of relations in urban planning, including in the part concerning the possibility of using certain planning decisions in the public interest, do not find a proper degree of regulation in Russian legislation, leaving the institutionalization of a specific planning decision concerning a locality in the discretion of the project organization preparing a draft of the relevant territorial planning document.

Since in this case, this refers to the public interest, the institution of public hearings (public discussions), designed to gain public consensus in making certain planning decisions, is considered insufficient. After all, concerning other legal relations, but also aimed at forming a collective will, the tools of general meetings are used in the Russian legal order as procedures for forming a collective expression of will, rather than expressing an opinion (Mayboroda, 2018). In this connection, the paper examines the problem of legal uncertainty in the regulation of the used institute of territory planning in urban planning activities in terms of the formalization of the elements of the planning structure.

1. Methods

The object of the study is the public legal entity of the "Sirius" federal territory (Russia).

The study uses a comparative analysis of the regulation of similar relations in foreign legal systems. The semantic meaning of the concept of "planning structure" is revealed through the use of content analysis. The methods of deduction and induction are used to construct possible ways to improve the regulation of the studied legal relations concerning the goals of creating a federal territory in Russia, considering the possibility of innovating the entire territorial development of the Imaret Lowland.

2. Results

2.1. Analysis of the element of the planning structure in the system of normative regulation of the urban planning legislation of Russia

Clause 35 of Article 1 of the Town Planning Code of the Russian Federation (2004) defines an element of planning structure as a part of the territory of the settlement, city district, or the inter-settlement territory of the municipal district (quarter, the residential district, the area, and other similar elements).

The corresponding authority is assigned to the Government of the Russian Federation to authorize the executive authority to establish the types of such elements.

The Government of the Russian Federation, for its part, by paragraph 5 of the Decree of the Government of the Russian Federation No. 1221 of November 19, 2014 “On approval of the rules for assigning, changing and canceling addresses” (2014), authorized the Ministry of Finance of the Russian Federation to approve the list of elements of the planning structure, elements of the street and road network, elements of addressing objects, types of buildings (structures), premises used as address details, as well as the rules for abbreviating the name of address-forming elements.

The Ministry of Finance of the Russian Federation implemented this authority by adopting Order No. 171n dated November 5, 2015 “On approval of the list of elements of the planning structure, elements of the street and road network, elements of addressing objects, types of buildings (structures), premises used as address details, and rules for abbreviated naming of address-forming elements” (Order of The Ministry of Finance of the Russian Federation, 2015).

The named order lists the elements of the planning structure: shaft; zone (array); quarter; field; microdistrict; embankment; Island; the park; port; area; garden; square; territory; the territory where citizens conduct gardening or horticulture for their own needs; the territory of a horticultural non-profit partnership; the territory of the homeowners’ association; the territory of a gardening non-profit partnership; consumer cooperative territory; the territory of the partnership of real estate owners; yurts.

The Decree of the Government of the Russian Federation dated November 18, 2013, No. 1038 approved the Regulation on the Ministry of Construction and Housing and Communal Services of the Russian Federation, subparagraph 5.4.86 of which the Ministry of Construction is authorized to establish the types of elements of the planning structure (Decree of the Government of the Russian Federation, 2013).

By order of the Ministry of Construction and Housing and Communal Services of the Russian Federation No. 738/pr dated April 25, 2017, the types of elements of the planning structure were approved: district; micro district; quarter; common area, except for elements of the planning structure included in the road network; the territory where citizens conduct gardening or horticulture for their own needs; the territory of the transport hub; the territory occupied by a linear object and (or) intended for the placement of a linear object, except for the street-road network and directly – the street-road network (Order of the Ministry of Construction and Housing and Communal Services of the Russian Federation, 2017).

