Inventory of lands of gardening partnerships with the purpose of increasing the efficiency of territory use

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Abstract. The purpose of the paper is to study and analyze the inventory of lands of gardening partnerships as a way to increase the efficiency of use of the territory using the example of gardening partnerships in the Belomestnensky rural settlement of the Belgorod region. As a result of the survey, it was revealed that out of 17 SNT, in 7 the actual area is larger than the area allocated by decisions and regulations of the authorities, in 6 the situation is the opposite: the actual area is less. For a clear example, potential revenues from paying land taxes to the local budget were calculated and analyzed before and after inclusion within the boundaries of a populated area and the transfer of land from “gardening” to “individual housing construction.” As a result of studying the scientific material and the regulatory framework, the conclusion was made: an inventory of lands of gardening partnerships is an effective tool for increasing the efficiency of use of the territory of a municipality.

1 Introduction

Land is the basis for the existence of a gardening partnership. In the Constitution of the Russian Federation, as well as in the Land Code of the Russian Federation, land is defined as the basis of human life and activity; protected natural object, the most important part of nature, natural resource, means of production in agriculture and forestry; the basis for carrying out economic and other activities; real estate; object of ownership and other rights to land.

Any use of land must be paid for, with the exception of cases provided for by federal and regional regulations. Payment may be in the form of land tax or rent.

On the territory of the municipality, it is necessary to carry out land management work to ensure the rational use of land and increase local budget revenues.

One of the processes necessary for carrying out land management work is land inventory. In accordance with Federal Law No. 78-FZ, an inventory of land is carried out to

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identify unused, irrationally used or used not for its intended purpose and not in accordance with the permitted use of land plots and other characteristics of land [1].

In order for the inventory process to be carried out as completely and efficiently as possible, it is necessary to accurately determine the goals and objectives of the activities, the objects in respect of which an inventory is required, the volumes, timing and procedure for carrying out the work, documents of regulatory support for conducting a land inventory, sources of financing, composition of persons and organizations participating in the events and their powers.

Land inventory is carried out on the basis of decisions of the Government of the Russian Federation, decisions of state authorities of constituent entities of the Russian Federation, decisions of local government bodies, as well as statements of land owners.

It is important for municipal administrations to have reliable information about the actual quantitative and qualitative condition of land. Possession of this information will make it possible to increase budget revenues by bringing previously unused territories into circulation, to hold citizens accountable for the misuse of land plots, and to bring the information of the Unified State Register into compliance [2, 3].

In the Russian Federation, 14282.6 thousand citizens garden on lands with a total area of 1293.6 thousand hectares, 2667.9 thousand families engage in gardening on land plots allocated for vegetable gardens, the area of which is 270.8 thousand hectares (as of January 1, 2020 of the year). About 72% of land plots allocated for gardening are privately owned, while 27% are in state and municipal ownership. Vast territories are under gardening partnerships. A significant number of land plots in partnerships are not used for their intended purpose.

Land management work is carried out at the expense of the budgets of the Belgorod region, municipal administrations, local administrations, as well as at the expense of customers (landowners and land users).

To achieve the goal of the work, the following main tasks were set:

- Explore the available accumulated material in the field of land inventory.
- Consider inventory work as a complex necessary to increase the efficiency of use of the territory of gardening partnerships and work.
- Study the history of the development of the regulatory framework for gardening, truck farming and dacha farming.
- Study measures to improve the efficiency of land use of gardening partnerships.
- Calculate the potential of land tax based on the results of work to increase revenues to the budgets of local administrations.

2 Materials and methods

All free lands located near cities and towns were allocated for gardening and vegetable farming partnerships. A land user was considered to be a partnership registered as a legal entity; the right of use of citizens to garden plots was not registered and, accordingly, no documents were issued to them [4].

Land plots were provided to citizens in the form of incentives from their place of work. Workers could register such land plots for indefinite use only after they had worked for five or more years at the enterprise. In case of moving to a new place of residence, the workers’ right to use the site was terminated.

