Republic of Latvia

Cabinet

Regulation No. 392

Adopted 15 July 2003

**Methodology for Determining the Protection Zone (Protection Area) around Cultural Monuments**

*Issued pursuant to*

*Section 59, Paragraph one of the Protection Zone Law*

1. This Regulation prescribes the methodology for determining the protection zone (protection area) (hereinafter – the protection area) around immovable cultural monuments (hereinafter – the cultural monuments) included in the list of State protected cultural monuments.

2. The protection area around cultural monuments shall be determined in accordance with the protection area project approved by the State Inspection for Heritage Protection (hereinafter – the Inspection). The protection area project shall include:

2.1. an area graph in the topographic map (scale 1:10 000) or in the topographic plan (scale 1:5 000);

2.2. the description of the area borders using geographic coordinates (in the LKS-92 coordinate system);

2.3. provisions for the maintenance mode (issued by the Inspection);

2.4. a historical statement about the object (issued by the Inspection);

2.5. 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;

2.6. land property borders;

2.7. the proposals, objections received in the course of developing the protection area project and motivated answers to them.

3. The protection area projects for populated areas shall be developed by natural or legal persons having a certificate or a licence to perform spatial planning, restoration works or landscape gardening works. A certificate or a licence shall not be necessary for projects of cultural monuments located outside populated areas. For developing protection areas for archaeological monuments archaeologists shall be invited to participate.

4. The protection areas projects shall be developed by the order of the Inspection, the local government, the owner (possessor) of the respective cultural monument, the landowner or another stakeholder, and they shall be approved by the Inspection. The expenses related to the project development and registering the encumbrance in the land register shall be covered by the person who has commissioned the project.

5. The developer of the protection area project for a cultural monument (hereinafter – the project developer):

5.1. 30 days prior to the commencement of the protection area project development, shall inform in writing the owner (possessor) of the cultural monument, the owners (possessors) of the land and objects located in the protection area and the local government about the project, and he or she shall also place the information about it in the local gazette;

5.2. shall sum up the proposals received during the project development and take them into account in developing the project. If a proposal is not taken into account, a reasoned reply shall be given to the person who has submitted the proposal and it shall be annexed to the project.

6. In developing the protection area project, the following aspects shall be taken into account:

6.1. the structure of historic planning;

6.2. the natural borders of the cultural monuments and the adjacent historical environment;

6.3. the possibility of discovering new parts of the cultural monument;

6.4. access to the cultural monument;

6.5. the necessity to preserve the cultural and historical landscape of the cultural monument;

6.6. the visibility of the cultural monument from the main viewpoints and the visibility of the landscape from the cultural monument.

7. In determining the size of the protection area, the status of the cultural monument, the landscape values and the territorial development priorities according to the development programme and the territorial planning of the local government shall be taken into account.

8. If the protection area overlaps with other protection zones, specially protected nature territories or micro-reserves, the stricter requirements for the protection and utilisation of the relevant territory shall be in force.

9. The maintenance mode in the protection area shall be determined in accordance with:

9.1. the requirements of the laws and other laws and regulations;

9.2. the conservation and maintenance requirements of the relevant object and its cultural and historical environment in accordance with the cultural and historical significance of cultural monuments;

9.3. the opportunities for the development of economic activities which comply with the nature of the relevant cultural monument and the adjacent environment.

10. The protection area of the cultural monument shall be kept in order by the owner (possessor) of the relevant cultural monument and the owners (possessors, users) of the real estate (land parcels) whose property is located in the protection area of the cultural monument. The protection area borders in nature shall not be marked by special signs.

11. The maintenance mode of a protection area shall be determined by the Inspection on the basis of the developed protection area project. The maintenance mode and the border plan of the protection area approved by the Inspection shall be submitted to the owner (possessor) of the cultural monument, to those real estate (land parcels) owners (possessors, users) whose property is located in the protection area of the relevant cultural monument and also to the local government.

12. The condition of the protection area shall be controlled by the Inspection.

13. The protection area shall be included in the territorial planning of the local government. If necessary, the local government shall specify the protection area borders of the cultural monument in the mapping of the territorial plan.

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