

THE CURRENT ISSUES OF LAND USE OF TERRITORIES OF GARDENERS' ASSOCIATIONS IN LITHUANIA

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Abstract

The article presents the analysis of the Associations of Gardeners of Lithuania as well as the undergoing changes in their territories. The objective of the article is to discuss the current situation in the territories allocated to the amateur gardens and to assess the current issues concerning the land use and management. The associations of gardeners have encountered a great number of problems concerning the territorial planning, engineering communication services and services maintaining the needs of the associations, the expansion as well as development of these areas. The associations of gardeners comprise 216932 individual gardeners; they manage 228673 land parcels owned by them, which occupy 20714 ha.

Key words: Associations of Gardeners, territories of the amateur gardeners.

Introduction

Previously, the residents of towns and cities used to choose the territories for collective gardens with an intention of having a rest or spending leisure time. However, over time due to the rising accommodation prices the citizens started purchasing plots of land in the territories of collective gardens or gardeners' associations with the intention of building a single-family house or renovating the existing one. At present, the gardeners' associations, especially those located close to towns and cities or in urban areas of towns, do not resemble the former areas of the collective gardens. The collective gardening in Lithuania is considered to have started in 1959 (other sources state that it began in 1949), i.e. when the Association of Gardeners of Lithuania was established (LAG) (Kauno..., 2015).

In accordance with the valid present Law on the Associations of Gardeners (2004), the Association of Gardeners (A/G), which include amateur gardening is defined as '*a limited liability, non-profit public entity, the purpose of which is to implement the general rights and obligations of the gardeners in terms of management, maintenance and usage of the territory and the structures as well as objects located in the territory of the amateur garden*'. The territory of amateur garden consists of a land parcel owned by the gardener or by other persons; it, as well as the land, which is allocated for common use of the gardeners and the establishment of collective gardens according to legal acts, later specified project on the property rights of land or territorial planning documents, is managed in accordance with the property law or other rights. The working group analysed and singled out the most relevant problems of the associations of gardeners (Tarpžinybinė..., 2013). Thus, it is obvious that the substantial problems prevailing in the associations of gardeners concern their territorial planning, engineering services, maintenance of services, expansion and the development of such territories.

The objective of the article is to discuss the current situation in the territories allocated for the amateur gardens and to assess the current issues concerning land usage and management.

Methodology of research and materials

When collecting the information there were analysed the official reports, speeches at conferences, scientific articles and publications on urgent problems and issues of the amateur gardens made in the associations of the gardeners of Lithuania. The research used the statistical data obtained from the National Land Service (NLS) at the Ministry of Agriculture (AM) and the information on governmental institutions available at Centre of Registers (CR).

The prepared questionnaire was placed on the Internet (at the beginning of 2015). 60 municipalities and 48 territorial experts of NLS were surveyed. All the regions participated in the survey. The greatest number of questionnaires was presented in Kaunas, Jurbarkas, Klaipėda and Varėna region. The participating experts on territorial planning and geodesy, comprised 50% of the total number of the participants.

Discussions and results

The land of amateur gardens is managed by 1800 associations of gardeners; 1320 public entities are registered in the Register of Legal Entities (Juridinių..., 2015). More than 26% of the associations

have not been registered or their registration is no longer valid. Number of registered A/G per administrative unit is presented in figure 1.