Resolution of the Government of the Russian Federation No. 1221 of November 19, 2014, is an act regulating legal relations in the field of addressing (2014). The address, according to paragraph 1 of Article 2 of Federal Law No. 443-FZ of December 28, 2013 “On the federal information address system and on amendments to the Federal Law “On general principles of organizing local self-government in the Russian Federation “ is a description of the location of the address object, structured following the principles of organizing local self-government in the Russian Federation and including, among other things, the name of an element of the street and road network and (or) the name of an element of the planning structure (if necessary), as well as a digital and (or) alphanumeric designation of the address object, allowing it to be identified (Federal Law of the Russian Federation, 2013).

Decree of the Government of the Russian Federation No. 1038 of November 18, 2013, establishes the powers of the Ministry of Construction of the Russian Federation, which is a federal executive authority that performs functions for the development and implementation of state policy and regulation, including in the field of urban planning, but except for territorial planning (Decree of the Government of the Russian Federation, 2013).

Thus, there is an obvious discrepancy in the system of normative legal regulation on the types of elements of the planning structure, formally generated by the spheres of regulation distributed among the executive authorities.

However, it seems that this discrepancy has a true nature of uncertainty in the regulation of the relations of the actual planning structure, the elements of which therefore do not have a definition, but only an enumeration. That is, an element of the planning structure should be formalized as an institution of relations on the planning of the territory, having independent goals and objectives.

Content analysis in the absence of a legal concept of “planning structure” allows distinguishing two semantic components in it: “planning” and

“structure”. Planning is a tool for a long-term logical assumption about a certain period (planning horizon), the onset of which is extrapolated from the corresponding period of previous experience. A logical assumption can have both a time vector and space, a certain territory, as the sphere of application. Federal Law No. 172-FZ of June 28, 2014 “On strategic planning in the Russian Federation” in paragraphs 18 and 19 of Article 3 defines the medium-term planning period (from 3 to 6 years) and the long-term planning period (over 6 years) (Federal Law of the Russian Federation, 2014).

By virtue of parts 10 and 11 of Article 9 of the Town Planning Code of the Russian Federation, territorial planning schemes of the Russian Federation are approved for a period of 10 to 20 years, and master plans of settlements, master plans of urban districts are approved for at least twenty years. That is, considering the above criterion, these documents are long-term planning documents.

The documentation on the planning of the territory, according to the definition given in Article 41 of the Town Planning Code of the Russian Federation, in contrast to the above documents of territorial planning, covers only the territory, but not the time vector in any medium-term, long-term, by the pattern of its assumption. In fairness, we should point out that the law does not imply the possibility of covering any desired territory with documentation on the planning of the territory. The list of cases upon the occurrence of which the placement of objects is carried out with the obligatory preparation of documentation for the planning of the territory is exhaustive and is defined in part 3 of article 43 of the Town Planning Code of the Russian Federation.

The structure is an ordered structure of the mutually dependent elements of an object. The above long-term planning documents have the main element of the structure – functional zoning. By virtue of paragraph 5 of Article 1 of the Town Planning Code of the Russian Federation, functional zones are zones for which documents of territorial planning determine borders and functional purpose. Summing up the above, it should be concluded that the planning structure (in this case, the territory) is an ordered representation of the future development of this territory, mutually organized according to the functional purpose of the part of the territory defined by the borders, determined by the territorial planning document or the documentation on the planning of the territory. This understanding is consistent with the definition of territorial planning. According to paragraph 2 of Article 1 of the Town Planning Code of the Russian Federation, territorial planning.

The above does not allow considering the elements of the planning structure directly as part of the territory. According to the above, the elements of the planning structure should first be included in the functional zone, and only then, being elements of the functional zone and having the

immanent properties of a specific functional zone, open the possibility of forming a spatial organization with documentation on the planning of the territory. That is, an element of the planning structure is not a part of the territory, but a part of the functional zone to be allocated in the territorial planning document.

Contrary to what is given in the urban planning legislation, the elements of the planning structure are distinguished not in the development of territorial planning documents, but, according to part 1 of Article 41 of the Town Planning Code of the Russian Federation, with documentation on the planning of the territory, the formation of which becomes possible only in the presence of territorial zones, that is, after the transformation of the regime of functional zones into the regime of territorial zones from the documents of territorial planning in the rules of land use and development – within the meaning of part 1 of Article 41.1., of the Town Planning Code of the Russian Federation.

