

The Procedure of Putting a Park under Protection Using the Sv. Jakov Park in Opatija as an Example

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Summary

This article presents the procedure of putting valuable town parks under protection in the category of monuments of park architecture, according to the Law on protection of nature. Besides the procedure itself, the aim is to present the expert documents as the foundation for the procedure using the Sv. Jakov Park in Opatija as an example. Since this is the first park to put under protection according to the new Law, and since this is the result of several years of scientific research, this example can be used for the future protection of parks in our country.

The scientific methods used here were the method of analysis and synthesis, historical method, method of proof, case study method and method of induction and deduction.

Analysis of data from the Registry of protected natural heritage at the Ministry of Culture showed that no historical parks were protected at that time in the category of the monuments of park architecture according to the new Law on protection of nature. The method of analysis also identified the phases of procedure of protection and the need for cooperation of various experts – architects-urbanists, agronomists, biologists and jurists and also various local, county and republic institutions. Using the historical method, we collected information on the historical development, characteristics and value of the Sv. Jakov Park, and using the method of proof, we established that it was not protected. The case study method was used to examine the procedure of putting the Sv. Jakov Park under protection, and the method of induction and deduction showed that this particular example of protection, based on scientific research, should become a model for similar procedures in the Republic of Croatia.

Key words

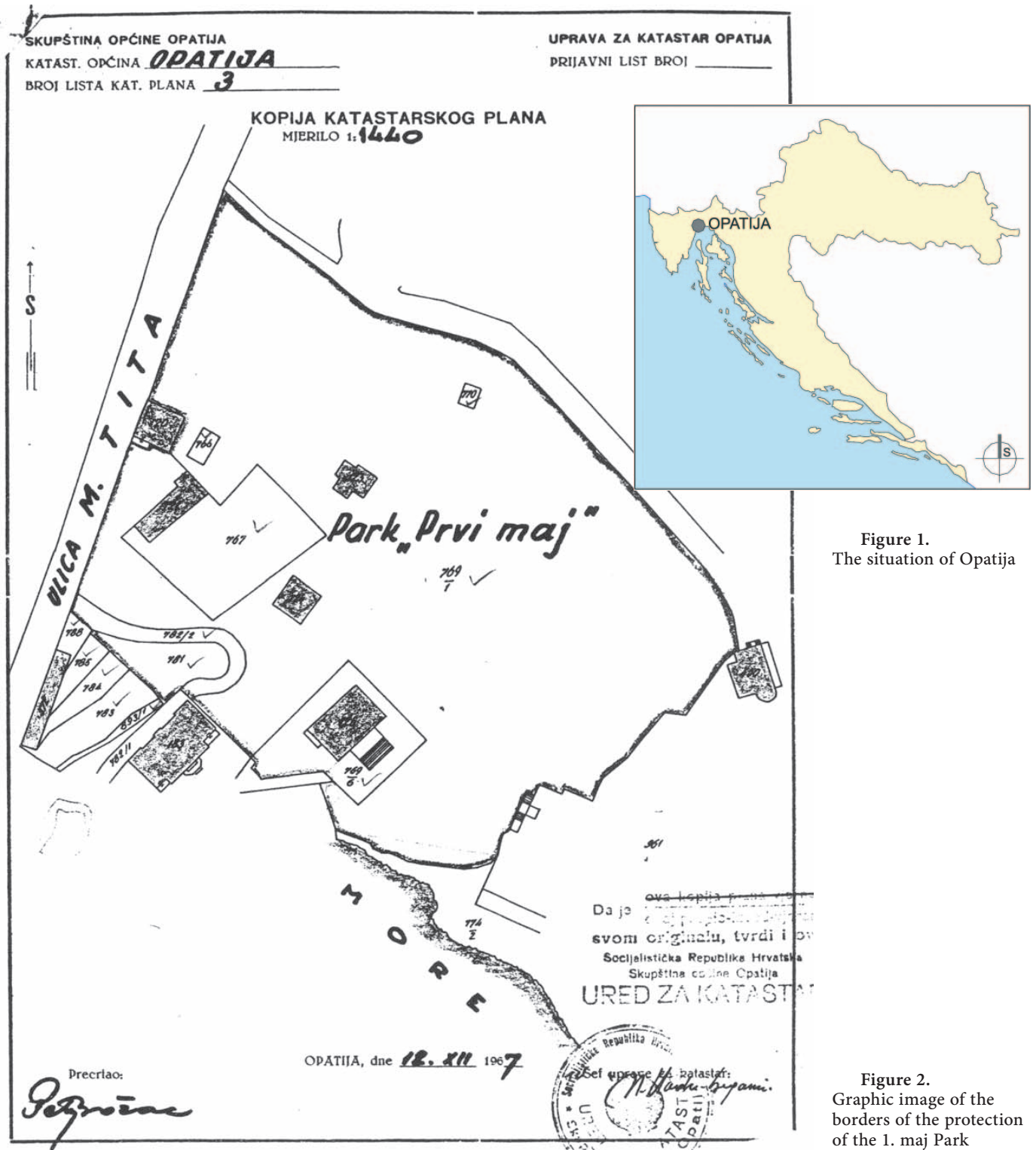
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Introduction