On garden plots, only collective sheds for storing garden tools were allowed to be built. Later, the construction of garden houses and outbuildings was allowed, the size of which was strictly regulated. If the plot was not developed within 3 years, or its processing was improper, then the land plot was confiscated and transferred to other workers. Since the number of garden plots was limited, enterprises created queues to obtain them.
Since 1990, land plots could become objects of private property rights; according to the Law of the Russian Federation of December 23, 1992 No. 419-1, the rights of the owner to a land plot were limited to the intended purpose of this plot; the sale of land plots could be carried out upon concluding an agreement and during an auction or competition [5-6].

Land reform has made significant changes in the legal regulation of gardening, truck farming and summer cottage farming. According to the new Land Code of the RSFSR (1991), land plots were provided by local Councils within their competence for collective gardening and horticulture. The plots consisted of public lands, which were directly owned by gardening partnerships, and lands owned by members of these partnerships.

For dacha-building cooperatives, land plots were allocated mainly in the territories of dacha settlements. Such land plots were distributed to citizens on the basis of membership in a given cooperative and also upon full payment of the cost of the share. Members of cooperatives had to build a dacha on the plot allocated to them and use it for its intended purpose; it was forbidden to transfer the occupied building and land plot to other persons. It was not intended to grow agricultural crops in such areas, but it was not prohibited either.

Land plots allocated for vegetable gardens were mainly located in remote areas. Therefore, buildings that were far from temporary began to be erected on them [7-8].

3 Results and Discussion

On the territory of the Belomestnenskoye rural settlement there are 37 horticultural non-profit partnerships, the area of which is 249.74 hectares - 10.6% of the agricultural land of the settlement.

The largest gardening partnership in terms of area is SNT "Rodnichok", whose area is 36.3 hectares. The smallest - SNT "Green Glade" / tr. Shakhsstroy with an area of 0.50 hectares. Gardening partnerships are located in a single area in the southwestern part of the settlement. The lands occupied by gardening partnerships are mainly located on sloping lands and in ravines.

About 45% of gardening partnerships use less than half of their land. In 46% of gardening partnerships, land plots are used at half or slightly more. Only in 3% of horticultural partnerships (gardening partnership - “Olympus-2000”) land plots are used in full [9-10].

As a result of the survey, it was revealed that out of 17 SNT, in 7 the actual area is larger than the area allocated by decisions and regulations of the authorities, in 6 the situation is the opposite: the actual area is less. In the remaining 4 SNT the areas are the same.

As a result of the work, the remaining plots were put on cadastral registration. During the work to determine the boundaries of land plots, it was revealed that the areas of 15 land plots exceed the areas specified in the project for organizing the territory of SNT "Belogorye" (Figure 1).

We will also consider SNT “Yagodka”. The partnership is located in two cadastral blocks: 31:15:0311004 and 31:15:0311005. The area of the partnership is 8.4 hectares - 117 land plots. The lands were allocated to the gardening partnership in 1994. SNT "Yagodka" is not registered as a legal entity in the Unified State Register of Legal Entities.

When carrying out complex cadastral work, the locations of the boundaries of land plots registered in the Unified State Register were clarified. Inconsistencies were identified between the location of the boundaries of the plots with the locations of their boundaries in accordance with the planning organization (project for organizing the territory of the gardening partnership "Yagodka" (Figure 2).
Citizens have the right to purchase a plot of land for free if it is formed from a plot that was provided for gardening, vegetable gardening or summer cottage farming to the association before 2019, provided to the citizen by a decision of the general meeting of the partnership, or other regulatory documents, and is not classified as seized or restricted in circulation, is not reserved for the needs of the state or municipality. If the horticultural land plot requested by a citizen does not meet these requirements, the process of granting such a plot of land into ownership occurs in accordance with the general procedure in accordance with the Land Code of the Russian Federation.

Members of gardening partnerships, not being able to register ownership of the land, stop conducting economic activities on it, which leads to the fact that the territories of the SNT remain ownerless. This ultimately has a negative impact on the socio-economic efficiency of using the territory of the municipality: land plots are not used for their intended purpose, without title documents, and the local budget does not receive additional income from land tax.