Thus, the property of planning in time is lost, and the planning structure, according to the revealed meaning of the term in the system of normative regulation, means exclusively planning of the spatial organization, that is, of already formed development. In this situation, it is pointless to try to organize the space according to the best models from the accumulated experience of mankind in urban planning.

Accordingly, the disclosure of the semantic content of the concept of “element of the planning structure” in the presumed meaning of striving for the better becomes unattainable, and therefore the lack of legal certainty concerning the elements is explained by purely utilitarian needs: each of the elements of the planning structure is not formed by itself, in search of an optimal ratio between the number and availability of infrastructures, but is used in the most appropriate way to the already formed building.

2.2. Formation of the “Sirius” Federal Territory

The Federal Constitutional Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation of March 14, 2020, No. 1-FKZ “On improving the regulation of certain issues of the organization and functioning of public power”, among other amendments to the Constitution of the Russian Federation, reformulated the content of part 1 of Article 67 (Federal Constitutional Law of the Russian Federation, 2020). The Federal Constitutional Law has supplemented the norm with new proposals that federal territories can be created on the territory of the Russian Federation following federal law. The organization of public power in federal territories is established by the specified federal law. Federal Law No. 437-FZ of December 22, 2020 “On the “Sirius” federal territory” (hereinafter referred to as Law No. 437-FZ) created the first federal territory of the same name (Federal Law of the Russian Federation, 2020).

Article 2 of Law No. 437-FZ defines that a public legal entity of national strategic importance is recognized as the Sirius federal territory. Further in the text of the above norm, the goals of its creation are fixed. The “public law education” term is used in industry legislation and the doctrine of both private law and public relations, but in respect to this aspect, it is important to understand that this public law education can exercise public powers in the totality of their separation in ordinary legal regimes through unified public authorities. The public authorities of the federal territory exercise federal powers, the powers of the state authorities of the subjects of the Russian Federation, and municipal powers.

According to the provisions of Law No. 437-FZ, the goals of creating a federal territory are indicated: a) ensuring comprehensive sustainable socio-economic and innovative development of the territory; b) increasing the investment attractiveness of the territory; c) the need to preserve the Olympic sports, cultural and natural heritage; d) creation of favorable conditions for the identification, self-realization, and development of talents; e) implementation of the priorities of scientific and technological development of the Russian Federation.

The goals specified in paragraphs “a”, “b” and “d” are the goals that all public legal entities strive to achieve in one form or another, and thus, only achieving the goals given in paragraphs “c” and “d” is non-trivial. That is, the creation of a new public-legal entity – the federal territory pursues the achievement of two new goals that were not previously set before public-legal entities: the preservation of the Olympic sports, cultural and natural heritage, and the creation of favorable conditions for the identification, self-realization, and development of talents (Mayboroda, 2021).

According to the provisions of Article 2 of Law No. 437-FZ, the federal territory is defined as a public legal entity, which qualitatively distinguishes this entity from the territories of advanced development, special economic zones, innovative development centers, and similar territorial entities created in the previous time, united according to the criterion of delegating public powers to a private legal entity, usually called a “management company”.

The purpose of such delegation is the establishment by the management company of the specifics of development in the isolated territory, thanks to which the legislator assumes especially intensive economic growth. In contrast to the above experience, in the case of the federal territory, the delegation of state management powers, including the establishment of the specifics of economic activity to a private entity, has not been made. Due to another constitutional innovation, public authorities are being created in the federal territory, the essential content of the nature of managerial decisions of which differs from the powers of state authorities and self-government bodies.

The “public authorities” term introduced by the novelties of the Constitution has not received its normative legal definition. Article 2 of Federal Law No. 394-FL of December 8, 2020 “On the State Council of the Russian Federation” defines the concept of a unified system of public power, which, within the meaning of this norm, means the entire set of state authorities and local self-government bodies.

