

FEATURES OF LAND ALLOCATION FOR ROAD BUILDINGS AND STRUCTURES

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Abstract. *The article examines the process of features of land allocation for road buildings and structures. It is substantiated that the specifics of the category of land for industry, transport, communications, energy, defense and other purposes is that their formation as an independent category of land is largely due to the withdrawal or redemption of land from agricultural or forestry production.*

The peculiarities of allotment of land plots for commercial use, in particular, land plots for servicing of road buildings and structures are substantiated. The stages of construction of road transport facilities and the list of documents that the project customer, in addition to the design assignment, provides to the project organization are noted. Substantiation for the formation of land for maintenance of commercial buildings and structures of road transport was considered in the Pryluky district of Chernihiv region.

Keywords: *land, construction and maintenance, buildings and structures of road transport, rent, permanent use.*

Introduction.

In order to develop the economy of our state it is important to increase the role of transport, which ensures the livelihood of the population, the development of the country's economy, maintaining defense capabilities and the ability to achieve high foreign economic relations. The country's transport system is represented by the following types of transport: road, rail, aviation, sea, etc. Significant weight belongs to road transport, because this type of transport predominates in the transportation of passengers

and goods of all sectors of the economy, ensuring the delivery of all types of raw materials, goods and equipment in the country and abroad. More than 65% of transportation is carried out by road. The economic crisis of recent years has had a negative impact on the development of road transport. There are a large number of problems in the industry that need to be addressed immediately, in particular, the development of regulations that would simplify the procedures for planning and organizing mixed transport. The location of the country allows it to be a profitable transit bridge for passengers

and goods between Europe, Asia and the Middle East. The volume of transit traffic should be constantly growing, but due to the poor condition of roads, underdeveloped customs infrastructure, tariff policy, transport terminals, this is not happening. Whereas, transit through the territories of the CIS is growing, i.e. there is a redistribution of transit traffic flows not in favor of our country. [3, p.45]

The lands of road transport include lands provided for use for buildings and equipment of energy, garage and fuel and distribution facilities, bus stations, bus stations, line production facilities, service and technical buildings, service stations, gas stations, motor transport, sports and forwarding enterprises, car repair plants, bases, cargo yards, platforms for container and for switching, office and cultural and household premises and other objects providing work of motor transport. [1, p. 3]

Outside the settlements, a part of the lands of agricultural purpose is in private ownership, which significantly complicates the solution of the issues of allotment, allotment, allotment. Especially a lot of time is spent on agreements with landowners and land users of the location of transport facilities, conditions and procedures for redemption and withdrawal of relevant land. The development and coordination with local bodies of executive power and bodies of local self-government of places of origin of enrollment is of great importance. [2, p.152] It is possible to reserve the necessary land, especially in suburban areas, in order to save for the needs of transport and energy areas that are being built cottages. This is a rather serious problem in connection with the pricing policy - the cost of land.

Issues of formation of land plots for maintenance of road buildings and structures, efficiency of functioning of trans-

port objects, complex use and restoration of lands under the objects of transport in the objects of transport and large areas of transport were studied by O.V. Bevz, V.V. Bondar, N.V. Bondarchuk, N.Yu. Ghalchinska, A.I. Ghodovanyuk, O.V. Donets and others. Questions of formulating the definition of the concept of the studied category of land were investigated by V.I. Andreyzhev, R.D. Bogolepov, V.V. Bondar, I.Ya. Vityuk, Ya.Z. Gayetska-Kolotylo, M.G. Kovtun, M.I. Krasnov, T.M. Lebedeva, S.I. Марченко, A.M. Miroshnichenko, M.V. Shulga and other scientists.

These authors focused primarily on identifying the characteristics of this category of land and formulate the definition of these lands, while the process of land formation for road transport needs to be refined.

The **purpose** of the article is to substantiate the formation of land allocation for road buildings and structures.

Results.

Lands of industry, transport, communications, energy, defense and other purposes are an independent category of lands within the lands of Ukraine, with an area of 2.03 million hectares.

According to Art. 65 of the Land Code of Ukraine, lands of industry, transport, communications, energy, defense and other purposes are recognized as land plots provided in accordance with the established procedure to enterprises, institutions and organizations for the implementation of relevant activities. Lands of this category are divided into independent species. [1, p. 7] The criterion for such division of land is the nature of special tasks for which land plots are intended and provided to the relevant enterprises, institutions and organizations. The studied category of

land, according to the main purpose, is used for various specific purposes, the list of which in the current legislation is not exhaustive. This situation is explained by the fact that certain industries and other activities that require appropriate land and consolidate the order of their use, are formed and developed.