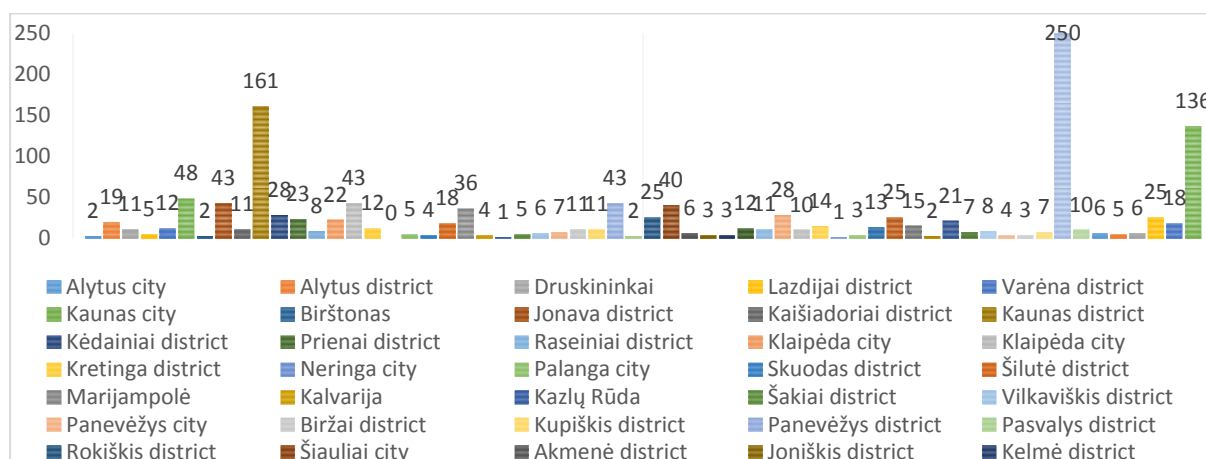


Fig. 1. Number of registered A/G per administrative unit (prepared by the Register of Legal Entities)

The land of the amateur gardens as well as the land for common use owned by the association of gardeners is considered (Lietuvos..., 2004) to be agricultural land. The private owned land of members of the A/G comprises only a minor part or 0.43% of the privately owned land, but the state land used by the gardeners occupy only 1.11% of the state-owned agricultural land. 216932 gardeners of A/G manage 228673 land parcels of the amateur gardens, which occupy a total area of 20714 ha and use 0.53% of the total agricultural land. The largest part of gardens have already been privatised, table 1 presents the change of its users during five years.

Table 1

Changes among the users of privately owned land in A/G

Years	Number of Owners/Users	Total area, ha	Agricultural land, ha	Roads, ha	Developed territorial areas, ha	Other land, ha
2010	201131	14256.61	13533.26	0.85	503.14	211.18
2011	202403	14328.73	13458.19	1.02	650.83	209.44
2012	203346	14383.08	13370.84	1.26	793.08	206.55
2013	204052	14438.22	13217.54	1.93	1002.72	201.63
2014	204621	14575.20	13106.44	36.08	1199.15	198.05

During the investigated period there was observed a tendency for the increase of number of members of the A/G as well as the area of land. During the period of five years, 3490 gardeners obtained their land, which comprised 318.59 ha by making payments to the state; the most active purchase of land from the state was observed in 2013. During the recent years there were privatized 136.98 ha of the amateur garden land. During the research study *the area under the farm land* had a tendency to decrease significantly, especially in 2013, when the purchase of garden parcels increased. Since 2010, the total area has been reduced by 426.82 ha. It is possible to make an assumption that the gardeners have performed such activities, which are not typical for the amateur gardening on the privately owned land parcels. The tendency to use gardens as the permanent place of residence as well as the exponential increase of the developed territorial areas of the land of A/G was observed. During the last five years (till 2014), *the number of the developed land* increased by 696.01 ha, and during the last five years it comprised 1199.15 ha. The maintenance services for residential areas by roads increased as well, thus since 2010, the areas allocated for roads were expanded 35 times. The increase of the above mentioned territories was caused by the registration of the existing roads in the territories of A/G, namely by performed cadastral surveying and registration in the Register of the Real Property. During the analyzed period, the *other land* areas were reduced in the territories of A/G.