Protection of parks in Croatia was so far mostly based on laws that regulated the protection of nature despite the fact that historical parks, which are artistic creations in live vegetation, were listed as cultural heritage under the Law on protection and preservation of cultural heritage in 1999. In the Croatian Registry of protected natural heritage there are 121 monuments of park architecture.^I The current Law on protection of nature is in accordance with *acquis communautaire* and dictates a more complex procedure of protecting all valuable categories of nature, including parks. As far as we are aware, no procedure of protection had been completed before according to this law. Also, it is not common that the expert documents on which the protection is based are preceded by scientific research. Therefore, the authors believe that the example of protecting the Sv. Jakov Park in Opatija may be used as future reference for other parks.

Procedure of protection of the monuments of park architecture according to the Law on protection of nature

The Law on protection of nature (NN no. 70/05, 139/08) lists the protection of parks in the category of monuments of park architecture. According to the Article 18 of this Law, a monument of park architecture is an artificially designed space (park, botanical garden, arboretum, town park, avenue and other examples of parks and gardens) or a single tree or a group of trees which has an aesthetic, stylistic, artistic, cultural, historical or scientific value. The actions that might change or destroy those values are not permitted on the monument or in its immediate surroundings (included in the protected area). The monument of park architecture is declared protected by the Assembly of the County, with the previous approval of the Ministry of Culture.

The suggestion for the Act that puts a valuable part of nature under protection is based on expert documents that establish the value of the area suggested and ways of maintaining that area. Expert documents include:

- detailed description of the characteristics and values of the area;
- evaluation of the current state of the area;
- the consequences of the Act, especially considering ownership and existing businesses;
- evaluation and sources of funding for the administering of the Act

The suggestion for putting an area under protection should be presented to the public. That includes free public access (for at least thirty days) to the suggested Act on protecting the area and all the expert documents with maps. The County is responsible for enabling the access to the documents about the monuments of park architecture. The Act on putting a monument of park architecture under protection is published in the official journal of the County.

^I Data provided by the Ministry of Culture, November 2010.

Reasons for the protection of the Sv. Jakov Park in Opatija

Urbanistic picture of Opatija was shaped as a combination of town-planning, architecture and park architecture^{II} and it is a result of a planned development of Opatija at the end of the 19th and the beginning of the 20th century as a fashionable climatic health resort – the first on the Adriatic coast (Fig 1). In the town, we can find ten typological categories green area, according to the theory of landscape architecture:

- town parks and park squares;
- hotel parks;
- sanatorium parks;
- public buildings parks;
- parks of villas;
- green areas around apartment blocks;
- house gardens;
- church and convent gardens;
- cemeteries;
- promenades and avenues

All these written categories have been present in Opatija since the beginning of its intense development at the end of the 19th century, except the green areas around apartment blocks, which appeared in the second half of the 20th century. The abundance of the park architecture is based on exceptionally favourable micro-climate and advantages of geographic position, and is visible not only in the quantity but also in the variety of different typological categories, recognizable design and careful maintenance that contributes to the general appeal of the town.

Recent research of urbanistic development and park architecture of Opatija^{III} has shown that its rich park heritage, although very important for the atmosphere and urbanistic image of the town, is not adequately protected. Only Angiolina and Margarita parks are protected, and the park surrounding villa Rosalia is protected by the act which protects that villa.^{IV}

Park Angiolina is a part of a former central park of Opatija, which was called Park 1. maj until 1996. That park was protected by the Act of the former Republic Institute for the Protection of Nature in Zagreb, number 7/2 – 1968, passed on 9 January 1968, together with the Ivo Lola Ribar Park^V in the natural monuments (monuments of garden architecture – parks) category. Based on that act of protection, they were included in the Registry of specially protected monuments of nature^{VI}, under the number 237/

^{II} Obad Šćitaroci, Bojanić Obad Šćitaroci, 1998, 29

^{III} Vahtar-Jurković, 2004, pp 104-110

^{IV} In the explanation of the Act on protection of Vila *Rosalia*, the reasons for protecting it are clarified, while the park is only described as “a large park with valuable domicile and imported plants“. Despite that, this approach, which treats the building and the surrounding park equally, is a positive example that should be applied to the whole protected cultural-historical site of Opatija. Vahtar-Jurković, 2002, 164

^V Now called park Margarita.