Peculiarities of legal regulation of the use and protection of certain types of land that are part of this category, due to the specifics of their purpose, which is that their formation as an independent category of land is largely due to withdrawal or redemption of land in the field of agricultural or forestry production. This is due, in particular, to the fact that according to Art. 23 of the Land Code of Ukraine for the construction of industrial enterprises, housing and communal services, railways and highways, power lines and communications, main pipelines, as well as for other needs not related to agricultural production, are provided mainly non-agricultural lands or agricultural lands of inferior quality. [1, p. 3] In order to accelerate market reforms, stimulate efficient land use and entrepreneurship, encourage investment in the implementation of socio-economic development programs, the legislation provides for the possibility of acquiring certain non-agricultural land, at the expense of land, such as industry, in private ownership as legal. The peculiarities of allotment of land plots for commercial use are the following:

- allotment of land for use on lease terms in accordance with Art. 124 of the Land Code of Ukraine; [1, p. 9]
- restrictions set by the allotment project, in accordance with the existing linear engineering structures on the land plot,
- land use in accordance with the requirements of the Land Code of Ukraine (Articles 96, 103, 125, 126); [7, p. 8,9,15]

- to carry out production activities in accordance with the requirements of environmental legislation;
- to comply with the requirements of the Law of Ukraine «On Land Protection» (Articles 35, 36, 37); [9, p.5]
- to obtain a permit for emissions of harmful substances into the atmosphere (Article 11 of the Law of Ukraine «On Protection of Atmospheric Air»); [8, p. 2]
- not to allow incineration of crop residues and waste;
- to ensure the utilization of industrial and household waste (Articles 17, 33 of the Law of Ukraine «On Waste»); [6, p.3,5]
- to ensure the use of land.

The use of transport lands related to the location of buildings and other transport facilities on these lands is carried out in agreement with local executive authorities and local governments. Transport enterprises, which are provided with land plots, have additional responsibilities for their proper use and protection. [5, p.2] The main purpose of construction of road transport facilities is their trouble-free and reliable operation, as well as minimal impact on the environment natural environment.

Stages of construction of road transport facilities: selection of the optimal technical and economic solution taking into account the provision of the required volume of service, transport load, capacity and level; obtaining the necessary permits for the design, construction and technological location of road transport facilities and territorial network organizations; selection of equipment and construction works.

Design and estimate documentation for the construction of road transport facilities is developed on the basis of design assignments. The task is issued

by the customer of the project and is approved on objects of motor transport in the established order. [5, p.5]

The customer of the project, except for the task on design, the act of assessment of the technical condition of existing road transport facilities; technical conditions for the construction of road transport facilities and coordination with existing (existing) road communications; cartographic materials; information on existing buildings, underground communications, state of ecology, etc.; technical conditions of layout with existing buildings. land. Drawing up of land allotment projects is carried out in two stages: preliminary approval of the location of the object;

Preliminary approval of the location of the object is agreed with the land user, land management body, environmental authority, bodies of architecture and protection of cultural heritage.

To carry out the construction of a car park, the interested person must obtain a permit from the state architectural and construction control authorities to perform construction works. When approving the location of car parks, the relevant authorities must take into account the master plans of settlements, detailed development plans, plans for red lines and landscaping projects. If the parking lot is planned to be located within the exclusion zone of highways and red lines of city streets and roads, it is necessary to obtain permission from the owner of the road object or its authorized body and agree on its location with the State Automobile Inspectorate. [3, p.85] When issuing permits or approvals for the location of car parks, the competent authorities of the state or local government must take into account the requirements of applicable law. The legislation of Ukraine defines restrictions on the location of car parks.

Allocation of land for lease for maintenance of outbuildings and structures is carried out in accordance with the Land Management Project for allotment of land area of 0.9664 hectares for lease to the limited liability company «BOBER: maintenance station» for maintenance of outbuildings and structures (farmyard) on the territory of Sukhopolovnyansk village council of Pryluky district of Chernihiv region from agricultural lands (including under farm buildings and yards) of state property. The distance from residential buildings is 100-150m. There are no greenery. [4, p.3]

The location of the land plot in relation to the surrounding territory is analyzed, in particular: it is not related to the objects of nature reserve fund and other nature protection purpose, as well as to: other especially valuable lands, lands reserved for bequests, water objects, their water protection zones and coastal protection strips, floodplains of small rivers. The type of target land use is established - 1.11 - commercial use. Soil cover analysis was not performed, so there is no information on the qualitative characteristics of the soil cover. As for the use of the fertile layer of soil, its removal is not planned. There are no restrictions on the right to use the land plot for servicing outbuildings and structures in the study area. [4, p.5]

The types of activity of the limited liability company «BOBER: maintenance station» are established: maintenance and repair of cars; construction of buildings; mediation in trade in a wide range of goods; activity of motor freight transport; intermediation in trade in automobile parts and accessories; intermediation in trade in fuel, ores, metals and chemicals.

