

Problems of formation , utilization and preservation of reserved lands // News of agrarian sciences

Objective. To study the problems of the formation, use and preservation of especially valuable lands. **Results** The problems of the formation, use and protection of agricultural lands, nature protection and historical and cultural purposes are considered. **Methods.** Analysis, synthesis, generalization. **Conclusions** It is proposed to invite economic levers of land protection, eliminating any prohibitions on their occupation, as well as removing from the laws the legal provisions that predetermine corrupt acts.

Key words: Land Code of Ukraine, especially valuable productive lands, lands of natural reserve fund, land of historical and cultural purpose, economic levers of land protection.

In accordance with the Fundamentals of the Land Law of the Union of PCPs and the Union Republics in 1990, the Institute of Highly Valuable Productive Land was introduced. In the country, at that time, there were already materials for soil propagation, but no land valuation was carried out. According to the Land Code of Ukraine (1992), 8 groups of soils were classified as particularly valuable, which, according to boniting materials, had the highest average grades of natural fertility. First of all, these are black earth and meadow-chnozem pounds, especially valuable podzolic, mountainous-forest, podzolic pounds, peaty middle and deep, brown pounds of the Southern coast of Crimea and deren pounds of Transcarpathia. Particularly productive were the lands of agricultural research institutions and educational institutions, as well as the research fields of these institutions and institutions. These pounds and land could not be withdrawn for non-agricultural needs. This is precisely the land that was occupied by natural and historical and cultural objects (reserves, national, dendrological and memorial parks, botanical gardens, burials and archaeological sites). The area of especially valuable productive land was 14.9 million hectares (36.7% of all agricultural lands), including arable land - 14.2 million hectares (44.8% of the total area of arable land) (1996). In the Land Code of Ukraine (2002), these two groups of lands (especially valuable productive lands, as well as land occupied by natural and historical and cultural objects) were united into one group - especially valuable lands. The lands under natural objects began to be called lands of the natural reserve fund, and occupied by historical and cultural objects - lands of historical and cultural purpose. During 1991-2014, the composition of the most valuable land was almost unchanged. The name of the peatlands - mid-depth, deep and deep drained has been refined. They began to be called - peatlands with a depth of peat occurring more than 1 m and drained regardless of depth (see comparative table). Only in the Land Code of Ukraine (2002), from the list of especially valuable lands of land, agricultural research institutes and educational institutions that could not be removed for non-liberal needs were removed from the list. As practice has shown, this decision did not have sufficient grounds, as research facilities of research institutions and higher educational institutions are constantly objects of encroachment on the part of business structures.

As regards the classification of the most valuable raw materials given to the permanent use of the mass production and agricultural enterprises of the "Masandra" and the enterprises that are part of it, there were no valid grounds for this. After all, the enterprises of this association use predominantly cinnamon soils in the agricultural sector, which in 1990 was included in particularly valuable. Duplicating the legislative provisions here is not meaningful. In addition, non-agricultural land of the above-mentioned enterprises - commercial ways occupied by buildings and courtyards, shrubs, etc., in general, can not be especially valuable land in accordance with the current legislation. The list of objects for which it was possible to remove especially valuable land, during 1990-2004, had a steady tendency to expand their composition. In 1992, it contained