^{VI} According to the current Law on protection of nature – List of protected natural heritage.

I-II.^{VII} This act forbids any actions that could change the state and the appearance of the park, especially removing or planting trees and bushes, damaging the vegetation and similar. In the part of the explanation that is focused on the 1.maj Park, there is basic information on its position, area, time of creation and dendrological content. The park is described as one of the richest parks on the whole Adriatic, with a great variety of plants.

According to the Decision on renaming and naming the streets in the town of Opatija (Službene novine no. 30/96) the park was renamed and divided into two parts. The north-east part, around villa Angiolina was named after the villa, and the south-west part, between the church of St. Jakov, main road and the hotels Millenium I and Millenium II (as they are known today) was named Sv. Jakov Park. It should be pointed out that this “division“ and renaming was justified, since those are really two separate parks, which was verified by checking the cadastral maps, documents of ownership and land registry certificates^{VIII}. When analysing the Act on protection of the 1. maj Park, we found a divergence between the enacting terms and graphic image of the borders (Fig 2) of the protected area with the explanation of the Act. The border of protection on the cadastral map (addition to registration) encircles only the part of the Park around the villa Angiolina, which does not match the description of the area of the 1. maj Park in the explanation of the Act. The explanation states that the Park covers the whole area between the port in the north and Slatina in the south and everything between the main road and the coast. The enacting terms involve all the cadastral plots inside the graphically shown borders of protection: 766, 767, 769/1, 769/6, 770, 781 and 782/2, cadastre municipality Opatija. The terms also mention plots 783, 784, 785, 788 and 893/1, cadastre municipality Opatija, which are outside the graphically shown borders of protection. It is plain that the other cadastral plots – “all the way to Slatina“, as the explanation of the Act claims – are not included.

It is clear that the protected plots are only those listed in the enacting terms; that part of the former 1. maj Park that approximately covers the area of today’s Angiolina Park. Since it was not listed in the terms nor marked on the cadastral map showing the borders of the protected area, it is clear that today’s Sv. Jakov Park is not under protection.

There is a number of reasons for protection of the Sv. Jakov Park (Fig 3). We can list them as follows:

- Despite the fact that it has undergone significant stylistic and design changes, it is still a very valuable historical park.

^{VII} This Act was passed according to the Law on protection of nature from 1965. (NN no.34/65).

^{VIII} The Sv. Jakov Park, surrounded by the hotels Millenium I and Millenium II, the church of St. Jakov and art pavillion, is a separate cadastral plot, with the number k.č. 836/1, k.o. Opatija. This cadastral plot does not even border with the Angiolina park, since there are some buildings between them (villa Amalia, hotel Kvarner, villa Devana, hotel Millenium II), surrounded by their gardens. Between the buildings there are paths, numbered as special cadastral plots, and marked as pathways. A look through the archives of the State Geodetic Directorate, District cadastral register, Opatija branch, cadastral maps from 1879, 1889 and 1990, confirmed that this situation has been the same throughout this period. Vahtar-Jurković, 2004, 106



Figure 3. Sv. Jakov Park



Figure 4. The neo-baroque fountain by Hans Rathausky



Figure 5. Nine public parks in Opatija

- The Park surrounds the church of St. Jakov, built on the sight of the former Benedictine monastery, the oldest building on the Opatija's coast. Therefore, it has a proven urbanistic value, connecting the sacred and profane space, as well as the main road and paths with the coastal walkway and hotels (Kvarner, Millennium I, Millennium II and Imperial).
- A neo-baroque fountain by Hans Rathausky is situated there (Fig 4). The fountain is marked as a special monument on the map of the monument valorisation in the conservation study.^{IX}
- There are valuable species of trees in the Park, some of which were planted when the Park was created.
- The park is a perfect example of a micro-location with sub-Mediterranean climate and geographic peculiarity (humid climate and orientation towards east), which enables the growth of a wide range of plant species.

