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**CULTURAL HERITAGE OBJECTS' PROTECTION AREAS:
LEGAL ASPECTS IN DIGITAL AGE**

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Abstract

The subject of the study is the introduction of cultural heritage objects' protection areas and challenges of legal regulation based on information systems for ensuring urban development. Currently, one of the methods of comprehensive protection of cultural heritage objects in a certain territory consist of restrictions on the territory of the cultural heritage objects, protection zones (special-use areas) around cultural heritage objects, land use regimes, as well as urban area planning regulations in these zones. Authors have analysed law-enforcement practice, legislative shortcomings and contradictions that arise in determining the legal regime of territories occupied by cultural heritage objects and adjacent territories. Economic outcomes and their influence on the cadastral value of land parcels within protected areas are analysed. The comparative analysis of some specific issues of determination of protected areas of cultural heritage objects in Latvia and the Russian Federation has been made. There special attention to methodology for determining the protection zones in Latvia and Russia has been paid. The statistics of both countries on appropriate issue is investigated. The relevant cartographic materials are analysed. The research results are summarized and assessed from legal, economical and technical points of view that allow the processing and generalization of acquired knowledge for other future similar solutions and better understanding of post-Soviet regulation differences on the matter.

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Keywords: Cadastral value, cultural heritage object, land parcel, protected area, urban area planning.



1. Introduction

According to Urban planning Code of the Russian Federation, information systems for ensuring urban development are organized in accordance with the requirements of Urban planning Code as a systematic collection of documented information on the development of territories, on their development, on land plots, on capital construction projects and other information required for urban planning (Article 56).

Information systems for providing urban planning activities include materials in text form and in the form of maps (schemes). The purpose of conducting information systems for supporting urban planning activities is to provide state authorities, local governments, individuals and legal entities with reliable information necessary for the implementation of urban planning, investment and other economic activities, land management. Information on perspective construction or developed land open on each land plot. Data in information systems for urban development is systematized in accordance with the cadastral division of the territory of the Russian Federation. Data of information systems for urban development are open and accessible, except for the data referred by federal laws as privileged.

Despite the topicality of the issues of territory zoning, the processes of renovation and preservation of cultural heritage objects, the issues of establishing protected areas around heritage objects in the Russian and Eastern Europe's scientific literature are not comprehensive investigated (Averina & Pecherskaya, 2017). Currently, one of the methods of protection of cultural heritage objects is the system of state cadastral registration and state registration of rights (legal registration) of restrictions on the territory of the cultural heritage objects, protection zones (special-use areas), land use regimes, urban area planning regulations in these zones. In Russia also since 2017 Unified real property state register (hereinafter – Register) (by 2017 - data base of Real property state cadastre) and Unified state register of cultural heritage objects as a special data base has been developed (Pecherskaya et al., 2018). Conversely in Latvia main issues of protected areas of cultural heritage objects are regulated by Protection Zone Law and Cabinet regulations “Methodology for Determining the Protection Area around Cultural Monuments”.

2. Problem Statement

The first concept of "protected zone" in Russian legislation has been introduced in 1949 by the Instruction on the procedure for registering, maintaining and restoring monuments of architecture that are under state protection, approved by Committee for Architecture Affairs. Protected zones were established around all cultural heritage objects and registered by the local authorities. In Soviet system territory of the cultural heritage object was associated exclusively with land and property relations. In post-Soviet legislation, to ensure the safety of the cultural heritage objects in their historical environment, protection zones has been established by Federal Law “On Objects of Cultural Heritage (Monuments of History and Culture) of People of the Russian Federation”.

However, mentioned Law does not define the concept of protection zones of the cultural heritage objects. Rural area planning Law of the Russian Federation refers to the protection zones of the cultural heritage objects as to special-use areas. The boundaries of protection zones may not coincide with the boundaries of territorial zones and land parcel boundaries.

In Western European countries the territory of the cultural heritage objects from the mid-30s of the XX century was established on the basis of the principles of preserving the historically formed parameters of the urban environment and visual perception of the cultural heritage objects.

