Forest-park green belts as environment-forming element of urbanized territories

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Abstract. The issues of protection and improvement of the environment surrounding residents of the cities are one of key in modern town planning. Their decision has to be a component of design and planning work. Throughout all evolution of the architectural and landscape environment of the city as anthropogenic ecosystem the quality of his territories in many respects defined gardening, which minimizes negative impact of factors of the urbanized environment on the person. But in the modern cities its area decreases, the condition of vegetation worsens that, finally, leads to violation of spatial interrelations of an anthropogenic and natural component of the urban environment. The territorial growth of the cities has aggravated a problem of preservation of a natural landscape. The total area of public green areas in the majority of city districts does not meet the operating town-planning standards. Owing to this fact in the Russian town planning to the forefront there were questions of formation around the cities of the forest-park green belts forming the favorable environment. The article analyses the features of legal regulation of their creation process, and also reveals the potential difficulties and the subjects already encountered at the process start.

1. Introduction

2017 announced in the Russian Federation by year of ecology of [1] was marked by a number of the actions designed to draw attention of society to questions of ecological development and providing ecological security. In the Strategy of ecological security of the Russian Federation for the period till 2025 [2] it is noted that state of environment in the territory of the country where are concentrated the most part of the population of the country, production capacities and the most productive agricultural grounds, is evaluated as ecologically unsuccessful. The special attention is required by the environment in the cities and in the territories adjoining to them because of essential negative impact on it of industrial facilities, transport, objects of power and capital construction [3]. The woods – green lungs of our planet can make the essential help in mitigation of negative impact of weather conditions and impact of the person on condition of the surrounding environment. At the same time forest resources of the country sustain considerable losses from the fires, wreckers and diseases. Besides, the territorial growth of the cities happening due to assimilation of unbuilt areas aggravates also problem of preservation of natural landscape [4]. The existing town-planning requirements to the total area of the planted trees and shrubs public territories of [5] quite often aren’t observed.
2. Influence of forest-park green belts on condition of the urbanized territories

Though today practically all industrial cities have at building borders intensively planted trees and shrubs spaces in the form of the forest-park protective belts improving the microclimate and landscape dividing building and residential suburb, often they are in unsatisfactory state. In article 61 of the Federal law of 10.01.2002 No. 7-FZ "About environmental protection" [6] has been given definition of green fund of city and rural settlements as to set of territories on which forest and other plantings, including in green zones, the green space, and other green areas in borders of these settlements are located. Along with it, the current version of the specified act establishes that for implementation of the right of citizens for the favorable environment forest-park green belts – "the zones with the limited mode of environmental management and other economic activity including territories in which the woods are located water objects or their parts, natural landscapes, and territories of green fund in borders of city settlements which adjoin to the specified woods can be created or make with them uniform natural ecological system and carry out nature protection, ecological, sanitary and hygienic and recreational functions". As it is represented, their creation and maintenance in proper condition acts as one of the mechanisms capable to minimize adverse effects of factors of negative impact on environmental setting in the cities. Especially urgent it for low-forest regions of Russia, with low average amount of forests of the territory, but with the high level of development of the industry and agriculture and environmental pollution where nature protection functions of the woods gain priority value. So, for example, in the Volgograd region where average amount of forests of the territory makes 4.3%, all woods are protective, i.e. carry out water preserving, protective, sanitary and hygienic, improving and other useful functions.

3. Current state of forest-park green belts

Normative fixing of the procedure of creation of forest-park green belts has been caused by authors of the relevant bill need of establishment of requirements for their creation for the federal city of Moscow. But at the same time the bill operation of provisions about forest-park green belts in space did not limit [7]. As it is represented, it is connected with the fact that around Moscow in 1935 according to the Master plan of reconstruction of the capital for improvement of a sanitary and hygienic condition of the city the forest-park protective belt has been allocated. In 1984 his territory made 162,5 thousand hectares [8]. According to provisions of the Law RSFSR of December 19, 1991 No. 2060-1 "About protection of the surrounding environment" [9] it was equated to especially protected natural territories. But after cancellation of this act in January, 2002 the forest-park protective belt of the city of Moscow has lost this status. In his limits there was a gradual reduction of the area of the woods and "uniformity" of gardening: before large forests within a forest-park protective belt were interrupted by zones of building and thoroughfares. Violation of integrity of a protective belt has reduced its protective properties and recreational functions. But in many respects the similar situation with forest territories exists around other large Russian cities. In Volgograd with its droughty climate with sharply expressed continentality work on creation of "Green ring" around the city has been begun in 1935 with [10]. Though during fights near Stalingrad many plantings have been destroyed or strongly damaged, as of January 1, 1966 as a part of green zone of Volgograd there were 6800 hectares of plantings of [11]. Creation of green belt was the only measure for mitigation of sharply continental climate in the city with hot dry winds, high summer temperatures and very low humidity decreasing in the summer to 15%. Besides, "The green ring" blocked offensive of huge mass of sandy dust at the city, and in the neighborhood of the city conditions for country construction were created. But now it is in extremely unsatisfactory state. Integrity of green zone is broken, quality and stability of the woods are reduced to critical values. In August, 2017 for the first time for many decades has covered Volgograd with dust storm.

