

# PROTECTIVE BELT – BUFFER ZONE OF HERITAGE PROTECTION

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**ABSTRACT:** The protective belts of a heritage-protected buildings or areas are reaching their limits. Territories defined in this way are not the subject of protection themselves. Some protected belts had the task of protecting themselves at the time of their declaration, not only the object of protection for which they have been declared. Protective belts are evidenced by the formulated conditions of protection, precisely defined. The status of these territories has not been changed, but access to the implementation for the protection of historic values is increasingly limited. The definition of protective belts is strictly intended from legislative point of view. But from the point of view of applied heritage care, this concept is a path of a degradation for the heritage values of some areas. The vision of ensuring the protection of cultural values by declaring protected zone is out of sight. An analysis of the importance of the protective belts is a must.

**KEYWORDS:** protective belt; heritage protection; urbanism; heritage urbanism; urban values; urban protection of the settlement; land-use planning tools; heritage protection of the settlement; Opava; Havířov

## INTRODUCTION

The topic of protective belts (PB) in heritage protection is specific. The aim is to outline the development, the meaning and the problems of the PB, especially to point out the problems associated with them. The most significant ones arise with anomalous cases of PB, which have a major impact on the approach to the protection of the areas in question. The approach to PB varies from municipality to municipality, region to region. It is all the more difficult to deal with very specific problems of some areas. The topic has been developed so that it can be further specified and, above all, become the subject of discussion and efforts to improve the situation.

In order to frame the topic with a focus on protective belts form the point of view of heritage protection, the terms used in this context are specifically defined. Town, village, historic settlement, monument – these are terms that can be based on commonly known definitions. One of the terms that can be interpreted differently is urbanism. It is often defined as a discipline, a planning science, a planning process or an artistic and creative design discipline. [1] For the purpose of the topic, it is sufficient to define that urbanism is a discipline and practical activity, having close links to the field of architecture, from which urbanism developed and specified to the practical planning activity – land-use planning. As a scientific discipline, urbanism investigates the theoretical and practical problems of the creation and transformation of settlements, settlement formations and their structures, reveals tendencies and regularities of their development and formulates principles for their solution. [2]

The concept of heritage urbanism combines historical urbanism, as the knowledge of the development of individual settlements, and an active approach of the field of monumental care to the protection of preserved values, their documentation, consultation of planned urban building interventions and proposals for the overall regeneration of urban heritage, including the appropriate addition of settlements with new buildings that will be harmonious in relation to existing buildings. [3] The term heritage urbanism is also understood as a broad set of activities aimed at a thorough understanding of the heritage values of historic settlements, and, above all, their protection and regeneration. [4]

## PROTECTION OF SETTLEMENTS – SPATIAL PLANNING TOOLS

The urban planning and development of settlements is related to the need to specify their protection. Ur-

ban protection of settlements consists in the effort to preserve the character of the area and to promote meaningful development with respect to the existing qualities of the area. Land-use planning tools help to protect the area. Spatial planning systematically and comprehensively addresses the functional use of the territory, establishes the principles of its organisation and coordinates construction and other activities affecting the development of the territory in terms of subject matter and time. Spatial planning creates the conditions for ensuring the permanent harmony of all natural, civilizational and cultural values in the territory, particularly with regard to the care of the environment and the protection of its main components – soil, water and air. [5]

The tools of spatial planning are spatial planning documents consisting of spatial analytical documents and spatial studies. On a national scale, it is the spatial development policy. The spatial planning documentation is binding and at the regional level it consists of spatial development principles. The greatest influence on the protection of the urban values of settlements is the spatial plan, which must be in accordance with the superior documentation and is a binding document for decision-making in the territory. The detailed conditions for the area are then set out in the regulatory plan, which establishes spatial conditions and, given its scale, is better able to protect the cultural and historical values in the area. A new spatial plan with elements of a regulatory plan is being applied.

