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Administration situation on
the preservation of historical
landscape

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**Administrative situation on the preservation
of Historical landscape**

Ministry of Construction

Kanzo Hirano

1. Preservation of historical landscape

Before the second World War, the growth of cities in this country was relatively slow, and it was attempted to preserve historical landscape by designating scenic zones based on the City Planning Law, enacted in 1919. However, during the War and after the War, there was a confusion and under the following rapid growth of cities, there was a limitation in controlling preservation by scenic zones system, within the scope of duties of acceptance by the land owners, and the destruction of historical landscape proceeded very rapidly.

For this reason, the Old Capital Preservation Law was enacted in 1966, and it was attempted to preserve historical landscape available in old cities such as Kyoto, Nara, Kamakura, etc.

This system includes provisions for compensation and the land purchase based on the buying claim, and it attempts to preserve historical landscape by status quo freezing.

Afterwards, as regards green tract of land available inside and outside of cities, which is an important element to form historical landscape, a law was enacted in 1966 to preserve suburban green tract of land in the Metropolitan Area, and also another law was enacted in 1967 to preserve suburban green tract of land in the Kinki Area. As regards other cities, a City Green Tract of Land Preservation Law was enacted in 1973, it has become possible to preserve historical landscape as green tract of land preservation area.

Also, as regards preservation of historical landscape consisting mainly of constructions, a system of Traditional Constructions Preservation Area was introduced in 1975 to Cultural Assets Preservation Law, and the area preservation has become possible.

2. Situation of the system in the City Planning

Regarding the preservation of historical landscape, various systems are being fulfilled gradually, and these systems will be situated with reference to City Planning. That is to say, historical landscape preservation area will be designated by the Prime Minister, in accordance with Old Cities Preservation Law, but an important area included in that historical landscape preservation area will be designated as historical landscape special preservation

area, as one of city planning area. Also, suburban green tract of land preservation area in the Metropolitan Area and in the Kinki Area, green tract of land preservation area in accordance with City Green Tract of Land Preservation Law, and traditional constructions preservation area, in accordance with Cultural Assets Preservation Law in the City Planning Area, will be designated as one of the areas in the City Planning.

These areas are important elements which will form historical landscape, and preservation of historical landscape is not sufficient by preserving these areas. Not only preservation of scenic zones, but also in the event all fields of city planning such as planning of city area, city adjustment area, controls of use area and high construction area, adjustment of city facilities such as streets and parks, city area adjustment business, approval for development etc. would mutually supplement each other, and reasonable development and controls of cities would be enforced, then it would be possible to preserve historical landscape and let the modern cities to exist. Therefore, all of these aforementioned systems will be situated at one of the area planning systems in the city planning systems.

3. Preservation area of historical landscape

Among the areas to be designated in order to preserve historical landscape, I will mention the area designation as follows, based on a representative Old Capital Preservation Law. It defines "historical landscape" as a condition of an area in which constructions and ruins which are significant to the history of this country, unified with the natural surroundings, and embody and form the traditions and the culture of an old city.

In the Old Capital Preservation Law, it will consider the constructions and ruins as a core of the historical landscape, and it will confine that they will have a historical significance on the national level, rather than city level or area level.

Aforementioned constructions and ruins will not mean existing constructions only, but also in the event a piece of land had a historical significance(for example, Sagano in Kyoto) it will be considered that such piece of land will be an element to form a core. It should be noted that these are natural surroundings available, unified with such cores, and they will embody and form the tradition and culture of an old city, but in the event that a construction forming a core alone is existing, or it is located in a city area and no natural surroundings available, then they will not be considered as historical landscape. Historical landscape preservation area will designate an area which will be necessary to preserve historical landscape of aforementioned conditions, and in that designated area, an area which will form an important part of historical landscape will be designated in the city planning as Historical Landscape Special Preservation Area. Thus, these areas

areas will not be an area forming historical landscape, but also include areas which are necessary to preserve them. This is for that reason that for example, in Kamakura, an area designation has been done beyond the crest line (50 metres).

The relationship between the historical landscape preservation area and historical landscape special preservation area is as follows. In the historical landscape preservation area, a core forming the historical landscape will be located at the center, with an area of a distant view unified with the core, with a further area which will be necessary to preserve the core and the unified area. In the historical landscape special preservation area, a core will be located at the front, with a medium range view unified with the core, with a further area which will be necessary to preserve the core and the unified area.

4. Status quo preservation or restoring preservation

An area which will be an object for preservation will be an area which will have historical landscape with the present status, and a control for an action will take place when an action is intended to change the present status, which has been already designated. Therefore, in the law system, it will mean the status quo preservation at the time of the area designation.

In the historical landscape special preservation area, an approval is necessary when a restoring action is intended for a construction which was available earlier in the important ruins in an old capital, and the scale, shape and design of restored construction must not be discordant with the historical landscape available in that area. In other words, the object is to preserve the scene, recognized as historical landscape at the present time, and is not intended to restore the scene in the ancient days.

5. Countermeasures for life

In the historical landscape special preservation area, there is a very severe limitation available in the case of an intention to change the present status. Therefore, if there is a man who could not obtain an approval against his intention for a change, he may receive a loss. In such a case, a compensation for such a loss will be made usually. In a case when a man of forestry operation wanted filling as felling time has come, but he could not obtain an approval, in which case it is clear that he receives a loss, and a compensation will be made. However, an entirely different action is intended from an action previously done, for instance, if an action of constructing a house on an agricultural land is disapproved, it will be judged that a derivable loss will not be made, therefore, this case will not be subject to compensation. However, there is such a case that an

utilization of land becomes very difficult if a man obtained a disapproval for his certain action, and in that case, it is impossible to preserve historical landscape without any remedy.

Therefore, in such a case, there is a provision for a purchase of land, when an application is received from the land owner.

Also, there is a reduction on exemption step for fixed property tax, against the owners of land and construction, inside the historical landscape special preservation area.

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