Federal Law No. 271-FZ of July 1, 2021 “On amendments to the Federal Law “On the “Sirius” federal territory” defines the legal possibilities for fixing the specifics of urban development activities in the federal territory “Sirius” – Article 46.1 of Law No. 437-FZ (Federal Law of the Russian Federation, 2021). It is the public authorities of the federal territory that are given the opportunity to determine the specificity in regulation, including urban planning legal relations. However, the provisions of this law do not affect the possibility of establishing features in the elements of the planning structure of the federal territory, and paragraph 4 of part 2 of this Article provides public authorities with the opportunity to determine the features of the composition, content, procedure for developing, approving, including documentation on the planning of the territory prepared within the boundaries of such a federal territory. It is not obvious that it is possible to independently determine the types of elements of the planning structure and their content.

3. Discussions

3.1. Foreign experience of urban planning in federal territories

Directly, the term “federal” allows asserting that the territorial entity in question can only be located in a federal state. The very approach of granting a differentiated scope of rights and obligations to the subjects of the federation creates prerequisites for the formation of the idea that the federation may consist of other elements than exclusively only from the subjects, even if they are differentiated, but endowed with territorial and public autonomy.

Thus, the federations consisting only of subjects in the literature include the Republic of Austria, the Kingdom of Belgium (given that its “two-layer” federalism implies the existence of only homogeneous territorial units in each layer), the Federal Republic of Germany, the Federated States of Micronesia, the Federal Democratic Republic of Nepal, the United Arab Emirates, the Union of Comoros, the Federation of St. Kitts and Nevis, Sudan, the United Republic of Tanzania, the Swiss Confederation (Praskova, 2013). These states do not have entities that are not endowed with the status of a subject of the federation.

In addition to federations consisting only of subjects, a significant array of them is formed by states, which include territories and (or) other entities that are not endowed with the status of subjects. Currently, there is no terminological unity in the name of the parts of the federation that do not have the status of a subject of the federation in Russian legal thought.

For example, the federal structure in India is completely directly divided between the States of India and the territories (union territories). The Union territories, as well as the national capital district of Delhi, are governed by federal authorities, although in some cases they have their parliaments and governments, but with a very limited range of powers. The federal legislation of the Indian Republic is directly applicable in the Union territories (Pandey, 2012). However, another circumstance is important in the given example – the capital district.

In many federal states of the world, the experience, applied for the first time in the United States, is used to create a special federal territory – a federal district intended to house the federal government and federal authorities. Currently, the Republic of Argentina, the Federal Republic of Brazil, the Bolivarian Republic of Venezuela, the Republic of India, the United States of Mexico, the Federal Republic of Nigeria, the Islamic Republic of Pakistan, the United States, Ethiopia has the federal territory or district for the placement of the capital.

In the United States of America, which for the first time implemented the idea of federal-state construction with visible isolation of the capital district, the history of this issue began in 1790, in which the “Act of Residence” (full name – “An Act for establishing the temporary and permanent seat of the Government of the United States”) was adopted (U.S. Statutes at Large, 1790). The document, dated July 16, 1790, assigned an area to the US government, not exceeding ten square miles and located on the Potomac River, in a place between the mouths of the East Branch and the Conococheague Creek³.

The Australian Union and Malaysia have similarly created special territories for the placement of capitals. The Australian Capital Territory (the location of the city of Canberra and the seat of the Union authorities) has its authorities, whose powers (including legislative ones) are in many respects similar to the powers of the relevant state bodies, as well as representatives in the Federal Parliament.

The Australian Capital Territory was created by the law “Seat of Government Acceptance Act”. The named Law has the number 23, signed by the Governor-General Lord Dudley on December 13, 1909, together with

3 “That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States”.

the Law on the Surrender of the seat of Government in the Parliament of New South Wales, allowed transferring “an area of about 900 square miles” from New South Wales to create a federal capital territory as the seat of the Commonwealth government.

