

# **ICOA691: LOCAL RESIDENTS AGAINST DEVELOPERS AND OFFICIALS: A CASE STUDY OF PROTECTION OF ARCHITECTURAL ENSEMBLES OF CHESMA PALACE AND ALEXANDRINO COUNTRY ESTATE IN SAINT PETERSBURG (RUSSIA)**

## **Subtheme 01: Integrating Heritage and Sustainable Urban Development by engaging diverse Communities for Heritage Management**

**Session 1:** Sustainable Development and Community Engagement

**Location:** Gulmohar Hall, India Habitat Centre

**Time:** December 13, 2017, 12:30 – 12:45

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*Nikolay Lavrentyev was born on 6 August 1987 in Leningrad. He is a Master of Science in Forestry (Saint-Petersburg State Forest Engineering Academy, 2011). Since 2015, He has been pursuing a second university degree in Law at the Pushkin Leningrad State University. In 2007, he started his activities in the monuments protection sphere. Since 2010, he has been an activist of the ERA Group. Since 2016, he has been a Member of Board of ICOMOS National Committee, Russia.*

**Abstract:** Since 2010-2012, residents of St. Petersburg supported by city-defending activists, experts and politicians have been fighting against construction works carried out in proximity to two protected architectural ensembles of the XVIII century, the Chesma Palace (1774-1777, architect J. I. Felten, 1831-1836, architect A. E. Schtaubert) and the Aleksandrino Country Estate (1760s, architect J. B. Vallin de la Mothe). These objects are situated within the boundaries of Components №540-034a 'Moskovskaya road (highway)' and №540-034g 'Peterhofskaya Road (Highway)' of the World Heritage Site C540 'Historic Centre of St. Petersburg and Related Groups of Monuments', respectively. By means of official addresses to governmental agencies, court actions, civil rallies, pickets etc, local residents together with the authors of these proceedings try to persuade the authorities and developers to drop their plans of building multi-storey residence houses in proximity to the mentioned monuments. The construction in progress distorts protected views and panoramas and poses threat to physical safety of monuments. With consent of local officials and arguably via corruption schemes, developers try to undertake projects that contradict the law. A global problem is the reluctance of local officials to follow the requirements of Paragraph 172 of *Operational Guidelines for Implementation of World Heritage Convention* (hereinafter *Operational Guidelines*) and their refusal to evaluate constructing projects' impact on the outstanding universal value of the World Heritage Site. Since 1990, when St. Petersburg was recognized as a World Heritage Site, Paragraph 172 of *Operational Guidelines* has never been observed. The situation has gone so far that in 2016 the Russian President charged the Russian Ministries of Culture and of Foreign Affairs with a task to ensure that the *Convention Concerning Protection of World Cultural and Natural Heritage* and *Operational Guidelines* to be observed in Russia. However, local officials, namely the executive agencies of the Administration of St. Petersburg, stick to ignoring these norms of law.

**Key words:** stakeholder, sustainability, development, equity

## Introduction

The main theme of the given scientific symposium is Heritage and Democracy. Sub-theme: ST01 Integrating Heritage and Sustainable Urban Development by Engaging Diverse Communities for Heritage Management. The given work surveys the issues of the relationship of the public society (local residents and independent experts), developers and public administration. For this end we will use two components of the World Heritage Site 'Historic Centre of St. Petersburg and Related Groups of Monuments' that was inscribed on the World Heritage List in 1990, as examples.

Two examples that are going to be described in this survey are not exclusive cases of treatment of the World Heritage sites in Russia. The timeliness of this survey is that two examples' examination reveals insights on the pressing problem of cultural heritage preservation in Russia.

In many situations, communities striving to protect heritage fail to succeed, because the authorities (usually on the regional or local level) support developers, thus irreparable damage is done to World Heritage sites.

In the examples under examination, the project of residential house construction within the boundaries of the conservation zone of the Chesma Palace (situated within the boundaries of the 'Moskovskaya Road (Highway)' component) has not done much harm to the palace yet, because the irreversible decision on the construction has not been taken by now.

Unfortunately, several protected panoramas of the Alexandrino Country Estate that is a part of the 'Petergofskaya Road (Highway)' component have already been spoilt by recently constructed multi-storey residence houses. However, local residents and independent experts continue their action against two more multi-storey houses' construction, and the ultimate decision has not been taken yet.