## URBAN PROTECTION OF SETTLEMENTS

The conservation of settlements represents an important component for the preservation of the urban values of the territory. The basic requirements for the protection of settlements are enshrined in international documents, in particular in the Washington Charter of 1987. This document defines and explains the principles of heritage urbanism. Historic preservation of the historic cores of Czech, Moravian and Silesian towns has been applied in our territory since the 1950s. The process of creating the concept of the protection of settlements has undergone a development that began with the monument categorisation of historic towns. The actual process of declaring conservation areas and zones has been underway since 1989. At the same time, territorial protection was prepared by declaring conservation areas and zones with preserved ensembles of vernacular architecture. In the 1990s, the number of protective belts of heritage reserves, heritage zones and cultural monuments was extended. Since 1996, landscape heritage zones have also been declared to help protect the settlements included in them. The declaration of heritage reserves and heritage zones has legalised the possibility of di-

recting construction activities in these areas on a legislative basis so that not only the modifications of individual of individual preserved monuments listed in the Central List of Cultural Monuments (ÚSKP) are mandatorily consulted, but also so that their environment can be protected and regenerated as a whole. [4] To the list of protection of heritage urbanism can be added the United Nations Educational, Scientific and Cultural Organization – UNESCO, to promote world peace and security through international cooperation in education, science and culture.

Act No. 20/1987 Coll., on State Monument Care, defines the protection of the territory at the level of a heritage reservation, a heritage zone and specifies the obligations for protection plans for heritage reservations and heritage zones. A heritage reservation is an area whose character and settings is determined by a collection of immovable cultural monuments or archaeological findings. The Government of the Czech Republic may, by decree, declare an area to be a heritage reservation as a whole and lay down conditions for ensuring its protection. These conditions may also apply, to the extent necessary, to properties in the territory of the heritage reservation which are not cultural monuments. A heritage zone is an area of a settlement or part of a settlement with a smaller proportion of cultural monuments, a historic environment or part of a landscape unit. The Ministry of Culture, after consultation with regional authority, may declare such an area of significant cultural value to be a heritage zone by measure of a general nature and determine the conditions of protection. Plans for the protection of a heritage reservation and heritage zone may be issued by a measure of a general nature for the protection of a heritage reservation or a heritage zone or parts thereof, after consultation with the Ministry of Culture, the regional planning authority and the relevant municipality as the authorities concerned. [6]

The protective belt is issued by municipal authority of the municipality with extended competence, if the protection of the immovable cultural monument or its environment requires it, after the statement of the expert organization of the state monument care by the decision on the PB (newly by a measure of general nature) and determines for which properties in the PB, if they are not cultural monuments, or for which types of works on them, including the treatment of trees, the obligation to request a binding opinion in advance according to the Heritage Act is excluded. This obligation is always excluded in the case of construction, alteration of construction, maintenance work, location of removal of facilities, the execution of which does not interfere in any way with the external appearance of the property. The municipal authority of the municipality with extended competence may, after the opinion of the expert organisation of the state heritage protection, amend a final decision issued under the Heritage Act of the purpose for which the PB was defined has changed, and may also cancel it if the object of protection has ceased to exist. [6]

## PROTECTIVE BELTS

A protective belt is a legal concept that aims to protect the public interest. It is the area defined around the object (point, line, cluster of objects, etc.) to be protected, or around the object to be protected, or both. The protective belt has an areal or spatial extent. For example, in the case of protection of a linear object, it is a strip of territory along the object, which is defined by vertical planes running at a horizontal distance from the ground plan of linear device (measure perpendicular to its contour). [7] In general, PB can be defined as a defined area surrounding a protected property, tree, natural formation or territory. Some activities are prohibited or even mandated within the protective belt. [8] The Building Act defines the decision on the pro-

protective belt, which provides as follows: A decision on a protective belt protects a building, facility or land from the negative effects of its surroundings or protects the surroundings of a building or facility or land from their negative effects. [9]

The mission of the heritage protective belt is to eliminate the potential for disturbance at the interface of the heritage protected area and to maintain an organic transition of quality and historic fabric into the surrounding parts of the town or landscape. Typologically, the protective belt can be divided according to the object for whose protection it has been designated. The PB of a (national) cultural monument is the area defined around one or more monuments and aims to protect this object of protection from adverse influences, usually visually intrusive from a conservation point of view. The PB of heritage reservations and heritage zones (urban, rural) aim to protect the defined territorial unit from negative impacts in its immediate surroundings. In this case, they form a buffer, protective barrier around a more valuable (better protected) area. A specific, but not unique, case is the case of protective belt defined for the protection of cultural monuments in the area of the historic core of the settlement. It is the problems associated with this type of PB that prompted the development of the topic.