The federal territory of Kuala Lumpur (on the territory of which the capital is located), following article 1 of the Constitution of Malaysia, is not part of the territory of the state of Selangor, it is a territory of the federation. The territory of Kuala Lumpur has had the status of the “national and legislative capital” since 2001, and the executive and judicial bodies have been transferred to a specially built center in the federal territory of Putrajaya, (physically – formerly a suburb of Kuala Lumpur).

The idea to replace Kuala Lumpur with Putrajaya as the capital appeared in the late 1980s.

It is this formation that can serve as a guide in the formation of the Russian federal territory. Therewith, the Federal Government paid the Selangor State Government for approximately 11,320 acres (4,581.04 ha) of land in Prang Besar.

Construction began in August 1995, and it was Malaysia’s largest project and one of the largest in Southeast Asia, with an estimated final cost of 8.1 US Dollars Billion (33.29 billion ringgit). All government ministries had moved to Putrajaya by 2005, except for the metropolitan Ministry of International Trade and Industry, the Ministry of Defense, and the Ministry of Labor.

The successes achieved in this field – the transformation of the capital of Malaysia into a symbol of prosperity, the financial capital of Asia have formed a stable idea that the separation of the federal territory as an entity that is not part of any of the states is one of the elements necessary for a successful economic strategy.

This experience was reproduced again. In addition, the new capital Putrajaya is designed to be such a personification of success that when designing and creating it, all the advanced ideas about a “smart city” were taken into account, combining high technologies and ecological reconstruction of the landscape used in the construction of the territory.

Another noteworthy example is Pakistan, which gained independence on August 14, 1947, as a result of the partition of the former British colony of British India on religious grounds (Lafitsky, 2013). The capital of Pakistan, Islamabad, was built in 1960 to replace Karachi as the capital of Pakistan. As the Islamabad development information resource points out, “there was a feeling that it was necessary to build a new and permanent capital to reflect the diversity of the Pakistani nation” (Government of Pakistan, 2021).

However, it would be more correct to say that as a result of the post-colonial division of India and Pakistan into two independent countries on religious grounds, there were refugees in both one and the other country, whose placement and integration into social life was realized concerning Pakistan through the construction of new capital. The logic of this event is very straightforward and conveys the message in a direct form: a new state is a new capital, and the name of the capital is also “self-explanatory”: “the city of Islam”, being in correspondence with the name of the republic – the Islamic Republic of Pakistan.

The capital territory of Islamabad is such because of the planned creation of new capital and is not endowed with separate visible rights that separate it from the four federal elements – the provinces of Pakistan. Its status as a capital territory is enshrined in the Constitution of Pakistan, which was adopted in 1972 and operated until 1977 when a military coup led by General Zia-ul-Haq was carried out, after which its operation was suspended until 1985. Such a situation of the capital – the planned creation, clear zoning of the territory, and direct federal administration led to the fact that Islamabad became very different from other territories of Pakistan. Today, the administration of the federal capital territory of Pakistan is located in a complex hierarchy of federal bodies and territorial development bodies (Capital Development Authority Organogramm, 2020).

Finally, the largest number of federal capital territories concerning the world region is observed in Latin America. The “Distrito Federal” term itself, meaning the Federal District in Portuguese and Spanish, is used to refer to the respective territories in Brazil – the Federal District of Brazil; The Federal District of Venezuela, where the capital of Venezuela Caracas is located, the former Federal District in Argentina, converted to the Autonomous City of Buenos Aires in 1994, and the former Federal District of Mexico converted to Mexico City in January 2016.

The Federal District of Brazil is the third capital of the country, after Salvador and Rio de Janeiro. The decision on the transfer was made on April 21, 1960, by President Juscelino Kubitschek de Oliveira and the transfer was carried out in a specially created federal territory for this purpose.

