

Determination of Protection Areas of Cultural Heritage Objects in Latvia

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Resume

Currently, one of the methods of comprehensive protection of cultural heritage objects in a certain territory consists 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. The 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. A special attention has been paid to the methodology of determining the protection zones in Latvia. The research results are summarized and assessed from legal, economic and technical points of view that allow the generalization of acquired knowledge for other future similar solutions and better understanding of post-Soviet regulation differences on the matter.

Key words: cultural heritage object, land parcel, protected area, urban area planning

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 Eastern Europe's scientific literature are not comprehensively investigated [2]. 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 Latvia main issues of protected areas of cultural heritage objects are regulated by Protection Zone Law (1997) and the Cabinet of Ministers' regulations "Methodology for Determining the Protection Area around Cultural Monuments" (2003) [3; 5].

In Western European countries the territory of the cultural heritage objects from the mid-30s of the 20th century was established on the basis of the principles of preserving the historically formed parameters of 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 the Cabinet of Ministers 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 permission from the Inspection and the owner of the cultural monument;
- it is prohibited to divide the land in the case of selling it under the cultural monument;
- 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 access to the cultural monument [3].

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);
- a 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 [1; 5].

As concerns 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:

- a 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.

The aim of the study is to analyse law-enforcement practice, legislative shortcomings and contradictions, as well as to perform comparative analysis of some specific issues of determination of protected areas of cultural heritage objects in Latvia.

The research method is based on comparison of determination of protected areas of cultural heritage objects in Latvia. Results of the study are obtained from existing legal acts and official statistical data. The 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. It is one of the few comparative analysis on procedure of determination of protected areas around cultural heritage objects. Specified classification of cultural heritage objects has been implemented in Latvia, as shown in Table 1.

Table 1

Cultural heritage objects in Latvia

Types of cultural heritage objects	Number	%
Archaeological objects	2,507	29
Architectural monuments	3,457	40
Constructions	46	0,5
Art objects	2,701	30
History objects	135	1.5
History of technology	19	0.2
Total	8,865	X

An example of determined protected areas of cultural heritage objects in Latvia is showed in Figure 1.

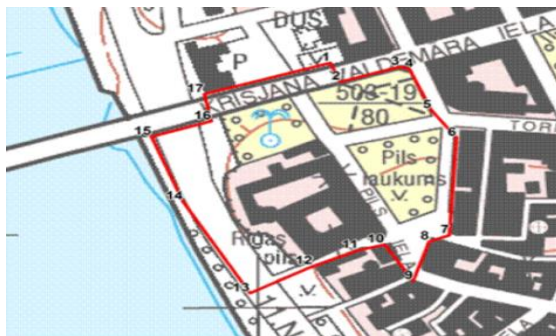


Fig. 1. Protection zone around Riga palace

One of the problems concerning protection zones of the cultural heritage objects is that it causes some economic consequences. This issue can be investigated on the example of legislative shortcomings and judicial practice. When the land parcel is registered as a protected area of a cultural heritage object, a landowner is obliged to follow compulsory restrictions of his ownership rights, for example, to construct certain objects and conduct certain activities. The only way to protect the violated rights is the reduction of cadastral value of the land and buildings for mentioned restrictions.

Regulation of cabinet of Latvia No.305, adopted 18 April 2006 "Regulations regarding Cadastral Assessment" prescribes reduced cadastral value for land plots occupied by protection zones of the cultural heritage objects. So, 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. Special protected cultural monuments are defined as encumbrances affecting cadastral value of building land and rural land.

It should be noted that in order to determine 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 land based on the 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.

In Latvia for building registered as cultural monument of national or local importance, the cadastral value has been reduced by:

- 45% if the building is registered as a cultural monument of national importance;
- 35% if the building is registered as a cultural monument of local importance [2].

A building for which an encumbrance conforming to the status of a cultural monument of State or local significance has been registered in the cadastre information system is entitled to update the depreciation of the building, if it has been determined that the building has been restored, but the depreciation of the building registered in the cadastre information system is more than 30%.

The encumbrance correction factor has been applied to an engineering structure for which the physical depreciation of the structure registered in the cadastre information system in conformity with the information provided by the State Inspection of Cultural Monuments, which conforms to the status of a cultural monument of State or local significance, and for which the physical depreciation of the structure registered in the Cadastre Information System is greater than 30% [2]:

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

Conclusions

1. *Protection Zone Law of Latvia describes the protected areas around cultural monuments as zones that should be specified in order to ensure the protection and preservation of cultural monuments.*
2. *There is a legal requirement to establish protection zones for the newly identified cultural heritage objects. Consequently, they will be poorly protected from the negative impact of new economic development of adjacent objects, as well as from the influence of active urban development until the information on such an object will be included in the unified state register.*
3. *Taxation of the land under special use regime of cultural heritage objects needs much more attention in terms of reduced rates for landowners.*

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

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