4. Analysis of legal and urban aspects of the formation of forest-park green belts and ways to improve this process in Russian practice / The analysis of legal and town-planning aspects of
Formation of forest-park green belts and ways of improvement of this process in the Russian practice

Though the Federal law from 1/10/2002 No. 7-FZ doesn't contain any terms about the beginning of formation of forest-park green belts, these processes have actively begun in a number of regions of the Russian Federation. And these processes not always take place properly. Feature of their formation in modern Russia is that as initiators of their creation in the majority of subjects preferential non-profit organizations have acted. And it occurs in spite of the fact that among such initiators also public bodies - the government and local government are called. As the main reason of lag of regions on creation of "green boards", first of all, that fact that "the regional authorities do not pay to this question due attention" [12] is called. As it is represented, has put not only and not just in it. The role in braking of this process is brought also by imperfection of the legislation on forest-park green belts, its inconsistency, and also complexity of their creation which public organizations not always see and understand.

The procedure of formation of forest-park green belt consists of several stages. So, initiators of its creation have to prepare the motivated petition and handle it in regional public chamber. The question of creation of forest-park green belt is subject to obligatory removal at public (public) hearings which order of carrying out is established by the Federal law of July 21, 2014 No. 212-FZ [13]. After their carrying out the public chamber of the region prepares final minutes in which it enters the offers expressed as a result of its discussion opinions and the made recommendations which have arrived concerning creation of forest-park green belt with the obligatory indication that have got support of most of participants. The protocol (together with the motivated petition prepared by initiators) within 10 days after day of carrying out public hearings will be published including in Internet network. It is remarkable that this requirement is imposed also in situation when the petition has not got support of most of participants of hearings, and it is returned to the applicant. If such support is got, the petition and the final protocol of carrying out public hearings are sent to regional legislature which is authorized to make the final decision on creation of a forest-park green belt and on its area. The term of adoption of such decision - no later than 40 days from the moment of receipt of the petition and the final protocol. At the same time the made decision not imperatively has to be positive for initiators of creation of forest-park green belt and inhabitants of the municipality who have supported them. Can refuse creation of forest-park green belt on number of the bases which are directly specified by the federal legislator. First, it is possible if the petition for creation of a forest-park green belt doesn't conform to the established requirements. As it is represented, the regional public chamber without fail has to trace such compliance, and for conducting its examination opportunity to make the corresponding inquiry in the regional executive authorities of the subject knowing questions of forestry management, conservation and architecture and also in territorial authorities of Federal Forestry Agency has to be given it. Secondly, if the forest-park green belt is already created around the respective city settlement or the question of its creation already is under consideration in authorized body of the government. At the same time it should be noted that according to the current version of the Federal law of 10.01.2002 No. 7-FZ public (public) hearings will not be organized by regional public chamber only if earlier arrived petition for creation of forest-park green belt around the respective city settlement already is under consideration in it. In all other cases their carrying out is obligatory. As it is represented, the public chamber of the subject already at stage of obtaining the petition has to inform his initiators that the petition on similar question already is under its consideration. If the forest-park green belt is created, but initiators of the petition consider that it is in unsatisfactory state, the public chamber has to recommend to them (and to help) to develop offers on its improvement and to carry them regional authorities of [14]. Thirdly, the refusal is possible if the respective territories around this city settlement are included in structure of green forest-park belt of other city settlement, including the federal cities. Besides, will refuse if the forest-park green belt is already created around the federal city, that is in its ring there are also municipalities which are its part. The fourth basis for making decision on refusal in creation of forest-park green belt - around the
city settlement according to documents of territorial planning within three years is planned increase not less than for five percent of the area of the woods, other territories occupied with green plantings. Borders of forest-park green belt (in case of making decision on its creation) are subject to inclusion in the Unified state register of the real estate of [15]. Here it should be noted that the forest-park green belt is created irrespective of category of lands on which the woods and water objects are located. The forest code of the Russian Federation [16] has established that the woods are located on lands of forest fund and lands of other categories, and their use, protection, protection and reproduction are carried out according to purpose of these lands. The main territorial units of management in the field of use, protection, reproduction of the woods are forest areas and forest parks, and they also make the earth of forest fund. In addition, forest areas and forest parks are also located on lands:

1) defenses and safety on which the woods are located;
2) settlements on which the city woods are located;
3) especially protected natural territories in which the woods are located.