According to Protection Zone Law of Latvia, general restrictions in protection zones are determined by laws and Cabinet regulations, they also may be prescribed by the binding rules of the local governments. In addition to the general restrictions in protection zones around cultural monuments the following restrictions are specified:

- economic activity may be performed only with permit from the Inspection and the owner of the cultural monument;
- in the case of selling of the land under the cultural monument it is prohibited to divide it;
- it is prohibited to place storage facilities for different kinds of materials and substances, to install waste disposal sites, to block up service roads and accesses to the cultural monument.

Protection zones around cultural monuments are specified in order to ensure the protection and preservation of cultural monuments, as well as to decrease different kinds of negative effects on immovable cultural monuments. The protection area around cultural monuments have to be determined in accordance with the protection area project approved by the State Inspection for Heritage Protection of Latvia (hereinafter – the Inspection). The protection area project includes:

- area graph in the topographic map (scale 1:10 000) or in the topographic plan (scale 1:5 000);
- description of the area boundaries using geographic coordinates (in the LKS-92 coordinate system);
- provisions for the maintenance mode (issued by the Inspection);
- historical statement about the object (issued by the Inspection);
- photo of the surroundings of the cultural monument, a complex and integrated landscape analysis from various viewpoints, proposals on the environment degrading objects, the assessment of the existing buildings;
- land parcel boundaries;
- proposals, objections received in the course of developing the protection area project and motivated answers to them.

In the Russian Federation protection zones around cultural monuments are identified and registered in textual and graphical form (in the form of maps). Such documentation or project of protection zones contains:

- description of boundaries of the projected zones and boundaries of the territories of the cultural heritage objects;
- projects of land use regimes and requirements for urban planning regulations within the boundaries of protected zones.

The boundaries of territory of cultural heritage objects are determined on the basis of scientific research and archive documents by specific project, including historical land parcel plans. Boundaries of archaeological objects are determined on the basis of archaeological fieldworks. The requirement to establish boundaries of cultural heritage objects also applies to the newly identified cultural heritage objects which are not listed in Register yet.

3. Research Questions

Recently, 35.5 thousand cultural heritage objects are registered in the Unified State Register of the Russian Federation . Registration numbers are assigned to more than 54 thousand monuments of history and culture. This means, that there are cultural heritage objects which formally have legal status of cultural heritage object, but they are not included in the Register because expert examination and cadastral works are not carried out yet.

4. Purpose of the Study

The purpose of the study is analysis of the legislative shortcomings and contradictions that arise in determining the legal regime of territories occupied by cultural heritage objects and adjacent territories as well as to make comparative analysis of some specific issues of determination of protected areas of cultural heritage objects in Latvia and the Russian Federation (Khasaev, Vlasov, Vasilieva, & Parsova, 2018; Ozola, Vincela, & Parsova, 2015). The legal aspects and problems of legal regulation of protected areas of cultural heritage objects in post-Soviet countries observed and eliminated could be considered as a point of growth and an effective tool for land development under digital economy conditions.

5. Research Methods

The research method is based on comparison of determination of protected areas of cultural heritage objects in Latvia and the Russian Federation. Results of study are obtained from existing legal acts and official statistic data. Data are treated by the statistical method. The results can help in improving regulation in the sphere of protection of cultural heritage objects, including exchange of the best practices of both countries. It is the one of the few comparative analysis on procedure of determination of protected areas around cultural heritage objects in the Russian Federation and Latvia.

6. Findings

Process of establishment of cultural heritage objects is going on slowly due to time-consuming activities. Taking into consideration that authors have also performed research about protected areas of cultural heritage objects of Samara region, territory of which is almost similar to territory of Latvia, information about number of cultural heritage objects in Samara region is given in Figure 01. Protection zones are determined only for 4 thousand cultural heritage objects in Samara region.

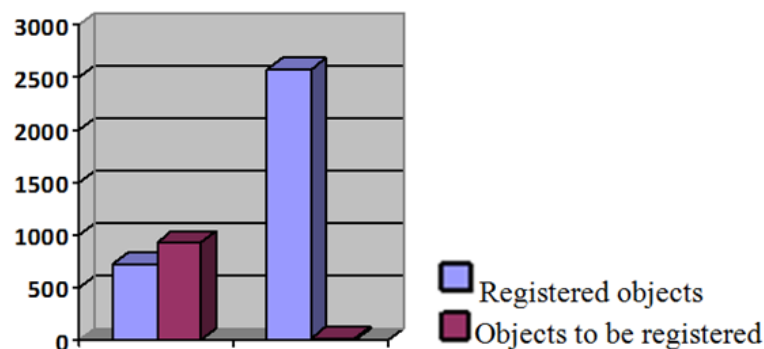


Figure 01. Number of cultural heritage objects in Samara region. Source: Pecherskaya et al. (2018)

Figure 01 shows that registration of cultural heritage objects and their protected areas in Russian Federation is at the beginning of the process and is a great challenge to gather appropriate information.