4 Conclusion

The Belgorod region is one of the leading regions in Russia in terms of housing commissioning indicators. Of the total input structure, about 86% falls on individual housing construction. This positive trend has continued in the region for more than 15
years. To solve the problems of planning new development lands, providing such lands and their engineering development in the Belgorod region, the joint-stock company "Belgorod Mortgage Corporation" was created, and to support individual housing construction and improve the living conditions of citizens in the territory, the state unitary enterprise "Belgorod Regional Fund for Support of Individual Housing Construction" operates .

By 2014, in the Belgorod region there were almost no large land masses left near cities that would be suitable for individual housing development, as well as agricultural lands that could be converted to individual housing construction without compromising the development of agriculture. As an alternative, the Government of the Belgorod Region proposed the use of the territories of gardening partnerships. This is explained by the low demand for the use of SNT sections for their intended purpose, as well as the location of the arrays.

A decision is made to develop a regional project to involve gardening and vegetable gardening associations of citizens in housing construction and other areas of urban planning activities. The goal of the project was to involve at least 3,500 hectares of land of these associations in urban planning activities in the region.

The main final goal of these activities is the transfer of lands of gardening partnerships into territories for individual housing development, the development of engineering development of these territories and, as a result, the creation of favorable living conditions for the population. Horticultural partnerships that are promising for involvement have been included within the boundaries of settlements, which involves making changes to the master plans of settlements. Of the 324 gardening partnerships existing in the Belgorod region, 124 partnerships were included within the boundaries of settlements, the total area of which is 1.8 thousand hectares, and changes were made to the master plans in 15 settlements.

As a result of the work carried out to inventory the lands of gardening associations of citizens, 17 SNTs were selected for inclusion in the boundaries of populated areas on the territory of the Belomestnenskoye rural settlement, promising for involvement in urban planning activities, the total area of which is 189.1 hectares. Inclusion of the remaining 20 associations is not practical due to terrain conditions.

For a clear example, let’s calculate and analyze potential revenues from the payment of land tax to the local budget, from the lands of SNT “Olympus-2000” before and after inclusion within the boundaries of a populated area and the transfer of lands from “gardening” to “individual housing construction”.

The specific indicator of the cadastral value for the lands of horticultural and vegetable gardening associations in the Olympus-2000 SNT was 92.65 rubles/m². Before the change in the type of permitted use, the cadastral value of the average land plot was 129,445 rubles. The land tax going to the budget was 361.34 rubles.

The cadastral value of an average plot of land after the inclusion of SNT within the boundaries of a populated area becomes equal to 617,552 rubles. The land tax received by the budget from one such plot is 1852.66 rubles. Tax revenues to the budget after the transfer of land increased 5 times.

The main revenues to the local budget of the municipality are funds from the payment of land tax.

The tax is a mandatory, individually gratuitous payment. It is collected from individuals and legal entities through the alienation of funds belonging to them by right of ownership. Tax payment is one of the sources of financial support for the activities of the state and municipality.

As a result of studying the scientific material and the regulatory framework, the conclusion was made: an inventory of lands of gardening partnerships is an effective tool for increasing the efficiency of use of the territory of a municipality. When carrying out
work on the inventory of these lands, municipal administrations will be able to fill in the missing information about the actual qualitative and quantitative condition of the lands, which will allow them to effectively solve land use planning problems.

The volume of individual housing construction is constantly increasing, and the need to expand areas suitable for this purpose is naturally increasing. Very often this need is met by changing the category of land: agricultural land is transferred to land in populated areas. This land transformation can lead to the problem of shortage of agricultural land and, as a consequence, to a food crisis. An alternative solution to this problem is to involve the lands of gardening partnerships in urban planning activities. One of these activities is the involvement of these lands in urban planning activities. This is possible if local governments have complete and reliable information about the qualitative and quantitative condition of SNT lands, obtained as a result of an inventory of these lands. Carrying out an inventory to improve the efficiency of use of the territory must be systematic and comprehensive.

Also, a land inventory will make it possible to solve the problem of the budget of local administrations not receiving tax revenues from land tax. Such problems include the fact that citizens do not want to formalize rights and register documents on the rights to the land plots they use, the databases of the Unified State Register of Real Estate and the tax service are not uniform, and also the database of the Unified State Register of Real Estate does not contain the economic characteristics of land plots.

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