### Examples of protective belts defined for the protection of cultural and national cultural monuments in the Moravian-Silesian Region (MSK) [10]:

Protective belt of historical centre of Starý Bohumín (ÚSKP register no. 3077), Protective belt of the historical centre of Krnov (ÚSKP register no. 3400), Protective belt of the historical centre of Orlová (ÚSKP register no. 3389), Protective belt of the historical centre – square in Jablunkov (ÚSKP register no. 3343), Protective belt for cultural monuments in Malá Morávka (ÚSKP register no. 3311), Protective belt for all immovable cultural monuments in the territory of the municipality of Karlova Studánka (ÚSKP register no. 3312), Protective belt for the set of cultural monuments in Ostrava-Vítkovice (ÚSKP register no. 3370), Protective belt for set of cultural monuments in Ostrava-Přívov (ÚSKP register no. 3326), Protective belt for immovable cultural monuments in municipality of Horní Benešov (ÚSKP register no. 3310), Protective belt for residential complex documenting construction in 1950s including three immovable cultural monuments in Havířov (ÚSKP register no. 3410).

### Examples of protective belts defined for the protection of heritage zones and reservations in MSK [10]:

Protective belt of the urban heritage zone of Bruntál (ÚSKP register no. 3038), Protective belt of the urban heritage zone of the town of Opava (ÚSKP register no. 3042), Protective belt for urban heritage reservation of Příbor (ÚSKP register no. 3060).

The PB area is defined in terms of area, has specific boundaries and often specified conditions of protection. Despite this, problems arise with the interpretation of powers in conservation areas – protection of cultural and historical values vs. legal interpretation of the concept on the basis of the Heritage Act. Similar contradictions can be traced in the interpretation of the concept of the term environment of a cultural monument.

The first stage of the assessment of the plans in the PB is the assessment of the National Heritage Institute (NPÚ) – expert conservationists. NPÚ issues a written expert opinion as a basis for the executive body of the state administration; it has no decision-making power. The second stage is the examination of the written expert basis of the NPÚ by the executive bodies of the state administration (The Ministry of Culture, regional authorities, magistrates and municipalities with extended competence) and the issuance of an opinion

on the matter under consideration. The state administration authorities have decision-making power. [6] Even in cases where the expert opinion of the NPÚ is based on the conditions of protection set out in the specific PB, the executive authority is not able to turn the opinion into a binding opinion in favour of the protection of the cultural and historical values of the territory. This is because the PB is intended to protect the object of protection, but not the area for which it is defined, which conflicts with the conditions of protection. This anomaly is particularly evident in the case of historic cores of towns and villages.

From the above list of protective belts in the MSK, we can select specific examples of anomalies in the protective belts: the protective belt of the historical centre of Starý Bohumín, the protective belt of the historical centre of Krnov, the protective belt of the historical centre of Orlová, the protective belt of the residential complex Jubilejní kolonie from the period of the 1930s in Ostrava-Vítkovice, the protective belt for immovable cultural monuments in municipality of Horní Benešov, the protective belt for residential complex documenting construction in 1950s including three immovable cultural monuments in Havířov, the protective belt of the urban heritage zone of the town of Opava.

The reason for creation of above-mentioned protective belts was not only the need to protect the environment of cultural monuments from negative effects on their cultural and historical values, but also the desire to protect the area itself. The process of declaring valuable historic cores as a heritage zones was replaced by the procedurally simpler protective belts (municipal authority with extended competence in the form of a planning decision under the Building Act). This is evidenced by the conditions defined in the PB decisions. Over time, some protective belts areas have been declared heritage zones. Here, the heritage zones have not been abolished, but have overlapped with each other. When the heritage zones and reservations were declared in masse, the specific conditions of protection for the areas in question were not defined. In these cases, it is possible to rely on the conditions of protection laid down in the PBs. However, the interpretation of the NPÚ and the executive authorities, which are not able to translate the conditions relating to the protection of urban values in the PBs declared for the protection of cultural monuments into their binding opinions and require an assessment of the area only on the basis of the requirements arising from the status of the zones and reservations, is also questionable here.