The period of preparation from 1955 to 1960, based on the so-called “pilot plan of Brazil”, is directly transferred to the discussion. The period of discussion about the transfer of the capital began in 1891 when the first constitution of the Republic of Brazil determined that the future capital should be located on a large rectangular plateau inside the state of Goias at a distance of nine hundred kilometers from Rio de Janeiro – as not only a symbol of liberation from colonial dependence on Portugal but also as a means of security from capture from the sea. However, the constitutional crisis of 1955 “helped” to implement the idea directly Juscelino Kubitschek won in the democratic elections that followed, one of whose election slogans

was the construction of a new capital (Brasil, 2021). Therewith, the reason for such construction was the need for the development of the interior of the country, which continued to remain sparsely populated.

The Bolivar Republic of Venezuela has 23 states (estados), 1 Metropolitan District (Distrito Capital) in which the capital Caracas is located, and 1 separate administrative-territorial unit – federal possessions (Dependencias Federales) which includes almost all the islands belonging to Venezuela. The capital Territory, according to article 18 of the Constitution of Venezuela, is divided into municipalities – directly the municipalities of the capital federal territory and the municipalities of the State of Miranda, which includes the federal capital Territory (Current Constitution of Venezuela, 1999).

The federal capital District in Argentina, transformed into the autonomous city of Buenos Aires in 1994 as a result of constitutional reform, is currently the federal capital in which the government of Argentina is located, but it is separated from the subject of the same name – the province of Buenos Aires. The reform was a consequence of the war for the Falkland Islands (Constitution of the Argentine Nation, 1994). According to the current version of the Constitution of Argentina of 1994, article 3, it is provided that the federal authorities, based on a special law, are located in the capital, with the preliminary cession of the territory for this purpose by the legislatures (legislative assemblies) of one or more provinces for these purposes. Article 45 directly proceeds from the assumption of the transfer of the capital from Buenos Aires, indicating “if it is moved” (Constitution of the Argentine Nation, 1994).

The Federal Capital Territory is an area in the central part of Nigeria. The capital of Nigeria, Abuja, is located on this territory.

The Federal Capital Territory was formed in 1976 from parts of the old states of Kwara, Niger, Kaduna, and Plateau, with most of the territory obtained outside the state of Niger, located in the Middle Belt of the country. According to the current, fifth Constitution of Nigeria of 1999, the existence of a capital federal territory is directly stipulated in article 2 (Constitution of the Federal Republic of Nigeria, 1999).

The Administration of the Federal Capital Territory was established by President Olusegun Obasanjo on December 31, 2004, after the abolition of the Ministry of the Federal Capital Territory and the proclamation of the course for the adoption of the 2014 Olympic Games. Seven new divisions were created for education, transport, agriculture and rural development, health and social services, social development, legal services, and territorial councils.

The goal was to carry out the reconstruction of the city to eliminate slums and formalize it in the perception of the modern capital. For these

purposes, a single waste management service has been created, a single geographic information system service that provides the infrastructure of geospatial data in a single coordinate system to register rights to land plots in such a way that it would allow for re-registration of rights to them on the legal basis of a counter submission.

A comparative analysis with foreign legal systems allows concluding that when forming federal territories, in some cases it was possible to achieve the goal of forming such an architectural and urban appearance that would correspond to the goals of forming a federal territory. These cases are based on the suppression of the property rights of previous right holders, or on such a development, the territory intended for which had no other owners than a public legal entity.

3.1. Elements of the planning structure of the “Sirius” federal territory

It seems necessary to formalize a general legal definition of the elements of the planning structure of the “Sirius” federal territory. Such a situation will allow further institutionalizing the universal idea of an element of the planning structure as an institution and its influence on the formation of the appearance of the federal territory will already be denied. The following definition is proposed – these are parts of the territory of the federal territory, the allocation and determination of the boundaries of which is carried out by documentation on the planning and surveying of the territory to ensure harmony in life.