The method of making and the contents of expert documentation as the foundation for protecting the Sv. Jakov Park in Opatija

The fact that the Sv. Jakov Park in Opatija was not under protection, although relevant literature often claimed the opposite, was established during the research conducted by Dr. Koraljka Vahtar-Jurković, while she was preparing her Master's thesis *Opatija – urbanistic development and park heritage*, as a part of the postgraduate programme *Spatial planning, urbanism and park architecture* at the Faculty of Architecture, University of Zagreb.

^{IX} Vahtar-Jurković, 2004, 107

In her doctoral dissertation, *Town parks and park squares of Opatija – creation, development, characteristics, European influence and evaluation* the author has discussed all nine of the public parks in Opatija (Fig 5), among them the Sv. Jakov Park. For every park, she analysed its present condition, historical development, park composition and stylistic features. The author formed criteria for evaluation of historical parks, evaluated every park according to them, and then compared the parks. The criteria for the evaluation of historical parks are the following: time of creation (value of the age of the park); characteristics of the park (preservation of the shape and surface, original design, various development phases, plant species, park buildings and equipment and its surroundings, originality, integrity and rarity of the park, representative quality of the park, diversity of the park, aesthetic and artistic value of the park and ambient – landscape value of the park); special criteria (maintenance of the park, formal type of its protection, value from the proprietary and legal point of view and the use of the park); significance of the park (cultural, scientific, educational, ecological, economic and touristic importance).

She also compared the parks of Opatija with the parks in similar tourist resorts on the Adriatic coast and the Mediterranean and established their value on the national and international scale. The results of those analyses are the recommendations for the renovation and protection for each of those parks.

All those new and valuable facts were used as the source for the future expert documentation as a foundation for the protection of the Park, which thus obtained scientific background. The expert documentation was made by the Studio *perivoj* from Malinska. Their employees, mr.sc. Dobrila Kraljić and Vlasta Oreb made an inventory of plant species.

The complete expertise consists of:

1. Introduction
2. Reasons for making the expertise
 - 2.1. Elements and significance of park architecture in Opatija
 - 2.2. Historical development of park architecture in Opatija
 - 2.3. Current official protection of the park architecture in Opatija
 - 2.4. Reasons for protecting the Sv. Jakov Park
3. Description of the characteristics and value of the Sv. Jakov Park
 - 3.1. Characteristics of the Sv. Jakov Park
 - 3.1.1. Position
 - 3.1.2. Shape and size
 - 3.1.2.1. Area of the park according to the Parkovi firm
 - 3.1.2.2. Suggested borders of protection for the Park
 - 3.1.3. Plant species
 - 3.1.4. Park buildings and equipment
 - 3.1.5. Development of the Park
 - 3.1.6. Park composition
 - 3.1.7. Stylistic features
 - 3.2. Value of the Sv. Jakov Park
4. Restrictions and conditions for the renovation and protection of the Sv. Jakov Park
5. Consequences of the Act on protection, especially considering the rights of owners and the current businesses in the area
6. Evaluation and sources of funding for administering the Act on protection of the area

The introduction is focused on the procedure of putting a park under protection in the category of park architecture.

Among the features of the Sv. Jakov Park, its position, shape and size are described. Special attention is dedicated to the area of the Park suggested for protection because it is different from the area defined by the Parkovi d.o.o. firm, which maintains the town parks and other green areas.

The list of plant species and their position on the geodesic map, made by Studio perivoj d.o.o and Geoprojekt d.d. is given, along with the description of park buildings and equipment. The overview of the current situation is accompanied by recent photographs. The development of the Park is described and shown graphically. It is based on the historical sources – books, cadastral maps and old postcards – which are also described in detail and given as illustrations. An analysis of the park composition, shown as text and graphics, was made according to the information on the current state and development of the Park. Also, the recent and historical stylistic features of the Park have been analysed. The value of the Park has been established according to the time of creation, characteristics, special criteria (maintenance, official method of protection, value of the property according to its use) and value (significance) according to its function.^X

Limitations and conditions for renovation and protection are deducted from all those analyses and reviews. Renovation and protection of the Sv. Jakov Park should be based on relevant documentation – the study of renovation and protection and

the Act on protection. The foundation for the renovation is the plan of park composition – the historical matrix. Protection and renovation of a park includes protection and renovation of all its elements: shape and size, concept and design, stylistic features, botanical structure, park buildings, equipment and materials for the footpaths and borders of flower-beds. Despite the fact that the Park has had its current shape for over fifty years, and with the availability of the original area plan in mind, it would be good to consider returning the original (Fig 6), unusual design in the next big renovation. Current design is not particularly recognizable, and therefore the central point of the town is just another one of the so-called freely designed parks. It negates the original idea, the value of which was not just the stylistic expression of the period, but also the well-studied relationship between the buildings and focal points which surround the Park. Therefore, the renovation of the park according to the plan of its author, Carl Schubert, would be a contribution to the urbanistic and architectural essence of Opatija. This renovation should return the lost plant species, which can be discovered if we compare the recent inventory of botanical species with information in literature. Since there are now three types of lamps in the Park and around it, it is necessary to replace them with one type, which should be based on historical sources. The same should be applied to other park equipment. Information boards should be placed at the entrance. Also, promotional materials with information about the Park, its history and value should be made.