Fig. 1.: Overlapping of the protective belt with heritage zone – Malá Morávka, Karlova Studánka. (Source: geoportál.npu.cz)

In PBs units where there has been no declaration of a heritage zone or reservation, urban values are degraded. The areas are not themselves the subject of protection, they only serve to protect the object of protection. The regulation of the external appearance of buildings in protective belts is becoming more and more demanding. If the appearance of buildings or public spaces is not negotiated before the official start of the procedure, it is very difficult to influence the colour of facades, material design, roof shape, newly ap-

plied technologies and other architectural changes, if these do not have a direct visual or spatial relationship to the object of protection – the cultural monument or heritage zone or reservation. The same problem arises when assessing new buildings in the area, changes in public space, park landscaping, material design of public spaces, etc. From a legislative point of view, such an interpretation is understandable. From the point of view of heritage urbanism, maintaining a consistent and high-quality environment of the protective belt area, not only in the very neighbour of the object of protection, is almost impossible.



Fig. 2.: View of the Opava heritage zone from the protective belt area. (Source: Lehnertová, 2022)

## EXAMPLES OF ANOMALIES IN PROTECTIVE BELT AREAS

### OPAVA

Specifically, the issue can be demonstrated on the example of the Protective belt of the heritage zone of the Opava city (1996). It is situated at the interface with the historic core at its eastern and western boundaries. The entire part of the PB at the western boundary was proposed for designation as a heritage zone because it is an important example of late 19th and early 20th century architecture and urbanism and exhibits a number of undisputed historical, architectural and urban compositions values, encompassing a wide range of styles from late classical to socialist realism. The time lapse, now more than 10 years, since the application for designation as a heritage zone has resulted in the gradual reconstruction and modernisation of buildings, infill development and redevelopment, leading to irreversible changes to the area, as the protective belt status alone is unable to protect the area. This is the case even when the conditions of protective belt are specifically defined, for example [11]:

- full-area – preservation of the original subdivision, street lines, respect of the height level, roof shape, preservation of spatial and visual links in relation to the historic core of the town;
- individual – respecting the basic tectonics of the



Fig. 3.: Bezručovo náměstí in Opava – historical photo. (Source: NPÚ archive)

original buildings, respecting the scale and mass adequate to the historical building in the case of additions, using classical building materials and technologies;

- related to advertising and signage – not allowed in cultural monuments, limited to the lowest level in the PB;

- related to public spaces – to respect for the composition of the square including greenery, pavement treatment and the exclusion of poured asphalt.

## HAVÍŘOV

Difficult to enforce conditions for the protection of preservation belt can be illustrated by the example of the city of Havířov. The protective belt for a residential complex documenting construction in the 1950s, including three immovable cultural monuments in Havířov, has been declared since 1992. The PB in Havířov was issued to protect the values of cultural monuments and the urban ensemble built in the style of socialist realism architecture, called Sorela, with an emphasis on urbanism and classical city-forming compositional principles – axis symmetry in the plan, landmarks, vistas, the conclusions of urban axes, parks, greenery and orchard landscaping. The value of the ensemble lies in the architectural rendering of all buildings, the period material solutions, including the compositional design and proportions of individual elements in the façade, the subtlety of windows and the concept of facades, roofs and details.

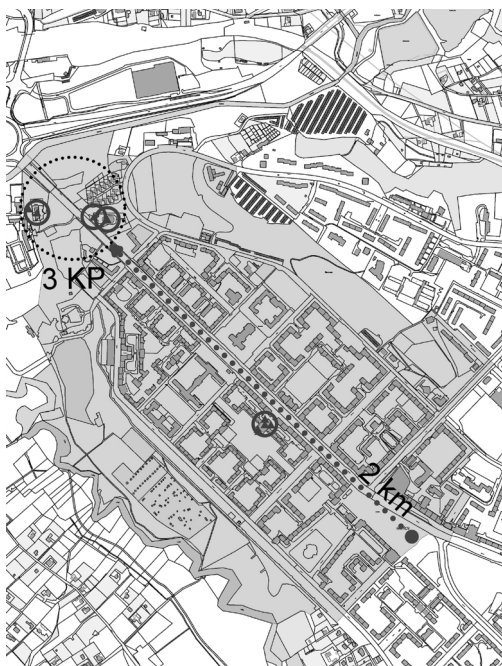


Fig. 4.: Protective belt of Havířov – distance of the objects of protection from the protective belt boundary. (Source: geoportal.npu.cz, Lehnertová, 2023)