The boundaries of the land plot to be allocated, their territorial location correspond to the land management project

for the allocation of land for maintenance of farm buildings and structures (farm yard). According to the lease agreement for non-residential premises located on the territory of the allotted land plot, the lessee undertakes: to maintain the leased property in proper sanitary condition, to carry out current repairs of premises, to prevent damage and destruction of property, to follow fire safety rules. Also, to pay rent in the amount of not less than 1.5% of the residual value of the premises and equipment in the amount of the established amount per year, to pay for the use of electricity, heating and water on time at their own expense. Also, the tenant, with the consent of the landlord, has the right to re-equip the premises and the priority purchase of the object under study in the event of its sale.

Discussion.

Land management projects for the allocation of land are developed at the request of citizens by economic entities and agreed and approved in the manner prescribed by the Land Legislation of Ukraine.

It is necessary to make the transition to new principles of organization and management of the transport process on the basis of the latest information technologies and modern marketing, the introduction of automated cargo delivery control centers. Having studied the development of road transport in Ukraine and its importance, it should be noted that it requires effective state regulation of motor transport enterprises in the following areas: the creation of a market for transport services; ensuring technological and environmental safety of transport; intensification of international activities of transport enterprises. After all, the increase in traffic intensity, es-

pecially heavy transport, has a negative impact on the environment and the state of the existing road network, and the level of development of road infrastructure is one of the most important signs of its technological progress and civilization. With the integration into the European economy, the need for a highly developed transport system is growing, it becomes the basis for Ukraine's effective entry into the European community and taking a place in it that corresponds to the level of a highly developed state.

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ОСОБЛИВОСТІ ВІДВЕДЕННЯ ЗЕМЕЛЬНОЇ ДІЛЯНКИ ПІД ГОСПОДАРСЬКІ БУДІВЛІ І СПОРУДИ АВТОМОБІЛЬНОГО ТРАНСПОРТУ

[https://doi.org/](https://doi.org/10.31548/zemleustriy2021.02.03)

10.31548/zemleustriy2021.02.03

Анотація. У статті досліджено процес формування земельних ділянок для обслуговування господарських будівель і споруд автомобільного транспорту. Обґрунтовано, що специфікою категорії земель промисловості, транспорту, зв'язку, енергетики, оборони та іншого призначення є те, що їх формування як самостійної категорії земель здійснюється значною мірою за рахунок вилучення або викупу земель із сфери сільськогосподарського чи лісогосподарського виробництва.

Обґрунтовано особливості відведення земельних ділянок комерційного використання, зокрема, земельних ділянок для обслуговування господарських будівель і споруд автомобільного транспорту. Вказані етапи будівництва об'єктів автомобільного транспорту та перелік документів, які замовник проекту, крім завдання на проектування, надає проектній організації. Встановлено, що матеріали попереднього погодження місця розташування об'єкта є складовою частиною проекту відведення земельної ділянки.

Обґрунтування формування земельних ділянок для обслуговування господарських будівель і споруд автомобільного транспорту було розглянуто в умовах Прилуцького району Чернігівської області.

Ключові слова: земельні ділянки, будівництво та обслуговування, будівлі і споруди автомобільного транспорту, оренда, постійне користування.

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ОСОБЕННОСТИ ОТВОДА ЗЕМЕЛЬНОГО УЧАСТКА ПОД ХОЗЯЙСТВЕННЫЕ ЗДАНИЯ И СООРУЖЕНИЯ АВТОМОБИЛЬНОГО ТРАНСПОРТА

[https://doi.org/](https://doi.org/10.31548/zemleustriy2021.02.03)

10.31548/zemleustriy2021.02.03

Аннотация. В статье исследован процесс формирования земельных участков для обслуживания хозяйственных зданий и сооружений автомобильного транспорта. Обосновано, что спецификой категории земель промышленности, транспорта, связи, энергетики, обороны и другого назначения является то, что их формирование как самостоятельной категории земель осуществляется в значительной мере за счет изъятия или выкупа земель из сферы сельскохозяйственного или лесохозяйственного производства.

Обоснованно особенности отвода земельных участков коммерческого использования, в частности, земельных участков для обслуживания хозяйственных зданий и сооружений автомобильного транспорта. Указанные этапы строительства объектов автомобильного транспорта и перечень документов, которые заказчик проекта, кроме задания на проектирование, предоставляет проектной организации. Установлено, что материалы предварительного согласования места расположения объекта является составной частью проекта отвода земельного участка. Обоснование формирования земельных участков для обслуживания хозяйственных зданий и сооружений автомобильного транспорта было рассмотрено в условиях Прилуцкого района Черниговской области.

Ключевые слова: земельные участки, строительство и обслуживание, здания и сооружения автомобильного транспорта, аренда, постоянное пользование.