The objectives of the given survey are:

- To provide a brief history of the described monuments and the acting legal means for the sustainable development of the city and cultural heritage protection;
- To outline the 'conflict of interest' between the wish of developers to maximize profits from land lots and the necessity to preserve cultural heritage;
- To present the issue of the adversarial position of local residents and independent experts against developers and governmental authorities that protect them;
- To offer ways to solve existing problems.

## Some historical background

The Chesma Palace was built in 1774-1777 after the project of architect Ju. M. Felten. It was constructed at the order of the Empress Catherine the Great as an *en route* imperial palace (on the way to Tsarskoye Selo). In 1777-1780, a church in the name of the Nativity of St. John the Baptist was built near the new palace, also after the project of Felten. After its completion, both the palace and the temple were named after Chesma in memory of the victory of the Russian fleet over the Turkish fleet in 1770.

In 1830, Emperor Nicolas I placed the Chesma military almshouse in the palace. In 1831-1836, the palace was rebuilt after the project of A. E. Staubert. Connected to the three corner towers of the palace, three 2-storey wings were added to the building, and since then the palace looks like a three-bladed star or a trefoil. Such a reconstruction made it possible to preserve the historical building of the palace relatively intact<sup>1</sup>.

Since its construction and by now, the Chesma Palace has been **the spacial dominant of the locality opened up to the Moskovskaya Road** (Fig.1), which is proved by many archival sources and maps.



*Fig.1- Watercolour by J.-B.deTraversay, 1770s.*

It was built according to the architectural concept that emerged as early as in the epoch of Peter the Great and has been observed until now, namely, according to the **ensemble development** of the Moskovskaya Road.

These initial city-planning ideas were further developed by the outstanding architects, authors of the pre and post WW2 development of the Moskovskaya Road in all Leningrad Masterplans: **the road was enriched with deep perspectives** in the Eastern and Western directions. The panorama of the Chesma Palace has been serving as such a deep perspective. In order to preserve it, a garden was initially set up between the palace and the Moskovskaya road and an urban architectural ensemble was shaped. Both the garden and the ensemble have survived to this day.

In 1962, at 7, Gastello Str., the Zenith cinema was built after a typical project. The compact building of the cinema was privatised and, in 2008, demolished for the sake of new construction.

The Alexandrino Country Estate emerged on the Petergofskaya Road that was laid in 1710 as a highway to connect Petersburg with suburban Imperial residences: Strel'na, Peterhof and Oranienbaum. Researchers have featured about 520 monuments of architecture of the 18th-19th cc, some of which are lost by now.

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<sup>1</sup> Batorevich, 1998.

One of the pearls of the Petergofskaya Road is the Alexandrino Country Estate named after Alexandra, the daughter of the last pre-revolution owner of the estate, count A. D. Sheremetev. The existing ensemble with the manor house emerged in 1760s. The project of the estate was drafted by the architect Jean-Baptiste Vallin de la Mothe.

The territories adjacent to the Alexandrino Country Estate were occupied by suburban manors of different owners. Within the territory of the nowadays 2A Ulyanka residential quarter stood the country estate of admiral G. A. Spiridov, a hero of the Chesme Battle, perished by now<sup>2</sup>.

During the WW2, military burials were made within the territories of former manors. The Alexandrino Country Estate was recognised as a monument of architecture protected for its national value by the decree of the Council of Ministers of the Russian SFSR, which became the starting point for the restoration of the building.

In 1960s, the modern development of 2A Ulyanka residential quarter began. Standardised five and nine storey residential houses were erected. In 2008, 2A Ulyanka residential quarter was put on the list of the Redevelopment program for built-up territories ('Renovation').

### **'City-Planning Conflict'**

According to the Project of Protection Zones of Monuments of St. Petersburg of 2008, a conservation zone (OZ1) was established around the Chesma Palace up to Moskovsky Prospekt. Based on the Project of Protection Zones, a draft of the Law of St. Petersburg 'On the Boundaries of Protection Zones for Monuments and Sites...' was developed. When passing this bill, the Governor and the Legislative Assembly of St. Petersburg incorporated an illegal amendment to the bill, according to which the boundaries of the conservation zone of the Chesma Palace were changed. For the land lot at 7, Gastello Str., that was initially located within the boundaries of OZ1 with its **strict land use provisions**, the OZ1 regime was changed for the development and economic-activity restriction zone (ZRZ2) that **allows for the development** with the maximum height of 125 meters.