The geographical differences in the territories of the gardens, diverse recreational potential of the environment, better accessibility, different economical interests and other reasons preconditioned diverse strategies on the development process of the A/G. The experts of the municipalities were asked to determine the possible development trends of the territories of A/G. Actually, 52% of A/G

municipalities are located in the territories where the transitional processes are prevailing and residential areas are developing rather fast. The territories with the majority of the structures of residential purposes were pointed out within the boundaries of the largest cities of Lithuania and the areas surrounding them, namely Klaipeda city and region, Siauliai, Kelme regions, Kaunas city and the surrounding neighborhoods, Vilnius city, Salcininkai region. The citizens declared their place of residence in the garden territories. The territories, which were developed as the recreational ones, had a great number of reconstructed buildings adapted for the permanent residence. The experts singled out nine municipalities typical for the above mentioned ones. 31 % of the gardens under the regulation of the municipalities, where the recreational zones with the structures adapted to the permanent residence prevailed, were located in the periphery of Akmene, Jurbarkas, Pakruojis regions and in the Lakeland regions such as Telšiai, Silale, Utena, Lazdijai, Varena. In Marijampole municipality the inhabitants preferred gardens both for recreational and for leisure purposes. There was observed the fact, that there remained only very few gardens where traditional gardening was used for the agriculture produce. To such territories there were allocated only 10 % of the municipalities. Kėdainiai, Širvintos and Zarasai regions had gardens without structures or their design was not complicated. The experts of the municipalities of Raseiniai and Biržai regions did not present specific tendencies concerning the expansion and development in the amateur gardens mentioned above. It is possible to make an assumption that the territories of the gardens, especially those located in the outskirts of large cities of Lithuania, exhibit the transition into the type of gardens used for residential purposes. While at present the recreational potential is prevailing in allotment gardens, in the nearest future, they tend to become residential areas (Atkocevičienė, 2013). The problems in the A/G submitted to the experts for assessment (Kurtinaitytė, 2015). Fig. 2 shows the assessment of prominent issues in amateur gardens.

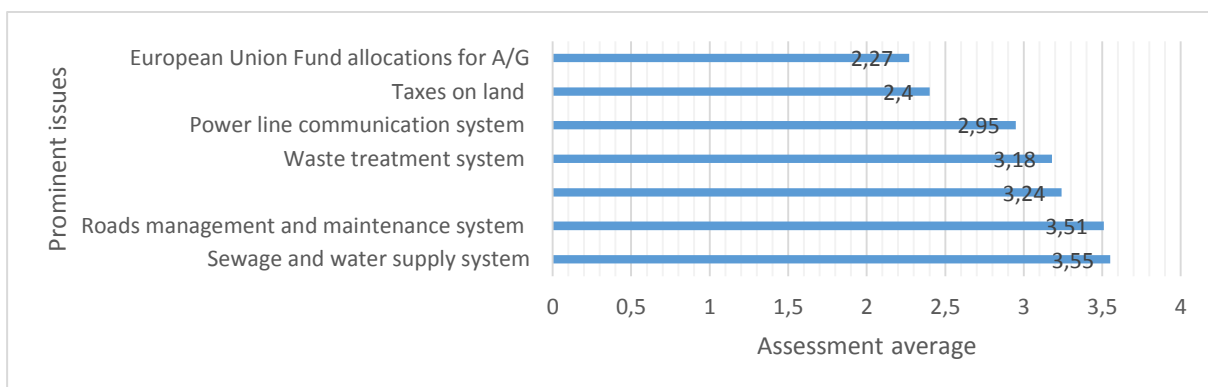


Fig. 2. Assessment of the relevant problems in the amateur gardens

The most prominent issue is *water supply, waste management and treatment system*. The assessment provided by the experts confirms the issue; they define this problem as the most important one. The expansion of the construction works in the territories of the gardens has caused an increased amount of sewage discharge into water reservoirs, trenches or forests; a certain amount of sewage was collected into the sewage pits. The gardeners themselves were responsible for that (Sodininkų..., 2013); they used to keep maintenance of the sewage themselves, therefore, there appeared the necessity to provide waste and sewage treatment systems in the territories of A/G.

