

LAND INVENTORY OF HISTORICAL AND CULTURAL PURPOSE

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The purposes of conducting an inventory of land plots and aspects of the legal regime of land use of historical and cultural purposes are presented. Problematic issues concerning the initial stage of the inventory of these lands within the settlements of Chernivtsi region are considered. The normative-legal basis for the establishment of protection zones of historical and cultural objects and their classification are analyzed. The peculiarities of the functioning of the program of land use and protection of the city of Kyiv and the distribution of the territory of the capital of Ukraine by historical areas are considered. The peculiarities of the inventory of land plots according to the Regional Program of Urban Cadastre Development and Spatial Planning for 2021-2025, which include objects of historical and cultural significance in the Lviv region, are described. A comparison was made between the problematic issues in the absence of inventory of historical and cultural lands, in particular the inclusion of objects in the databases of the state land cadastre, and the advantages that occur if the relevant inventory procedure. It is noted that the formation of land plots of cultural heritage sites, the establishment of their boundaries and restrictions on land use within the historical areas, it is economically more profitable to conduct as part of the city land inventory. It is

proposed to make changes to the Terms of Reference for the preparation of technical documentation on land management for land inventory.

Key words: *land relations, inventory, objects of historical and cultural purpose, land legislation.*

Problem formulation. Continuous urbanization has become a source of exacerbation of environmental problems, violations of current legislation in the field of protection of objects under state protection. The problem of lack of urban land is becoming more acute. It is obvious that cities have reached the limit of growth opportunities and need innovative development strategies.

In the conditions of sustainable development of land use in the implementation of land management, its role has significantly increased and the content and tasks of land inventory have expanded. In addition to the traditional tasks of establishing the legal status, location, boundaries and sizes of land and land, their quantitative and qualitative characteristics required for land cadastre, the inventory has acquired part of the functions of land management design.

Analysis of research and publications. Perspectives and problems of introduction of rational land use, in particular implementation of timely and lawful procedure of inventory of lands of cities are devoted to scientific works of Dobryaka D., Dorosha Y., Dorosh O., Martina A., Novakovska I. and others.

The aim of the study. Analysis of the problems of the procedure of inventory of lands that are under the control and protection of the state at the present stage, determination of the specifics of development, in particular, research and implementation of foreign experience in its operation.

Materials and methods of research. The monographic method, methods of analysis and synthesis, comparative analysis, comparative law are used in the work; logical and semantic; formalization; system-analytical; abstract-logical, processing of literary sources.

Results of research and discussion. Land inventory is carried out within the administrative-territorial units, territories, the boundaries of which are determined by

projects of territorial formation and establishment of boundaries of village, settlement councils, agricultural land, individual land plots to monitor land use of all categories. Of course, special attention is paid to lands that are under special state control and protection, in particular lands of historical and cultural significance. With regard to particularly valuable lands, which include areas of cultural heritage, their inventory is carried out for a specific purpose (рис. 1).