The change of the OZ1 strict legal regime of the territory (that allowed for no development) for the legal regime that allowed for the construction of a multi-storey house was a **grave violation of the concentrical principle of protection zones' determination**. This change was also an infringement of the legal procedure, because the Russian Federal Surveillance Service for Compliance with the Law in Mass Communications and Cultural Heritage Protection issued no respective consent.

The decision of the Saint Petersburg City Court of 1 October 2010 ruled on the application of ICOMOS members and co-authors of this survey, N. V. Romanovskaya, A. A. Kovalyov, E. G. Malysheva, V. A. Chernyshov, **declared** the change of the boundaries of the strict-regime conservation zone of the Chesma Palace and establishing ZRZ2 regime there **illegal**.

However, this decision did not satisfy the owner of the land lot, one of the legal entities of the business empire of oligarch V. Mamishev. He is also known for his failed attempt of the development of Farforovskoye Cemetery.

When the given law was amended in 2013-14, with the participation of ICOMOS member, architect N. I. Yaveyn and former ICOMOS member M. I. Mil'chik, the ZRZ2 regime with a new maximal development height of 23 meters was preserved instead of OZ1, which was against the court decision<sup>3</sup>.

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<sup>2</sup> Gorbatenko, 2013.



*Fig.2- The 2015 project of the house blocking the view of the Chesma Palace from Moskovsky prospekt.*

In 2015, a project of a new house with de-facto height of 25.9 meters (Fig.2) was developed for this land lot; a construction permit was issued. The project of the new house did not comply with the requirements of monuments' protection, because the project violated the city-planning legislation. In 2016, the land lot was bought by the Settle City Ltd. that replaced the project of 2015 for a more top-heavy structure. In comparison to the Zenith cinema, the square went up 3.66 times, and the volume 4.88 times. The project does not comply with the restrictions that are in effect in protection zones.

The renovation program project in the proximity to the Alexandrino Country Estate (2A Ulyanka quarter) is carried out by the Voin-V Ltd. In the mid-2000s, this company illegally built up a large parcel of the territory of the Alexandrino Country Estate on the borderline with the quarter 3A. The development became possible as the result of the fraud committed by the Committee on State Control, Use and Protection of Historical and Cultural Landmarks of St. Petersburg (KGIOP). The borders of the park were forged; they were validated by B. M. Kirikov, vice-chair of KGIOP and ICOMOS member. The new borders of the park did not correspond to those defined by the decision of Leningrad Region Executive Commission of 20.07.1972 #660 and by the decree of the Mayor of St. Petersburg of 30.01.1992 #108-R.

According to the investment contract between the Government of St. Petersburg and Voin-V Ltd., the developer is to resettle the residents of standardised Krushchev-era houses, but instead of this, the developer builds new houses and sells flats in them, without any resettlement. By now, one 18-storey house is built on the land lot 146 and two houses of 18 and 16 storeys on the land lot 147. These houses have spoilt the protected panorama of the Alexandrino Country Estate (Fig.3).

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<sup>3</sup> Lavrentyev, 2017.

Damaged by the projects of LLC "Voin-V" view of the Alexandrino Country Estate, a retrospective of 2006, 2013 and 2015.



*Fig.3- A retrospective of the protected panorama of the Alexandrino Country Estate.*

An action group of local residents, with the support of city-defenders (among which are the authors of the given survey), has challenged authorisations and approvals for the construction of houses on land lots 249.1 and 145 at courts. However, the governmental authorities of St. Petersburg continued issuing new authorisations instead of those ruled illegal by courts. The action group had to challenge new authorisations at court for the second and for the third time. On November 26, 2015, the Supreme Court of the RF declared the area development and demarcation plan for the whole territory of the quarter illegal<sup>4</sup>.

