

Espoo, Feb 22, 2011

The legislation that is applied to establishing the retail units and protecting retail units:

Finland

1. General

Land Use and Building Act (also called LUBA, 132/1999) is the major enactment for developing areas and preserving (for example historically) important sites. Those may include retail shopping units/areas or single buildings as well. The unofficial translation is available via databank Finlex for free: <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990132.pdf>. This text, however does not contain all amendments.

- The Finnish Land Use Planning System via official website <http://www.ymparisto.fi/default.asp?node=4773&lan=en>

The historically important or architecturally significant buildings and areas are mainly protected via detail plan (or other land use plan) according to LUBA.

The special legislation for protecting build heritage is a new enactment that replaced an older enactment from the mid 1980's (Act on the Protection of Buildings (60/1985) now cancelled, <http://www.finlex.fi/fi/laki/kaannokset/1985/en19850060>): This new Act on protecting the build heritage 498/2010, in force since 1st July 2010. The text of this act is not available in English. (The previous enactment is available via Finlex.) This act is applied if the protection according to LUBA is not possible.

See: <http://www.ymparisto.fi/default.asp?node=21383&lan=en>, also National Board of Antiquities (NBA) <http://www.nba.fi/en/> also www.rakennusperinto.fi is a special website, contact information **Editor**, Marjukka Kulmanen, NBA. E-mail: marjukka.kulmanen(at) nba.fi and architect Marja Sahlberg, NBA. e-mail marja.sahlberg(at) nba.fi.

2. LUBA

LUBA, sections that affect to the issue where to place retail units/shops:

a) General

Retail business needs (retail units e.g shops) are placed via land use planning (LUBA) to areas like any other buildings for housing, industrial activities, offices etc. The usual way is to include retail buildings or parts of the building to a detailed plan. The building permit and conditions are enacted in LUBA as well.

For large retail units there are special provisions in LUBA. See section 114.

A section with definitions are in section 114 (subsection 1 and 2), sections of all different types of urban (land use) plans -> the requirements of each type of urban (land use) plan sections see 28, 39 and 54.

Detailed plan, sections 58, subsections 3 and 4. Building permit requirement section 125, subsection 4.

General goals of LUBA section 5. In National Land Use Guidelines, see, sections 22 (23-24) content of National Land Use guidelines, general.

<http://www.ymparisto.fi/default.asp?contentid=323848&lan=en&clan=en>

- see content <http://www.ymparisto.fi/download.asp?contentid=103610&lan=en>

LUBA, for example of 2 sections copied from www.finlex.fi

Section 22

National land use objectives

National land use objectives are decided upon by the Council of State.

National land use objectives may concern matters which have:

- 1) international or more extensive than regional bearing on local structure, land use, or the transport or power network;
- 2) a significant impact on national cultural or natural heritage; or
- 3) nationally significant impact on ecological sustainability, the economy of the local structure, or avoidance of environmental hazards.

When national land use objectives are issued, the general objectives of this Act and the objectives for land use planning laid down in section 5 must be taken into account.

Section 114

Large retail units

In this Act, 'large retail units' refers to retail shops larger than 2,000 m² in gross floor area.

The provisions of paragraph (*ew: should be subchapter*) 1 do not, however, apply to trading in special goods that require a great deal of space.

3. The government bill 309/2010

The bill 309/2010 <http://www.eduskunta.fi/valtiopaivaasiat/he+309/2010> will bring changes to sections of LUBA if accepted what comes to retail units/large retail units.

The legislation (LUBA) will be changed regarding the areas for retail activities if this bill is accepted in the Parliament. The proceeding is currently (in Feb 2011) in the Parliamentary Committee. The goal is to pass this amendment and it is planned that the new legislation will be applied from April 1, 2011.

The bill contains a proposal to change some sections of LUBA and also to add a new chapter 9a to LUBA.

LUBA, changes:

section 57 , subsection 1.

section 58, subsection 3 will be changed and subsection 4 will be cancelled (this subsection 4 is not included in the unofficial translation of LUBA, it concerns retail shops too. See attachment as I did a quick translation of the missing subsection).

section 114, will be cancelled:

a) . The subsection 1 is moved to a new section 71 a

b) The subsection 2 will be cancelled totally and the text will not be moved to the new chapter 9a. (this will be cancelled totally: "The provisions of paragraph 1 do not, however, apply to trading in special goods that require a great deal of space.")

A New Chapter 9a Special Provisions that are applied to retail activities.

Provisions when this act is coming into force – not known yet.

Provisions when the section 71 a is in force after 4 years since the act is in force.

The section 71 b is not applied to regional plan and general plan if they have been in public hearing as this enactment comes into force.

The content of the bill, but the titles are only in English now.

LUBA section 57 § Detail plan regulations

New subchapter 1: Regulations required because of the local detailed plan's purpose and the demands set for its content in building or otherwise using the area covered by it may be issued in the said plan (*regulations in a local detailed plan*). Regulations issued in a local detailed plan may, among other things, concern the prevention or limitation of harmful environmental impacts. **The regulations for retail shops are also enacted in the section 71 e.**

LUBA section 58 § The legal effect of the detailed plan

New subchapter 3: The legal effect of the detailed plan regarding larger retail units are enacted in section 71 d.