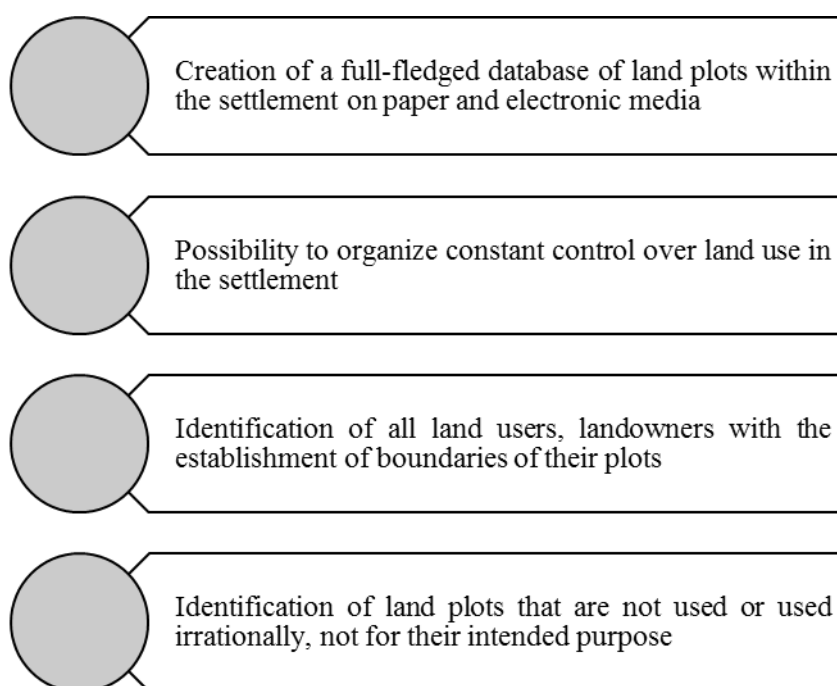


Fig. 1 Objectives of the inventory of land plots of special legal regime of use

The Law of Ukraine "On Protection of Cultural Heritage" regulates the provisions according to which land plots on which historical areas are located and are monuments of cultural heritage, respectively, are part of lands of historical and cultural significance. These land plots are included in the database of the state land cadastre, land management and urban planning documentation.

Aspects of the legal regime of land use of historical and cultural purposes follow from the features of the purpose, namely the allocation of land for cultural heritage sites, their complexes, historical and cultural reserves, archaeological sites, open-air

museums, memorial museums -Estate, etc. However, despite these provisions, there are frequent violations of the rules on compliance with the legal regime of their use.

According to the data of the initial stage of the land inventory, it was established that within the settlements of Chernivtsi region, for example, the purpose for historical and cultural lands was changed to "public buildings" (Section B. 03 according to the Classifier).

This information was verified with the help of geoportal data and permits issued by the state urban cadastre. (Fig. 2 and Fig. 3)

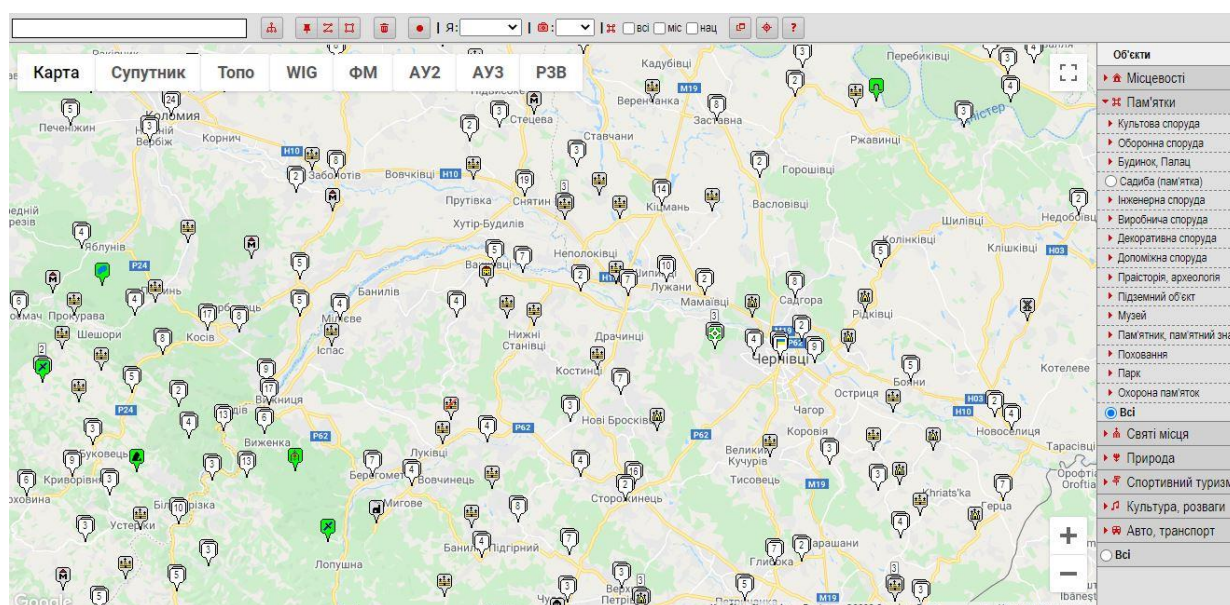


Figure 2. Geoportal data on the distribution of historical and cultural sites in the Chernivtsi region (the portal interface is displayed in Ukrainian)