Construction works on the land lot 145 are feasible only on condition of the transit of building machinery via the territory of the Alexandrino Country Estate, namely via the parkway. In 2014, the defenders of the park managed to successfully challenge the permission for the transit of building machinery issued by the KGIOP at court. Besides that, on the land lot 145 there was a pond that constituted a part of the

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<sup>4</sup> Starkova, 2017.

hydrologic system of the Alexandrino Country Estate and that was earlier connected to the ponds of the park. However, the part of the pond on the building spot was excluded from official documents: the pond existed de-facto until it was filled in by the developer. At the moment, the third construction permit is being challenged at court; two former ones were declared illegal by court.

The construction on the land lot 249.1 would corrupt the protected panorama of the country estate and the natural vertical drop in the surface pattern (Littorina terrace alongside the Petergofskaya Road). Initially, it was planned to erect an 80-metres-tall building on the land lot, but the defenders of the park managed to prove this height illegal at court. Nowadays it is possible to construct 30-metres-tall buildings there, however, additional restrictions on the protection of the Alexandrino Country Estate panorama are in action, and they are mandatory. The construction of a 9-storey building in its early stages is carried out on the land lot; the construction permit is challenged at court (for the second time).

### **The Situation at Hand**

The violations of the current legislation are as follows:

1 §172 of the Operational Guidelines for the Implementation of the World Heritage Convention is not observed. Since 1990, §172 of the Operational Guidelines for the Implementation of the World Heritage Convention has not been observed by the authorities of St. Petersburg for a single time. So far, the situation has developed to the point that in 2016 the President of the Russian Federation charged the Ministry of Culture and the Ministry of Foreign Affairs of the Russian Federation with a task to ensure that the Convention Concerning the Protection of the World Cultural and Natural Heritage and Operational Guidelines for the Implementation of the World Heritage Convention are observed in the Russian Federation. Nevertheless, officials of governmental authorities of St. Petersburg keep ignoring the Convention and the Operational Guidelines.

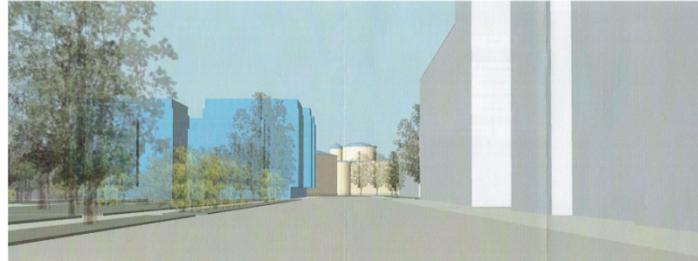
2 The legislation of the Russian Federation and St. Petersburg is also being violated:

- the Law of St. Petersburg d/d January 19, 2009 #820-7 is being violated; this law protects the view of the Chesma Palace from Moskovsky prospekt, the panorama of the Alexandrino Country Estate and the Littorina terrace from Prospekt Stachek - which is not taken into consideration by the construction projects;

- the Federal Law d/d June 25, 2002 #73-FZ is being violated in respect to both objects, since the developers have not worked out project documentation sections as to ensuring safety of the adjacent Chesma Palace and Alexandrino Country Estate and have not obtained an approval of these project documentation sections from monuments' protection agencies. The protection zones established for the Alexandrino Country Estate are insufficient for its protection, and the part of the conservation zone of the Chesma Palace was illegally changed for a section of a development and economic-activity restriction zone. Both of the latter are violations of the law, too.



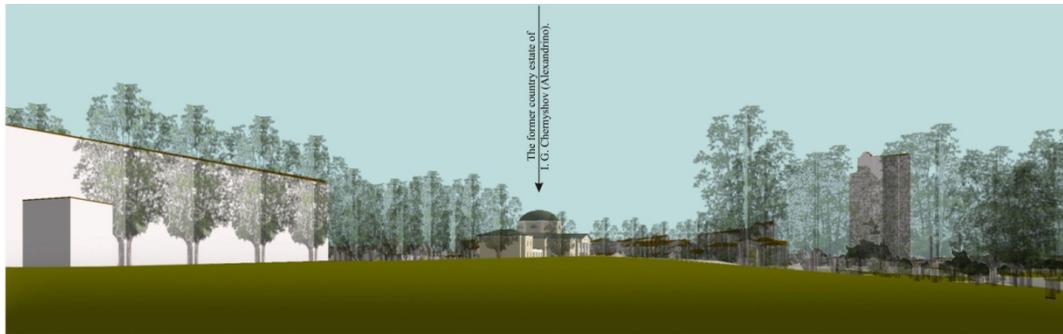
The view of the Chesma Palace with a volume of the demolished cinema.