only 6 items (electricity transmission lines, communications, pipelines, oil and gas wells with their operational facilities). The logical at that time was a legislative provision that, in addition to these objects, the extraction of especially valuable lands for other objects was not allowed. No approvals or permissions were then provided for by such a law, even on the part of the Verkhovna Rada or the Cabinet of Ministers of Ukraine. Certainly, the current norm of the law concerning the allocation of especially valuable lands for non-agricultural needs until 2002 was mostly carried out. With the entry into force on January 1, 2002 of the new Land Code of Ukraine on the list of goods for which it is permitted to remove areas of especially valuable land, additional investments are made: construction of objects of national importance, drainage and irrigation canals, geodetic points, Housing, objects of social and cultural destination. The notion of "object of national significance" is very wide in terms of its kinds and quantity in various branches of the economy. Housing, social and cultural objects can be state, communal, private. Providing this 3rd type of objects of unified status with the right to occupy particularly valuable land has caused the appearance of corruption in the area of land allocation. Often, without having the possibility to agree with the Verkhovna Rada of Ukraine, the removal of the relevant sections, separate executive bodies and local self-government bodies allowed the resolution of issues of land allocation according to established schemes by the officials. One of the most common of these is the withdrawal of individual plots to be removed from the warehouse of especially valuable land. For this purpose, pound landscaping was carried out, within which areas were marked, to clarify the agrofund differences. This was motivated by the fact that continuous pound surveys in the country were carried out long ago (in the years 1957-1961), and due to the degradation of the pound over the course of the 50-year period, changes are quite possible. Such an assumption, as a rule, was confirmed by appropriate sentences, and the sites were withdrawn from the status not as a particularly valuable land, but as ordinary. With the consent of the withdrawal of such plots, it was not necessary to apply to the Verkhovna Rada of Ukraine, and the payment for the said "service" justifies the ultimate goal. On the Southern coast of Crimea for the placement of cottages, cottages and recreational facilities, damage to the pond was conditioned by the terracing of slopes. In addition, during this period, state-owned shares were made to reduce the area of specially-valuable land and change their structure. In particular, on the order of the State Committee of Ukraine of Ukraine dated October 06, 2003 No. 245, registered by the Ministry of Justice, the area of Ukraine's most valuable agricultural land has been reduced from 14.9 to 11.95 million hectares, or almost 3 million hectares, and the area of arable land - from 14.2 to 10.9 million hectares, or 3.3 million hectares. In the soil cover among the most valuable lands, pounds with a national and regional status are distinguished, although the law did not foresee it. In particular, all brown pounds of the Southern coast of Crimea (6 thousand hectares), especially the valuable lands of the Carpathians (43.2 thousand hectares) and Transcarpathia (63.6 thousand hectares) are included. In view of this, there was an interpretation that pounds of regional significance could be used without the consent of their removal from the Verkhovna Rada of Ukraine, and the same - the territory of the resort construction, the construction of health facilities and the organization of recreation of the population. The occupation of lands of scientific research fields and scientific institutions, as well as educational establishments for various types of construction, was completed mainly due to the receipt of false statements by some heads of these institutions and assemblies that the plots to be removed are not. Belong to the fields of scientific research fields, although this did not correspond to reality.

Considerable bribes were paid for the lease of especially valuable land, their removal for a personal peasant farm, the examination of land management projects regarding the ecological economic feasibility of crop rotation and the regulation of lands on these lands. With the introduction in the Land Code of the changes that provide for the permission for additional extraction of land plots of especially valuable land for the placement of objects associated with the extraction of minerals, and in the case of alienation of land plots for public needs or social motives. Reality, the situation has changed dramatically. Today it is practically possible to remove especially valuable land for various needs, since the list has become immensely. It is understandable why the Verkhovna Rada of Ukraine did not receive any petitions regarding the approval of the extraction of land plots of especially valuable land during the last 5 years (2011 -2015 biennium). Consequently, the status of these lands radically changed, and therefore - in the future it makes no sense to have such a law in the legislation as a group of valuable pounds of land. Moreover, during the 25 years of its existence, there has never been a mapping of these lands. They are not displayed or registered in the state land cadastre. In 1995, the normative monetary valuation of land of agricultural significance, as well as similar estimates of land within