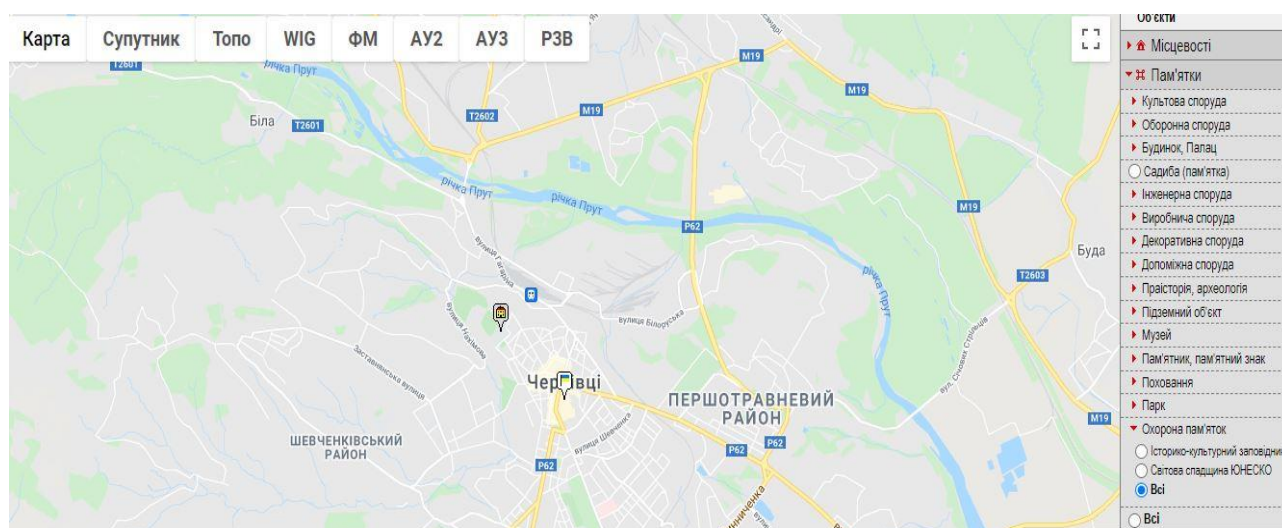


Fig. 3. Data of the geoportal of Chernivtsi region on the inclusion of historical heritage monuments in the register of objects that are under state protection (the portal interface is displayed in Ukrainian)

The information in Figure 3 characterizes the Chernivtsi region as a territory with more than fifty monuments of historical heritage and cultural heritage of the country. However, Figure 3 shows that only a few objects are included in the register, which reflects their mandatory state protection.

In order to protect the traditional nature of the environment of individual monuments, their complexes (ensembles), historical and cultural reserves, historical and cultural protected areas in accordance with Article 32 of the Law of Ukraine "On Cultural Heritage" around them should be established protection zones (Fig. 4):

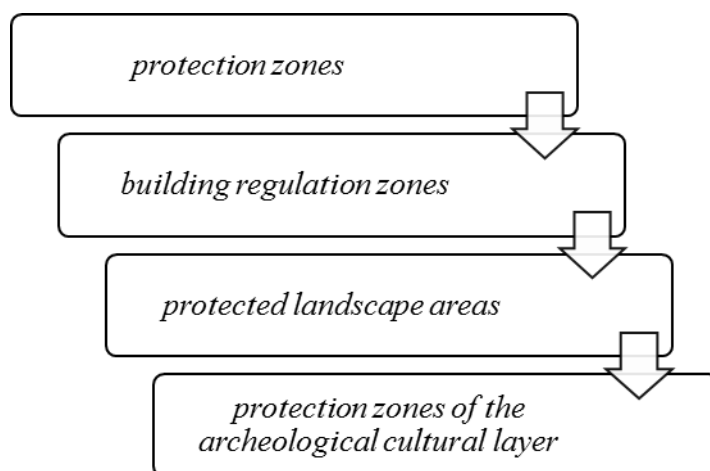


Fig. 4 Classification of protection zones of historical and cultural sites

However, the Land Code of Ukraine does not provide for the establishment of zones from Fig. 2, which would regulate construction in these areas. Although approved by the Cabinet of Ministers of Ukraine, the Procedure for maintaining the State Land Cadastre contains a list of restrictions on these areas by codes 01.02.2; 01.02.3; 01.02.4.

The peculiarity of the regulation of land relations in the capital of Ukraine, Kyiv, is that since 2001 it has been carried out in accordance with the Land Use and Protection Programs for 2001-2005, 2006-2010, 2011-2015, 2016-2020. In October of this year, a new city target Program for the use and protection of Kyiv's lands for 2022-2025 was approved.