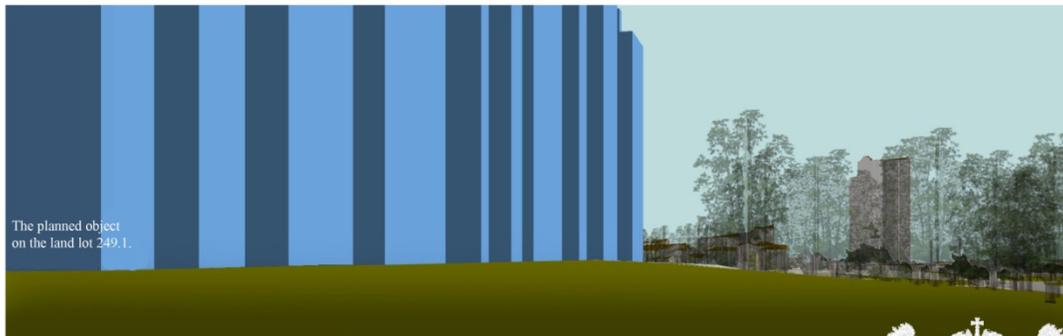
The view of the Chesma Palace with a volume of the projected residential building (2015).

*Fig.4- The view of the Chesma Palace from Moskovsky prospekt with the building of the demolished cinema and the projected residential building. NIPC Genplana (State Research and Design Center of Saint Petersburg Master Plan), 2017.*

With funds donated by local residents, independent experts have carried out two assessments in accordance with the methodology of the Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (ICOMOS, 2011): that of the Chesma Palace (expert T. V. Adorova, fig.4) and that of the Alexandrino Country Estate (expert S. B. Gorbatenko, Vice-president of ICOMOS Russia, fig.5). Both assessments are conducted at a high professional level, with 3D modelling used, and they prove a highly negative impact on the Outstanding Universal Value of the considered objects. The impact assessments have been filed to the Ministry of Culture of the Russian Federation for their submission to the UNESCO World Heritage Centre.



The existing situation (an imaging with vegetation, visualisation angle 60).



The project proposal (an imaging with vegetation, visualisation angle 60).

*Fig.5- Protected panorama of the Alexandrino Country Estate and the natural vertical drop in the surface pattern from Prospekt Stachek with the projected building and without it. NIPC Genplana (State Research and Design Center of Saint Petersburg Master Plan), 2017.*

## Conclusion

The considered cases are the examples of inappropriate cultural heritage management, fuelled by the wish of developers to make the most of land lots they acquired, the state authorities being unable to protect heritage due to insufficient expertise or corruption. As it has been noted in the foreword, the given examples are regretfully not exclusive, and the heritage protection on Russia and St. Petersburg does not always yield triumphant results. It is only in respect to the World Heritage Site 'Historical Centre of Saint Petersburg and Related Groups of Monuments' that the following threats to the safety of its components exist: the completion of the Lakhta-Centre project, attempts of construction of residential and other developments by the Pulkovskaya Observatory (component #540-008), on the Kirchhoff mountain (component #540-031), on the Koltushskaya elevation (components #540-021 and 540-032), on 102, Moika embankment, in the historic centre (component 540-001), etc.

In our opinion, the solution of the first problem (violation of laws) can be facilitated by the mighty development of the civil society, public control institutions, and real replaceability of public officials. The existing actors of public control and electoral procedures demonstrate very poor participation of the population both in cultural heritage management and protection and in the statecraft. One should attach corruption issues to the first problem, but its level would sufficiently decrease alongside with the development of civil society institutes before which the officials would hold responsibility.

The second problem is the lack of cultural heritage promotion among the people, the lack heritage awareness and the urgency of its protection among the local residents, developers and authorities.