Declaring the PB for a residential complex that is not a cultural monument, a heritage zone or reservation is problematic by its very principle and was done with the vision of at least some protection of the area and the hope of future declaration of the area as a heritage zone. This has not happened and the future is unclear. The three immovable cultural monuments mentioned in the name of PB are located on the very edge of the PB and the distance from the outermost boundary to these cultural monuments is 2 km. If there is construction activity taking place in the area, it is assessed by the executive only and only in relation to these three cultural monuments, not in relation to the values of the residential development itself.

The conditions of protection in this PB are given as follows [12]:

- to respect the existing urban and spatial structure of the development;

- to leave the area of the Divadelní náměstí in the existing orchard arrangement, with the possibility of placing a solitary amenity building, will be the subject of an architectural competition;

- the existing spaces in the ground floor of individual buildings for civic amenities continue to be used in this way;

- to retain the facades including all details and artistic additions, to retain the pitch of the roof planes including the colour of the roof planes;

- to provide emergency maintenance;

- the peripheral parts will continue to fulfil their basic function of short-term recreation, while maintaining the existing terrain relief;

- to create a pedestrian zone throughout the area by means of organisational measures;

- to develop a general colour scheme for individual buildings including urban furniture.

Some of the conditions of protection are currently not applicable, as the area has already been modified (redevelopment of Divadelní náměstí) or cannot be applied due to the continued development of the area regardless of them (pedestrian zone, etc.).

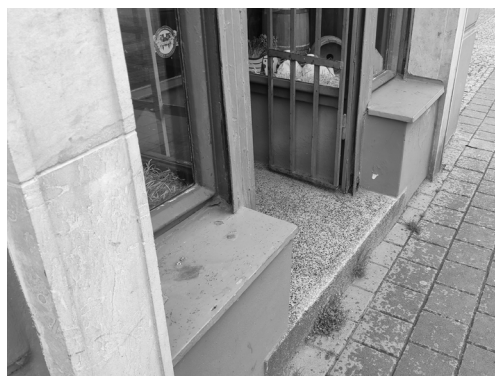


Fig. 5.: Protective belt of Havířov – detail of one of the last original shop windows, now no longer existing. (Source: Lehnertová, 2019)

## CONCLUSION

These examples demonstrate the practical problems that arise when assessing the value of an area based solely on the status of the protective belt. The question is how this situation can be addressed. Ideally, all areas with valuable urban units should be protected from irreversible loss of cultural and historical values by a full-fledged degree of protection, in the form of heritage reservation or heritage zone. In practice, however, the achievement of such a goal is unlikely, both for reasons of capacity and time (documents for the declaration of areas of conservation value are prepared by National Heritage Institute, each such document is a matter of detailed specification and definition), and because of the uncertain outcome (the application for the declaration of the Opava-Předměstí as heritage zone in the Opava-Předměstí protective belt area has been pending for more than 10 years). In the meantime, society is irretrievably losing valuable urban (and architectural) values. We should also consider the possibility of redefining the term “protective belt”, or seeking a more benevolent acceptance of the requirements of the expert component of the state conservation in relation to the values of the area as such, not only to the subject of protection, or a return to the enforceability of the conditions of protection set out in the decisions on the protective belts.

At the outset, the tools that can be used to protect the territorial integrity and urban values of the area

were defined. In conclusion, it can be stated that even these are not sufficiently flexible and at the same time unambiguous to prevent the loss of cultural and historical values. The best way to deal with matters of protection of cultural values is to work with a spatial plan with elements of a regulatory plan and a regulatory plan. However, even these cannot assess the area in terms of heritage values in the same way as the instruments designed to do so.

From the point of view of Heritage Act, a protective belt is an instrument that has a clearly defined function. It protects a valuable property from the negative influences of its surroundings. Only in some cases can such a strict definition be applied in a way that makes sense. In cases of protective belts of valuable urban units, the protective belt lacks meaning, as there is no legally enforceable application of the conditions of protection. This problem needs to be discussed and a way found to prevent the degradation of valuable areas from the point of view of heritage urbanism.

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