More specified classification of cultural heritage objects has been implemented in Latvia to compare with the Russian Federation, as shown in Table 01.

Table 01. Number of cultural heritage objects in Latvia

Types of cultural heritage objects	Number	%
Archaeological objects	2507	29
Architectural monuments	3457	40
Constructions	46	0,3
Art objects	2701	30
History objects	135	1,5
History of technology	19	0,2
Total	8865	

Note: Source: http://bvkb.gov.lv/sites/default/files/20161209_buvvaldes_vkpai.pdf

Since compensation to landowners of land upon the establishment of protection zones of the cultural heritage objects by the legislation of the Russian Federation is not considered, imposition of restrictions on use of the land in such areas can be compensated to the landowner, for example, reducing the land tax (Sudoniene, Atkocevičiene, & Parsova, 2011). At the same time, the Tax Code of the Russian Federation does not include reduced land tax rates for land plots occupied by protection zones of the cultural heritage objects. Exceptions are land plots occupied by especially valuable cultural heritage objects, objects included in the World Heritage List, historical and cultural objects, archaeological heritage objects, museums.

Thus, reduction of land tax is possible by changing the cadastral value of the land within the boundaries of the protection zone of the certain cultural heritage objects (Schreiner, Wiesinger, & Vetter, 2017). However, assessment of influence of restrictions on the use of land is one of the least investigated issues in the cadastral valuation of land in Russia (Stanik, Aalders, & Miller, 2018). It should be noted that determining cadastral value, it is necessary to take into account the area of land parcel which has restrictions of land use and, accordingly, the characteristics of restrictions, depending on the type of protection zone. In such a case, it is desirable to determine the coefficients for reducing the cost of a land, based on analysis related to the comparison of activities according to the type of permitted use and the types of activities permitted by the restrictions being established.

Real economic assessment of the needs to establish protection zones of the cultural heritage objects can be provided only in circumstances of developed property market that can clearly show the relevance of the cultural heritage as a special resource for the economic development of the territory, urban infrastructure, tourism, social and educational programs, etc. (Ozola et al., 2015).

Therefore, special unified state register is an important tool for confirming the establishment of protection zones for cultural heritage objects (Gogolou & Dimopoulou, 2015), since land use regimes and urban planning regulations within the boundaries of such objects entail economic consequences for all participants of the land market.

7. Conclusion

1. Protected areas of cultural heritage objects in the Russian Federation are established on the basis of the requirements of by Federal Law “On Objects of Cultural Heritage (Monuments of History and Culture) of People of the Russian Federation”. There is included the security zone, the zone of regulation of construction and economic activities and the protected natural landscape zone.

2. Protection Zone Law of Latvia describes protected areas around cultural monuments as zones that should be specified in order to ensure the protection and preservation of cultural monuments.

3. There is legal requirement to establish protection zones to the newly identified cultural heritage objects. Consequently, until information on such object will be included in unified state register, in fact, they will be poorly protected from the negative impact of the new economic development of adjacent objects, as well as from influence of active urban development (Parsova, Jankava, & Kukule, 2017).

4. The inaccuracy of definitions in various legal acts and continuous changes to the legislation regarding the regulation of the status of the territories of the cultural heritage objects destabilizes relations in the real property sector in the Russian Federation.

5. The research carried out by the authors leads to the conclusion that regulation of the procedure for establishing the protection zones (protected areas) of cultural heritage objects is at the stage of its formation now.

6. Taxation of the land under special use regime of cultural heritage objects needs much more attention in terms of compensation and reduced rates for landowners.

Reduced rate of land tax within the boundaries of protected area of cultural heritage objects will serve for improvement of maintenance of cultural heritage.

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