The Act on protection of the Sv. Jakov Park will not change any rights of ownership, since the whole Park is owned by the Town of Opatija. Also, the Act will not affect the current businesses, especially tourism, which have been positively influenced by the Park and its special features for over a century. The Parkovi firm is responsible for the maintenance of the Sv. Jakov Park, and is funded by the Town budget. Likewise, the funds for the administering the Act can be regarded as secured. As there is a need to unify and renew park equipment, make and put up information boards and print promotional materials, in the next few years additional funding will be required. If the suggestion for the recreation of the original design were accepted, then even greater funds should be secured.

The expert documents on putting the Sv. Jakov Park under protection were positively marked by the State Institute for Protection of Nature, and the Ministry of Culture gave their authorization as well.

Passing the Act on protection of the Sv. Jakov Park is a good example of the cooperation^{XI} between the unit of regional government – Primorsko-Goranska County, under whose jurisdic-

^{XI} A brief explanation of the legal responsibility of the institutions in the Republic of Croatia: The Ministry of Culture is responsible for the protection of nature and cultural and historical monuments and it created the Croatian *Registry of protected natural heritage*. The parks in Croatia are protected as a valuable part of nature in the category of *monuments of park architecture* declared by the Assembly of the County. The initiative for putting a park under protection is given by the town/municipality where the park is situated. The procedure is conducted by the County department in charge of the protection of nature. The procedure is based on expert documents approved by the State Institute for Nature Protection. After the declaration of protection, the park is run by the Public Institution for Managing Protected Nature Areas in the Primorsko-Goranska County *Priroda*. The park is maintained by the Town of Opatija's municipal firm *Parkovi*, financed by the Town of Opatija.

^X Vahtar-Jurković, 2007, pp 36-43



Figure 6. Sv. Jakov Park in the beginning of the 20th century

tion is also the protection of monuments of park architecture, according to the Law – and the unit of local government – the Town of Opatija, who officially started the initiative for protecting this Park. It is important to point out that the whole procedure is regulated by the two County institutions: County Department for Civil Engineering and Environmental Protection and Public Institution for Managing Protected Nature Areas Priroda. Also, it is important to mention that during the procedure of putting the Sv. Jakov Park under protection a public appraisal was opened in the Registry Office of the Town of Opatija from April 19, till May 20, 2010. where interested parties were invited to write their comments and opinions. The public appraisal ended successfully so finally, on November 18, 2010. the Assembly of Primorsko-Goranska County declared the protection. The Act of protection was published in Official Gazette and in the Gazette of Primorsko-Goranska County on November 24, 2010.

Conclusion

The need to initiate the procedure of protecting the Sv. Jakov Park in Opatija in the category of the monument of park architecture was a result of scientific research conducted during the postgraduate programme Spatial planning, urbanism and park architecture at the Faculty of Architecture, University of Zagreb. Also, this procedure is a result of successful coopera-

tion between the Primorsko-Goranska County, its departments and institutions, the Town of Opatija and its departments and the town firm for the maintenance of the park. Also, it is an example of interdisciplinary cooperation of experts in the fields of urbanism, landscape architecture, horticulture and protection of nature. It is also the first procedure for protection of the park as a monument of park architecture according to the Law on protection of nature. For all those reasons, this procedure can be used as a model for similar procedures in future.

The expert documents for putting the Sv. Jakov Park under protection mentioned in this work contain a complete overview of the characteristics, value and historical development of the park, based on scientific research that identified the need for protection, justified the division of the former Park 1. maj into two parks, and was used as a base for the establishing of the restrictions and conditions of the renovation and protection of the park and possible reconstruction of the original design. Scientifically based and completed expert documents are a foundation for obtaining all the necessary permissions and the acceptance of the public opinion, which is needed for the successful conclusion of the procedure.

The benefit for the Town of Opatija is the fact that, by the preservation of the historical parks, the town preserves its unique image, identity and tourist attractiveness, confirms its prestigious past and enables prosperous future.

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