settlements implemented since 1995, and the assessment of non-agricultural land (except settlements), was initiated in 1997. , Have confirmed that the level of monetary valuation of salt and germs and the attribution of these lands according to the bonus of pounds to the most valuable are disproportionate among themselves. Significant areas of chernozem pounds, for example due to degradation and location and actual use, have a lower monetary value than land with lower natural fertility pounds. This applies to other groups of pounds. Therefore, the general classification of soil groups according to the indicators of the level of natural fertility and the level of their normative monetary valuation is not always comparable. They a priori may not be all particularly valuable. The coefficients taking into account the value of the landscape reserve of the nature reserve, recreational and recreational, as well as historical and cultural purposes, have a correlation among themselves in the Autonomous Republic of Crimea and Sevastopol as 2: 3,6: 2,3 (Sometimes on the Southern coast - 3: 7,6: 2,3); In the Dnipropetrovsk region - 0,3: 0,6: 0,7; Odessa - 0,6: 1,2: 0,4; Lviv - 0,6: 1,4: 3,1. In 18 regions, the average value for health and recreation is higher than land of historical and cultural destination. However, according to the law, the land of recreational and recreational purposes does not belong to the most valuable ones at all. How then in the future to decide on the conservation of these lands? The most productive soils are land plots of research institutions and educational institutions that, according to zoning materials, require special protection, conservation and reproduction, as well as forestry land, for which land is the main means Agricultural and forestry production, should be protected from impurities extracted under the influence of economic factors. Such factors are the losses of agricultural and forestry production, which are determined in accordance with the Resolution of the Cabinet of Ministers of Ukraine of November 17, 1997 No. 1279 "On the Size and Procedure for Determining the Losses of Agricultural and Forestry Production". In addition to the standards of losses, the points of the bonitet of agricultural lands in each oblast, the coefficients of the intensity of the use of lands and the productivity of forest lands by types of forest-based conditions are taken into account.

Loss rates should be based on the material of the normative monetary valuation of salt and grassland and forest areas. If today the norm of loss of arable land per 1 hectare ranges from 65.9 thousand UAH in Luhansk Oblast to 139.9 thousand UAH in Chernivtsi, and the normative assessment of arable land of these areas is respectively 17.7 and 22.7 thousand UAH / ha, then it will be justified to have this norm in 8-10 times the size of the average normative estimation of land in each oblast.

Land Code of Ukraine in the wording of Law No. 2196 as of March 13, 1992 Land Code of Ukraine of October 25, 2001 N3 2768-III Land Code of Ukraine of October 25, 2001 No. 2768-No (with amendments and additions as of 01.02 , 2015) Particularly valuable lands Art. 33. Art. 150 Art. 150 Chernozem her genera or unsalted loamy on forest rocks; Meadow-chernozem unsalted unsalted loamy soils; Dark gray podzolized soils and chernozems are found in forests and gleyuvaty; Storm mountain-forest and sod-and-brown underground deep and shallow soils; Podzolic-sod loam soils; Brown soils of the Southern coast of Crimea, turf deep soils of Transcarpathia; Chernozem it is genera or unsalted loamy on forest rocks; Meadow-chernozem unsalted loose loam soils; Dark gray podzolized soils and chernozems are found in forests and gleyuvaty; Brown mountain-forest and sod-brown soils deep and shallow soils; Podzolic-soybean soils; Brown soils of the Southern coast of Crimea, turf deep soils of Transcarpathia; Chernozem it is genera or unsalted loamy on forest rocks; Meadow-chernozem unsalted loose loam soils; Dark gray podzolized soils and chernozems are found in forests and gleyuvaty; Storm mountain-forest and sod-and-brown underground deep and shallow soils; Podzolic-sod loam soils; Brown soils of the Southern coast of Crimea, turf deep soils of Transcarpathia; Medium-deep peat and deep and deep drained peatlands; Lands of agricultural research institutions and educational institutions for non-agricultural needs; Land of research fields of research institutions and educational institutions; Peat bogs with depths of peat more than one meter and drained regardless of depth; Land of research fields of research institutions and educational institutions; Lands of the natural reserve fund; Peat bogs with depths of peat more than one meter and drained regardless of depth; Land of research fields of research institutions and educational institutions; Land provided to the permanent use of NANO "Massandra" and its enterprises; Lands of natural reserve and other nature conservation purposes; Land reserves, national, dendrological and memorial parks, botanical gardens; Land and land for the purpose of land and cultural and cyber-use; Land of burial grounds and archaeological sites. Exclusion of these lands is not allowed, except for cases when they are provided for construction: Exclusion of these lands is not allowed, except for cases of construction of objects, if the issue of withdrawal agrees with the Verkhovna