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## List of Figures

Fig.1– Watercolour by J.-B.deTraversay, 1770s. 3

Fig.2– The 2015 project of the house blocking the view of the Chesma Palace from Moskovsky prospekt. 4

Fig.3– A Retrospective of the Protected Panorama of the Alexandrino Country Estate. 6

Fig.4– The view of the Chesma Palace from Moskovsky prospekt with the building of the demolished cinema and the projected residential building. NIPC Genplana SPb, 2017 7

Fig.5– Protected panorama of the Alexandrino Country Estate and the natural vertical drop in the surface pattern from Prospekt Stachek with the projected building and without it. NIPC Genplana SPb 8

# ICOA691: LES HABITANTS CONTRE LES AMÉNAGEURS ET LES AUTORITÉS LOCALES: UNE ÉTUDE DE CAS RELATIVE À LA PROTECTION DES ENSEMBLES ARCHITECTURAUX DU PALAIS CHESMA ET DU DOMAINE ALEKSANDRINO À SAINT-PÉTERSBOURG (RUSSIE)

## Sous-thème 01: Intégrer le patrimoine et le développement urbain durable en engageant Diverses communautés pour la gestion du patrimoine

**Session 1:** Développement durable et engagement communautaire

**Lieu:** Hall Gulmohur, India Habitat Centre

**Date et heure:** 13 Décembre, 2017, 12:30 – 12:45

**Auteurs:** Nikolay Lavrentyev, Vladimir Chernushev, Elena Malysheva, Nataliya Romanovskaya

*CV de Nikolay Lavrentyev: je suis né le 6 août 1987 à Leningrad. Je suis titulaire d'un mastère de sciences forestières (académie d'ingénierie forestière de Saint-Pétersbourg). Depuis 2015, j'effectue un second parcours universitaire en droit à l'Université Pouchkine de Saint-Pétersbourg. En 2007, j'ai commencé à être actif dans le domaine de la protection des monuments. Depuis 2010, je milite dans le groupe ERA. Depuis 2016, je suis membre du conseil du comité national ICOMOS Russie.*

**Résumé :** Depuis 2010-2012, des résidents de Saint-Pétersbourg, appuyés par des militants de la protection du patrimoine urbain, des experts et des élus, ont combattu des projets de construction à proximité de deux ensembles architecturaux protégés du 18ème siècle, le Palais Chesma (1774-1777, architecte J.I. Felten, 1831-1836, architecte A.E.Schtaubert) et le Domaine Aleksandrino (1760, architecte J.B. Valin de la Mothe). Ces bâtiments sont situés à l'intérieur du périmètre des ensembles n°540.034a « route Moskovskaya » et n°540.034g « route Peterhofskaya » du site CS40 du Patrimoine Mondial « Centre historique de Saint- Petersburg et groupes de monuments associés ».

Au moyen de recours officiels auprès des agences gouvernementales, d'actions en justice, de réunions publiques, de rassemblements, etc., les habitants, avec les auteurs de ces différentes actions, ont tenté de convaincre les autorités et les aménageurs d'abandonner leurs projets de construction de résidences à plusieurs étages à proximité de ces monuments. Les projets prévus dénaturent les vues et panoramas protégés et constituent une menace pour la préservation physique des monuments.

Avec l'accord des autorités locales et sans doute en recourant à la corruption, les aménageurs ont engagé des constructions qui sont en contradiction avec la loi. La réticence des autorités locales à suivre les prescriptions du paragraphe 172 du *guide opérationnel pour la mise en œuvre de la convention du Patrimoine mondial* (désigné ci-après comme le *guide opérationnel*) et leur refus de procéder à l'évaluation des impacts des projets de construction sur ce qui fonde la valeur universelle exceptionnelle du site du Patrimoine mondial est un problème récurrent. Depuis 1990, lorsque Saint-Pétersbourg a été reconnu comme site du Patrimoine mondial, le paragraphe 72 du *guide opérationnel* n'a jamais été appliqué. La situation est allée si loin que le Président de la Russie a chargé les ministres de la Culture et

des Affaires étrangères de s'assurer que la *convention du Patrimoine mondial* et le *guide opérationnel* étaient bien observés en Russie. Cependant, les autorités locales, plus précisément les agences exécutives de l'administration de Saint-Pétersbourg persistent à ignorer ces textes.

**Mots clé:** *intervenants, soutenabilité, développement, équité*