The second urgent and important issue is the allotment gardens having to deal with *road management and maintenance*. The length of the internal roads under the regulation of the A/G in Lithuania was about 15,000 km (Savivaldybėms..., 2012). In accordance with the Law on Allotment Gardens, municipalities were obliged to cover and compensate payments made for cadastral measurements and their registration, if they were obliged to take over the internal roads of the allotment under their regulation (Lietuvos..., 2004). The gardeners found the amendment of the law an appealing one. The experts reasonably underlined the problems of road maintenance. Because currently the roads of the A/G are too narrow and do not satisfy the requirements set for local roads, issues concerning their registration in the Real Estate Register continuously follow. The boundaries of roads are planted with trees, which make it difficult to perform cadastral measurements; at the edges of the roads there are electric lines and there are unwarranted structures on segments of roads. In order to solve the problem of funding the management and maintenance of roads, the Ministry of Environment compiled a questionnaire for municipalities to be able to determine the number of roads under the regulation of

amateur gardens, to define their state and condition as well as the number of roads to be transferred under the regulation of municipalities. Based on the data collected by the municipalities, the government was able to plan the demand and need for funds for 2016 (Savivaldybės..., 2015).

The experts noted that the territories of residential areas dominated the gardens and thus, there were issues regarding *housing construction and violations* of regulations related to them. The experts rated the issue as the third most important in their opinion. Without changing the general purpose of the land parcel of the amateur garden located in the territory, after working out the design and upon receipt of the building permit, it was possible to build and renovate only one single family house and some structures attached to it on the parcel. New structures, not higher than 8.5 m are allowed to be constructed on the garden parcel of 0.04 but not smaller. The territory of the garden and the construction works on the parcel have to be in accordance with the domestic regulations of the A/G; there is a requirement to observe all the prescribed fire safety regulations and not to violate the interests of the owners of the adjacent neighbouring parcels (Statybos..., 2005). No data was received concerning the number of the structures constructed in the territories of the A/G which did not correspond with these requirements, however, it was known that unauthorised constructions on the territories of garden parcels were provided or the structures were not legalised so far.

An urgent problem that requires a solution is *waste treatment* in A/G. Municipal waste collection and disposal services are not always provided properly in the territories of amateur gardens and therefore there are many legal disputes concerning the charges for the municipal waste management and treatment. There is a great number of specific examples when the allotment gardens located within the boundaries or outskirts of the cities sign agreements with enterprises dealing with municipal waste treatment and, as a result, the allotments now have containers of the general or special type (Atliekų..., 2015) for sorting waste.

When analysing and assessing the issues in the amateur gardens, the experts pointed out the problem of land *taxation* and *EU funds misappropriation* concerning the allotment gardens. In accordance with the valid Law on the Allotment Gardens, the land in the territories of amateur gardens allocated for the common usage is not to be taxed. However, each allotment under the general agreement of the members determined the amount of tax for a single member of the allotment gardens. Each allotment applied the tax independently. The collected taxes were used to maintain internal roads, to upgrade and repair water and waste installations, organise cleaning works and voluntary initiatives.

By assessing the prominent issues in the amateur gardens, experts at municipalities specified the fact that the cadastral measurements were intensified for the land plots in the gardens and after the permits were issued for the construction of residential buildings and fences in the territories of the allotments, the number of violations regarding territorial planning increased uncontrollably, which prevented the possibility for the required infrastructure to be developed. The issue of land management in the territories of amateur gardens remains an urgent and relevant one for the majority of the allotment gardens. In order to solve the relevant A/G issues, the chairpersons and the members of the A/G and the allotments themselves actively participate in the discussions held together with the local authorities and governmental institutions.

Conclusions

As the number of the purchases of amateur garden parcels actively increases, the gardeners are confronted with a lot of issues when determining the boundaries of their land parcels using cadastral measurements as well as issues pertaining to a single-family house construction due to which legal disputes are initiated. The research study determined the most prominent issues that gardeners face, such as drinking water supply, sewage discharge, waste treatment, and road network repair and maintenance.

Allotment gardens are organised around large towns and cities as well as in the rural areas of Lithuania with a clearly expressed majority of residential housing and related structures there. The territories of amateur gardens are under an intense transition to become residential areas.

The amateur gardens located on the periphery of Lithuanian regions as well as in the Lakeland regions distinguish themselves by recreational tendency, with prevailing recreational zones and with residential structures for permanent residence. A decrease of allotment gardens is observed in locations where the population still engages in traditional gardening for their own needs and produces agricultural produce on their land parcels.

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