Rada of Ukraine Termination of the right of permanent use Land plots of state and communal property and seizure of these lands is carried out in agreement with the Verkhovna Rada of Ukraine

List of objects for which the removal of especially valuable lands is permitted under Art. 33 Art. 150 For construction: Art. 20. For the placement of objects of national importance, For construction: objects of national roads, transmission lines and communication, pipelines. value; Drainage and irrigation canals, geodetic points. WAYS, POWER SUPPLY AND COMMUNICATION; Housing, objects of social and cultural destination: pipelines; Roads, LINE power transmission and communication; Objects connected with extraction of minerals, pipelines; Oil and gas wells and production facilities, drainage and irrigation related to their exploitation; Channels, geodetic points, in case of alienation of land parcels of public housing, objects of social needs (provision of national security and defense, cultural purposes, construction, overhaul, reconstruction and maintenance of linear objects and objects of transport oil and gas Wells and oil and gas wells and the energy infrastructure of roads, bridges, overpasses, oil and industrial facilities associated with their production facilities associated with their gas and water pipelines, power lines, communications Operation of the operation of airports, seaports, oil and gas terminals, power plants and facilities necessary for their exploitation; the placement of foreign diplomatic missions and consular offices, representations of international organizations in Ukraine in accordance with international treaties of Ukraine, the consent to which binding Provided by the Verkhovna Rada of Ukraine; placement and maintenance of facilities related to the extraction of minerals; Construction of protective hydrotechnical structures; Construction and maintenance of oil and gas wells and production facilities necessary for its operation, facilities for underground storage of oil, gas and other substances and materials, disposal of harmful substances and materials, disposal of harmful substances and waste products; Creation of city parks, construction of preschool educational institutions, recreation areas, stadiums and cemeteries, location of objects of the nature reserve fund) or from motives of public necessity (objects of national security and defense, linear objects and objects of transport and energy Infrastructure (roads, bridges, trestles, pipelines, airports, seaports, oil and gas terminals, power plants) and facilities necessary for their operation; facilities related to ydobuvannyam minerals of national importance; sb'yektiv nature reserve Fund; cemeteries)

Regarding the lands of the natural reserve fund and historical and cultural destination, the economic mechanism of protecting these areas from unjustified withdrawal can also be based entirely on the normative monetary valuation of agricultural and forestry land. The protection of natural complexes and natural-natural assets is fully regulated by the Law of Ukraine "On the Nature Reserve Fund" (VVR, 1992, No. 34, Article 52). The regime of territories and objects of the nature reserve fund envisages, in particular, the prohibition of any economic activity that contradicts the special purpose: for natural reserves (Article 16), biosphere reserves (Article 18), national natural parks (Art. (Article 26), nature monuments (Article 28), botanical gardens (Article 32), dendrological parks (Article 34), zoological gardens Logical parks (Article 36). The articles of this law contain a list of security standards that are so detailed that they can not be compared with the provisions of the Land Code of Ukraine (Articles 43-46). The protection of lands of historical and cultural purpose is rather regulated by the norms of the Law of Ukraine "On the Protection of Cultural Heritage" (VVR, 2000, No. 39, Article 333). This is devoted to a separate section of the law - Section V "Ensuring the protection of monuments" (Articles 22-30). It sets out requirements for the prohibition of demolition, change, replacement and transfer of monuments, the conclusion of security contracts; The holding and use of monuments; Provision of facilities for use, conservation, restoration, rehabilitation and repair; Prohibition of activities that pose a threat to monuments. Together with the legal norms of Chapter 10, "Land of Historical and Cultural Purposes" of the Land Code of Ukraine, the provisions of the said law are quite sufficient to regulate the functioning of the territories under special protection and their protection, which include the land of historical and cultural appointment. With the adoption of the Law of Ukraine "On the procedure for the use of lands of historical and cultural purpose", the development of which is provided for in Article 54 of the Code, the right to regulate the land allocation of this category of land will be completed. The Law of Ukraine "On the General Program for the Establishment of the National Environmental Network of Ukraine for 2000-2015" (VVR, 2000, No. 47, Art. 405) envisages to optimize the areas of agricultural soviet lands with a decrease in the degree of their vulnerability, to improve The structure of agricultural land and to enrich them with natural components, introduce soil protection systems of agriculture, restrict destructive intensive use of environmentally vulnerable lands, etc. The formation of the ecological network leads to changes in the structure of the land fund due to