Chapter 9 a Special provisions for retail

71 a § Large retail unit/Vähittäiskaupan suuryksikkö

In this Act, 'large retail units' refers to retail shops larger than 2,000 m² in gross floor area.

71 b § Special requirements for regional and general plan applied to large retail units/
Vähittäiskaupan suuryksiköitä koskevat erityiset sisältövaatimukset maakunta- ja yleiskaavalle

Osoitettaessa maakunta- tai yleiskaavassa vähittäiskaupan suuryksiköitä on sen lisäksi, mitä maakunta- ja yleiskaavasta muutoin säädetään, katsottava, että:

- 1) suunnitellulla maankäytöllä ei ole merkittäviä haitallisia vaikutuksia keskusta-alueiden kaupallisiin palveluihin ja niiden kehittämiseen;
- 2) alueelle sijoittuvat palvelut ovat mahdollisuuksien mukaan saavutettavissa joukkoliikenteellä ja kevyellä liikenteellä; sekä
- 3) suunniteltu maankäyttö edistää sellaisen palveluverkon kehitystä, jossa asiointimatkojen pituudet ovat kohtuulliset ja liikenteestä aiheutuvat haitalliset vaikutukset mahdollisimman vähäiset.

Maakuntakaavassa tulee esittää merkitykseltään seudullisen vähittäiskaupan suuryksikön koon alaraja. Vähittäiskaupan suuryksiköiden enimmäismitoitus on osoitettava maakuntakaavassa riittävällä tarkkuudella.

71 c § To locate large retail units /Vähittäiskaupan suuryksiköiden sijoittuminen

Vähittäiskaupan suuryksiköiden ensisijainen sijaintipaikka on keskusta-alue, ellei muu sijainti kaupan laatu huomioon ottaen ole perusteltu.

Merkitykseltään seudullisen vähittäiskaupan suuryksikön sijoittaminen maakuntakaavan keskustatoiminnoille tarkoitetun alueen ulkopuolelle edellyttää, että vähittäiskaupan suuryksikön sijoituspaikaksi tarkoitettu alue on maakuntakaavassa erityisesti osoitettu tähän tarkoitukseen.

71 d § The legal consequences of the detailed plan to locate large retail units/ Asemakaavan oikeusvaikutukset vähittäiskaupan suuryksiköiden sijoittumiseen

Vähittäiskaupan suuryksikköä ei saa sijoittaa maakunta- tai yleiskaavan keskustatoiminnoille tarkoitetun alueen ulkopuolelle, ellei alue ole asemakaavassa erityisesti osoitettu tätä tarkoitusta varten.

Mitä 1 momentissa säädetään, koskee myös olemassa olevan vähittäiskaupan myymälän laajentamista tai muuttamista vähittäiskaupan suuryksiköksi, vähittäiskaupan suuryksikön laajentamista sekä sellaista myymäläkeskittymää, joka vaikutuksiltaan on verrattavissa vähittäiskaupan suuryksikköön. Mitä 1 momentissa säädetään, ei kuitenkaan koske vähittäiskaupan myymälän, vähittäiskaupan suuryksikön tai myymäläkeskittymän laajentamista, joka ei ole merkittävä.

71 e § The regulations of detailed plan for retail units/ Vähittäiskauppaa koskevat asemakaavamääräykset

Sen lisäksi, mitä 57 §:ssä säädetään, asemakaavamääräykset voivat koskea vähittäiskaupan laatua ja kokoa, jos se kaupan palvelujen saatavuuden kannalta on tarpeen.

(if accepted, this is applied to all retail units, ew)

Attachment 1/ Text of current LUBA section 58 in English

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Attachment 1/ The subchapter 3 is translated by Erja, all other parts, source www.finlex.fi

LUBA Section 58 Legal consequences of the local detailed plan

Buildings may not be built in violation of the local detailed plan (building restriction). The local detailed plan shall be taken into account with regard to other measures altering the environment, as provided below.

Functions which hinder the use designated for other areas in the local detailed plan may not be located in the plan area. Moreover, functions which are in conflict with regulations issued in the local detailed plan concerning the prevention or restriction of harmful or disturbing environmental impacts may not be located in the local detailed plan area.

A large retail unit may not be located outside the area designated in the regional plan or the local master plan for central functions, unless the area is specifically designated for such a purpose in the local detailed plan. A large retail unit is defined in section 114.

What is enacted in the subchapter 3, is applied to enlargement of an already existing retail unit or to change the retail unit to large retail unit, enlargement of an already existing large retail unit or concentration of retail units, which impacts are comparable to impacts of large retail unit. What is enacted in the subchapter 3, is not applied to a non significant enlargement of a retail unit, large retail unit or concentration of retail units. (amendment act 11.6.2004/476, [translation by ew](#))

When the timing of the local detailed plan's implementation so requires, the construction of a new building may be prohibited in the plan for a maximum of three years. When special cause exists, the local authority may extend the prohibition for a maximum period of three years at a time.