As part of the General Development Plan of Kyiv and its suburbs until 2020, approved in March 2002, in 2011 the Ministry of Culture of Ukraine developed and approved research and design documentation to determine the boundaries of zones and modes of use of historical areas of the city. The historical and architectural reference plan included 7 historical areas.

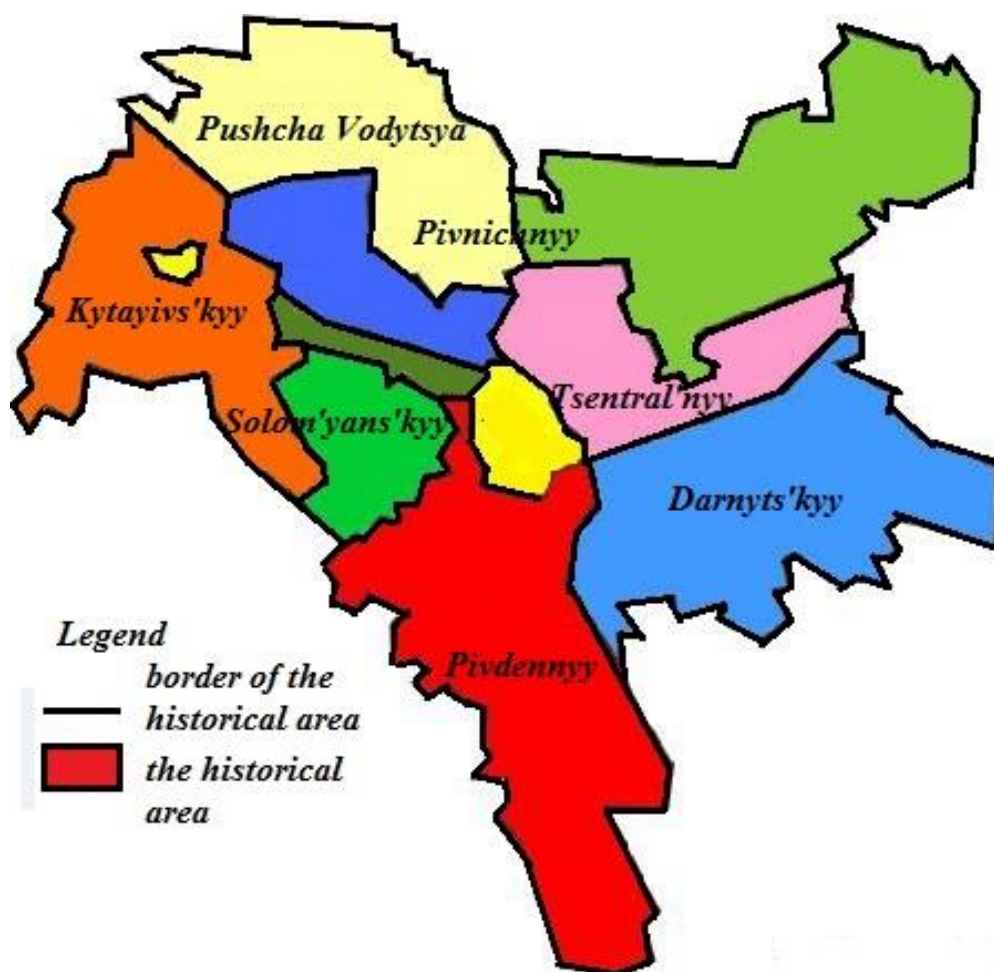


Fig. 5 Distribution of the city of Kyiv by historical areas [3]

The analysis shows that in four programs of use and protection of the city's lands (2001-2020) the issues of use and protection of lands under cultural heritage sites were not properly resolved. Restrictions on urban planning and economic activities were not recorded in the State Land Cadastre and most types of land management documentation.