the utilization of part of the land of economic use to the categories subject to special protection with the reproduction of the diversity of natural landscapes. It should also be borne in mind that the land legislation of the countries of the European Union does not contain legal norms for the formation of especially valuable groups of soils. The land code of the Russian Federation [5] of the land of nature conservation, recreation, recreation, and historical and cultural significance is united into one chapter 17 "Lands of territories and objects under special protection" (Articles 94-100) . Among the territories under special protection, the land with natural objects and objects of cultural heritage of special scientific, historical and cultural value (typical or rare landscapes, cultural landscapes) are especially valuable. You, the group of plant and animal organisms, rare geological formations, areas of scientific research, etc.). Groups of soils or territories under special protection generally do not belong to the most valuable lands. The land codes of the Republic of Kazakhstan and the Republic of Belarus do not include institutes of especially valuable land. The Land Code of Ukraine (chapters 8-10) and the Laws "On the Nature Reserve Fund", "On Resorts", "On Protection of the Cultural Heritage", the issue of the prohibition of non-targeted use of lands of environmental protection, recreation, historical and cultural recognition, Their protection and preservation are well-regulated. In view of this, one can consider the proposed exclusion from the legislation of the provisions on especially valuable land grounded and timely in the draft law on the elimination of corruption in the land sector.

Bibliography

1. Volkov SN Economic Mechanism for Regulating the Use of Agricultural Land in the USA / SN. Volkov // Land Management, Cadastre and Monitoring. - 2012. - No. 6. - P. 32-41.
2. Gopyakova Yu.E. Justification of identifying features of objects and lands of historical and cultural purpose / Yu.E. Goljakova // Interexpo GEO-Siberia. - 2012. - No. 1. - P. 52-56.
3. Yevsyukova T.O. Protection of especially valuable land: experience of foreign countries / T.O. Yevsyukova // Land management, cadastre and land monitoring. - 2013. - No. 3. - P. 19-26.
4. Land legislation of Ukraine: a collection of normative acts of judicial and arbitration (economic) practice: 2 books. - K.: Harvest, 2002. - 688 p.
5. The Land Code of the Russian Federation. - M.: Prospect, 2008. - 112 p.
6. Loiko P.F. Land Use: Russia, the World (Looking to the Future) /PF. Loiko - M.: Gos. Unt on Land Management, 2009. - Kn. 1. - 332 s.
7. Novakovskaya I.O. Fundamentals of Land Economics / IO. Novakovskaya - K.: VS "Prosvita", 2013. - '224 p.
8. Novakovskii L.Ya. Socio-economic problems of modern land use / L.Ya. Novakovskii, MA Oleschenko - K.: Harvest, 2009. - 276 p.
9. Perovich L.M. Property valuation: Teach. Manual / L.M. Perovich, Yu.P. Gubar -Lviv: Lviv in-engineering, 2010. - 296 p.
10. On approving the list of especially valuable groups of pounds: Order of the State Committee for Land Resources / Yufits. Visn Ukraine. - 2003. - No. 50.
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