Thus, as formal sign of the woods as legal category the fact that they or are located on lands of forest fund or that lands on which they are located are included in accordance with the established procedure in borders of forest areas and forest parks acts [17]. At the same time forest-park green belts are created regardless of category of lands on which the woods and water objects are located. The certain timberland, green zones, the forest-park woods, the city woods and the water protection zones around the municipality already have the special status, and establishment of the mode of forest-park green belt should not reduce degree of their legal protection.

Besides, process of formation of forest-park green belts objectively faces also other difficulties. So, for example, even in borders of protective zones around the large cities there are territories (the existing platforms) authorized by executive authorities for placement of industrial and domestic wastes which not equipped according to Construction Norms and Regulations. They have the status temporary, and have to be either are appropriately equipped, or closed in the terms necessary for design and construction of the polygons meeting the requirements Construction Norms and Regulations. Before creating forest-park green belt, they need to be liquidated. Both for inventory, and considerable budgetary funds are necessary for cleaning of the territory. Besides, in borders of forest-park green belts there can be also license areas (for example, allocated for the organization of drinking water supply, on extraction of widespread minerals, etc.).

Owing to this fact, as it is represented, it is impossible to consider question of creation of forest-park green belts without plan of town-planning activity. Green belts need to be included in master plans of city districts and settlements, "having coordinated" to building perspectives. Master plans of municipalities as documents of territorial planning, without fail have to contain the card of their functional zones [18]. Materials on justification of master plan in the form of cards display, including, borders of forest parks. Complexity is here that considerable part of master plans is already approved. Feature of documents of territorial planning in comparison with other planned documents is that they not only define ways (means) of achievement of goals and the solution of tasks which face bodies of the public power, but also have certain legal [19] value. At the same time certain researchers of [20] note that the cities, carrying out it more than the state which plans "for itself", plan "for others" - for individuals. Therefore accurate functional zoning is so necessary. Planning town-planning activity, it is necessary to consider number of factors in advance. So, it must be kept in mind that among priority activities, carried out in territories of forest-park green belts - environmental protection, natural complexes and objects, and also conducting ecological and educational work. In borders of forest-park green belts it is forbidden to carry out capital construction. Exception is construction of hydraulic engineering constructions and linear objects (for example, communication lines, electricity transmission, motor-roads, etc.), and also the buildings which are their integral technological part, structures, constructions. Among exceptions also health care facilities, educations, objects for implementation of recreational activity, tourism, sports and improving and sports activity. In first-priority order in the territories occupied with forest-park green belts land reclamation, protection of their negative impacts are carried out (siccations, consolidations, pollution, etc.). It is also necessary to
consider that change of borders of forest-park green belts which can lead to reduction of their area is not allowed. For this purpose at change of borders of a forest-park green belt the area of the excluded territories is compensated by inclusion in his borders of sites located on which forest and other plantings provide performance of nature protection, ecological, sanitary and hygienic and recreational functions and which area can't be less than the area of the excluded territories. Use, protection, reproduction of the woods included in borders of forest-park green belts is carried out according to Lesnoy the code of the Russian Federation and with the Order of the Ministry of Natural Resources and Environmental Protection of the Russian Federation of 02.05.2017 No. 214 "About the statement of Features of use, protection, protection, reproduction of the woods located in forest-park green belts"

5. Conclusion
The use of sections to divide the text of the paper is optional and left as a decision for the author. Where the author wishes to divide the paper into sections the formatting shown in table 2 should be used. The main functions of green belts consist in formation in the cities of the favorable environment, improvement of ecological situation. In the conditions of ecological trouble the potential of green plantings is one of effective factors of improvement of human environment. For city settlements especially significantly and the fact that the territories occupied with them will be used for recreation. Owing to this fact they have to be suitable for such purposes. Suitability is defined physiographic (situation in relief, the soil, moistening conditions), esthetic, sanitary and hygienic (existence of sources of diseases, blood-sicking insects, solar radiation, existence and quality of potable water) and social and economic (availability to different groups of the population) by characteristics [22]. The role of forest ecosystems in formation of the favorable environment considerably is defined by the level of the protective functions which are carried out by them which are connected with territory covering degree the wood and the nature of his spatial placement. And transformation and restoration of the functions of the woods forming the favorable environment are defined both by intensity of anthropogenic influence, and degree of resistance of the system to this influence which depends also on forest vegetation conditions [23]. Owing to above-mentioned factors, the organization of green zone demands serious consultations and the complex solution of social, economic, environmental and technological problems, promoting implementation of the right of citizens for the favorable environment, process of social and economic development of the city was not slowed down.

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