By the Law № 1423-IX of April 28, 2021, the Verkhovna Rada of Ukraine amended the Land Code of Ukraine, the Laws of Ukraine “On Protection of Cultural Heritage”, “On Regulation of Urban Development”, “On Land Management” and

other legislative acts. It is established that the boundaries of the territory to which restrictions on land use apply are indicated in the land management documentation, urban planning documentation, research and design documentation in the field of cultural heritage protection. [4]

The new historical and architectural reference plan of Kyiv developed in 2021 was approved by the Ministry of Culture and Information Policy. This plan includes all sites and approved for the last 20 years protection zones of cultural heritage sites, an updated buffer zone of the world heritage site "Kyiv. Hagia Sophia and adjacent monastery buildings, Kiev-Pechersk Lavra". The reference plan is supplemented by the eighth historical area "Bykivnia".

Starting in 2019, a continuous land inventory will be carried out in Kyiv in order to complete the registration of land plots and fill in information on each land plot within the State Land Cadastre and the State Register of Real Property Rights. The methodological basis of inventory work is the legal provisions of the Law of Ukraine "On Land Management", which regulates the tasks and content of land inventory in land management, its features in assigning land to the appropriate category and work on inventory of agricultural land, standardized general technical documentation and in case of land formation and in case of errors in the information of the State Land Cadastre.

Terms of reference for the preparation of technical documentation on land management for land inventory approved by the order of the Department of Land Resources of Kyiv from 22.02.2019 № 11. It does not reflect the peculiarities of the inventory of cultural heritage sites and the introduction of relevant information on restrictions on land use in the State Land Cadastre. During 2019-2021, the inventory of land in Kyiv was carried out on an area of 25.9 thousand hectares, which is 31% of all urban land.

Relevant work in this direction is also being carried out in other regions of Ukraine. Thus, local governments of Lviv region are implementing the Regional Program for the Development of Urban Cadastre and Spatial Planning for 2021-2025.

The purpose of this project is to conduct an inventory of land plots within certain settlements, which include objects of historical and cultural significance.

According to the experience of the bodies of architecture and urban planning of Lviv region, full-fledged land management and urban planning documentation is the key to a rapid process of restoration of objects, warnings about unauthorized or illegal occupation of land.

Conclusions.

1. After development of scientific and project documentation, in accordance with the new historical and cultural reference plan, it is possible to carry out land management works on inventoried lands in Kyiv by developing land management projects to organize and establish boundaries of historical and cultural lands, restrictions on land use and their mode-forming objects.

2. In areas where land inventory still needs to be carried out, work related to the formation of land plots of cultural heritage sites, establishing their boundaries and restrictions on land use within historical areas, is more cost-effective to conduct as part of the citywide land inventory. To do this, taking into account the amendments to the Law of Ukraine "On Land Management" it is necessary to amend the Terms of Reference for the preparation of technical documentation on land management for land inventory.

3. In the formation of cultural heritage sites, establishing their boundaries and land use regimes, preference should be given to the inventory of historical and cultural lands, as the development of relevant technical documentation can be carried out with less money and time compared to land management projects.

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ІНВЕНТАРИЗАЦІЯ ЗЕМЕЛЬ ІСТОРИКО-КУЛЬТУРНОГО ПРИЗНАЧЕННЯ

Представлено цілі проведення інвентаризації земельних ділянок та аспекти правового режиму використання земель історико-культурного призначення. Розглянуто проблемні питання щодо початкового етапу проведення інвентаризації вказаних земель в межах населених пунктів

Чернівецької області. Проаналізовано нормативно-правову основу щодо встановлення зон охорони об'єктів історико-культурного призначення та їх класифікацію. Розглянуто особливості функціонування програми використання та охорони земель міста Києва та розподіл території столиці України за історичними ареалами. Охарактеризовано особливості проведення інвентаризації земельних ділянок згідно Регіональної програми розвитку містобудівного кадастру та просторового планування на 2021-2025 роки, які включають об'єкти історико-культурного призначення на території Львівської області. Здійснено співставлення між проблемними питаннями у разі відсутності інвентаризації земель історико-культурного призначення, зокрема щодо віднесення об'єктів до баз даних державного земельного кадастру, та перевагами, які мають місце за умови проведення відповідної процедури щодо інвентаризації. Зазначено, що формуванням земельних ділянок об'єктів культурної спадщини, встановлення їх меж та обмежень у використанні земель в межах історичних ареалів, економічно вигідніше провести у складі загальноміської інвентаризації земель. Запропоновано внести зміни до Технічного завдання на складання технічної документації із землеустрою щодо інвентаризації земель.

Ключові слова: земельні відносини, інвентаризація, об'єкти історико-культурного призначення, земельне законодавство.