The selection of the proposed elements implies the possibility of both independent preparation of documentation on the territory planning for each of them, and the preparation and approval of documentation on the territory planning of the entire “Sirius” federal territory. As can be seen from the list below, it borrows in part the existing elements of the planning structure and offers new ones that correspond exclusively to the planning of the “Sirius” federal territory based on the goals of its creation. In this situation, the presence of uncertainty in the already existing legal order is rather a favorable factor, because the presence of the specifics of the federal territory, per se obvious in such a situation, fills the proposed regulation with the degree of stability that will act as an element of investment confidence.

The allocation of elements corresponds with the following goals:

- “Cluster” element: create favorable conditions for the identification, self-realization, and development of talents, etc.
- “Olympic heritage” element: preserving the Olympic sports, cultural and natural heritage;
- “Embankment”, “beach” element: innovative development of the territory and increasing its investment attractiveness.

Other elements correspond to the goals of ensuring a comprehensive sustainable socio-economic development of the territory, among which the key element is the “quarter”, the area of which, if the rule on its orthogonality is observed, together with the prohibition of crossing the lines of the street and road network at sharp angles, should lead to its square-oriented form to an area of about 4-5 hectares. Blocks are combined into microdistricts and (or) clusters, the shape of which is also oriented to a square, rectangle, triangle, tetrahedron, etc.

The boundaries of not all elements of the planning structure are marked with red lines. Thus, the block, cluster, and microdistrict are located within the boundaries of the street and road network lines, not their red lines.

The zone of placement of linear objects and the Olympic heritage element are located within the boundaries formed by the sequential connection of characteristic points. It is important to emphasize that the identity of definitions, in this case, is based not only on linguistic identity but also on identity based on the unity of semantics (Tsapko *et al.*, 2018).

Types of elements of the planning structure of the federal territory:

1. The zone of placement of linear objects is an element for placing linear objects, the boundaries of which are defined by a sequential connection of characteristic points, consisting of land plots, parts of land plots.
2. A block is an element of an orthogonal configuration with sides from 150 to 300 meters, the entrance groups of buildings, structures, and constructions within which are adjacent to the red lines of the road network.
3. Cluster – an element consisting of blocks, microdistricts united by the unity of purpose, the borders of which are adjacent to the main streets of citywide significance.
4. Microdistrict – an element consisting of several quarters, united by the unity of social, public-business, and other service organization within its limits.
5. Embankment is a linear element designed to provide unhindered access to an unlimited number of people whose borders are defined by red lines, consisting of land plots.
6. The Olympic heritage is an element intended for the preservation of the Olympic sports, cultural and natural heritage, the boundaries of which are defined by a sequential connection of characteristic points, consisting of land plots.

7. Beach – a linear element designed to ensure unhindered access of an unlimited number of persons to a water body, the boundaries of which are defined by red lines, consisting of land plots.
8. The territory of common use is an element for ensuring unhindered access to an unlimited number of persons whose borders are defined by red lines, consisting of land, land plots, and parts of land plots.

A street and road network are an element intended for placing hierarchically organized linear objects: avenues, (main streets), streets, driveways, alleys, ascents, descents, boulevards, dedicated pedestrian, bicycle, bicycle-pedestrian paths, park roads, alleys, and other roads, with borders defined by red lines, the intersection of which is not allowed at sharp angles of less than 45 degrees.

Conclusion

The conducted research of the Institute of legal regulation of the elements of the planning structure concerning the formation of the innovative appearance of the “Sirius” federal territory allows concluding: firstly, the lack of certainty in the list of these elements and the lack of fixing the concept in the Russian legal order; secondly, only a new development based on the loss of previous property rights by right holders allowed foreign federal territories to find innovative development opportunities; thirdly, the elements of the planning structure proposed for the development of the “Sirius” federal territory are based both on the goals of its creation and take into account the territorial features of the location of the territory.

Thus, the public authorities of the “Sirius” federal territory can implement the proposed regulation of the institute of elements of territory planning, through which an innovative appearance corresponding to the name will be formed on the territory of the Imereti Lowland – the “Sirius” federal territory, that is, the brightest territory in the Russian Federation, as Sirius is the brightest star in the sky.

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